

*The Director General*

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Brussels, ... June 2013

**DRAFT LETTER**

**RoHS2: Study for the Review of the List of Restricted Substances Consultation on the draft methodology manual**

Dear Mrs Karigl,

Thank you for the possibility to provide comments on the draft methodology manual, which we substantiate in the “*Excel sheet commenting table*” annexed to this letter.

Orgalime welcomes a number of important modifications brought to the draft methodology manual in comparison to the draft first interim report, such as including references to the ECHA Guidance documents, improved wordings regarding nanomaterials and certain terminologies such as “candidate substances”. We also welcome the clarification given at the stakeholder meeting to work on the basis of a working list that would not be publically available.

However, we regret seeing that our core concerns which we consider vital for ensuring a workable and inclusive substance restriction process have not been addressed in the draft methodology manual, notably for ensuring that the RoHS Directive is indeed “coherent with” the REACH Regulation, as article 6.1 RoHS requires.

Regarding RoHS-REACH relationship, we uphold the following comments:

- Member States’ RoHS restriction proposals should not be made in parallel to REACH Annex XV dossiers.
- (long and short) RoHS candidate lists should not be drawn in parallel to the REACH candidate list that currently encompasses some 138 substances. The 4 priority substances referred to in RoHS Recital 10 are already included on both the REACH candidate list and the REACH Annex XIV list of substances subject to authorisation.
- The RoHS restriction process is not sufficiently risk-based.
- The RoHS restriction process does not give sufficient consideration to the life cycle aspect.

Furthermore, we kindly request you to take into account the following comments:

- The identification of the criteria that shall apply for identifying a candidate substance and the relevant information requirements for proposals for reviewing/amending annex II should already form part of such a methodology. We therefore support the methodology should provide for common principles in this respect, especially in the case of article 6.2 RoHS.
- The definition of “hazardous substances” is harmonised at EU level via article 3 of the CLP Regulation. This shall be the starting point for the substance identification process.

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- Article 1 of the RoHS Directive spells out that “*This Directive lays down rules {...} with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE*”. Therefore, RoHS follows a life cycle approach including the waste phase however, not the environmentally sound recovery and disposal of waste EEE alone. This fundamental aspect needs to be reflected in the methodology.

A copy of this letter has been sent to the European Commission.

We thank you in advance for your consideration and remain at your disposal for any further information that you and your team may require.

Yours sincerely,

Adrian Harris  
(signed electronically)



