

Brussels, 11 March 2022

***FEAD feedback on the call for evidence: Restriction of the use of hazardous substances in electronics***

The Commission has opened a public consultation on the [call for evidence](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13137-Review-Restriction-of-the-use-of-hazardous-substances-in-electronics_en) for the review of the Restriction of the use of hazardous substances in electronics (RoHS Directive). This initiative intends to update among others,theprovision and procedures on granting/ renewing/ revoking exemptions to substance restrictionsas well as theprocess of reviewing the list of restricted substances.

RoHS Directive rules help protect human health and the environment, including the environmentally sound treatment of waste EEE.

To address the problems identified, a range of possible measures will be considered, taking account of the objectives of the EU Green Deal, and in particular the Circular economy action plan, the Zero pollution action plan, the Chemicals Strategy for Sustainability and the Sustainable Products Initiative.

The identified options and sub-options are not mutually exclusive but can be combined.

* ***Maintain the RoHS Directive as it stands and introduce certain non-legislative (‘soft’) measures****, such as an update of the RoHS FAQ document. This would include explaining the interaction with other legislation such as the REACH Regulation and the Ecodesign Directive.*
* ***Simplify and clarify the RoHS Directive by introducing and revising legislative (‘hard’) measures and soft measures to:*** *(i) clarify and improve the exemption criteria and process; (ii) clarify and improve the substance restrictions trigger, criteria and process; (iii) ensure coherence with other legislation, primarily REACH and Ecodesign; and (iv) improve implementation and enforcement. This option may consider:* 
  + *Reforming the exemption process*
  + *Reforming the substance restriction provisions*
  + *Entrusting the exemption and substance restriction assessments to an existing EU agency*
  + *Reforming the provisions for spare parts*
  + *Updating and clarifying the scope of the RoHS Directive*
  + *Introducing provisions related to recycled material and critical raw materials*
  + *Reforming the provisions on enforcement and market surveillance*
  + *Introducing/reviewing provisions to ensure clear delineation between RoHS and other relevant legislation, including REACH and Ecodesign, and promoting guidance documents/common understanding papers, as necessary*
* ***Transform the RoHS Directive into a regulation****, to simplify application and reduce unnecessary regulatory burden related to differing transposition in different Member States.*

* ***Repeal the RoHS Directive and incorporate its provisions into the REACH Regulation.***
* ***Repeal the RoHS Directive and address product requirements related to the environmentally sound recovery and disposal of electrical and electronic waste under sustainable products legislation*** *(in the context of the Sustainable Products Initiative revising the Ecodesign Directive).*

One of the main aims of the review should be the consistency of the preferred option with other pieces of legislation aiming to restrict hazardous substances, e.g. the POPs Regulation or REACH Regulation, as well as the European objectives of a high-quality recycling. Which are crucial to develop a circular economy.

FEAD would also like to remind that the chemicals strategy, where the European Commission agreed to look at how to simplify and strengthen the legal framework, foresees a move towards ‘one substance – one assessment’.

The review of the Directive is one of the key pillars of an “EU toxic-free environment”, which has to take into consideration all circular economy aspects. In addition to environmental and economic impacts, the impacts on simplification and/or administrative burden/good implementation are particularly noteworthy.

The envisaged changes aim to ensure EU has the right regulatory framework to guarantee the protection of health (public health, security at work in the concerned industries, including waste management ones, by reducing the exposure to hazardous chemicals) and environment. While also maintaining the harmonised application of the rules for hazardous substance restrictions in EEE, and reducing administrative costs and burden for Member States, economic operators, and the Commission.

What particularly matters to waste management companies is transparency and traceability. No pollutants in the products means no pollutants in the recycling chain, which would achieve the main goal of the review, a toxic-free environment. It could e.g., mean the inclusion of standardization of tests in recycling or also demand a higher transparency in the supply chain.

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