



Mrs Brigitte KARIGL  
Project Leader  
Umweltbundesamt GmbH  
Spittelauer Lände 5  
A - 1090 Vienna

Brussels, 11 March 2013

**RoHS2: Study for the Review of the List of Restricted Substances Consultation on your Draft 1<sup>st</sup> Interim Report**

Dear Mrs Karigl,

Thank you for inviting us to participate in the above-mentioned consultation. Considering the tight deadline of 14 working days to comment on your Draft 1<sup>st</sup> Interim Report, we are unfortunately bound to focus only on the main aspect that comes to our attention, namely the general approach of your draft report on the relationship between the RoHS Directive and the REACH Regulation.

In this context, we regret to see that your draft report currently suggests:

- Member States' RoHS restriction proposals to be made in parallel to REACH Annex XV dossiers.
- (long and short) RoHS candidate lists to 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.
- A RoHS restriction process that is not sufficiently risk-based.
- A RoHS restriction process that does not give sufficient consideration to the life cycle aspect.

In our view, such suggestions are not in accordance with the requirement of RoHS Article 6 that *"the review and amendment of the list of restricted substances in Annex II shall be coherent with [the REACH Regulation]"* and *"shall use publically available knowledge obtained from the application of such legislation"*.

We therefore suggest to draft the methodology in such a way that the following core elements for ensuring coherence between the RoHS Directive and the REACH Regulation are taken into account:

- The opinions of the REACH Risk Assessment and Socioeconomic Committees need to be sought and taken into account for the implementation of both legal acts.

- The REACH Regulation should be the primary vehicle to gather information on substances.
- The RoHS methodology should specify what information needs to be gathered for a proper implementation of the RoHS Directive.
- Implementation of the REACH Regulation and RoHS methodology should lead to one holistic and commonly accepted scientific and technical evaluation per substance that should be valid under both legal acts.

Finally, we reiterate our call for a true step by step process for your study, whereby the first step should focus on the identification of the criteria of the substance evaluation methodology of RoHS Article 6, prior to the identification of any specific substances and their uses in electrical and electronic equipment.

We are available and committed to providing input on the relevant criteria for a proper implementation of RoHS Article 6 in line with the legal text of the Directive and the wider context of the REACH Regulation.

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

We remain at your disposal for any further information that you may wish to obtain.

Yours sincerely,

Hubert Mandery  
Director General Cefic  
(electronically signed)

Adrian Harris  
Director General ORGALIME  
(electronically signed)

*Cefic, the European Chemical Industry Council, is the Brussels-based organisation representing the European chemicals industry. Created in 1972, it represents 29,000 companies, including SMEs, which produce about 21 per cent of the world's chemicals. More information: [www.cefic.org](http://www.cefic.org)*

*ORGALIME, the European Engineering Industries Association, speaks for 37 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs over 10.2 million people in the EU and in 2011 accounted for some €1,666 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union. More information: [www.orgalime.org](http://www.orgalime.org)*