

Chapter Number	Page Number	Comment
Throughout the whole document but more specifically: • In the flow chart step1 box: "Evidence of problems during WEEE Management" • Title PART I • Title Part II	Throughout the whole document but more specifically: Pages 10; 12; 20	Assessing all relevant life cycle stages The RoHS restriction process needs to follow a life cycle approach. The methodology therefore needs to provide the basis for a comprehensive substance assessment of all relevant life cycle stages. Justification: Article 1 of the RoHS Directive spells out that "This Directive lays down rules on the restriction of the use of hazardous substances in EEE 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 life cycle thinking, 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 draft methodology manual.
5.5 & 6.4.4	39, 40 & 56	The ECHA Guidance R18 The ECHA Guidance document on information requirements and chemical safety assessment, chapter "R.18: Exposure scenario building and environmental release estimation for the waste life stage", should be applied in its entirety throughout the methodology in order to avoid contradictory and inconsistent results for the waste phase under both the RoHS Directive and the REACH Regulation. Justification: article 6 requires that " <i>the review {...} shall be coherent with other legislation related to chemicals, in particular Regulation EC 1907/2006, and shall take into account, inter alia, annexes XIV and XVII to that Regulation</i> " and that : " <i>The review shall use publicly available knowledge obtained from the application of such legislation</i> ".
2	8	REACH RAC and SEAC Committees opinions The preparatory process of any potential new RoHS2 substance restrictions should take into account the opinions of the REACH Risk Assessment and Socioeconomic Analysis Committees. And where not yet existing, the opinions of the REACH Risk Assessment and Socioeconomic Analysis Committees (RAC and SEAC) in the preparatory process of any potential new RoHS2 restrictions should be sought. Indeed, Both, RoHS and REACH, require a scientifically based, structured preparatory evaluation process before setting any new substance restriction – these processes should be as closely linked with each other as possible and lead to one commonly accepted evaluation per substance Justification: article 6.1 RoHS2 explicitly requires that the RoHS evaluation methodology " <i>shall be coherent with other legislation related to chemicals, in particular Regulation EC 1907/2006, and shall take into account, inter alia, annexes XIV and XVII to that Regulation. The review shall use publicly available knowledge obtained from the application of such legislation</i> ".
2 & 4	In Figure 1 - Overview of the methodology on page 12 as well as in Figure 3 -Scheme of the proposed pre-assessment on page 20, the box Part I – Identification the definition of "hazardous substances" should be considered as a fundamental criterion to identify the relevant substances.	The definition of "hazardous substances" for the substance identification The methodology manual should explicitly refer to the harmonised definition of "hazardous substance" according to article 3 of the CLP regulation (instead of Annex VI of the CLP only) . Justification: The definition of "hazardous substance" according to article3 of the CLP is the EU wide and harmonised accepted definition, which therefore also applies for the RoHS Directive as it is an EU harmonised Directive.
		Risk based approach The Draft methodology manual does not sufficiently recognise the risk-based approach. Indeed, the methodology should clearly identify the actual risks from exposure to the substance throughout the relevant life cycle stages where actual exposure is above the no effect level (=DNEL/PNEC) and therefore risk management measures become relevant. Justification: article 1 RoHS spells out that: " <i>This Directive lays down rules on the restriction of the use with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE.</i> "
4	21 to 26	Scoring system We are critical to the entire chapter on the scoring system for the following reasons: 1) The criteria for scoring system should be derived from the legal text of RoHS and be based on scientific evidence. In particular, while there is a general score of 3 suggested for the aspect of generation of hazardous waste, we question the justification for attributing a score of 7 to the aspect of transformation of products, which appears arbitrary to us. 2) The chapter duplicates existing hazard classes. 3) The chapter suggests aspects to be considered, which are not relevant e.g.: the reference to nanomaterials, which we believe should be tackled according to the Commission Recommendation of 18 October 2011. 4) The scoring system misses criteria for assessing other relevant life cycle stages than waste, notably the use phase. 5) Evidence of exposure and therefore risk need to be taken into consideration in the system. 6) As far as the production volume criterion is concerned, it stems from the ECHA Registration database, meaning that these volumes cover the total quantities produced in Europe. This however does not reflect the relevance of the use of the substances in the EEE sector. We therefore consider this scoring category inappropriate and suggest to focus it on the significance of the volumes used in EEE. Justification: "The scale of the problem" is referred to in recital 30 RoHS2.

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3	12	<p>Procedure</p> <p>1) The procedure and the methodology need to be considered together. Indeed, 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 that the methodology should provide for common principles for both the Commission and Member States in order to ensure predictability and legal certainty.</p> <p>Justification: RoHS article 6.1 in conjunction with article 6.2 state that: "<i>following the submission of a proposal by a Member State containing the information referred to in paragraph 2</i>".</p> <p>2) The manual should introduce references to stakeholder consultation. Justification: <u>Art. 6.1 foresees the consultation of stakeholders.</u></p>
3.3 & 5.5	18; 36; 37	<p>Non compliant waste shipment and waste management activities</p> <p>These can in our view not be addressed under RoHS, but are issues related to the EU's waste regulation and its proper enforcement/market surveillance (e.g.: Waste Shipment Regulation, Waste Incineration Directive, Waste Directive, WEEE Directive, Industrial Emissions Directive).</p> <p>Justification: The scope of the RoHS Directive is the legal European framework for: "the restriction of the use of hazardous substances in electrical and electronic equipment (EEE) with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE" as stated in Article1.</p>