

4 January 2010

Status on the RoHS Directive Revision

BACKGROUND:

The RoHS Directive stands for "the Restriction of the use of certain Hazardous Substances in electrical and electronic equipment". This [Directive](#) bans the placing on the EU market of new electrical and electronic equipment containing more than agreed levels of six substances - among which there are two families of brominated flame retardants: polybrominated biphenyls (PBBs) and polybrominated diphenyl ethers (PBDEs) flame retardants. The RoHS Directive came into force on 1 July 2006 (2002/95/EC).

The European Commission is reviewing the RoHS Directive and has issued a [proposal](#) which is currently being considered by the European Parliament and the Council of the European Union (EU Member States) who have to find an agreement on the final text.

TIMING & PROCESS (all timings given are provision and could be subject to delay):

The Parliament's Environment Committee is scheduled to vote on amendments to the Commission's proposal around April 2010. Then the whole Parliament (Plenary) would vote on the Environment Committee's proposed amendments around May 2010.

In parallel, the Council meets regularly to discuss amendments to the Commission proposal and is scheduled to propose a text (political agreement) around June 2010.

If the above timing is respected, between September to December 2010, the Parliament and the Council would review together their amendments to the Commission proposal with a view to agreeing on a final text, i.e. the updated RoHS Directive. From that moment, 18 months will be granted before this new text becomes law (which would be in Q3 2012).

DETAILED COMMENTS & STEPS:

The European Commission proposal does not propose to add substances to the ones already restricted but plans a review of HBCD and 3 phthalates (DEHP, BBP, DBP) for possible restriction at a later stage.

A Member of the European Parliament's (MEP) Environment Committee, Ms Jill Evans (Green group, UK), has been appointed to review this Commission proposal and issued a first set of draft amendments late November. Ms Evans' draft report proposes to extend the RoHS ban to all electrical products and to add more substance for restriction than the ones proposed by the Commission (such as all chlorinated and brominated flame retardants and PVC).

On 1 December, Ms Evans' draft report was discussed by Environment Committee MEPs many of whom expressed [concerns](#) and raised the need to provide scientific evidence for adding any new restrictions.

During the debate, Klaus Koegler, representing the European Commission's DG Environment, indicated that the Commission is proposing not to add new substances to the RoHS at this stage and instead is seeking to develop a methodology which will allow for a careful examination of substances, thereby providing legal certainty for industry and authorities. It is understood that such a methodology would be developed in detail after the RoHS Directive revision is adopted.

All members of the Parliament Environment Committee will be able to propose further amendments to the Commission proposal by 24 February 2010, and a vote on each of these amendments is currently scheduled for 7 April. The Green political group which MEP Evans is representing has 8% of the votes in the Environment Committee, so she will need to build political alliances with other major groups (socialists and conservatives) in order to have sufficient political support in the European Parliament for her amendments.

The amendments which will be passed by the Environment Committee will then need to be adopted by a majority of the whole Parliament in Plenary in May 2010 if they are to be included in the Parliament's initial position.

In the meantime, the Council of Member States is reviewing the Commission proposal as well and meets regularly. We understand from current discussions that most Member States oppose the addition of new substances to the RoHS at this stage and support the development of a science-based methodology as the basis for adding new substances in future. A first phase political agreement text from the Council could be approved as early as June 2010.

As the proposed texts from the Parliament and the Council are most likely to diverge on some major issues, the Parliament will need to review the Council text as of September 2010 and will likely propose amendments to it. The Council will work in parallel to review these amendments and to try to find mutual compromises with which both the Parliament and Council are satisfied. A possible final text amending the RohS Directive could be adopted by the end of 2010 at the earliest.

Revision of the RoHS Directive
 (provisional timing)

