

RoHS Directive recast
Amendments adopted in ENVI
2 June 2010

Proposal for a directive

Article 4 Paragraph 7

Text proposed by the Commission

7. When there is an unacceptable risk to human health or the environment, arising from **the use of substances, and in particular the substances listed in Annex III, which needs to be addressed on a Community-wide basis, the list of prohibited substances in Annex IV shall be reviewed using a methodology based on the process set out in Articles 69 to 72 of Regulation (EC) No 1907/2006.** Those measures designed to amend non essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).

Amendment

Article 6a
Review

Before [...*], and periodically thereafter, the Commission shall, taking account of the precautionary principle, and based on an impact assessment, review and amend the list of prohibited substances in Annex IV if it is considered that a substance, or a group of similar substances in EEE or in the waste derived from it, is detrimental to the environmentally sound recovery or disposal of waste electrical and electronic equipment, or has an adverse impact on human health or the environment during use of EEE or treatment of waste EEE.

[...]

Particular attention shall be paid during that review if such substances or groups of substances:

(a) could have a negative impact on the possibilities for preparing for the reuse of EEE or for recycling of materials from WEEE;

(b) could give rise to uncontrolled or diffuse release to the environment of the substance or of hazardous residues, transformation or degradation products thereof during its life cycle, and in particular during the preparing for reuse, recycling or other treatment of materials from WEEE, including during substandard operations in the Union and in third countries;

(c) could result in unacceptable exposure of workers involved in the collection, reuse, recycling or treatment of WEEE;

(d) could give rise to significant quantities of secondary hazardous waste during the preparing for reuse, recycling or other treatment of materials from WEEE;

(e) could be replaced by safer substitutes or alternative technologies via design changes or materials and components

which have less negative impacts on environmentally sound recovery or disposal of waste EEE or less negative impacts on human health and the environment.

During that review, the Commission shall consult interested parties including economic operators, recyclers, treatment operators, environmental organisations and employee and consumer associations. The Commission shall also take into account any relevant dossier submitted to the European Chemical Agency under Regulation (EC) No 1907/2006 or other Community legislation. It shall also take into account the possibility of granting exemptions for those applications where such substitutes or alternative technologies are not yet available. The Commission shall adopt measures to extend the scope of Annex IV, as appropriate, by those dates and periodically thereafter, by means of delegated acts in accordance with Article 18.

A Member State or the European Parliament may request the Commission any time to submit such a proposal. Such a request shall be duly justified on the basis of the criteria set out in this Article. The Commission shall consider the request and adopt measures, if appropriate, no later than twelve months after the reception of the request, by means of delegated acts in accordance with Article 18.

*** insert date four years after entry into force of the Directive.**

**** insert date eight years after entry into force of the Directive.**

Annex III

Text proposed by the Commission

Amendment

Annex III

Substances referred to in Article 4(7)

1. Hexabromocyclododecane (HBCDD)
2. Bis (2-ethylhexyl) phthalate (DEHP)
3. Butyl benzyl phthalate (BBP)
4. Dibutylphthalate (DBP)

1. Hexabromocyclododecane (HBCDD)
 2. Bis (2-ethylhexyl) phthalate (DEHP)
 3. Butyl benzyl phthalate (BBP)
 4. Dibutylphthalate (DBP)
 5. Organobromine
 6. Organochlorine
 7. PVC
 8. Arsenic compounds
 9. Beryllium and its compounds
 10. Antimony trioxide
 11. Dinickeltrioxide
 12. Bisphenol A
 13. Nano-silver
 14. all substances on the candidate list of annex XIV
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1. Dinitrotoluene
 2. Diaminodiphenylmethane (MDA)
 3. 5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene)
 4. Alkanes, chloro (Short Chain Chlorinated Paraffins)
 5. Aluminosilicate Refractory Ceramic Fibres
 6. Anthracene
 7. Anthracene oil
 8. Anthracene oil, anthracene paste
 9. Anthracene oil, anthracene paste, anthracene fraction
 10. Anthracene oil, anthracene paste, distn. lights
 11. Anthracene oil, anthracene-low
 12. Benzyl butyl phthalate (BBP)
 13. Bis (2-ethylhexyl)phthalate (DEHP)
 14. Bis(tributyltin)oxide (TBTO)
 15. Cobalt dichloride
 16. Diarsenic pentaoxide
 17. Diarsenic trioxide
 18. Dibutyl phthalate (DBP)
 19. Diisobutyl phthalate
 20. Hexabromocyclododecane (HBCDD) and all major diastereoisomers identified;

21. Lead chromate
22. Lead chromate molybdate sulphate red
23. Lead hydrogen arsenate
24. Lead sulfochromate yellow
25. Pitch, coal tar, high temp.
26. Sodium dichromate
27. Triethyl arsenate
28. Tris(2-chloroethyl)phosphate
29. Zirconia Aluminosilicate Refractory Ceramic Fibres

Amendment 4
Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants¹ recalls that the objective of protecting the environment and human health from persistent organic pollutants cannot be sufficiently achieved by the Member States, owing to the transboundary effects of those pollutants, and can therefore be better achieved at Community level. Pursuant to that Regulation, releases of persistent organic pollutants, such as dioxins and furans, which are unintentional by-products of industrial processes, should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Thermal treatment or uncontrolled disposal of waste electrical and electronic equipment containing halogenated flame retardants or PVC can contribute significantly to the formation of dioxins and furans.

1 OJ L 158, 30.4.2004, p. 7.

Amendment 8
Recital 11

Text proposed by the Commission

(11) The technical development of electrical and electronic equipment without heavy metals, PBDE and PBB should be taken into account.

Amendment

(11) The technical development of electrical and electronic equipment without heavy metals, **brominated flame retardants, chlorinated flame retardants, PVC and its hazardous plasticisers** should be taken into account.

Amendment 84
Recital 6

Text proposed by the Commission

Text proposed by the Commission
(6) The substances covered by this Directive are scientifically well researched and evaluated and have been subject to different measures both at Community and at national level..

Amendment

(6) The substances covered by this Directive are scientifically well researched and evaluated and have been subject to different measures both at Community and at national level. **Substances listed in Annex III should be scientifically well researched and evaluated prior to establishing restrictions.**

Annex IV

Text proposed by the Commission

ANNEX IV Prohibited substances referred to in Article 4(7) and maximum concentration values tolerated by weight in homogeneous materials

Lead (0,1%)
Mercury (0,1%)
Cadmium (0,01%)
Hexavalent chromium (0,1%)
Polybrominated biphenyls (PBB) (0,1%)
Polybrominated diphenyl ethers(PBDE) (0,1%)

Amendment

ANNEX IV Prohibited substances referred to in Article 4(7) and maximum concentration values tolerated by weight in homogeneous materials

Lead (0,1%)
Mercury (0,1%)
Cadmium (0,01%)
Hexavalent chromium (0,1%)
Polybrominated biphenyls (PBB) (0,1%)
Polybrominated diphenyl ethers(PBDE) (0,1%)
Nano-silver (detection limit)
Long multi-walled carbon nanotubes (detection limit)

