

JBCE Response to the 3rd Stakeholder Consultation of the Study “Review of the List of Restricted Substances under RoHS 2”

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Japan Business Council in Europe (JBCE), representing companies of Japanese parentage operating in Europe, welcomes the Draft Manual prepared by the Austrian Environment Agency “Umweltbundesamt” (UBA) on the Study for the Review of the List of Restricted Substances under RoHS 2.

JBCE appreciates the consideration UBA has given to the stakeholder input provided through the previous consultations and stakeholder meetings. JBCE believes a vast amount of improvements have been made to the methodology.

To further strengthen the methodological framework JBCE would still like to provide a number of comments, which are set out in detail below.

While it currently does not form part of the methodology, JBCE would also support further clarification with relation to the general procedural steps of reviewing Annex II. In this respect for instance it would be beneficial for all involved parties if there would be any agreement on the timing of periodic review and Member State restriction proposals.

JBCE remains available to discuss the highlighted topics in further detail with UBA.

Chapter Number	Page Number	Comment				
4	23-24	On the scoring of hazardous properties towards human health and the environment, there should be clarification that the indications and categorisations of substances with endocrine disrupting properties is still preliminary as there is currently no harmonised classification within EU.				
4	23-24	It should be clarified that in case the substance combines several hazardous properties only the highest score will be used. In this respect a substance can score <ul style="list-style-type: none"> - not more than 15 for hazardous properties towards human health - not more than 15 for hazardous properties towards environment. 				
4	26	It should be clarified that the release of nanomaterial at the waste stage should be directly linked to the use of nanomaterial in the EEE. Proposal "When evidence exists, that release of nano-material caused by the use of nanomaterial in EEE at the waste stage is possible and potential danger to human health/environment has been identified a score of 2 is applied."				
4	26	There is inconsistency/unclarity on the conditions for scoring nanomaterials, namely whether this is linked to the negative impact on health and environment at the waste stage or linked to release in the waste stage in general. "When evidence exists, that release of nano-material at the waste stage is possible <u>and potential danger to human health/environment has been identified</u> a score of 2 is applied" <table border="1" data-bbox="730 1675 1394 1816"> <thead> <tr> <th>Description</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Use as nano-material in EEE and evidence, that release of nano-material at the waste stage might occur</td> <td>2</td> </tr> </tbody> </table>	Description	Score	Use as nano-material in EEE and evidence, that release of nano-material at the waste stage might occur	2
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4	26	It should be clarified that the scores for problems during WEEE management should be added together in case the substance is identified as causing several problems during WEEE management. As a consequence the maximum				

		score for potential problems during WEEE management is 15.
4	26	It should be clarified that the information on production volumes does relate to production volumes in general and might not correctly represent the production volumes of a substance in light of its use in EEE.
4	27	Based on the current indications a score of 35 could lead to medium priority and high priority categorisation. To avoid this ambiguity, high priority should be defined as ">35" or "36-50"
4	27	In line with the Commission statements during the stakeholder meeting, it should be properly reflected that only substances with a high priority scoring are selected for the detailed assessment.
5	45	<p>As the socio-economic impact analysis is essential to make a justified decision on inclusion of a substance in Annex II, stakeholder consultation as an additional source of information should not be merely suggested as it is vital.</p> <p>In respect of the impact analysis, citation of specific assessment items will be useful, and as socio-economic assessment is required in Article 6 (2) (g) of Directive 2011/65/EU, appropriate assessment on item (a) to (f) of the Article 6 (2) will be required to draw a conclusion. Among them, the items (e) "information on possible substitutes and other alternatives, their availability and reliability" and (f) "justification for considering a Union-wide restriction as the most appropriate measure" will be especially essential. Consideration of the potential impact for all these assessment items will lead to a concrete conclusion.</p> <p>To ensure coherence with REACH, appropriate consideration should also be given to ECHA's "Guidance on Socio-Economic Analysis – Restrictions"¹.</p>

¹ <http://echa.europa.eu/guidance-documents/guidance-on-reach>