

Unofficial note of the Technical Adaptation Committee on the WEEE & RoHS Directives

Brussels, 17th September 2010

A. Summary

1.1 Information updates and presentations on the RoHS exemptions by the Commission and the Oko Institut; report on the latest meeting of the RoHS Informal Network of Enforcement Authorities; exchange of best practice and information updates led by the Commission on WEEE; reminder to Member States on WEEE reporting obligations for 2007 and 2008.

B. Detail

RoHS Directive (2002/95/EC)

2.1 - New Commission Decision on the RoHS Annex

The Commission reported that the Decision that would amend the current Annex of exemptions would be published in the Official Journal in the next few days.¹

2.2 - New Exemptions Requests

The Oko-Institut gave a presentation of its ongoing work for the Commission on the evaluation of some exemption renewals and new exemption requests from industry. Three specific exemptions were to be the subject of a new online consultation to be launched on the Oko website on 20 September, with responses invited by 15 November 2010.²

Three new requests were discussed by Member States at the meeting, namely those for: -

- a) Lead and cadmium in glazes and colours used on ceramic lamp bases, lamp carriers and clocks;
- b) Cadmium in photoresistors for analogue optocouplers applied in professional audio equipment until 31 December 2013; and
- c) Lead in PZT based dielectric ceramic materials for capacitors being part of integrated circuits or discrete semiconductors.

There was also a discussion about the advantages and disadvantages of voting for new exemptions as single decisions or as part of 'so-called' packages where a number of recommendations are brought forward for the voting procedures together. Many Member States wanted the former to be adopted as the 'norm', whilst others (including the UK)

¹ Commission Decision 210/571/EU of 24 September 2010 appeared in the OJ on 25 September, (L251, pages 28 to 34) and amended by a corrigendum published on 29 September, (L254, page 48).

² See <http://rohs.exemptions.oeko.info/index.php?id=76> for details.

acknowledged the practical and administrative difficulties of doing so. The UK proposed that 'package' votes were generally OK, but those exemption requests that attracted significantly differing views amongst the Member States should be the subject of single decisions. This seemed to find some support within the Committee. The Commission agreed to consider the matter further and come back with a view.

2.3 - Enforcement

The UK Chair of the RoHS Enforcement Authorities Network gave a report to the Committee on the last meeting of the group that had taken place in Wexford in Ireland. Members of the Network had discussed the implications of the Commission's proposals for a recast of the RoHS Directive; the definition of basic function in respect of electrical & electronic equipment; a list of 'grey area' products; and ongoing enforcement and market surveillance activities.

The UK's chairmanship and secretariat of the Network was now due to come to an end, so the current chair asked for nominations from Member State colleagues to take this work forward. The UK was, however, prepared to extend its time in this role if no volunteers were forthcoming.

The Network report and discussion was followed by a Member State update on inspection reports and activities. One Member State had undertaken studies on the toy sector that had indicated that over one-third of product currently placed on the market did not meet the RoHS restriction requirements. Another Member State had looked at the current level of compliance of lamps. It had found only a few major instances of non-compliance, but many minor infringements.

2.4 – Other RoHS Issues

There was a general discussion amongst Member States on the overlaps between EuP, REACH and RoHS, plus an exchange of views on the current development of global standards for RoHS that might become accredited by the European standards bodies in due course.

WEEE Directive (2002/96/EC)

3.1 – Exchange of Best Practices

A technical expert from the Norwegian consultancy Mepex gave a presentation to the Committee on work it had undertaken for the Nordic Council on providing a methodology for measuring the amounts of waste equipment generated in Member States.³ This attracted a lot of interest and discussion, principally about the general applicability of such an approach across the whole EU, the costs and the supporting data set that would be required.

³ See www.norden.org/en/publications/publications/2009-548?set_languages=en

3.2 – Reporting Obligations

The Commission reminded Member States of the deadline for the submission of their data on WEEE being received and treated for both 2007 and 2008. It also reminded the Committee that five Member States had not met the 4kg per head of population target in the data submissions made for 2006.

3.3 – Information Update

The Commission reported that it did not currently have plans to review and amend Annex II of the WEEE Directive. The invitation to submit comments made at the Committee meeting in April 2009 had not attracted a huge response, which suggested that this was not considered a major priority for Member States.

The issue of reporting waste equipment sent or diverted for reuse was raised with concerns about 'double counting' being aired. The UK reported on the work that been undertaken by its WEEE Advisory Body to prepare a standard and guidelines on reuse. This Publicly Available Specification (or PAS) was due to be finalised by the end of November.

The Commission informed Member States of an opinion of a high level group of independent stakeholders (known as the Stoiber group) on the reduction of administrative burdens in the environment field. This opinion had been published in April 2009.⁴

3.4 – Other WEEE Issues

The Commission asked Member States to ensure that their experts on Persistent Organic Pollutants (POPs) were engaged on the work to set EU-wide thresholds.⁵ This work could have significant implications on the recyclability of plastics found in WEEE arisings. A workshop on the issue was due to be held in Brussels before the end of September.

The UK asked whether the Commission's FAQ document on the WEEE and RoHS Directives (last updated in August 2006) was due to be revised and reissued. The Commission said that such an update would be appropriate after the adoption of the final text of a recast for both instruments.

Date of Next Meeting

It was announced that the provisional date for the next meeting is 21 October 2011.

⁴ See http://ec.europa.eu/enterprise/policies/better-regulation/administrative-burdens/high-level-group/index_en.htm

⁵ See <http://ec.europa.eu/environment/pops>