



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate A - Communications, Governance, Production, Consumption and Waste

ENV.A2 - Production, Consumption & Waste

Brussels, 05/12/03
AP/KR D220979(2003)

Subject: Consultation of interested parties on the amendment of Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment

Dear Madam, Sir,

Pursuant to Article 4(1) of Directive 2002/95/EC¹ on the restriction of the use of certain hazardous substances in electrical and electronic equipment, as from 1 July 2006 new electric and electronic equipment put on the market should not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers.

Article 5 of Directive 2002/95/EC relates to the adaptation to scientific and technical progress. Amendment of the Annex of the Directive should be done in accordance with the procedure stated in Article 5(2): "Before the Annex is amended and pursuant to paragraph 1, the Commission shall *inter alia* consult producers of electrical and electronic equipment, recyclers, treatment operators, environmental organisations and employee and consumers associations. Comments shall be forwarded to the Committee referred in Article 7(1). The Commission shall provide an account of the information it receives."

The Commission services have prepared a draft Commission Decision establishing maximum concentration values pursuant to Article 5(1)(a) of Directive 2002/95/EC. The proposed values have been discussed at the Technical Adaptation Committee (TAC) meetings this year.

The Commission services are giving all stakeholders the opportunity to communicate in writing their positions related to the amendment related Article 5(1)(a) of Directive 2002/95/EC. In particular, the Commission services invite interested parties to comment on proposed limit values outlined in the Consultation Document.

Interested parties are invited to send their comments by **9 January 2004** at the latest by e-mail to ENV-RoHS@cec.eu.int or by post to European Commission, DG Environment, Unit A2 – RoHs Consultation, B-1049, Brussels, Belgium.

Yours sincerely,

Marianne KLINGBEIL
Head of Unit

¹ OJ L 37 of 13.2.2003

CONSULTATION DOCUMENT ON

**AMENDMENT OF DIRECTIVE 2002/95/EC¹ OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL FOR THE PURPOSES OF ESTABLISHING THE MAXIMUM
CONCENTRATION VALUES FOR CERTAIN HAZARDOUS SUBSTANCES IN
ELECTRICAL AND ELECTRONIC EQUIPMENT**

Pursuant to Article 4(1) of Directive 2002/95/EC² on the restriction of the use of certain hazardous substances in electrical and electronic equipment, as from 1 July 2006 new electric and electronic equipment put on the market should not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers.

Since it is evident that a total avoidance of heavy metals and brominated flame retardants is in some instances impossible to achieve, certain concentration values for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated ethers (PBDE) in materials should be tolerated.

The proposed maximum concentration values are based on existing Community Chemicals legislation and are considered the most appropriate to ensure a high level of protection.

The Commission services have prepared a Draft Decision concerning the amendment of the Annex according to Article 5(1)(a) of Directive 2002/95/EC and are giving all stakeholders the opportunity to communicate in writing their positions related to the amendment related Article 5(1)(a) of Directive 2002/95/EC. In particular, the Commission services invite interested parties to give their comments on the proposed limit values which are based on existing Community Chemicals legislation and are considered to be the most appropriate to ensure a high level of protection.

“A maximum concentration value of 0.1% by weight in homogeneous materials for lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE) and of 0.01% weight in homogeneous materials for cadmium shall be tolerated. Homogeneous material means a unit that can not be mechanically disjointed in single materials”.

Interested parties are invited to send their comments by **9 January 2004** at the latest by e-mail to ENV-RoHS@cec.eu.int or by post to European Commission, DG Environment, Unit A2 – Consultation Directive 2002/95/EC, B-1049 Brussels, Belgium.

¹ OJ L 37, of 13.2.2003