

BeST position paper on the review of RoHS – Call for evidence

BeST

The Beryllium Science and Technology Association (BeST) represents the manufacturers, suppliers and users of beryllium metal, beryllium containing alloys and beryllium oxide ceramics in the EU market. BeST has the objective of promoting sound policies, regulations, science and actions related to the use of beryllium, and to serve as an expert resource for the international community on the benefits and criticality of beryllium applications.

Introduction

In February 2022, the European Commission published a call for evidence for an impact assessment on the review of Directive 2011/65/EU (RoHS Directive) on the restriction of certain hazardous substances in electrical and electronic equipment (EEE).

Feedback

Without prejudice to BeST's active participation in future public and targeted consultations, BeST submits the following general concerns in the frame of the current call for evidence:

- With the REACH Framework, the EU's cornerstone legislation for the assessment and restriction of substances, the RoHS Directive constitutes a duplication of legislation. One single regulatory framework for the assessment of substances should be preferred.
- Prioritisation of substances for assessment for restriction under RoHS is based solely on hazard classifications, regardless of the requisites identified in the RoHS directive - namely article 6 -, and, to date, is conducted in absence of a clearly established and transparent methodology. A risk-based approach considering the actual risk, the implementation of risk management measures and the safe use of the substance should be preferred to avoid regrettable substitution, market distortion and negative impact on EU competitiveness and innovation. Moreover, the periodic review of substances – every few years – is unjustified and generates unnecessary burden and uncertainty for the EU industry, hindering investments and innovation.
- The RoHS exemption procedure is overly complex, lengthy, and uncertain with consequent overburden of industry.
- Further coherence and coordination of the RoHS Directive with other relevant initiatives and policies should be supported, namely REACH, OSH Legislation, Carcinogens and Mutagens Directive (CMD), Waste Framework Directive (WFD), End of Life Vehicles directive (ELV), Circular Economy Package, and the Raw Materials Strategy.
- All these shortcomings have an impact on the EU and global trade of EEE with negative consequences for industry.

Conclusions

Considering the current overhaul of the EU's regulatory framework on chemicals/substances in terms of reviews of legislation (i.e. RoHS, REACH) and potential introduction of new horizontal concepts (i.e. Essential Use Concept, extension of the Generic Risk Approach, etc.) a more holistic and integrated approach considering the overall chemicals legislation is needed.

This must be coupled with adequate socio-economic impact assessments to guarantee a global understanding of the potential benefits and drawbacks of the policy options envisaged in reference to the competitiveness and resilience of the EU's supply chains, considering their undeniable contribution to achieving the objectives of the EU Green Deal and of the digital and green transitions.
