

FACTUAL SUMMARY REPORT ON THE PUBLIC CONSULTATION FOR THE REVIEW OF THE ROHS DIRECTIVE

1 OBJECTIVES OF THE CONSULTATION

The purpose of the consultation is to gather information from various stakeholders about potential measures to tackle identified weaknesses of the RoHS Directive. The views gathered will feed into the assessment of options for possible amendments to the Directive.

The public consultation forms one of several strands of consultation activities supporting the review, which furthermore include interviews with selected stakeholders, consultation with National Administrations and a workshop. The public consultation was announced in the ‘Call for Evidence’, which ran from 14 February to 14 March 2022¹. This public consultation aimed at capturing the views of interested stakeholders, allowing them to provide relevant information and feedback on the functioning and impacts of the RoHS Directive.

This document provides a short factual summary of the responses to the public consultation. A full analysis of all consultation activities results will be included in the Commission’s impact assessment.

2 APPROACH TO THE PUBLIC CONSULTATION

The questionnaire for this consultation was open to all but split in two parts, one for citizens with general knowledge about electrical and electronic equipment and one for interested stakeholders with more advanced knowledge about the RoHS Directive. The latter was aimed to gather views from a broad range of stakeholder groups including public authorities, industry and sectorial associations representing companies concerned, environmental and consumer NGOs, consultancies and research institutes, and any other organisations interested in responding.

The questionnaire was available in all official languages on ‘Have your Say’². The consultation period started on 10 March 2022 and ended on 16 June 2022, lasting 14

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13137-Review-Restriction-of-the-use-of-hazardous-substances-in-electronics_en

² https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13137-Review-Restriction-of-the-use-of-hazardous-substances-in-electronics/public-consultation_en

weeks. To maximise the response rate, a link to the questionnaire was placed on the RoHS page within the EUROPA Website³.

3 RESPONSES TO THE PUBLIC CONSULTATION

3.1 Respondent profile

In total 154 stakeholders responded to the questionnaire. Of these, 141 (over 90%) specified that they had specific knowledge and interest on the RoHS Directive. The remaining 12 answered as citizens with only a general interest in the domain of hazardous substances in electrical and electronic equipment. 115 respondents answered on behalf of an organisation or institution, 25 answered as an individual in a professional capacity and 13 respondents as an individual in a personal capacity.

Respondents were asked to describe themselves as EU citizen, non-EU citizen, academic/research institution, business association, company/business organisation, non-governmental organisation (NGO), public authority, trade union or other (see Figure 2). If the respondents represent the private sector, they were asked to detail their activity of their business. 79 respondents answered their main activity is manufacturing and supplying EEE components, 34 respondents stated they were importers of EEE and 22 respondents stated they were material manufacturers/suppliers. Other activities included waste management of WEEE, repair shop and refurbishers, retailers, consultancies, service providers or trade associations. It is worth noting that consolidated contributions from industry organisations accounted for a sizeable proportion of the total replies received. Around 40% (62) of the respondents in the private sector represented a large organisation (>250 employees), around 12% (18) a medium sized entity (50-249 employees), 16% (25) a small size (10-49 employees) and around 18% (28) a micro sized organisation (see Figure 2).

³ https://environment.ec.europa.eu/news/european-green-deal-commission-seeks-views-reviewing-rules-hazardous-substances-electrical-and-2022-03-10_en

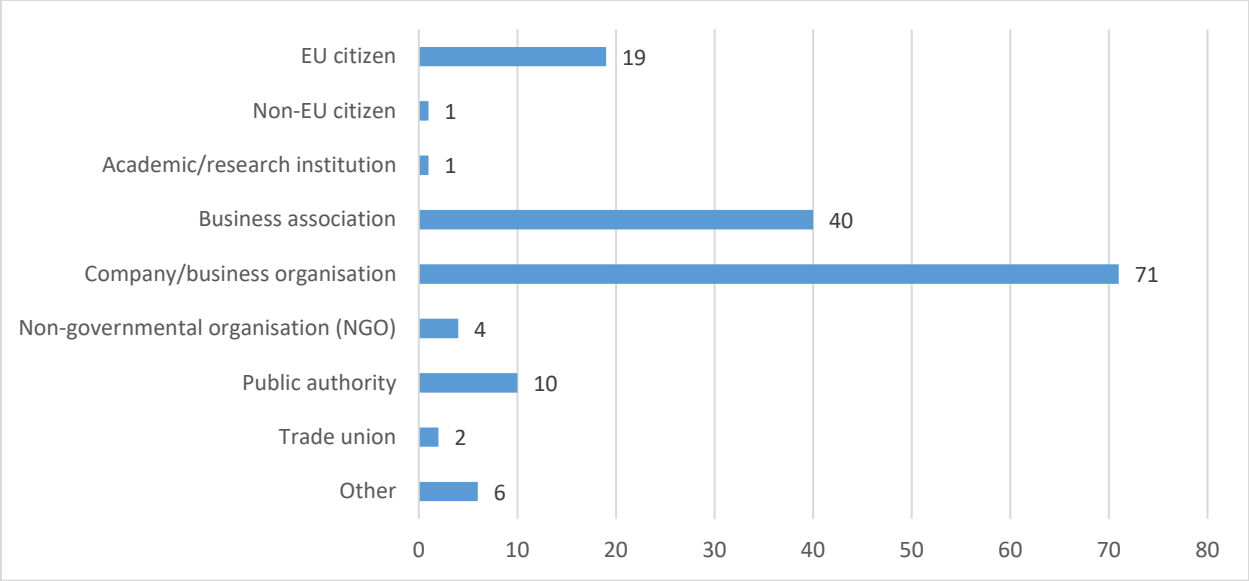


Figure 1 – Distribution of responses per sector (163 answers)

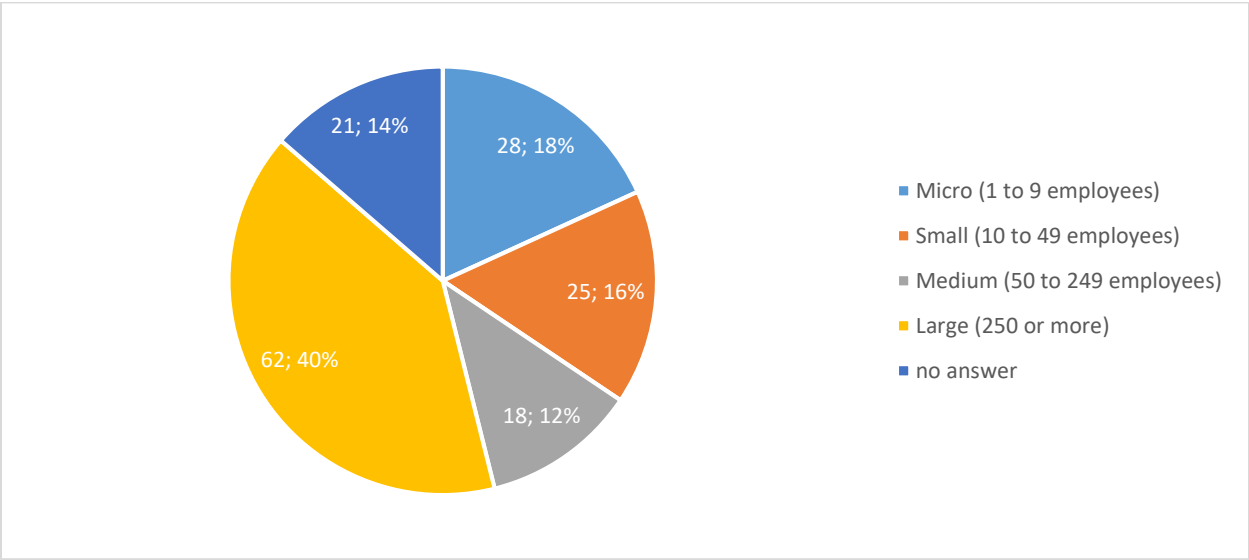


Figure 2 - Distribution of responses per organisation size

The respondents from the private sector were also asked to specify their main area of business as listed in Annex I of the RoHS Directive (multiple choice answers, in total 385). Around 16% (62) of the stakeholders referred to category 11 ‘Other EEE not covered by the other categories’, around 13% (51) referred to category 9 ‘Monitoring and control instruments including industrial monitoring and control instruments’ and around 11% (43) referred to category 8 ‘Medical devices’.

Geographically, most responses came from Germany (26%), Belgium (19%), Japan (13%), France (7%), United States (5%) and Sweden (4,5%) (see Figure 2)⁴. It is assumed that the fact that many of the participants are based in Belgium is due to Brussels hosting many of the organisations representing different groups of interest to EU institutions. Around 22% of all respondents claimed to be based outside of the EU.

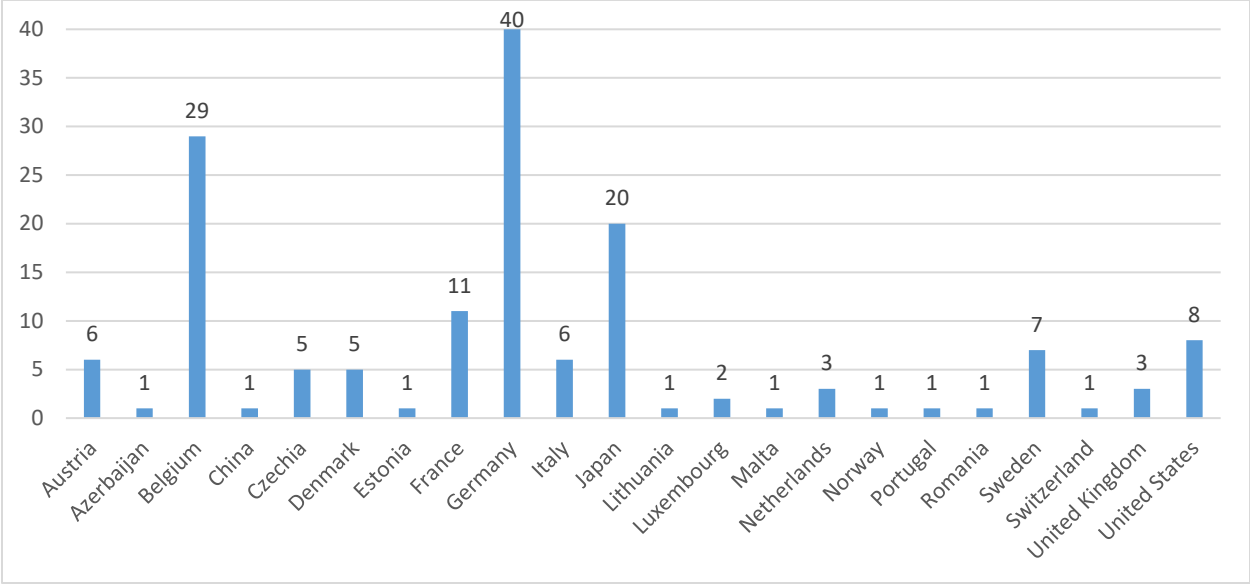


Figure 3 – Distribution of responses per country of origin

3.2 Substantial findings

This section provides a breakdown of the responses to some of the key questions in the public consultation. A more comprehensive description/synopsis of the results and their analysis will be included in the Commission’s impact assessment.

Regarding the question if a regulation would reduce the transposition issues of a directive (e.g. administrative burden for authorities & industry operators), over half of respondents (57%) are of the opinion that if RoHS was turned into a regulation, the negative impacts would decrease.

52% of the respondents believe that there are aspects of the scope of the RoHS Directive, which require clarification. However, there was not a clear indication

⁴ One contribution were received later than 16 June 2022

what applications should be included or excluded from the scope and many stakeholders asked for more clarifications.

Over 40% of the respondents strongly agree or agree that the current restrictions under RoHS limit the uptake of secondary materials in EEE and limit the sourcing of parts and components from WEEE for the repair of EEE. 76 and 99 stakeholders (of 154 in total) stated that amending the provisions for recovered spare parts for EEE could have positive impacts on CO₂ emissions and resource efficiency.

Regarding the substitution of hazardous substances in EEE, 103 (of 171 in total, multiple choice) are of the opinion that the availability of a substitute can be assumed when it has been demonstrated that a substitute is available to a majority of manufacturers on the EU market (see Figure 4). In the case of a potential critical raw material (CRM) containing substitute, the majority of stakeholders are of the opinion that insufficient availability of the CRM (92 of 339, multiple choice) or the use of the CRM has adverse impacts on human health and/or the environment, justify granting an exemption (92 of 339, multiple choice).

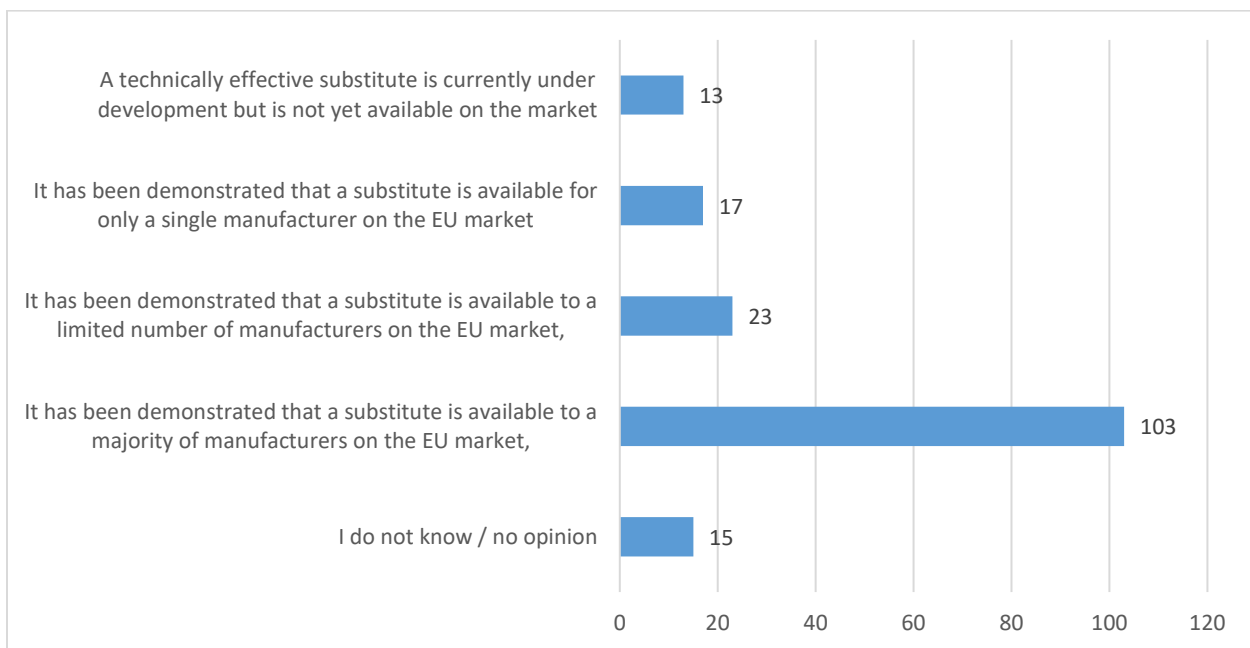


Figure 4 – Question 16 - Article 5(1)(a) specifies that the availability of alternatives should be taken into consideration in decisions on the inclusion of materials and components of EEE in the lists in Annexes III and IV and on the duration of any exemptions. In your opinion, under which minimum circumstances can the availability of a substitute be assumed?

Regarding the exemption process under RoHS, 53% of the respondents have at some occasion been affected by delays of the process. However, 57% of respondents would not be willing to pay a fee when submitting an exemption request to improve the processing time. Just 10% of respondents indicated they would be willing to pay a fee.

117 and 122 respondents (of 153 in total) agreed that longer exemption periods could be beneficial for the exemption system under RoHS if it can be proven that the total amount of restricted substance placed on the market per year does not exceed a very small amount and in cases where end of life arrangements exist which ensure 100% collection and correct treatment at end of life providing that there is no risk of emissions during normal use. Many stakeholders (91 of 295, multiple choice) expect lower costs for exemption applications.

The possible introduction of a mandate for the European Chemical Agency (ECHA) to evaluate exemption requests shows dissent among the stakeholders. Around 40% disagree and around 35% agree that such mandate would be beneficial. Individual replies suggest that it must be ensured that ECHA must be adequately resourced to take on this additional task. On the other hand, in view of giving technical guidance to amend the list of restricted substances, most stakeholders agreed that it would be beneficial to introduce a mandate for ECHA.

111, 97 and 102 stakeholders (of 154 in total) strongly agreed or agreed that specifying a minimum transition periods for new substance restrictions, specifying the periodicity of reviews and introducing a “list of intentions” for new substances would be beneficial to increase the transparency and predictability of the restriction process.

This document should be regarded solely as a summary of the contributions made by the stakeholder consultation on the Consultation for the review of the RoHS Directive. It cannot in any circumstances be regarded as the official position of the Commission or its services. Responses to the consultation activities cannot be considered as a representative sample of the views of the EU population.