

Ms. Rita Gross
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28 March 2008

Dear Ms. Gross,

We are writing to you on behalf of Cefic, ECVM and PlasticsEurope, in the context of the Öko-Institut study on hazardous substances in EEE not regulated by RoHS, and in particular to respond to your current stakeholder consultation on the draft list of 46 substances recently published.

Technical comments on the substances have been prepared by a group also comprising a number of trade associations representing manufacturers of EEE. This list will be sent by Cefic under separate cover.

While fully committed to ensuring the safe handling of any substance used in manufacturing processes or in manufactured goods, we would like to raise a number of general concerns:

- The REACH legislation represents the best available approach in terms of science-based Risk Assessment. In our view, any extension of the substances restricted under the RoHS directive, undertaken today, should take advantage of this procedure. Not to do so would contradict the Commission framework on better regulation and simplification of the regulatory environment. We also believe that dealing with the same issue under different instruments will only undermine the coherence in policy that REACH is seeking to attain.
- REACH legislation has, from our industry's perspective, the considerable advantage that the approach to restriction is risk-based, whereas the RoHS Directive takes into account hazard only.
- We would appreciate additional information on the criteria used in your study for identifying the 46 substances included in the questionnaire, which remain unclear to us.
- To the best of our knowledge, a number of the substances included in your questionnaire are already covered by EU legislation, for example substance ID Nos. 19, 20, 22, 23, 26, 27, 28, 29, 34, 37 and 44. We question the value of imposing dual legislation on such substances.
- A number of substances are not used in the EEE sector at all (for example substance ID Nos. 33 and 45), or only in a very limited way (for example 8, 9, 10, 11, 15, 35 and 40). Where EEE applications do not exist, or are marginal, their addition is not in alignment with the objectives of the directive, and restricting under RoHS will provide no environmental benefit.

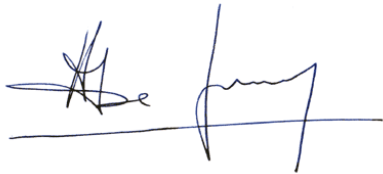


- Other substances will no longer be produced (for example 24) and others may be used as intermediates in production processes, but will not be present in the final products (e.g. 26). Risks associated with the use of materials in production processes should be addressed by other legislation.
- According to the EU's own Better Regulation principles, any stakeholder consultation is supposed to run for at least 6 weeks. The timeline for your consultation does not respect this. We also understand that DG Environment apparently does not intend to await the outcome of the study before launching its impact assessment on the RoHS review. In this case we question the purpose and value of the consultation.

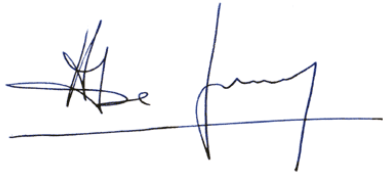
Yours sincerely,



Brigitte Dero
Director, Plastic Additives, Cefic



Jean-Pierre De Grève
Executive Director, ECVM



pp. Klaus Vorspohl
Technical Director, PlasticsEurope

cc: Grant Lawrence, DG Environment, Director Water, Chemicals & Cohesion
Klaus Kogler, DG Environment, Head of Unit, Sustainable Production & Consumption
Astrid Schomaker, DG Environment, Head of Unit, Chemicals
Michail Georgios Papadoyannakis, DG Environment, RoHS Desk Officer
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Gert-Jan Koopman, DG Enterprise, Director Industrial Policy and Economic Reforms
Klaus Berend, DG Enterprise, Head of Unit, Chemicals
Didier Herbert, DG Enterprise, Head of Unit, Sustainable Industrial Policy
Thorsten Brunzema, DG Enterprise, Policy Officer, Sustainable Industrial Policy