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Better Regulation – fact or fiction? WEEE/RoHS recast far from satisfactory

It seems that industry concerns have been largely ignored as the proposals for the recast of WEEE and RoHS have been launched. At this time when our industries are appealing to avoid further financial and administrative burdens, the Commission has chosen to largely disregard its own Better Regulation policies. The recasts propose: for WEEE, to overhaul existing WEEE management structures in which industry has invested substantially and for RoHS an obvious overlap with REACH.

“European manufacturers need the EU institutions, during this particularly difficult economic period, to urgently identify the shortcomings in the proposals and remind the European Commission of its obligations. For WEEE, these are particularly evident in the areas of financing, collection rate, scope, legal base & registration. For RoHS, better consistency with REACH and alignment with the New Legislative Framework is necessary”, said Adrian Harris, Secretary General of Orgalime, “It is particularly vital that any revision of the RoHS directive fully implements all REACH criteria and procedural elements for establishing any further substance restrictions in electrical and electronic equipment.”

The Directives cover a wide and disparate range of electrical and electronic consumer appliances as well as certain professional equipment: washing machines, fridges, TVs, radios, shavers, PCs, printers, mobile phones, power tools, electrical mowers and gardening equipment, medical equipment such as X-ray equipment, monitoring equipment or vending machines, etc. *“A significant part of our industry is directly impacted by these the proposals and we are all asking that some of the fundamental issues that these proposals give rise to should be dealt with”* advocates Harris.

For example, for WEEE with a net residual value due to its high metal content, as it is often the case for domestic appliances, the new proposal in no way seems to facilitate access to end of life equipment, where recovered materials would, among other, contribute to financing the cost of collecting this equipment. To make matters worse, if in its original proposal and explanatory memorandum, the Commission itself has confirmed that producer’s financing responsibility for WEEE collection should start at the collection point, *“because there is no environmental benefit to be gained by requiring producers to finance or part finance the collection of WEEE from private households’*, today there is a push to make producers pay for collection from the door of private households. Moreover basing WEEE collection rates on the previous year’s sales volumes does not make sense, since producers do not have legal enforcement or control powers to oblige consumers to return their used and end of life equipment to them. Instead, what is needed is for all the other actors in the end of life circuit to report on the WEEE collected by them and for collection targets that are based on experience of WEEE collected in the previous year.

Orgalime, the European Engineering Industries Association, speaks for 34 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 11.1 million people in the EU and in 2008 accounted for some €1,885 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

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For RoHS, any new substance restrictions have to fully tie in with the EU's harmonised chemicals law REACH. Moreover, substance aspects need to come into the wider perspective of a product's entire life cycle, and it is clear that in this time of focus on climate change, energy efficiency improvements in particular must not be undermined by legislation on substances.

RoHS exemptions should be reviewed on a case by case basis applying consistent criteria, realistic timelines instead of the proposed "one size fits all" maximum validity period of 4 years for all RoHS exemptions, and industry requests the possibility to grant a transition period in cases of a definite expiry of an exemption.

And finally, we are not only dealing with the issue of consumer goods; for example the proposal covers the electro-medical devices industry, where products are crucial to the well being of patients: it should be clear that when establishing substance restrictions on medical devices, it is essential to balance potential risks that could arise from the use of certain substances against the benefits which such technologies provide to patients.

Orgalime which represents the engineering industry as a whole can only conclude that the proposals are far from satisfactory. *"Although they are already difficult and costly to apply, the proposals, if adopted as they stand today, would become even more burdensome, providing little benefit to the environment. Moreover the changes proposed show little concern for the cost to the consumer or to producers of electrical and electronic equipment and their employees, many of whom are facing the most difficult conditions that the industry has faced in decades. We therefore very much hope that regulators will see fit, in their further proceedings, to radically amend the proposals in line with the proposals for modifications suggested in the industry's common positions on WEEE and RoHS,"* concluded Harris.

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Notes for Editors:

Orgalime Position Paper on WEEE recast - <http://www.orgalime.org/Pdf/PP%20WEEE%20Recast%20Proposal%20Jun09.pdf>
Orgalime Position Paper on RoHS recast - http://www.orgalime.org/Pdf/PP%20RoHS%20Recast%20Proposal_jun09.pdf



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