

RoHS and WEEE recast - August 2010

Senior officials at the UK Department of Business Innovation and Skills (BIS) have updated industry on the current position in regard to the RoHS (Restriction of Hazardous Substances) and WEEE (Waste Electrical and Electronic Equipment) recasts.

With Belgium now holding the European Union (EU) presidency there has been an increase in pace, on RoHS in particular, and they are clearly looking for significant progress during their tenure.

Meetings are taking place behind the scenes between the European Commission (EC), European Parliament (EP) and Council of Ministers with an aspiration of possibly achieving a first reading agreement.

If all goes well, allowing for transposition into national law, RoHS could enter into force as soon as early 2013.

However, debate continues on several topics not least that of an open scope approach covering all electrical and electronic equipment unless specifically excluded. Some European Member States are against this without an impact assessment and, if an open scope was to be approved they feel it would require widespread exclusions.

There is a view that an open scope could be implemented some six years after the recast enters into force with the EC carrying out an impact assessment within the first four years although this is a subject of much debate.

The addition of two further restricted substances, nanosilver and carbon nanotubes, to the original six in Annex IV, is still under consideration but a new Annex III will cover a list of 37 substances or groups of substances or compounds that will be analysed as a matter of priority with a restriction in mind. This would include the Substances of Very High Concern that currently reside in the REACH Candidate List.

The EC and EP are also discussing the possible addition of cables, consumables and accessories to the scope.

Also under discussion is the interaction between RoHS and REACH and a methodology for adding new substances as well as a methodology for dealing with exemptions.

The plenary vote on RoHS is expected in October, although this has changed several times, and a first reading agreement is possible but not guaranteed. At present category 8 (medical devices) and category 9 (monitoring and control instruments) shall apply two years after the RoHS recast enters into force, to in-vitro medical devices four years after and industrial monitoring and control instruments five years after.

However, if a first reading deal is achieved then those dates are likely to revert to the original dates of 2014, 2016 and 2017 as previously proposed by the European Commission.

In respect of the WEEE recast little or no progress was made under the previous presidency and it is unlikely that a first reading deal will be achieved.

Over 200 amendments have been put forward and topics to be discussed further include collection targets based on the percentage of WEEE put on the market, increased treatment and reprocessing targets, producer responsibilities, whether WEEE should be an open scope or not, and a clear definition of "reuse".

The scope (categories of products) would move to RoHS and there may be a reduction in the WEEE recast from ten categories to five.

Sharing registrations across all Member States would reduce regulatory burden and further measures to control the illegal export of e-waste to developing countries would be a positive step forward.

So much is still to be done but, under the Belgium presidency, things could move at an increased pace as they clearly have a desire to make a difference on their shift!



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