

Public Consultation on the RoHS Evaluation

Fields marked with * are mandatory.

Introduction

The rise in the production and usage of electrical and electronic products, such as mobile phones, computers and kitchen appliances, has resulted in an increasing volume of electrical and electronic waste. During the collection, treatment and disposal of the waste, the products may release harmful (hazardous) substances such as lead, mercury and cadmium. These hazardous substances may even be released during the use of the product.

To address such challenges, EU legislation restricts the use of certain hazardous substances in electrical and electronic equipment (the RoHS Directive (2011/65/EU)). Currently, it restricts the use of ten substances: lead, cadmium, mercury, hexavalent chromium (chromium (VI)), polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE), bis(2-ethylhexyl) phthalate (DEHP), butyl benzyl phthalate (BBP), dibutyl phthalate (DBP) and diisobutyl phthalate (DIBP). All products with an electrical and electronic component, unless specifically excluded, have to comply with these restrictions.

The legislation protects human health and the environment. It also contributes to the free movement of goods within the EU, encourages development of innovative products and technologies, and inspires non-European countries to pass similar laws.

The purpose of this consultation is to gather views of consumers, civil society and other organisations on how the restriction of hazardous substances in electronic products works in practice. The views will help the Commission in assessing what works well, what not and why.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian

- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Alicia

* Surname

Jensen

* Email (this won't be published)

alicia.jensen@amchameu.eu

* Organisation name

255 character(s) maximum

American Chamber of Commerce to the European Union (AmCham EU)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Please specify whether your organisation primarily works in the field of...

- Health
- Environment
- Other

* If other, please specify:

AmCham EU is a cross sectoral organization

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

5265780509-97

* **Country of origin**

Please add your country of origin, or that of your organisation.

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- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom

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| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
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| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

* Please select the statement(s) that best apply to you
(Your choice(s) will define the parts of the survey that you have access to):

- You are a citizen with a general interest in hazardous substances in electrical and electronic equipment
- You have specific knowledge in the domain of hazardous substances in electrical and electronic equipment and/or Directive 2011/65/EU

Questionnaire for stakeholders and individuals with special knowledge in the domain of hazardous substances in electrical and electronic equipment

Effectiveness

The following questions aim to evaluate the effectiveness of the Directive by determining to what extent its objectives have been achieved as well as by identifying the factors that contribute to or stand in the way of reaching such objectives. The questions furthermore aim to determine if any unexpected or unintended effects linked to the Directive have occurred.

Human health and environment

1. Has the RoHS Directive helped to reduce the use of hazardous substances in electrical and electronic equipment placed on the market?

	Yes	No	Don't know
Electrical and electronic equipment produced and sold in the EU	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electrical and electronic equipment produced in the EU and sold outside the EU	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electrical and electronic equipment produced outside the EU and sold in the EU	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If yes, please indicate the strength of the reduction for the relevant substance (s):

	STRONG	LIMITED	NO EFFECT	DON'T KNOW
Lead	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mercury	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cadmium	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hexavalent chromium	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Polybrominated biphenyls (PBB)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Polybrominated diphenyl ethers (PBDE)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bis(2-ethylhexyl) phthalate (DEHP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Butyl benzyl phthalate (BBP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dibutyl phthalate (DBP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Diisobutyl phthalate (DIBP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. Has the RoHS Directive helped to protect human health?

- Yes
- To a limited extent
- No
- Don't know

What factors contributed to or stood in the way of protecting human health?

500 character(s) maximum

RoHS's impact on EEE product design is undeniable. Since its inception the directive has clearly reduced the use of RoHS substances in EEE where it was possible.

Indicative factors relating to the protection of human health can be found in previous impact assessments accompanying the legislative proposals. It must be noted that for certain product sectors, such as category 9 equipment there has been little impact due to the limited quantities of RoHS substances used in these applications. See Q3

3. Has the RoHS Directive helped to reduce damage to the environment?

- Yes
- To a limited extent
- No
- Don't know

What factors contributed to or stood in the way of reducing damage to the environment?

500 character(s) maximum

See impact assessment of RoHS 2009 proposal. The benefit of bringing cat 9 into scope has had limited environmental impact: for industrial & professional EEE the volume of RoHS substances were initially low. RoHS has not led to substantial reduction of substances, as many applications benefit from exemptions. In 2019, the quantities of RoHS substances contained in cat 9 industrial equipment are estimated at 0.001 kg for Cd, 0.51 kg for Hg & 197.9 kg for Pb

4. Has the RoHS Directive helped to ensure the free movement of electrical and electronic equipment throughout the EU?

- Yes
- To a limited extent
- No
- Don't know

Please elaborate:

500 character(s) maximum

RoHS' legal base is 114 TFEU. It is well suited to leverage the entire weight of the single market to influence the product design of EEE, whether produced in or outside of the EU.

With RoHS, substance restriction requirements for EEE have been harmonized, both in terms of restrictions and exemptions. In addition, rules for demonstrating compliance have been harmonized. This has resulted in equal requirements across all MS thus facilitating free movement of EEE in the (success of CE marking).

5. Has the RoHS Directive facilitated the environmentally sound collection and treatment of electrical and electronic waste?

- Yes
- To a limited extent
- No
- Don't know

What factors contributed to or stood in the way of facilitating the environmentally friendly collection and treatment of electrical and electronic waste?

500 character(s) maximum

RoHS & WEEE Directives have raised consumer awareness around the need to properly dispose of EEE. Factors contributing to the environmentally friendly collection & treatment of waste EEE are described in the Commission's RoHS I & II Impact Assessments. This question applies more to the success of the WEEE Directive, which organises WEEE collection & treatment schemes, than it does to RoHS (decoupled in 2009). WEEE still abides by set product categories, while RoHS' open scope partially does not.

6. In terms of collecting and recycling electrical and electronic waste, to what extent do you agree with the following statements

	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW
I know what to do with electrical and electronic waste	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy to recycle electrical and electronic waste	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. In terms of collecting and recycling electrical and electronic waste, to what extent do you agree with the following statements

	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW
Presence of hazardous substances hinders the recycling of electrical and electronic waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The information on presence of hazardous substances in electrical and electronic waste is sufficient	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The way in which electrical and electronic waste is recycled reduces risks to the environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The way in which electrical and electronic waste is recycled reduces risks to human health	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The information available on the results of electrical and electronic waste treatment is sufficient	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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8. The following hazardous substances hinder environmentally sound treatment of waste electrical and electronic equipment (WEEE)

	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW
Lead	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Mercury	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cadmium	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Hexavalent chromium	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Polybrominated biphenyls (PBB)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Polybrominated diphenyl ethers (PBDE)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Bis(2-ethylhexyl) phthalate (DEHP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Butyl benzyl phthalate (BBP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Dibutyl phthalate (DBP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Diisobutyl phthalate (DIBP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If other, please specify:

500 character(s) maximum

AmCham EU does not have extensive data from recyclers which would allow it to answer this question with any level of certainty.
 Although some of our members take part in circular economy business models, we do not have exhaustive experience cutting across all waste streams.

9. To your knowledge, has the Directive contributed to the decrease of the following hazardous substances in waste electrical and electronic equipment (WEEE)?

	Yes	No	Don't know
Lead	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mercury	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cadmium	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Hexavalent chromium	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Polybrominated biphenyls (PBB)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Polybrominated diphenyl ethers (PBDE)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bis(2-ethylhexyl) phthalate (DEHP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Butyl benzyl phthalate (BBP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dibutyl phthalate (DBP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Diisobutyl phthalate (DIBP)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. Please specify to which specific stream of WEEE your answers apply.

500 character(s) maximum

AmCham EU's membership cuts across economic sectors. As such, we represent most of the WEEE categories, you will find below a non-exhaustive list of the EEE producing sectors present in our membership:

- Medical devices
- ICT
- Testing and measurement equipment
- Heavy machinery
- PV panels
- Toys

11. To your knowledge, has the decrease of the listed hazardous substances in WEEE influenced waste treatment operations?

- Yes
- No
- I do not know

12. Is the RoHS Directive enforced by the responsible authorities in your country?

- Yes, fully
- To some extent
- Not at all
- Don't know

Please elaborate:

500 character(s) maximum

Although AmCham EU is based in Brussels, our membership represents companies present throughout the single market. Our response will therefore covers the EU.

Our members have experienced Member State enforcement campaigns for RoHS (see below.)

13. Are there differences in the enforcement of the RoHS Directive across EU countries?

- Yes
- No
- Don't know

Please elaborate:

500 character(s) maximum

The level of enforcement varies widely across member states (MSs). The differences are not only in the level of activity, but also on what elements certain MSs choose to focus, compared to others. Some MSs will focus on the administrative, paper trail aspects of RoHS compliance, others on technical testing to prove compliance.

Examples of these administrative enforcement activities include: the request for declarations of conformity, and other technical documentation in local languages.

14. Has there been any effect of the RoHS Directive on innovation?

- There has been a positive effect
- There has been a negative effect
- There has been no effect
- Don't know

Please provide an example highlighting the positive or negative effect of the Directive on innovation.

500 character(s) maximum

While substitute availability, socioeconomic & innovation impacts are currently considered (Art 5.1.(a)), these aren't part of the 3 defined criteria for justifying exemptions. RoHS can shift R&D resources away from innovation & towards compliance. Disconnects between the current Exemptions' regulatory cycles, Max. validity periods & typical product life/design cycles generate significant uncertainties & supply chain transitions, technology & reliability challenges impacting investments & innovations

15. Has the RoHS Directive had any effect on your expenditure on research and investment?

- There has been a positive effect
- There has been a negative effect
- There has been no effect
- Don't know

Please provide an example highlighting the positive or negative effect of the Directive.

500 character(s) maximum

RoHS 2 has impacted product design costs to phase out RoHS substances, when possible. These reformulation efforts may have been positive for some companies, allowing them to increase market share, but may have had no positive business effect in other cases, and have been known to impact the viability of SME players (via exemption process).

In some cases compliance costs can be prohibitive for volumes of a RoHS substances which are in no way impacting human health or the environment in the EU.

16. What has been the overall impact of the RoHS Directive in the EU on exports from the EU to a third country?

- Exports increased
- Exports decreased
- There has been no effect on exports to third countries
- Don't know

17. What has been the overall impact of the RoHS Directive in the EU on imports to the EU from a third country?

- Imports increased
- Imports decreased
- There has been no effect on imports from third countries
- Don't know

18. Are there specific examples that illustrate the effect of the Directive on trade?

500 character(s) maximum

EU RoHS has ensured free movement of goods in the internal market. It has also set a standard for other outside the EU (Eurasian customs union, UAE & Gulf states) which helps trade & compliance (technical documentation based on EN 50581/IEC 63000). Non-EU RoHS type laws often misinterpret EU RoHS principles (conformity assessments, acceptance of self-certification, updating the exemption annex) which can lead to trade barriers. Further EU support & coordination with non-EU countries is needed.

19. Beyond the main objectives of the RoHS Directive, have there been any unexpected negative or positive changes as a result of this Directive?

500 character(s) maximum

EU RoHS requirements have become the environmental global standard for EEE, resulting in a high level of maturity in compliance across global supply chains. RoHS's ubiquity worldwide prevents unnecessary product design changes. The divergences in conformity assessment procedures in these countries increase compliance cost, in particular for EU SMEs exporting to these jurisdictions. Therefore, as outlined in the previous answer further EU support & coordination with non-EU countries is needed.

Efficiency

The following questions aim to evaluate the efficiency of the Directive by identifying the main costs and benefits of implementing it. More importantly, this section aims to assess to what extent the benefits of the restriction on the use of hazardous substance justify the costs of the Directive. Furthermore, the aim of these questions is to obtain information and data to assess if there have been significant differences in costs and benefits between Member States as well as identifying if there was any possibility to increase efficiency. These questions aim at understanding whether the Directive has led to unnecessary burden or made the system unnecessarily complex.

20. What are the benefits of the Directive for the economy? Please select all that apply:

- Increased a level playing field for economic operators;
- Increased legal certainty regarding hazardous substances;
- Creation of jobs in customs, inspections
-

Creation of jobs in electrical or electronic equipment waste treatment and recycling;

- Creation of jobs in R&D for electrical and electronic equipment
- Easier identification of whether electrical and electronic equipment are legally placed on the market through the CE mark;
- Trading costs are reduced when selling electrical and electronic equipment to a different Member State
- No benefits
- Other

* If other, please specify:

500 character(s) maximum

RoHS compliance has had a dramatic impact on product design & testing for EEE. It may have led to commercial advantages for some but not for others, it may have also led to the inefficient allocation of R&D & testing resources inside companies. This is especially critical for SMEs & start-ups, with limited resources & for whom speedy access to market is essential. The impact is also seen by larger companies, who may have to reassign critical resources to compliance tasks not originally foreseen

21. What are the benefits of the Directive for the environment? Please select all that apply:

- Led to a larger number of product designs of electrical and electronic equipment that are more circular in nature;
- The substance restrictions provided manufacturers with incentives to find alternatives to hazardous substances;
- Avoided emissions of hazardous substances into soil, air and water streams through reduction of use of hazardous substances in producing electrical and electronic equipment;
- Avoided emissions of hazardous substances from electrical or electronic equipment waste into soil, air and water streams;
- Avoided clean-up of emissions of hazardous substances from waste illegally dumped into the environment;
- Improved recyclability of electrical and electronic equipment;
- No benefits;
- Other

* If other, please specify:

500 character(s) maximum

RoHS I focused on preventing end of life risks through market access & product design, predating circular thinking. The most circular dimension of RoHS 2 is the repair as produced principle, which prevents the premature obsolescence of EEE (especially complex articles, with multiple components and long service lives). RoHS incentivized chemical manufacturers servicing the EEE industry to develop alternatives- many of which are rarely viable in all applications

22. What are the benefits of the Directive for the society? Please select all that apply:

- Avoided negative health effects on consumers from emissions of hazardous substances from electrical or electronic equipment waste;

- Avoided negative health effects on workers due to exposure to hazardous substances from production, use or end-of-life phase of electrical or electronic equipment;
- Avoided health costs to workers due to exposure to hazardous substances from production, use or end-of-life phase of electrical or electronic equipment;
- No benefits;
- Other

* If other, please specify:

500 character(s) maximum

RoHS is an end of life law with impact on product design. Any impact beyond end of life will be hard to assign to RoHS compared to REACH, WEEE, OELs and other chemicals legislation.

23. Do your company/ the companies you represent have the obligations of a manufacturer under the RoHS Directive?

- Yes
- No
- Don't know

24. What aspects of the RoHS Directive do you have to comply with? Please tick all that apply

- Restrictions
- Declaration of Conformity
- CE marking
- Other

If other, please specify:

500 character(s) maximum

Other obligations of economic operators under the RoHS Directive

24.1 How long does it take to complete a declaration of conformity?

- Less than one working hour
- Less than half a working day
- Less than a working day
- More than a working day
- Don't know

24.2 How often do you have to update the declaration of conformity for a given product, please specify?

500 character(s) maximum

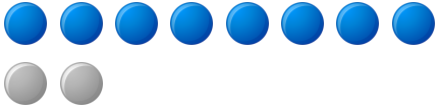
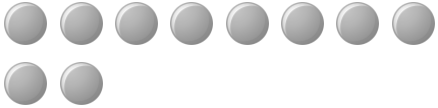
It is our understanding that the Declaration of Conformity is valid from the moment it is placed on the EU market and therefore should not need to be updated unless:

- a change is made to the mentioned products;
- a major amendment is made in the Directive itself;
- a new standard supersedes current standard.

25. In your experience, what are the costs for your company/ the companies you represent triggered by the RoHS Directive (please consider both monetary and non-monetary costs)?

Please indicate from a scale of 0-10 the significance of the following costs:

Costs related to training and information measures;	
Costs of collecting and reviewing information;	
Costs related to a dedicated IT system to manage all required pieces of information;	
Costs related to the technical documentation;	
Costs related to the conformity assessments;	
Costs related to purchasing standards;	
Costs related to exemption procedures;	
Costs related to the adaptation to amendments to Annexes;	
Costs for complying with the rules for the CE mark;	
Getting supply chain information;	
Monetary losses related to RoHS 2 compliance;	
Capital expenditure;	
R&D expenditure;	

Operating expenditure;	
Other	

If other, please specify:

500 character(s) maximum

26. How many full time equivalent (FTE) employees do you have working on the RoHS compliance per year?

- None
- Less than 0.25
- Less than 0.5 FTE
- Less than 0.75 FTE
- Less than 1 FTE
- Less than 2 FTEs
- Less than 3 FTEs
- More than 3 FTEs
- Other
- Don't know

If other, please specify:

500 character(s) maximum

Although we have not selected 'other' we would like to provide further background to our response: RoHS compliance is not just about issuing Declaration of Conformity (DoC) it is also about all the work that goes into it. In only considering a DoC you are only considering the end of the process. It is clear that along the value chain there are different units that input into this task and are thus working on compliance e.g. R&D, manufacturing, procurement, government affairs, legal, etc....

27. Have you made any initial investment to comply with RoHS?

- Yes
- No
- Don't know

Please express the initial investment costs due to RoHS compliance in percentage:

The initial investment in coming into the scope of RoHS and ensuring compliance with the RoHS restrictions resulted in substantial costs and administrative burden for cat 9 industrial products.

The redesign process took 12 years during which 60% of the products portfolio had to be redesigned, and 7.5% of the products had to be prematurely withdrawn from the market. The cost of RoHS-compliance is estimated at 10% of product turnover. This costs is solely related to the preparatory phase for coming into the scope of RoHS and complying with the restriction timing of July 2017.

28. Has your operational costs/ the operational costs for the companies you represent increased due to the compliance with RoHS?

- Yes
- No
- Don't know

Please express the increase in operational costs due to RoHS compliance in percentage:

Please see comments on category 9 for Q 27.

29. Do you think that the benefits of the Directive justify the costs of implementation?

- Yes
- No
- Don't know

30. Have you encountered problems to place an electrical and electronic on the market in the EU?

- Yes
- No
- Don't know

31. How significant are the following problems? 5 = most significant, 1 = least significant

	1	2	3	4	5
It is difficult to decide whether a product is an electrical and electronic equipment or not.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is difficult to decide whether a product is excluded from scope or not.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The categories of Annex I are not well defined.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Existing guidance documents are not sufficient.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The rules for the CE marking are not clear.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The system of exemptions is too complex.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Market surveillance is acting differently in different Member States.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internet shops cannot be effectively controlled.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Sanctions for non-compliance are different in different Member States.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sanctions for non-compliance are too strict.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Customs authorities have to refer to the market surveillance authority in case they suspect that an electrical and electronic equipment is non-compliant. This blocks my imports.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Market surveillance is not always targeting the 'bad guys'.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Other



If other, please specify:

500 character(s) maximum

Compliance with RoHS restrictions led to substantial costs & administrative burden for cat 9. These efforts are disproportionate to the benefits considering how low quantities of RoHS substances are in test & measurement equipment & that these products are exclusively collected in B2B schemes & don't end in the waste stream. Sector specificities must be considered & the cost-effectiveness of proposed measures must be assessed before restricting additional substances & in assessing exemptions in the future.

32. Have you encountered problems to place electrical and electronic equipment on markets outside the EEA with similar legislation as the RoHS Directive?

- Yes
- No
- Don't know

If yes, please specify the country:

EU RoHS rules and / or IEC 63000 principles are often misunderstood by non-EU countries (e.g. UAE RoHS) introducing RoHS-like laws. This leads to unnecessarily complex and burdensome conformity assessment rules and thus to technical barriers to trade. Misaligned scopes, exemptions with uncoordinated expiry dates and different labelling requirements create unnecessary difficulties. Compliance with (EU) RoHS is globally organized, this needs to be matched by a globally aligned and coordinated set of rules.

33. Has the Directive decreased differences in the administrative processes relating to RoHS compliance among Member States?

- Yes
- No
- Don't know

If yes, please provide examples of how has the Directive decreased differences in the administrative processes among Member States

500 character(s) maximum

We would like to emphasise that many Member States are still looking at the Directive differently and so do not approach it in the same way, e.g. some focus more on the administrative side, while others are more focussed on compliance. This results in no consistency in approach.

34. Please specify any provision of the RoHS Directive that is particularly efficient

500 character(s) maximum

TFEU 114; MoU for Reach & RoHS; CE mark; self-declaration; Presumption of Conformity & Harmonised Standards (Art. 16, EN50581); Repair-as-produced (Art. 4.4, spare parts in Annexes II & III); Exemptions (Art. 4.6, Annexes III & IV); Scope Exclusions (Art. 2.4); Transition Periods for exemptions (Art. 5.6) & Business Continuity provisions (Art. 5.5); Consideration of substitute availability, socioeconomic & innovation impacts (Art. 5.1.a); Documents & procedure aimed at clarifications, transparency & stakeholder engagement.

35. Please specify any provision of the RoHS Directive that is particularly inefficient

500 character(s) maximum

See #47. More EU resources needed to ensure alignment of RoHS-type laws globally; continued&enhanced EU thought leadership&communications strategy for RoHS requirements, translating regulatory complexity into simpler requirements; enhanced stakeholder consultation&participation in RoHS processes. Substance restriction methodology work has also been disappointing (see enclosed letters)

36. What has been the effect of the RoHS Directive on the competitiveness and comparative advantage of your company/ the companies you represent?

	INCREASED	NO EFFECT	DECREASE	DON'T KNOW
Production costs	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prices for consumers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Margins for producers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Don't know	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

37. Are you aware of the possibility to ask for exemptions from the substance restrictions set by the RoHS Directive?

- Yes
- No

38. Has your organisation or company...

- Asked for an exemption
- Considered asking for an exemption
- Not asked for an exemption

39. To which extent does the exemption system generate administrative burden?

- To a large extent
- To some extent
- To a small extent
- Not at all
- Don't know

Coherence

The following questions aim to evaluate the coherence of the Directive with other EU legislation and the internal coherence of the Directive. More importantly, this section aims to understand how the presence or lack of coherence impacts the functioning of the Directive. Additional questions seek to explore whether the Directive has influenced the development of similar legislation in jurisdictions outside the EU.

40. The RoHS Directive interacts with other EU legislation and standards. Are you aware of any unnecessary overlaps, gaps and contradictions between the Directive and the following EU legislation

	Yes	No	Don't know
Waste Framework Directive	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Waste Electrical and Electronic Equipment (WEEE) Directive	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
End-of-life vehicles (ELV) Directive	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Batteries Directive	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Waste Shipment Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Classification, Labelling and Packaging (CLP) Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Persistent Organic Pollutants (POP) Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulation on accreditation and market surveillance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Eco-design Directive	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If other, please specify:

Blueguide – difference between putting into service & placed on the market; Ecolabel, and issue of requesting RoHS compliance even for goods which are out of RoHS' scope, unless a derogation process is started.

If yes, please explain and indicate which impact this may have on the functioning of the Directive:

500 character(s) maximum

REACH and POPs do not provide the same mechanisms as RoHS. Regarding the Ecodesign Directive, we believe it should clear, as is already the case for some products that the use of hazardous substances in EEE is governed by RoHS, and thus no specific ecodesign requirements on content should be set. A more extensive paper on these issues will follow.

41. Are you aware of any different limit values for chemicals applying to the same products in other EU or national legislation?

- Yes
- No
- Don't know

If yes, please specify:

500 character(s) maximum

The EU Ecodesign Directive requirements for electronic displays which includes televisions, monitors and digital signage, adopted by the European Commission on 1 October, means that from 1 March 2021 the use of halogenated flame retardants in enclosures and stands of electronic displays will be prohibited. We fear such divergences may increase under the EC's new 'zero pollution' agenda & the introduction of the next phase of the circular economy package.

42. Have you encountered any gaps, contradictions, overlaps or missing links within the Directive?

- Yes
- No
- Don't know

Please explain and indicate which impact this may have on the functioning of the Directive:

500 character(s) maximum

AmCham EU is working on this & will be in touch with Ecorys at a later date. There are gaps especially around request for new exemptions and for restriction of new substances under RoHS.

43. Has the Directive had a notable influence on the development, structure and functioning of legislation concerning the restriction of hazardous substances in electrical and electronic equipment in jurisdictions outside the EU?

- Yes
- No
- Don't know

Please explain and provide examples if relevant:

500 character(s) maximum

EU RoHS is the globally recognized blueprint for the development of RoHS laws by non-EU states (40+ countries). This is positive for the global industry & its supply chain as the comprehensive compliance systems & technical documentation that were built up in the context of EU RoHS can now be used for compliance with non-EU RoHS. Coordination between the EU & non-EU countries should be further improved. Better alignment would ensure even higher levels of compliance and environmental protection.

Relevance

The following questions aim to evaluate to what extent the issues or problems addressed by the Directive still exists and whether the objectives of the Directive are adequate to address those issues.

44. To what extent do you agree that there is still a need for EU legislation on hazardous substances in electrical and electronic equipment to achieve the following objectives?

	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW
Protection of human health	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protection of the environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring the environmentally sound recovery and disposal of electrical and electronic waste	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring a well- functioning internal market	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

45. Does the list of restricted substances (Annex II) require any modifications? Please select all that apply

- No modifications required
- It requires the listing of new substances
- It requires the de-listing of substances
- It requires the change of concentration values
- Don't know

46. Annexes III and IV of the Directive provide a list of applications exempt from the restriction of Article 4. Is this list up-to-date with the most recent technical and scientific progress?

- Yes
- No
- Don't know

Please describe which elements of the list of exempted applications are not up-to-date and for which reason

500 character(s) maximum

In accordance with RoHS criteria, selected current exemptions, or parts thereof, require renewal beyond the respective maximum validity periods currently foreseen in the Directive. This includes: i) pending EC decisions under Pack 9 (e.g. mercury in lighting applications), and ii) future re-applications for renewals. Further joint industry applications for renewal of selected exemptions, or parts thereof, are expected to be submitted by participants of the RoHS Umbrella Industry Project.

47. To what extent do you agree that the application and assessment process for the adaptation of Annexes III and IV to scientific and technical progress (Art. 6 of the Directive) is fit for purpose?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please describe which aspects of the application and assessment process are not fit for purpose and in what respect

500 character(s) maximum

Provisions such as Articles 5.6, 5.4(ba), 5.5 (2) aim at predictability, legal certainty & business continuity & are particularly positive and important. Timelines for decisions on applications for exemptions and longer transition periods must be clarified, especially when exemptions are not renewed or revoked.

48. To what extent do you agree that the obligations which the Directive lays down for the following actors are still sufficient to ensure the continued achievement of the Directive’s objectives?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Manufacturers of electrical and electronic equipment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Authorised representatives of manufacturers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Importers of electrical and electronic equipment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Distributors of electrical and electronic equipment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

49. Are you aware of any issues related to hazardous substances in electrical and electronic equipment that the RoHS Directive does not address?

500 character(s) maximum

More consideration should be given to products sold via internet, entering the EU. The RoHS directive should be the instrument to deal with any substance related EcoDesign requirements.

EU added value

The following questions aim to compare what has been achieved through the implementation of the Directive with what could have been achieved by Member States acting at national, regional and at international levels alone. Additional questions seek to assess whether the issues addressed by the Directive continue to require action at EU level.

50. What consequences do you think would the withdrawal of the RoHS Directive have for achieving the objectives of the Directive?

	POSITIVE CONSEQUENCES	NO CONSEQUENCES	NEGATIVE CONSEQUENCES	DON'T KNOW
Protection of human health	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Protection of the environment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Environmentally sound recovery and disposal of electrical and electronic waste	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Ensuring a well-functioning internal market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

51. Are there any activities or tasks currently performed at EU level that should be performed by Member States instead?

500 character(s) maximum

No. The main strength of RoHS is TFEU 114.
 Our experience with increased MS involvement in other EU chemicals policy is that it leads to an unnecessary amount of politics in what should be technical and scientific discussions on the life cycle impacts of substances & the analysis of alternative substances.
 MS should focus their efforts on the WEEE Directive & on RoHS enforcement (which is ineffective in places), this is the most effective way at delivering on both Directives' objectives.

52. In your opinion, who should be responsible for ensuring the safety of hazardous substances contained in electrical and electronic equipment in the EU?

- Authorities of the European Union
- National authorities
- Manufacturers themselves
- Don't know
- Other

If other, please specify

All of the above.
 Safety of substances in EEE should be a shared responsibility of both Authorities and economic operators. While authorities are expected to define clear boundaries as well as ensure solid enforcement, economic operators, through continuous innovation, should aim at reducing the safety risk associated with hazardous substances as soon as the risk is identified.

53. To what extent do you agree with the following statements concerning the EU added value of RoHS

	Agree	Do not agree	Do not know
RoHS creates a large market for the same electrical and electronic equipment.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RoHS creates market for the same electrical and electronic equipment outside the EEA.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RoHS simplifies the trade of electrical and electronic equipment in the EU.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RoHS supports innovation and use of hazardous-free products.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Additional comments

If you have any further comments, please add them in the box below:

1000 character(s) maximum

We are attaching:

A background document on the RoHS exemption process, and three letters that have gone unanswered regarding our concern on the RoHS substance evaluation process.

If you wish to share any evidence reports, studies or position papers, please upload them here.

Please note that the uploaded document(s) will be published alongside your response to the questionnaire, which is the essential input to this online public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

30b6e607-d8d3-4e09-bd7c-76c2b805548c/AmCham_EU_Public_Consultation_Response_RoHS.pdf

Contact

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