Electrical and electronic equipment: restriction of the use of certain hazardous substances. Recast

2008/0240(COD) - 08/06/2011 - Final act

PURPOSE: to strengthen the rules on the use of hazardous substances in electrical and electronic equipment (EEE)in order to contribute to the protection of human health and the environmentally sound recovery and disposal of waste EEE.

LEGISLATIVE ACT: Directive 2011/65/EU of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

CONTENT: following an agreement in first reading with the European Parliament, the Council adopted a Directive recasting 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment. This **will extend protection from dangerous chemicals to more electrical appliances** and improve the safety of products such as mobile phones, refrigerators and electronic toys.

Scope: in the revised legislation: the ban on the use of six dangerous substances (amongst them lead, mercury, and cadmium) in electrical and electronic equipment is extended to more products, while harmonising it across the EU: in principle the ban will now apply to all electrical and electronic equipment as well as to **cables and spare parts**. Certain **transitional periods** are provided for: three years (22 July 2014) for monitoring and control devices and medical devices; five years (22 July 2016) for in vitro medical devices and six years (22 July 2017) for industrial control appliances.

In order to attain the EU's ambitious targets for renewable energy and energy efficiency, photovoltaic panels to produce energy from solar light **do not have to comply with the restriction**. Energy-saving light bulbs are also temporarily exempted from the Directive.

Adaptation of the Annexes to scientific and technical progress: the Directive ensures that the measures are kept under review and, if necessary, adjusted to take account of available technical and scientific information.

The annexes to the Directive will be reviewed periodically to take into account of Regulation (EC) No 1907/2006 (REACH). In particular, the risks to human health and the environment arising from the use of Hexabromocyclododecane (HBCDD), Bis (2- ethylhexyl) phthalate (DEHP), Butyl benzyl phthalate (BBP) and Dibutyl phthalate (DBP) must be considered as a priority.

Measures adopted in this context shall, for categories 1 to 7, 10 and 11 of Annex I, have a validity period of up to 5 years and, for categories 8 and 9 of Annex I, a validity period of up to 7 years. The validity periods are to be decided on a case-by-case basis and may be renewed. An application for renewal of an exemption shall be made no later than 18 months before the exemption expires. In order to ensure uniform conditions for the implementation of the Directive, the Commission shall adopt a harmonised format for applications as well as comprehensive guidelines for such applications, taking into account the situation of SMEs.

Review and amendment of the list of restricted substances in Annex II : as soon as scientific evidence is available, and taking into account the precautionary principle, it will be necessary to examine the restriction of other hazardous substances, including any substances of very small size or with a very small

internal or surface structure **(nanomaterials)** which may be hazardous due to properties relating to their size or structure, and their substitution by more environmentally friendly alternatives which ensure at least the same level of protection of consumers.

CE marking: the conformity marking applicable for products at Union level, CE marking, will also apply to EEE that is subject to the Directive. In the absence of evidence to the contrary, Member States shall presume EEE bearing the CE marking to comply with Directive.

Review: no later than 22 July 2014 the Commission shall examine the need to amend the scope of this Directive in respect of the EEE concerned, and shall present a report accompanied by a legislative proposal, if appropriate, with respect to any additional exclusions related to that EEE. No later than 22 July 2021 the Commission shall carry out a general review of the Directive, and shall present a report accompanied, if appropriate, by a legislative proposal.

ENTRY INTO FORCE: 21/07/2011.

TRANSPOSITION: 02/01/2013.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in respect of amendments to Annex II, detailed rules for complying with maximum concentration values, and the adaptation of Annexes III and IV (exemptions) to technical and scientific progress. The power to adopt the delegated acts is conferred on the Commission for a period of 5 years from 21 July 2011. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it. The European Parliament or the Council may object to a delegated act within a period of 2 months from the date of notification (which period may be extended for 2 months.) If the European Parliament or the Council objects to the delegated act, it shall not enter into force.