

Re-attribution of scientific and technical tasks to the European Chemicals Agency

2023/0454(COD) - 07/12/2023 - Legislative proposal

PURPOSE: to amend Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment ('RoHS Directive') with a view to reattributing certain scientific and technical tasks to the European Chemicals Agency.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Commission has, in its Communication 'European Green Deal', set an objective that chemical safety assessments should move towards a process of 'one-substance, one-assessment', calling for more transparent and simpler risk assessment processes in order to reduce the burden on all stakeholders, accelerate decision-making, as well as to increase consistency and predictability of scientific decisions and opinions.

To achieve that objective, part of the scientific and technical work on chemicals performed at Union level in support of Union legislation needs to be reattributed to the most suitable Union agencies. This would simplify the current set-up, improve quality and coherence of safety assessments across Union legislation, and ensure more efficient use of existing resources.

The reattribution of certain scientific and technical tasks to the European Chemicals Agency is necessary to align processes and levels of scientific scrutiny and digitalisation with current standards and processes of the European Chemicals Agency.

Directive 2011/65/EU of the European Parliament and of the Council contains two procedures related to the assessment of chemicals: the evaluation of economic operators' applications for granting, renewing or revoking an exemption from the substance restrictions pursuant to Article 5 of that Directive and the review of substances to be added to the list of restricted substances pursuant to Article 6 of that Directive. There is a need to increase transparency by setting detailed procedural steps for the process to review substances for a potential inclusion in the list of restricted substances.

To ensure that the restriction process referred to Article 6 in Directive 2011/65/EU is consistent with the restriction processes under other legislation related to chemicals, in particular with the substance restriction process laid down in Articles 69 to 73 of Regulation (EC) No 1907/2006, it is necessary to amend Directive 2011/65/EU to formally task the European Chemicals Agency with a role in the restriction process.

CONTENT: this proposed regulation aims at **amending Articles 5 and 6 of Directive 2011/65/EU** on the restriction of the use of certain hazardous substances in electrical and electronic equipment. The amendments allocate a role and specific tasks to ECHA and its scientific committees in the processes for substance restrictions and assessing exemption requests corresponding to the restrictions.