



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate C - Industry  
ENV.C.2 – Waste management

Brussels, 6 March 2013  
HCE/chb env.c.2(2013) 328299

**MEMBER STATES' EXPERT GROUP ESTABLISHED UNDER 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**

**CONSULTATION ON A FIRST SET OF NEW COMMISSION DELEGATED ACTS AMENDING, FOR THE PURPOSES OF ADAPTING TO TECHNICAL PROGRESS, ANNEXES III AND IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS EXEMPTIONS FROM THE SUBSTANCE RESTRICTIONS**

**Summary Record of the Meeting of 8 February 2013**

**Chair:** European Commission, DG Environment

**Present:**

|                       |   |
|-----------------------|---|
| <b>Bulgaria</b>       | Ministry of Environment and Water                             |
| <b>Czech Republic</b> | Ministry of Industry  |
| <b>Finland</b>        | Safety and Chemicals Agency                                   |
| <b>Germany</b>        | Ministry of Environment                                       |
| <b>Ireland</b>        | Department of the Environment, Community & Local Government   |
| <b>Italy</b>          | Ministry of Environment                                       |
| <b>Latvia</b>         | Ministry of Environmental Protection and Regional Development |
| <b>Lithuania</b>      | Ministry of Economy   |
| <b>Romania</b>        | Ministry of Environment and Forests                           |
| <b>Croatia</b>        | Ministry of Environment and Nature Protection                 |

**Consultants:** Öko-Institut

**1. ADOPTION OF THE AGENDA**

This was the second meeting of the expert group for RoHS delegated acts (established in 2012). The meeting had been scheduled in order to discuss the technical aspects (scientific justification and technical content of Commission proposals) of a set of future exemptions; the procedural aspects of delegated acts under RoHS had already been discussed in greater detail at the May 2012 meeting.

The consultants were invited to give their presentation. The participants were invited to ask ad hoc questions.

## **2. STATUS OF ALREADY EVALUATED APPLICATIONS FOR NEW EXEMPTIONS FROM THE RoHS 2 SUBSTANCE RESTRICTIONS (PRESENTATION BY CONSULTANTS)**

See under agenda point 4 below.

## **3. FIRST SET OF RECOMMENDATIONS FOR NEW EXEMPTIONS (PRESENTATION BY CONSULTANTS AND DISCUSSION)**

See under agenda point 4 below.

## **4. ONGOING EVALUATION ACTIVITIES (PRESENTATION BY CONSULTANTS)**

The presentation covered points 2 to 4 of the agenda, i.e. all those RoHS 2 exemption requests that have been evaluated recently and those that are currently under evaluation. The positive recommendations which require a legal follow-up were dealt with in greater detail.

The consultants' findings justify 16 new exemptions, i.e. individual additions to Annexes III and IV of the RoHS 2 Directive, via individual delegated acts. Most of the exemptions are for lead and will cover applications exempted in Annex IV (for medical devices and monitoring and control instruments).

In view of earlier discussions on the first two Annex III amendments (adopted Dec 2012) and in order to reduce administrative burdens, the Commission will try to clarify whether Delegated *Decisions* might be a legally viable alternative to Delegated Directives this time.

## **5. FUTURE WORKING GROUP ACTIVITIES (DISCUSSION)**

Although no fundamental objections were raised, due to the complexity of the technical aspects, it was agreed that the Member States' experts will be given the opportunity to comment on the presentation and the Commission's plans in writing.

As there were a few minor points where participants asked for clarifications, the consultants were asked to revise their presentation accordingly. The revised version, including a three page table (pages 5 to 7) with the final recommendations, will be forwarded to the working group for comments within a two-week deadline. The Commission will table its legal proposals as soon as possible afterwards, taking into account written comments from the expert group.

The Commission's consultants are currently already evaluating a new series of applications. The next expert group meetings are scheduled for 7 June and 31 October 2013.