

IMAT is grateful for the opportunity to provide comments in this Call for Evidence.

We are of the opinion, that the RoHS Directive has successfully initiated and maintained the phase out of certain hazardous substances from electrical and electronic equipment (EEE) in order to facilitate better recycling and contribute to a circular economy whilst protecting the environment and human health. We consider it as very important that applications are and can be exempted, where substitution is scientifically or technically impracticable or where a substitution might create negative impact on the reliability, the environment or consumer health and safety.

The simple structure and easy to understand provisions have also convinced other countries and regions to adapt this legislation in a very similar way. This has big advantages from a global perspective for producers and their supply chains. Therefore, we propose to keep the main principles of this legislation but improve it where necessary.

Following the proposals listed in the “Call for Evidence” IMAT is in favour of this option:

Simplify and clarify the RoHS Directive by introducing and revising legislative ('hard') measures and soft (e.g. FAQ update) measures

IMAT agrees with the findings and problems the legislative initiative aims to tackle, e.g.

1. Provisions and procedures on granting/renewing/revoking Annex III/IV exemptions

The exemptions in Annex III and IV have become overly complex without leading to substantial improvements. Splitting and detailing of exemptions mainly lead to bureaucratic burden and legal uncertainty making market surveillance increasingly difficult.

The processes to grant or renew exemptions take way too long. We have the impression that lack of transparency and technical expertise per respective field must be overcome and we are willing to support where needed with our yearlong knowledge.

Exemptions can play an important role for innovation, not only when substances are substituted, but also for desirable new applications which may need new exemptions. Therefore, the exemption process shall not hamper new materials if the use is justified according to Article 5 of the Directive. Some exemptions have turned out to be required for nearly every EEE. A different approach might be required e.g. for exemptions 6 and 7 of Annex III.

2. The process of reviewing the list of restricted substances

IMAT recommends the improved and extended use of data already collected (one substance one assessment) and made available e.g. on the websites of the European Chemical Agency (ECHA). A clear focus should lay on substances having a negative impact on recycling and circular economy. Substitution of substances to be included in Annex II must be technically widely possible and not hamper innovation and reliability. The amount of substances to be included shall be substantial to justify the efforts of replacement and ongoing conformity assessments.

Nevertheless, IMAT does not see a need to transfer processes for changing Annexes II-IV to ECHA.

3. Maintain the “Repair as produced” principle

It is important to be able to repair products with a long service life after subsequent changes to the exemptions and substance restrictions under RoHS.

4. IMAT would support an update of supporting documents, especially the FAQ, e.g examples for exclusions.

In summary IMAT recommends keeping the RoHS Directive as legislation with a clear focus on EEE. The transformation from a Directive to a Regulation might be beneficial. The revision should consider the benefits of global harmonisation.

Regarding the other listed policy options: IMAT is not supportive of these options:

- *Maintain the RoHS Directive as it stands and introduce certain non-legislative (‘soft’) measures, such as an update of the RoHS FAQ document. [...]*
- *Repeal the RoHS Directive and incorporate its provisions into the REACH Regulation.*
- *Repeal the RoHS Directive and address product requirements related to the environmentally sound recovery and disposal of electrical and electronic waste under sustainable products legislation (in the context of the Sustainable Products Initiative revising the Ecodesign Directive).*

Irrespective of the changes to be introduced it is of key importance to follow the rules as intended in the Directive without unjustified interpretations.

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