

Ms Catherine Day
Director-General for the Environment
Environment Directorate-General
European Commission
B-1049 Brussels

Re: Directive 2002/95/EC (ROHS) - Exemptions to Article 4(1)

Urgent need for:

- **Clear timeline of decision-making on ROHS exemption requests**
- **Transition period for pending exemption requests to allow for consistent compliance and effective market surveillance**

Brussels, 23 June 2005

Dear Ms Day,

Member companies of the JBCE have been allocating much time and significant effort to prepare for compliance with the ROHS Directive. They are committed to putting into operation tough and effective programmes to achieve compliance. Such commitment and actions relate directly to long-term business planning and investment decisions.

Currently, however, JBCE member companies are facing a high degree of uncertainty mainly with regard to the timeline of decision-making on the exemptions to the ROHS Directive. Crucially, it is certainty and clarity that is needed to make sure consistent ROHS compliance is achieved in the electrical and electronic industry and the supply chain.

1) 'First Stakeholder Consultation' Exemption Requests

The '1st stakeholder consultation' exemption requests were voted on by the TAC on 10 December 2004 and re-voted on by the TAC on 16 March 2005. JBCE is aware of the fact that the Commission has been re-examining the related draft decision in order to reply to the European Parliament as a result of the EP Resolution dated 12 April 2005. The fact is, however, that no decision has been published in the Official Journal of the European Union to date.

This means that only 1 year before the ROHS compliance date (1 July 2006) the electrical and electronic industry and the supply chain remain being caught in a situation of confusion with regard to ensuring effective compliance and the continuation of existing product lines.

As a matter of urgency JBCE therefore requests the Commission to publicly and officially communicate the expected timeframe for publishing the decision on the '1st stakeholder consultation' exemptions in the Official Journal of the European Union.

2) 'Second Stakeholder Consultation' Exemption Requests

The consultation on the '2nd round' exemption requests ended on 11 February 2005. The fact that the process of studying and deciding upon the granting of these exemption requests has not started to date will equally have -indeed does have already- severe consequences for JBCE member companies.

Recent information from the Commission indicates that a consultant, which has not yet been decided upon, would be able to present its study on the '2nd stakeholder consultation' exemption requests and related recommendations at the end of 2005/beginning of 2006 at the earliest.

In line with EU procedural rules a decision on the exemption requests, including its official publication in the Official Journal of the European Union, would probably not be made before spring 2006. This would be only a small number of months before the ROHS compliance date (1 July 2006). As a matter of fact, there are customers of JBCE member companies that expect ROHS compliance up to 6 months prior to 1 July 2006.

JBCE therefore urgently asks the Commission to publicly and officially communicate the expected timeframe for studying and deciding upon the '2nd stakeholder consultation' exemption requests, including the eventual publication of the decision in the Official Journal of the European Union.

3) Transition Period for Pending Exemption Requests

The fundamental consequences for JBCE member companies resulting from the scenario/situation described under point 2 ('2nd stakeholder consultation' exemption requests) include not only the inability to plan and prepare for future product launches with any certainty, but also the strong likelihood that current product lines cannot be continued. Furthermore, there is the great risk of having to postpone crucial investment decisions for an indefinite period.

JBCE considers the only possible way forward to apply an interim solution in the form of officially granting a transition period (also referred to as 'grace' period) for critical applications. A transition period would enable companies to make an accurate and risk-free transition to ROHS compliance. Potential alternative applications that are in the process of being or have already been identified could

be further researched and their reliability appropriately tested and ensured. Such an interim solution would also result in more efficient and effective market surveillance by Member States.

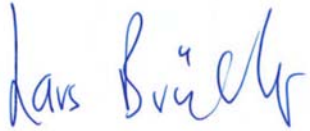
JBCE consequently urges the Commission to seriously consider officially granting a transition period for pending exemption requests.

JBCE would be pleased to provide you with additional information and clarification if this did prove helpful or necessary.

Yours sincerely,



Mikio Yotsu
President
Japan Business Council in Europe (JBCE)



Lars Brückner
Chairman Environment Committee
Japan Business Council in Europe (JBCE)

CC.:

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- Mr Timo Makela (Director, Directorate G)
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