

3 November 2009

JOINT STATEMENT ON THE GLOBAL SIGNIFICANCE AND IMPORTANCE OF THE ROHS DIRECTIVE

Some interests are of the opinion that all sectoral pieces of EU chemical legislation should disappear into REACH following the completion of its revision in mid-2012. Due to the extra-EU dimension of Directive 2002/95/EC on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS), the impact on our global industry and its supply chain, together with the apparent inability of REACH to accommodate RoHS, the ICT, consumer electronics and hi-tech industries strongly urge EU regulators to keep in mind the following, in addition to purely substance-related considerations.

One of the characteristics of our global industry is its complex worldwide supply chain. RoHS has been in place for a number of years and we have gained extensive experience in both complying with the law and helping Member States to enforce the rules within the European Union.

At the same time, we have witnessed RoHS proliferate out of the EU. Laws based on RoHS have been or are currently being introduced in some 15+ jurisdictions outside the European Economic Area. Examples include Turkey, China, Korea, California, India, Australia, the most recent being Argentina and Brazil. These countries represent significant markets. These extra-EU laws are similar to EU RoHS but sometimes they are different. Since there is no international body such as the UN to achieve a global level playing field on RoHS, it is often left to industry to achieve global consistency, harmonisation and legal certainty wherever possible.

There is no question that RoHS set the benchmark. Our industry continues to support the goals and objectives of the Directive. The 'recast' of the Directive offers a good opportunity to make the rules easier to comply with and to enforce, for example, the exemptions review mechanism. While the decision-making procedures under the existing Directive might not be the most efficient, we are familiar with the technical adaptation process that has provided industry with a certain degree of certainty.

Our industry welcomed the Commission proposal that sought to review substances for possible inclusion in RoHS based on the methodology and scientific risk procedures under the REACH Regulation. REACH is important, plays its own role and should be used when assessing additional substances. However, there is much less experience working with REACH in practice and REACH has not been introduced in any other jurisdiction outside the EEA. Despite REACH still being in its infancy, its revision will start next year. In addition, RoHS recast will be based on the New Legislative Framework (NLF), where the Declaration of Conformity (DoC) declares conformity with harmonized standards and the CE mark is showing conformity to consumers. The REACH Regulation does not follow the principles of New Approach. (A final observation is that REACH is supposed to cover the life cycle but it remains unclear as to how REACH deals with waste.

Thank you for your attention on this important matter.

ABOUT DIGITALEUROPE

DIGITALEUROPE, the organisation formerly known as EICTA, is the voice of the European digital technology industry, which includes large and small companies in the Information and Communications Technology and Consumer Electronics Industry sectors. It is composed of 62 major multinational companies and 42 national associations from 29 European countries. In all, DIGITALEUROPE represents more than 10,000 companies all over Europe with more than 2 million employees and over EUR 1,000 billion in revenues.

ABOUT EECA-ESIA

The Mission of the European Semiconductor Industry Association (EECA-ESIA) is to represent, promote and defend the vital interests of the European-based semiconductor industry and to ensure its competitiveness in the global market. The semiconductor industry provides the key enabling technologies at the forefront of the development of the Information Society. In Europe, the sector supports over 115,000 direct jobs and up to 500,000 induced jobs. With membership covering companies, national sector associations and research institutes, ESIA is the voice of the semiconductor industry in Europe.

ABOUT JBCE

The Japan Business Council in Europe was established in 1999 as the representative organisation of Japanese companies operating in the European Union. Our membership consists of more than 60 leading multinational corporations that are active across a wide range of sectors, including electronics, automotive, and chemical manufacturing.

The key goal of JBCE is to contribute to EU public policy in a positive and constructive way. In doing this, we can draw upon the expertise and experience of our member companies.

ABOUT TECHAMERICA EUROPE

TechAmerica Europe (formerly AeA Europe) represents leading European high-tech operations with US parentage. Collectively we invest Euro 100 bn in Europe and employ approximately 500,000 Europeans. TechAmerica Europe Member companies are active throughout the high-technology spectrum, from software, semiconductors and computers to Internet technology, advanced electronics and telecommunications systems and services. Our parent company, the TechAmerica (formerly AeA and ITAA), is the oldest and largest high-tech association in the US.