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ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Regulatory Policy  
Standardisation

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***COMMITTEE ON STANDARDS AND TECHNICAL REGULATIONS***

***(98/34 COMMITTEE)***

***Aspect:***

<b>Rules on “Information Society Services”</b>	<input type="checkbox"/>
<b>Technical Regulations</b>	<input type="checkbox"/>
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**Document title:**

**Draft mandate to CEN, CENELEC and ETSI in the field of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS recast Directive 2011/65/EU)**

**Document for:**

**Information  Discussion  Consultation**

**Status of document:**

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**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL  
ENVIRONMENT

Directorate C - Sustainable Resource Management, Industry and Air  
**ENV.C.2 - Waste Management**

**Brussels, ..... 2011**  
**M/.....EN**

**DRAFT MANDATE TO CEN, CENELEC AND ETSI IN THE FIELD OF THE RESTRICTION OF  
THE USE OF CERTAIN HAZARDOUS SUBSTANCES IN ELECTRICAL AND ELECTRONIC  
EQUIPMENT (ROHS RECAST DIRECTIVE 2011/65/EU)**

**1. TITLE**

Assessment of electrical and electronic products with respect to the conformity with the requirements under the RoHS Directive on the restriction of hazardous substances.

**2. PURPOSE**

To develop a standard providing guidance on the assessment of conformity of electrical and electronic products with the requirements of the RoHS (recast) Directive 2011/65/EU,<sup>1</sup> in view of their CE-marking under that Directive.

**3. RATIONALE**

The regulatory framework governing the Restriction of Hazardous Substances in electrical and electronic products is the

- (1) Directive 2011/65/EU on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS recast Directive).

The purpose of the RoHS Directive is to achieve the chosen level of protection of human and animal health and the environment. The substances covered by the Directive are scientifically well researched and evaluated and have been subject to different measures both at Union and at national level. Restricting the use of those hazardous substances is likely to enhance the possibilities and economic profitability of recycling of WEEE and decrease the negative health impact on workers in recycling plants.

The RoHS Directive does not make reference to a specific European Harmonised Standard. However, such Harmonised Standards are needed to easily provide "presumption of conformity". Article 16 (2) of the new RoHS Directive stipulates that "materials, components and EEE on which tests and measurements demonstrating compliance with the requirements of Article 4 have been performed, or which have been assessed, in accordance with harmonised standards, the references of which have been published in the Official

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<sup>1</sup> OJ L 174/88, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:174:0088:0110:EN:PDF>.

Journal of the European Union, shall be presumed to comply with the requirements of this Directive."

#### **4. DESCRIPTION OF THE MANDATED WORK**

The Commission requests the European Standardisation Bodies to review the existing standards and if necessary to prepare a new standard or a set of new standards in order to meet the purpose of this mandate.

Account should be taken of the need to meet the limits specified in the RoHS Directive at "homogenous material" level. Therefore, testing the final product may not be sufficient, relevant or even possible. The evaluation process shall thus consider other types of evidence. Examples of documents to be used alone or in combination to demonstrate compliance are:

- Analytical test results;
- Material declarations;
- Contractual agreements between a manufacturer and their suppliers.

Such documents may be collected at various steps in the supply chain and be ideally based on European or International standards. Risk assessment may be required to determine the level of trust in documents provided by different actors.

Since the Directive applies to all manufacturers, regardless their size and market segment, it should be possible to meet the requirement of the mandated standard(s) with minimal administrative burden.

#### **5. PROPOSED SCHEDULE**

2 months after acceptance	Time schedule for the execution of the mandate
6 months after acceptance	Presentation of the work program to be developed (if more than one new standard is needed to fulfil the mandate)
12 months after acceptance	Adoption of the first standard for listing in the Official Journal of the European Union

#### **6. ALIGNMENT WITH OTHER INTERNATIONAL WORK**

Where appropriate, alignment with equivalent activities in the ITU and in ISO/IEC should be ensured. Due account should be taken of regulations and draft regulations adopted in other economies so as to ensure a global market for equipment. The ESOs will further ensure a due involvement of all stakeholders (consumers, manufacturers).

#### **7. STANDSTILL**

Acceptance of this mandate by the responsible standardisation organisation starts the standstill period referred to in Article 7 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998.

## **8. PUBLICATION IN THE OFFICIAL JOURNAL**

The titles of the standards developed shall be forwarded to the Commission in the official languages of the European Union.

## **9. BODIES TO BE ASSOCIATED**

As appropriate, CEN, CENELEC and ETSI will invite the industry representatives, such as ORGALIME, DIGITALEUROPE and CECED, as well as the representative organisations of consumers' interests (ANEC), environmental protection (ECOS), workers (ETUI) and small and medium-size enterprises (NORMAPME) to take part in the standardisation work.

CEN, CENELEC and ETSI are also requested to consult with the European Commission Directorate-General Joint Research Centre in order to explore if the Commission's research institutes dispose of specific competence to support the standardisation work.