





Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Awaiting committee decision
Restriction of the use of certain hazardous substances in electrical and electronic equipment: re-attribution of scientific and technical tasks to the European Chemicals Agency	
Amending Directive 2011/65 2008/0240(COD)	
Subject 3.40.06 Electronics, electrotechnical industries, ICT, robotics 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 8.40.08 Agencies and bodies of the EU	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety		15/03/2024
		 SPYRAKI Maria	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union European Commission	 Budgets		13/12/2023
		 VAN OVERTVELDT Johan	
	Commission DG	Commissioner	
	Environment	SINKEVIČIUS Virginijus	
European Economic and Social Committee			

Key events			
07/12/2023	Legislative proposal published	COM(2023)0781	Summary
29/02/2024	Committee referral announced in Parliament, 1st reading		

Technical information	
Procedure reference	2023/0454(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

Legislative instrument	Directive
	Amending Directive 2011/65 2008/0240(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting committee decision
Committee dossier	ENVI/9/13836

Documentation gateway					
Legislative proposal		COM(2023)0781	07/12/2023	EC	Summary
Document attached to the procedure		SWD(2023)0850	07/12/2023	EC	
Specific opinion	BUDG	PE759.822	05/03/2024	EP	
Economic and Social Committee: opinion, report		CES5710/2023	20/03/2024	ESC	

Restriction of the use of certain hazardous substances in electrical and electronic equipment: re-attribution of scientific and technical tasks to the European Chemicals Agency

PURPOSE: to amend Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive) with a view to reattributing certain scientific and technical tasks to the European Chemicals Agency.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Commission has, in its Communication European Green Deal, set an objective that chemical safety assessments should move towards a process of one-substance, one-assessment, calling for more transparent and simpler risk assessment processes in order to reduce the burden on all stakeholders, accelerate decision-making, as well as to increase consistency and predictability of scientific decisions and opinions.

To achieve that objective, part of the scientific and technical work on chemicals performed at Union level in support of Union legislation needs to be reattributed to the most suitable Union agencies. This would simplify the current set-up, improve quality and coherence of safety assessments across Union legislation, and ensure more efficient use of existing resources.

The reattribution of certain scientific and technical tasks to the European Chemicals Agency is necessary to align processes and levels of scientific scrutiny and digitalisation with current standards and processes of the European Chemicals Agency.

Directive 2011/65/EU of the European Parliament and of the Council contains two procedures related to the assessment of chemicals: the evaluation of economic operators applications for granting, renewing or revoking an exemption from the substance restrictions pursuant to Article 5 of that Directive and the review of substances to be added to the list of restricted substances pursuant to Article 6 of that Directive. There is a need to increase transparency by setting detailed procedural steps for the process to review substances for a potential inclusion in the list of restricted substances.

To ensure that the restriction process referred to Article 6 in Directive 2011/65/EU is consistent with the restriction processes under other legislation related to chemicals, in particular with the substance restriction process laid down in Articles 69 to 73 of Regulation (EC) No 1907/2006, it is necessary to amend Directive 2011/65/EU to formally task the European Chemicals Agency with a role in the restriction process.

CONTENT: this proposed regulation aims at amending Articles 5 and 6 of Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment. The amendments allocate a role and specific tasks to ECHA and its scientific committees in the processes for substance restrictions and assessing exemption requests corresponding to the restrictions.