

## **UNOFFICIAL NOTE OF TECHNICAL ADAPTATION COMMITTEE (TAC) MEETING**

**Brussels – 23 June 2003**

**Summary:** - A TAC Sub-group will meet in July to take discussions on scope forward. A Member States' Workshop on key implementation issues will be hosted by the UK in October. DG Environment to commission technical study on the RoHS exemptions. Proposed Decision on RoHS Maximum Concentration Values tabled. Discussions on definition of "Put on the Market" taken forward.

### **WEEE & RoHS – Criteria for determining scope**

1. The TAC discussed a paper outlining the criteria for determining the final scope of the WEEE and RoHS Directives, which had been tabled by the UK. The Commission reminded Member States that the legal base of the RoHS Directive (Article 95) meant that the scope for that Directive must be the same in all countries. Member States were, of course, able to extend the scope of the WEEE Directive as this was based on Article 175.
2. There was general agreement that the development of criteria or generic guidelines was preferable and more pragmatic than the development of an exhaustive and definitive list of products. Even then, there would be a need to review the criteria on a regular basis. The Commission suggested that a smaller Working Group of TAC members might take this forward. The initial meeting of this Group would be held in Brussels in July.

### **WEEE & RoHS – Key implementation issues**

3. The definition of producer, retailer take-back, inter EU trade, recycling targets, RoHS conformance testing methods and the issue of WEEE consumables were discussed.
4. The Commission said that its role in the TAC was to facilitate agreement on these key issues, but it was for Member States to agree a way forward. It suggested that Member States might consider holding a Workshop in the Autumn to exchange information and take discussions forward on an informal basis. The UK offered to host such a Workshop (with Commission help) in October.

### **RoHS – Exemptions**

5. The Annex of the RoHS Directive contains a number of exemptions that the TAC will need to review as a matter of priority. The Commission had also received a number of requests from Member States for additional exemptions.

6. The Commission had decided to issue a short contract to technical consultants to take this review forward. A draft invitation to tender was circulated to the meeting and TAC members were asked to submit comments on the text by the end of the month. It was hoped that a final report would be available in the early Autumn.

### **RoHS – Establishment of the Maximum Concentration Values**

7. The Commission had tabled a draft Decision, which would establish the final values for the six restricted substances. Some Member States had alternative wording for this Decision and it was agreed that all options would be assessed by the Legal Services in each Member State. Comments to be submitted to the Commission for final evaluation within the following three weeks. There was a general consensus that 0.01% for cadmium and 0.1% for the other substances would be appropriate. The UK raised the issue of conformity testing.

### **WEEE – Data formats**

8. One Member State presented proposals for the ways in which data might be presented. These proposals were discussed and there was an exchange of views about the definitions of products that might be employed. Member States agreed to submit comments on the proposals to the TAC member that had presented them.

### **WEEE – Marking Symbol and Mandate**

9. The Commission announced that the draft Mandate would be formally submitted to CEN/CENELEC on 1 July. Problems about the size of the symbol and circumstances when it might be more appropriate to be placed on the packaging rather than the product itself were discussed. The analogy with the requirements related to the marking of consumer batteries were raised.

### **RoHS – ‘Put on the market’**

10. The Commission had now received an initial view from its Legal Services about the use and meaning of this term, which was that ‘put on the market’ was that this occurred at the point of the final transaction during which a product left the manufacturer and was passed to the distributor. The Commission stressed, however, that it was for TAC members to agree the final definition. Some Member States including the UK felt that the definition should be when the goods left the factory gate or when they entered the Single Market area for the first time- broadly in line with this opinion. Others had different views and could foresee problems with inter-EU state trade. The Commission agreed to take these views back to their Legal Services for further consideration.

## **RoHS – Spare Parts**

11. A Commission information note had been prepared and was discussed. Although the derogation in Article 2.3 appeared to be straightforward, the issue of spare parts for machinery or products placed on the market after 1 July 2006 was discussed. If spare parts containing any of the six restricted substances could only be used on products placed on the market on or before 30 June 2006, this might be seen as a disincentive to reuse and refurbishment. The Commission agreed to consider the issue further. Nevertheless, there was a clear consensus that the derogation was for the manufacture of spares for products placed on the market before July 2006.

## **AOB**

12. The UK expressed a more general concern about refurbishment. Many small companies were now refurbishing and reselling IT products (and the example might be found in other sectors) that consisted of components manufactured by the large OEMs. It was important that this was encouraged. However these were essentially resold as new product but a problem would arise when they reached their end of useful life and became waste. Who would be the producer (and consequently bear the financial obligations of recycling) in these circumstances? The UK pointed out that some OEMs might believe it to be unreasonable for the OEM to be held responsible when its original product had been refurbished and marketed in this way. The Commission noted this problem.

## **Next Meeting**

13. Depending on progress within the Working Group mentioned above, it was likely that another TAC meeting would not be held until late September or early October.

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