



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.6.2002
COM(2002) 354 final

2000/0159 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**on the restriction on the use of certain hazardous substances in electrical and electronic
equipment**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. BACKGROUND

The proposal for a European Parliament and Council Directive on the restriction on the use of certain hazardous substances in electrical and electronic equipment (COM (2000) 347 final) was adopted by the Commission on 13 June 2000 and published in the Official Journal C 365E of 19 December 2000.

The Economic and Social Committee gave its Opinion on 29 November 2000.

The Committee of Regions gave its Opinion on 14 February 2001.

The European Parliament gave its Opinion (First Reading) on 15 May 2001.

The Commission adopted the amended proposal on 6 June 2001 (COM (2001)316 final)

The Council adopted its Common Position on 4 December 2001.

The European Parliament gave its Opinion (Second Reading) on 10 April 2002.

This opinion sets out the Commission's position on the European Parliament's amendments in accordance with Article 251 (2)(c) of the EC Treaty.

2. AIM OF COMMISSION PROPOSAL

The proposal establishes restrictions on the use of certain hazardous substances (heavy metals and brominated flame retardants) in electrical and electronic equipment. The restrictions will take effect in the year 2008. A technical Annex lists a number of derogations and may be modified by Committee procedure.

3. COMMISSION'S OPINION ON THE AMENDMENTS PROPOSED BY THE PARLIAMENT

3.1. Summary of the Commission's position

The European Parliament has adopted 9 amendments. 8 amendments can be accepted by the Commission in full (Amendments 2, 3, 4, 5, 7, 9, 10 and 17) and 1 in principle (amendment 8).

3.2. Parliament's amendments on second reading

3.2.1. Amendments accepted

The Commission agrees on amendment **2** introducing a new recital on spare parts for re-use and refurbishment and amendment **17** concerning recital 10 (adaptation of directive should take into account all scientific evidence). The Commission also agrees on amendment **3** excluding re-used equipment and components from the scope of the Directive, amendment **4** clarifying that a reseller should not be regarded as the producer if the name of the producer appears on the equipment, amendment **5** fixing the phase-out date for lead, mercury, cadmium, hexavalent chromium, PBBs and PBDEs to 1 January 2006, amendment **7** excluding repaired equipment and spare parts from the application of the substance bans, amendment **9** on taking into account possible design changes in the further evaluation of the annex and providing an account of received information and amendment **10** stating that the list of substances covered by the directive should be reviewed with particular attention to the impact on the environment and on human health of other hazardous substances and materials.

3.2.2. Amendments accepted in principle

The Commission agrees in principle on amendment **8**. However, it is important to clarify that any decision on the prohibition of other substances can only be made on the basis of a Commission proposal and in accordance with the principles set out in the Chemicals Strategy. Therefore, the Commission can agree to the amendment subject to the following rewording: *“On the basis of a proposal from the Commission, the EP and the Council shall decide, as soon as scientific evidence is available, and in accordance with the principles set out in the Chemicals Strategy, on the prohibition of other hazardous substances and the substitution thereof by more environment-friendly alternatives which ensure at least the same level of protection for consumers.”*

4. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.