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Deutsche Sozialversicherung
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Feedback from German Social Insurance dated 20 March 2024

European Commission proposal for a Directive amending
Directive 2011/65/EU as regards the re-attribution of
scientific and technical tasks to the European Chemicals
Agency

I. Preliminary remarks

The German Social Insurance (DSV) welcomes and supports the aim of the present proposal for a directive, with the transfer of the assessment of hazardous substances in electrical and electronic equipment, to counteract the methodological and procedural differences in substance restrictions and authorisations between Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (Restriction of Hazardous Substances in Electrical and Electronic Equipment, RoHS Directive) and Regulation (EC) No. 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Regulation). By establishing quality-assured procedures, the proposal aims to rule out different evaluations and to offer greater transparency.

II. Opinion

In the DSV's view, if the European Chemicals Agency (ECHA) is given full responsibility, it is essential that the ECHA, which currently specialises in the evaluation of chemicals, is also able to carry out a quality-assured and independent assessment of actual and potential exposures during activities throughout the life cycle of electronic equipment, including disposal or recycling. This requires not only the expansion of ECHA's expertise in the field of electrical and electronic equipment, but in particular the involvement of other experts and specialists with expertise in various fields, so as to consistently ensure a professional assessment of the release of hazardous substances and exposure to hazardous substances throughout the entire life cycle.

Furthermore, it should be pointed out that the transitional period of 12 months from the entry into force of the directive amending the procedural provisions of Directive 2011/65/EU provided for in **Article 2** of the proposed Directive is, in the view of the DSV, too short to allow for an appropriate allocation of resources and tasks for ECHA.

This applies in particular to the work of ECHA's scientific committees, the Committee for Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC), as part of the restriction procedure. According to the **Article 6a(5)**, newly proposed for Directive 2011/65/EU, they would have to check the requirements under **Article 6(2)(3)** within 30 or 45 days. The same applies to the newly proposed **Article 6b**, which provides for the committees to carry out the newly assigned assessments on hazardous substances in electrical and electronic equipment within a very short time, namely within 12 or 15 months after publication of a restriction application. The DSV believes that this is too short of a period. Until the necessary expertise is in place at ECHA, RAC and SEAC should be given at least twice as much time for the assessment under **Articles 6a** and **6b**.

Finally, due to the lack of guidelines, it is unclear how applications for the granting, renewal or revocation of an exemption and for a restriction received during the transfer period will be taken into account. The DSV believes that the proposed Directive needs to be amended in this regard.

About us

The German Federal Pension Insurance (DRV Bund), the German Social Accident Insurance (DGUV), the National Association of Statutory Health Insurance Funds (GKV-Spitzenverband), the national associations for statutory health and long-term care insurance funds at the federal level and the Social Insurance for Agriculture, Forestry and Horticulture (SVLFG) have joined forces to form the "German Social Insurance - Working Group Europe" (Deutsche Sozialversicherung Arbeitsgemeinschaft Europa e. V.) with a view to their common European policy interests. The association represents the interests of its members vis-à-vis the bodies of the European Union (EU) as well as other European institutions and advises the relevant stakeholders in the context of current legislative projects and initiatives. As part of the statutory insurance system in Germany, health and long-term care insurance with 74 million insured persons, pension insurance with 57 million insured persons and accident insurance with more than 70 million insured persons in 5.2 million member companies offer effective protection against the consequences of major risks of life.