



22 March 2004

BSEF REQUESTS CLARIFICATION OF DECA-BDE STATUS IN THE ROHS DIRECTIVE

Following industry requests for guidance on the implementation of the EU Restriction of Hazardous Substances (RoHS) Directive, the DG Environment, on behalf of the European Commission services, issued in February a clear written interpretation that Deca-BDE is exempt from restrictions under the EU RoHS Directive pending its EU risk assessment.

Subsequent to a letter from 6 Members of the European Parliament, it is our recent understanding that the DG Environment¹ reported the opposite view at a Technical Adaptation Committee meeting of the RoHS Directive on 17 March, i.e. that, in their opinion, Deca-BDE is banned under the RoHS Directive but benefits from a potential exemption following the outcome of the current risk assessment.

There consequently appears to be confusion within the Commission regarding Deca-BDE's status in the RoHS. BSEF is seeking to clarify the Commission's position on this matter and will keep stakeholders informed accordingly.

BSEF requests that the Commission reconfirms Deca-BDE 's exemption status under the RoHS to avoid a potentially illogical situation where a product risks to be banned even though latest reports on its ongoing risk assessments indicate no need for risk reduction. This would ensure coherence between two separate EU regulatory processes so that a Directive cannot ignore the EU risk assessment procedure.

End Statement.

¹ For further details on the latest Technical adaptation Committee of the RoHS Directive meeting of 17 March, please look at the UK DTI unofficial record of the meeting which were distributed last Friday and should soon be posted on their website: <http://www.dti.gov.uk/sustainability/>