



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate A - Communications, Governance, Production, Consumption and Waste

ENV.A - Director

Brussels, **25 FEB. 2004**
ENV/A/2/AP/cob D(2004) 220148

Mr Lawrie Mc Laren
Programme Director
BSEF Bromine Science and
Environmental Forum
Avenue de Cortenbergh, 118
B-1000 Brussels

Dear Lawrie,

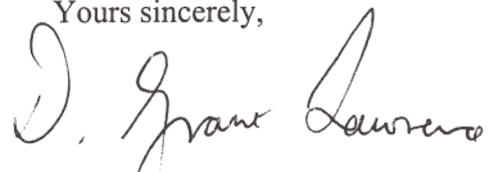
Thank you for your letter of 22 January concerning the RoHS directive.

These remarks reflect the views of the Commission services. A binding interpretation of Community law can only be given by the European Court of Justice.

On your specific questions:

1. The Annex to the RoHS directive lists the applications exempted from the requirements of Article 4(1). The Commission services are of the opinion that Deca-BDE is currently covered by the exemptions.
2. We are aware that Deca-BDE is currently being assessed under Regulation 793/93/EEC. The results of the risk assessment will be taken into account for the amendment of the Annex.
3. Should the results of the risk assessment show that there is no need for a restriction of Deca-BDE, there will be no need to amend the Annex of the RoHS directive. On the other hand, if the results show that a restriction is necessary, the Annex will be amended according to the comitology procedures.

Yours sincerely,



D. Grant LAWRENCE
Director