

January 27<sup>th</sup> 2010

Dear Sirs,

**RE: Business' concerns about the absence of an impact assessment on the proposed 'open scope' of the RoHS directive**

Our member companies are drawn from a broad cross-section of the European business community and are present in most Member States of the enlarged European Union. We are following with interest the current revision of the RoHS Directive, in particular the recent proposal to open up the scope of the RoHS Directive to all "EEE" (as defined in Article 3(a)), consumables and accessories rather than limit its scope by reference to the list of categories previously contained in Annex I.

We would like to raise our concern about the lack of any adequate consultation or impact assessment surrounding the move to an 'open scope'. With no impact assessment, aside from a limited study, this would be a dangerous precedent and a clear step back from the principles of better lawmaking espoused by the EU institutions.

In the 2003 Inter-Institutional Agreement on Better Lawmaking<sup>1</sup>, the European Commission, Parliament and Council expressly recognised the positive contribution of impact assessments in improving the quality of Community legislation.

Therefore, any wider amendment of the scope of RoHS is legally unjustified in the absence of a fully reasoned impact assessment based on a process of transparent consultation with interested parties. In light of this, we urge you to resist the proposal to move to an 'open scope', unless and until a proper impact assessment is carried out.

Yours sincerely,

Ivan Hodac, *Secretary General ACEA*

John Vassallo, *Chair AmCham EU*

Bridget Cosgrave, *Director General Digital Europe*

James Lovegrove, *Managing Director TechAmerica Europe*

Takuya Fukumoto, *Secretary General Japan Business Council in Europe*

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<sup>1</sup> Official Journal C 321, 31/12/2003, pages 1-5