

Brussels, 04 May 2018

Position paper on RoHS

On 09 February 2018, the European Commission (EC) announced that it had commissioned Oeko Institut to conduct another substance review project (Pack 15) under the RoHS Directive and that Beryllium and its compounds was included in the list of seven shortlisted substances to be initially evaluated. The Beryllium Science and Technology Association (BeST) objects to the inclusion of Beryllium and its compounds as a shortlisted substance and believes that Beryllium and its compounds should not be assessed for the following reasons:

- **Already assessed and should be removed from the priority list:** Beryllium and Beryllium Oxide, the only forms found in Electric and Electronic Equipment (EEE) covered by RoHS, have already been assessed three times during previous substance evaluations and have been determined not to satisfy the criteria to be regulated under RoHS. A procedure to remove substances that do not meet the criteria under RoHS from the priority list should be established to avoid reassessment on an indefinite basis;
- **Essential use of Beryllium in EEE:** Beryllium is mainly used in EEE as a crucial alloying element in copper (2% maximum beryllium) to enhance the strength of copper and maintain its high electric and thermal conductivity. There is no substitute with equivalent performance and, given Beryllium's economic importance, it has been classified a Critical Raw Material (CRM) to the EU;
- **No health risk to consumers and no environmental impact:** Beryllium, as contained in EEE, presents no increased health risk to the consumer of EEE products. Moreover, Beryllium is a natural element and does not present an environmental hazard. On the contrary, Beryllium has positive environmental impacts such as enhancing the functionality, increasing the product life and improving the sustainability of EEE;
- **Production and recycling processes effectively controlled under harmonized EU Occupational Exposure Limit (OEL):** The development of EU-wide, binding OEL under the Carcinogen and Mutagens Directive (CMD) will protect all workers exposed, including the recycling sector, where studies show exposure levels are well controlled and below levels of concern. Countries processing and recycling EEE outside the EU also have an OEL for beryllium. In addition, BeST has implemented an effective Product Stewardship Program to communicate best practices for the safe handling of beryllium (www.berylliumssafety.eu);
- **Negative impact on businesses:** The EC's unjustified inclusion of Beryllium as one of the substances shortlisted for assessment could potentially have a negative impact on the entire EEE industry, at EU and non-EU level. The RoHS Directive is duplicated in 14 different countries outside the EU including important countries such as China, Japan and South Korea; and,

Conclusion:

As previously determined by the Competent Authorities, Beryllium and its compounds did not satisfy the conditions to be regulated under RoHS and therefore the EC should cease and desist from any further evaluation of Beryllium and its compounds under RoHS. The EC should also remove Beryllium and its compounds from the list of priority substances.