

EGMF position paper

EGMF comments on the RoHS revision roadmap

14 March 2022

EGMF is the European federation representing major **garden, landscaping, forestry and turf equipment manufacturers**. Through its 30 European corporate members and 7 National Associations, EGMF represents about 18 million units placed on the European market every year, accounting for around 80% of garden machinery, and EGMF members employ over 120,000 people in the EU.

Several types of outdoor power equipment are impacted by the Directive 2011/65/EU, the so-called RoHS 2 Directive. Therefore, we welcome the opportunity to comment on the RoHS revision inception impact assessment roadmap.

This paper aims to share our key observations and asks regarding the revision of the RoHS Directive:

- The Directive has been effective, has prevented the multiplication of legislation restricting use of hazardous substances at national level and possible inconsistencies and has played a positive role at international level.
- However, the Directive still needs to be improved, especially the lengthy and inefficient process to renew exemptions, resulting in uncertainties for manufacturers.
- **As regards the RoHS revision roadmap, EGMF supports a combination of options 2 and 3, namely ‘Simplify and clarify the RoHS Directive by introducing and revising legislative measures’ and ‘Transform the RoHS Directive into a regulation’. However, we oppose to options 4 and 5 that aim to repeal the RoHS Directive and incorporate its provisions into the REACH Regulation and/or the upcoming Sustainable Products Initiative.**

1. The RoHS Directive has played a positive role

First, EGMF believes that the RoHS Directive has been effective: it contributed to reduce the use of hazardous substances, had a positive impact on the environment and human health, and contributed to the free circulation of goods on the single market. The RoHS Directive is generally efficient, and obligations are clear for economic actors.

The Directive also prevented the multiplication of legislation restricting use of hazardous substances at national level and possible inconsistencies. However, there are no harmonized enforcement activities throughout the EU Member States.

Furthermore, the Directive has played a positive role at international level since it has been used as an example in other regions of the world. We encourage the European Commission to continue working on further harmonisation at global level.



2. Remaining issues

In its previous contributions on the evaluation of the RoHS Directive, EGMF pointed out a series of issues to be addressed, and especially the lengthy and inefficient process to renew exemptions, resulting in uncertainties and unpredictability for manufacturers. EGMF reiterates its support to concrete solutions proposed by the Umbrella project (cross industry platform), which we co-signed the position paper.

As regards the coherence, we underline gaps and overlaps with the REACH regulation, End-of-Life Vehicles (ELV) and batteries directives, and exhaust emission regulation. Of particular relevance for our industry, the Exhaust Emission Regulation (2016/1628), WEEE and RoHS Directive refer to the concept of “non-road mobile machinery” (NRMM) but defined it differently. A uniform definition of this concept will improve coherence and implementation of the EU legislative framework.

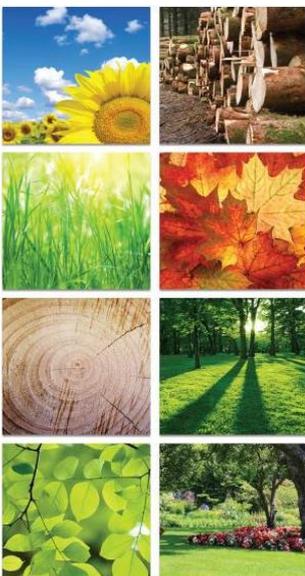
Moreover, the RoHS Directive has increased costs for manufacturers (Declaration of conformity, substitution of substances, redesign of equipment, exemptions, supply chain information...); however, to a limited extend.

As regards recycling materials, nearly 50% of the aluminium comes from recycling. The use of recycled materials should be encouraged to reduce materials going to landfill. However, the RoHS Directive still discourages manufacturers from selecting recycled materials because the origin and possible contamination with restricted substances is likely to change from batch to batch and so manufacturers cannot take the risk so prefer to stick with virgin materials only.

3. Analysis of the policy options identified in the roadmap

Consequently, for all the reasons set out above, EGMF supports a combination of option 2 (‘Simplify and clarify the RoHS Directive by introducing and revising legislative (‘hard’) measures and soft measures’) and option 3 (‘Transform the RoHS Directive into a regulation’). It would ensure harmonisation and coherence, and it would help addressing the issues identified above.

However, we oppose to options 4 (‘Repeal the RoHS Directive and incorporate its provisions into the REACH Regulation’) and 5 (‘Repeal the RoHS Directive and address product requirements under sustainable products legislation’). These options would lead to legal uncertainty for our industries.



For further information, please contact: EGMF Secretariat, secretariat@egmf.org

The European Garden Machinery Industry Federation – EGMF – has been the voice of the entire garden machinery industry in Europe since 1977. With 30 European corporate members and 7 National Associations representing manufacturers of garden, landscaping, forestry and turf maintenance equipment, we are the most powerful network in this sector in Europe.

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