



Position Paper

on the recast of the RoHS Directive (COM(2008) 809 final)

Brussels, 8th February 2010 – The European renewable energy industry takes this opportunity to raise its serious concerns about a possible expansion of the scope of the RoHS Directive (Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment) to all electrical and electronic equipment (“EEE”) without distinction, as proposed by a number of Member States in the Council of Ministers and the European Parliament Environment Committee’s Rapporteur Jill Evans (UK, Greens).

I. Impacts of extending the scope

The European renewable energy industry considers that including renewable energy technologies within the scope of RoHS would be counter-productive to achieving the EU’s environmental, energy security and competitiveness objectives, namely:

- **Reducing GHG emissions by 20% by 2020**, as renewable energy is key to decarbonising the power sector;
- **Improving Europe’s energy security**, as exploiting Europe’s domestic renewable energy resources is the most effective way for the EU to achieve energy security;
- **Enhancing the EU’s competitiveness**, as deploying renewable energy technologies will deliver affordable energy and maintaining EU leadership in renewable energy technologies will bring in increasingly large export revenues.

II. Importance of regulatory stability

Regulatory stability is vital for Europe’s dynamic renewable energy sector. Inclusion in the scope of RoHS would undermine the EU’s so far successful strategy in promoting renewable energy, most notably the 20% renewable energy target contained in the 2009 Renewable Energy Directive.

III. Environmental issues

The environmental impacts of using renewable energy sources are insignificant when compared to the environmental impacts of non-renewable energy sources.

Waste from renewable energy technologies does not burden the European waste stream. The renewable energy industry sector has developed robust and reliable cradle to cradle strategies and relies on a growing number of recovery and recycling schemes to recover and re-use valuable materials in its production cycles.

The sector is a young and growing industry which strives to reach competitiveness; resources allocated for the compliance under RoHS will not be allocated elsewhere, to the detriment of technological and R&D investments. Sustainability is a key research topic for the sector, particularly under the SET Plan (Strategic Energy Technology Plan).

Should it be decided to extend the scope of the RoHS Directive to all EEE, renewable energy technologies should be clearly excluded from the scope of RoHS, under Article 2, paragraph 3.

We would like to suggest, for example, the following specific wording for Article 2, paragraph 3, point d (new):

“Renewable energy technologies intended to be used in a system that is designed, assembled, and installed at a defined location to produce energy for public, commercial and residential applications;”

Were the scope of RoHS to be extended to include renewable energy, then a full prior and detailed impact assessment - as required by the Better Regulation principles – should be conducted. Each of the three pillars of the EU’s Impact Assessment model (environmental, economic and social) are essential to align with the goals of the underlying Lisbon and Sustainable Development strategies.

EREC, therefore, urges the Members of the European Parliament and EU Member States to exclude renewable energy technologies from the scope of RoHS.

Finally, we would be happy to work together with the European Parliament and Member States to further improve the recast of the RoHS Directive.

EREC, the European Renewable Energy Council, is the umbrella organisation of the major European renewable energy industry, trade and research associations active in the field of photovoltaics, small hydropower, solar thermal, bioenergy, ocean & marine, geothermal, wind energy, solar thermal electricity and biofuels. It represents an industry with an annual turnover of more than 45 billion € and more than 450.000 employees.