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General Secretariat

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**Interinstitutional files:**

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WK 7049/2024 ADD 4

LIMITE

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## CONTRIBUTION

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From:	General Secretariat of the Council
To:	Ad hoc Working Party on One Substance One Assessment
N° prev. doc.:	WK 6848/2024
N° Cion doc.:	ST 16973/23, 16972/23, 16961/23 + ADD 1
Subject:	OSOA Package: comments from a delegation

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Following the call for comments on the above set out with WK 6848/2024, delegations will find attached additional comments from AT.

## AUSTRIA

### **Comments from Division V/2 (Waste and Contaminated Sites Legislation) of the Austrian Federal Ministry for Climate Action, Environment, Energy, Mobility Innovation and Technology following the Ad Hoc Working Party on the One Substance, One Assessment Package on May 13<sup>th</sup> 2024**

Proposal for a **Regulation** of the European Parliament and of the Council amending Regulations (EC) No 178/2002, (EC) No 401/2009, (EU) 2017/745 and (EU) 2019/1021 of the European Parliament and of the Council as regards the **re-attribution** of scientific and technical tasks and improving cooperation among Union agencies in the area of chemicals:

We regret that our proposal to carry out an **impact assessment** prior to the adoption of a delegated act to amend Annexes IV and V of the POPs Regulation was not taken up. This provision would have been vital for the implementation and the enforcement of the Regulation since it would have made sure that adequate waste management infrastructure is in place in order to deal with changes to the national waste management systems resulting from the amendments to Annexes IV and V.

Proposal for a **Directive** of the European Parliament and of the Council amending Directive 2011/65/EU of the European Parliament and of the Council as regards the **re-attribution** of scientific and technical tasks to the European Chemicals Agency:

As announced in the last AHWP, we think that a **harmonisation** of the procedure for the restriction of substances laid down in Art 1(3) and (4) of this Proposal with similar provisions in Art 6, 86, 87 and 88 of the **EU Batteries Regulation** would be useful in the interest of ensuring consistency throughout EU legislation.

Full harmonisation with the Batteries Regulation would be achieved if a provision were laid down in the Proposal that the Commission shall request the Agency to prepare a restriction dossier if it considers that the use of a substance in the manufacture of electrical and electronic equipment or the presence of a substance in electrical and electronic equipment when it is placed on the market, or during its subsequent life cycle stages, including during repurposing or treatment of waste electrical and electronic equipment, poses an unacceptable risk to human health or the environment that is not adequately controlled and needs to be addressed on an Union-wide basis (cf. Art 6(2) and 86(1) Batteries Regulation). According to the current provision in Art 1(3) of the Proposal, the Commission only has to consider a review and an amendment of the list of substances in Annex III at the least every five years. This inconsistency between the Batteries Regulation and the Proposal should be remedied.

Furthermore, there are no corresponding provisions in the current Proposal for Art 86(10) and (11) of the Batteries Regulation. These would have to be added in the new Art 6a of the RoHS Directive:

*“7. The delegated acts referred to in Article 6(3) shall be adopted within nine months following the receipt of the opinion of the Committee for Socioeconomic Analysis of the Agency referred to in Article 6b(2). If the Committee for Socioeconomic Analysis does not adopt an opinion by the deadline set in Article 6b(2) or (5), as applicable, the Commission shall take into account the socioeconomic impact of the restriction, including the availability of alternatives for the substance and shall adopt a delegated act by the deadline set in Article 6b(2).*

*8. Where the draft amendment to Annex II diverges from the original proposal of the restriction dossier, prepared pursuant to the procedure laid down in this Article and Articles 6b and 6c, or if it does not take the opinions from the Agency into account, the Commission shall attach a detailed explanation of the reasons for the differences.”*