

Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast) (Text with EEA relevance)

*Article 6*

**Review and amendment of list of restricted substances in Annex II**

1 With a view to achieving the objectives set out in Article 1 and taking account of the precautionary principle, a review, based on a thorough assessment, and amendment of the list of restricted substances in Annex II shall be considered by the Commission before 22 July 2014, and periodically thereafter on its own initiative or following the submission of a proposal by a Member State containing the information referred to in paragraph 2.

The review and amendment of the list of restricted substances in Annex II shall be coherent with other legislation related to chemicals, in particular Regulation (EC) No 1907/2006, and shall take into account, inter alia, Annexes XIV and XVII to that Regulation. The review shall use publicly available knowledge obtained from the application of such legislation.

In order to review and amend Annex II, the Commission shall take special account of whether a substance, including substances of very small size or with a very small internal or surface structure, or a group of similar substances:

- a could have a negative impact during EEE waste management operations, including on the possibilities for preparing for the reuse of waste EEE or for recycling of materials from waste EEE;
- b could give rise, given its uses, to uncontrolled or diffuse release into the environment of the substance, or could give rise to hazardous residues, or transformation or degradation products through the preparation for reuse, recycling or other treatment of materials from waste EEE under current operational conditions;
- c could lead to unacceptable exposure of workers involved in the waste EEE collection or treatment processes;
- d could be replaced by substitutes or alternative technologies which have less negative impacts.

During that review, the Commission shall consult interested parties, including economic operators, recyclers, treatment operators, environmental organisations and employee and consumer associations.

2 The proposals to review and amend the list of restricted substances, or a group of similar substances, in Annex II shall contain at least the following information:

- a precise and clear wording of the proposed restriction;
- b references and scientific evidence for the restriction;
- c information on the use of the substance or the group of similar substances in EEE;
- d information on detrimental effects and exposure in particular during waste EEE management operations;
- e information on possible substitutes and other alternatives, their availability and reliability;
- f justification for considering a Union-wide restriction as the most appropriate measure;
- g socioeconomic assessment.

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3        The measures referred to in this Article shall be adopted by the Commission by means of delegated acts in accordance with Article 20 and subject to the conditions laid down in Articles 21 and 22.