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MILJØMINISTERIET

To the EU Environment Ministers

*MINISTER FOR THE
ENVIRONMENT*

J.no. D 302-0005

**Re: Exemption of the controversial flame retardant Deca-BDE
in polymers from the RoHS-directive**

Date **19 JUL 2005**

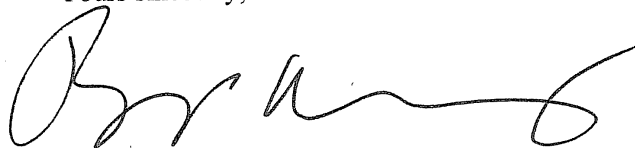
Dear Colleagues,

./ Please find attached for your information my letter to the Environment
Commissioner, Mr. Stavros Dimas, on the above subject.

I would greatly appreciate it if you would consider contacting the
Commission in order to express similar concerns and to urge the Com-
mission to withdraw its proposal.

I would like to thank you in advance for your attention to this matter.

Yours sincerely,



Brian Mikkelsen

acting minister for the Environment

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CVR-no.: 12-85-43-58

Miljøkommissær Stavros Dimas
EU-Kommissionen
Rue de la Loi 200
B1040 Bryssel
Belgien

MILJØMINISTEREN

J.nr. D 302-0005

Dato **19 JULI 2005**

Kære Hr. Stavros Dimas

Jeg ønsker hermed endnu engang at opfordre EU-Kommissionen til at trække forslaget tilbage om at ophæve forbuddet imod den bromerede flammehæmmer deca-BDE i direktivet om begrænsning af anvendelsen af visse farlige stoffer i elektrisk og elektronisk udstyr - 2002/95/EF (RoHS-direktivet) .

Efter Danmarks opfattelse – og i henhold til artikel 5 (1) (b) i direktiv 2002/95/EC – kan man ikke lægge en risikovurdering til grund for en ændring af direktivets bilag i komitéprocedure, således som Kommissionen har gjort det. En sådan ændring kræver en rådsretsakt i henhold til traktatens artikel 251.

Hertil kommer, at der hverken foreligger dokumentation for at der ikke findes substitutionsmuligheder eller tekniske alternativer eller for at alternativerne har en skadelig effekt på miljø eller sundhed. Endvidere er risikovurderingen af deca-BDE i EU endnu ikke endeligt vedtaget. Tværtimod konkluderes det i udkastet til risikovurderingen, at der mangler væsentlig viden om stoffets virkning på miljø og sundhed.

EU's videnskabelige komite for sundhed og miljø har d. 18. marts 2005 vedtaget en udtalelse om den igangværende risikovurdering af deca-BDE. Komitéen anbefaler stærkt, at der igangsættes yderligere foranstaltninger for at reducere risikoen pga. deca-BDE's nedbrydning til potentielle skadelige forbindelser.

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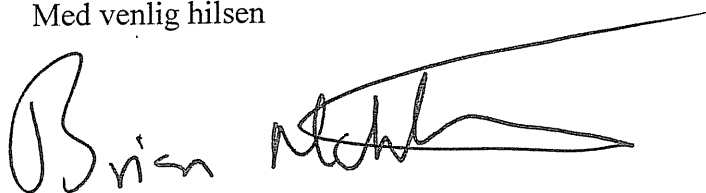
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Endelig finder Danmark det dybt problematisk, at man ikke har haft en substansdrøftelse af forslaget i Rådet i en situation, hvor Europa-Parlamentet er af den opfattelse at Kommissionen har overskredet sine beføjelser ved at foreslå en så vidtgående ændring af RoHS-direktivet i komitéprocedure.

På denne baggrund - og ikke mindst i lyset af Europa-Parlamentets beslutning af 6. juli 2005 – vil jeg hermed genopfordre Kommissionen til at trække sit forslag tilbage.

Jeg kan i øvrigt oplyse, at et enigt dansk Folketing står bag nærværende opfordring.

Med venlig hilsen

A handwritten signature in black ink, appearing to read 'Brian Mikkelsen', with a long horizontal stroke extending to the right.

Brian Mikkelsen
fg. miljøminister

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MILJØMINISTERIET

Mr. Stavros Dimas
Commissioner for the Environment
Rue de la Loi 200
B1040 Brussels
Belgium

MILJØMINISTEREN

D 302-0005

Courtesy translation-corrected version

Date 20 July 2005

Dear Commissioner,

I would like to once again urge the Commission to withdraw its proposal on exemption of the controversial flame retardant Deca-BDE from the RoHS Directive (Directive 2002/95/EC).

We are of the view that risk considerations as the grounds for exemption, and as put forward by the Commission, are not included in article 5(1)(b) of Directive 2002/95/EC and can therefore not serve as a justification for amending the Annex to the directive by means of comitology. Such a review would require a legislative proposal pursuant to Article 251 of the Treaty.

Moreover, in our view, when it comes to the substance of the matter, there is no documentation on the lack of substitution or technical alternatives or adverse effects of such alternatives. Furthermore the risk assessment of Deca-BDE has not been finally adopted. On the contrary there are still major concerns about the impact of the substance on the environment and on human health.

The Scientific Committee on Health and Environmental Risks (SCHER) the 18th of March 2005 adopted its opinion on the risk assessment of Deca-BDE. The opinion strongly recommends further risk reduction, and emphasises that there is further evidence for degradation of Deca-BDE to potentially harmful compounds.

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Furthermore, we are deeply concerned by the fact that the Council has not had a political discussion on the proposal in spite of the European Parliament's resolution of 6 July 2005, in which the Parliament considers that the Commission has exceeded its implementing powers.

Against this background – and especially in light of the European Parliament's resolution – I would like to re-iterate my request to the Commission to withdraw the proposal.

Finally, I would like to add that a unanimous Danish Parliament supports my letter.

Yours sincerely,