

RESPONSE FROM THE EUROPEAN UNION CONCERNING NOTIFICATION

G/TBT/N/ARE/265

EMIRATES CONTROL SCHEME TO RESTRICT THE USE OF HAZARDOUS MATERIALS IN ELECTRONIC AND ELECTRICAL DEVICES

The European Union (EU) would like to thank the Emirati authorities for providing the reply of 9 December 2015 on G/TBT/N/ARE/265, the Emirates Control Scheme to Restrict the Use of Hazardous Materials in Electronic and Electrical Devices and the revised version of the notified draft. While the EU appreciates the communication of the Emirati authorities and the submission of the revised version of the notified draft, it would like to reiterate some of its concerns on the issues raised in its comments of 5 October 2015 and make some further suggestions.

While the EU shares the objective of the notified draft to restrict, to the extent possible, the use of hazardous substances in electrical and electronic equipment, with a view to protecting human health and the environment, it reiterates that Article 9.2 of the notified draft should refer to "applications" and not to "products" when exempting the applications listed in Annexes 3 and 4. In addition, as far as the same Article 9.2 is concerned, the EU suggests including the reference to the exemption for the applications listed in Annex 3 and Annex 4 in Article 4, as exemptions to the general restrictions imposed by Article 4.1.

The EU would like to highlight that the exemptions for the applications listed in Annexes 3 and 4 should be qualified as temporary. In addition, the EU would like to ask the Emirati authorities whether they also plan to update the list in Annexes 3 and 4 on a regular basis. In this respect, the EU would like to inform the Emirati authorities that in the EU the list of exemptions is frequently updated on the basis of scientific studies.

The EU also reiterates that the amended version of the notified draft does not clarify whether the restrictions listed in Annex 2 only apply when the electrical and electronic devices are placed on the market for the first time or also to the following marketing stages. Therefore, the EU would appreciate it if the Emirati authorities could clarify in the notified draft whether and how the restrictions listed in Annex 2 apply to electrical and electronic equipment already on the market.

The EU would also appreciate it if the Emirati authorities could explicitly indicate the procedure for conformity assessment in the amended draft. Like the originally notified draft, the amended draft also refers in Article 5 to 'Model A' and to a 'submission' to the Emirates Authority for Standardization & Metrology (ESMA), in Article 6 to 'registration' and in Article 8 to an 'application'. The EU would like to seek clarification on the exact procedure for the placing on the market of products following the assessment by the manufacturer and the drawing up of a Declaration of Conformity, and in particular on whether prior authorisation by the Emirati authorities is required.

The EU would be grateful if the above-mentioned comments could be taken into account and replied to.
