
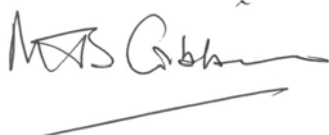


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|  Regulatory Policy Committee | OPINION | |
| Impact Assessment (IA) | Recast of the Restriction of Hazardous Substances Directive | |
| Lead Department/Agency | Department for Business, Innovation and Skills | |
| Stage | Final | |
| Origin | European | |
| IA Number | BIS 0381 | |
| Date submitted to RPC | 30/10/2012 | |
| RPC Opinion date and reference | 2/11/2012 | RPC12-BIS-0912(2) |
| Overall Assessment | GREEN | |
| <p>Overall comments on the robustness of the OIOO assessment</p> <p>As this proposal is a recast of an EU Directive that increases the costs to business, and there is no evidence of gold-plating or of not taking up available derogations which would reduce costs to business and civil society organisations, it is out of scope of ‘One-in, One-out’ in accordance with the current One-in, One-out Methodology (paragraph 24).</p> | | |
| <p>Overall quality of the analysis and evidence presented in the IA</p> <p><i>Options and Article 2.2.</i> This final stage IA now presents the transposition of the Restriction of Hazardous Substances (RoHS) Directive without Article 2.2 as though it is a separate and viable option (Option 1). However, the IA says that “<i>the UK will copy out the Directive with the Article in place, in order to meet our obligation to transpose the Directive by 2 January 2013</i>” (paragraph 149), and not transposing Article 2.2 does not appear to be an option.</p> <p>In accordance with the IA Toolkit (pages 14-15), only the option to transpose the Directive with Article 2.2 - against doing nothing - should be presented in the IA. Any issues relating specifically to Article 2.2 should be presented elsewhere in the IA.</p> <p><i>Costs to business.</i> The IA estimates the additional costs from the re-cast in terms of a percentage of turnover; it assumes that transition costs will be 1 per cent of turnover. However, in estimating these costs, the IA refers to several publications: the European Commission estimates the impact to be between 1-4 per cent; other estimates are 1.9 per cent and 1.1 per cent. It is not apparent why it is considered inappropriate to use the mid-point of these estimates – of almost 2 per cent - as a best estimate with a range around this. The IA would be improved by providing greater justification of the alternative estimates it uses (1 per cent best estimate, with a range of 0.5 - 2 per cent), particularly by showing what the consultation responses identified. A similar argument applies to estimates of the recurring costs.</p> | | |
| Signed  | Michael Gibbons, Chairman | |

