

Stakeholder consultation on Adaptation to scientific and technical progress under Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment for the purpose of a possible amendment of the Annex

1 Introduction

Article 4(1) of Directive 2002/95/EC (the RoHS Directive) provides that 'from 1 July 2006, new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, PBB or PBDE.' The Annex to the Directive lists a number of applications of these substances, which are exempted from the requirements of Article 4(1).

According to Article 5 (2) of Directive 2002/95/EC the Commission is required to consult the relevant stakeholders before amending the Annex. The results of this consultation will be forwarded to the Technical Adaptation Committee of Directive 2002/95/EC and the Commission services will provide an account of the information received.

This consultation is run by the Öko-Institut together with the Fraunhofer IZM, on behalf of the European Commission, under <http://rohs.exemptions.oeko.info/index.php?id=63>.

Please read here

http://rohs.exemptions.oeko.info/fileadmin/user_upload/Consultation_2/Guidelines-submitting-stakeholder-comments_consult_2.pdf

the "Guidelines for Submitting Stakeholder Comments" **before** submitting your contributions.

The objective of the consultation is to collect comments **on the new exemption request no. 4**. Please note that the role of Öko-Institut and Fraunhofer IZM is only to collect and evaluate the information provided by stakeholders and not take any decision.

Neither the fact that a stakeholder consultation is being launched, nor the results of this stakeholder consultation should be interpreted as a political or legal signal that the Commission intends to take a given action.

2 Proposal for additional exemptions

Article 5(1)(b) of Directive 2002/95/EC provides that materials and components can be exempted from the substance restrictions contained in Article 4(1) if their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to therein is technically or scientifically impracticable, or where the negative environmental, health and/or consumer safety impacts caused by substitution outweigh the environmental, health and/or consumer safety benefits thereof.

On the basis of this provision the Commission has received from industry an additional request for applications to be exempted from the requirements of the RoHS Directive. It should be noted that since the wording of an exemption request is not always self explanatory, requests may overlap with exemption requests covered by previous consultations.

Öko-Institut and Fraunhofer IZM – on behalf of the European Commission - **have published the request as worded by the submitter**, therefore the submitter is solely responsible for the wording and supporting evidence it have provided.

The request for exemption as submitted by industry is:

No.	Topic	Applicant
4	Cadmium For Use In Solid-State Illumination & Display Systems	3M

3 Consultation of interested parties

For the consideration of the item listed above, Öko-Institut and Fraunhofer IZM – on behalf of the European Commission - would like to consult interested parties.

It shall be noted that generic comments, statements, position papers and any additional request for exemptions will not be taken into account.

Interested parties are invited to send their comments by e-mail, the latest on 31 July 2008, to rohs.exemptions@oeko.de or by post to:

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Responses submitted electronically will be posted on this web site as they are received, unless respondents specifically request that their contribution should not be publicised. In the latter case, responses should be clearly and visibly marked with the words "Not for publication".