

Stakeholder consultation on exemption request evaluation under Directive 2011/65/EU

1 Introduction

The RoHS Directive (2002/95/EC) (RoHS 1) has been recasted and has now become Directive 2011/65/EU that entered into force on 21 July 2011, repealing Directive 2002/95/EC on 3 January 2013. Directive 2011/65/EU is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT>.

The European Commission has appointed the Oeko-Institut and Fraunhofer IZM¹ to technically assist in reviewing the requests for exemptions from the substance restrictions of Directive 2011/65/EU (RoHS 2). The exemption requests have to be evaluated against the criteria for exemptions in Art. 5(1)(a).

This consultation is run by Oeko-Institut together with Fraunhofer IZM on behalf of the European Commission, with the purpose to collect stakeholder contributions, under <http://rohs.exemptions.oeko.info/index.php?id=228> Please note that the role of Oeko-Institut and Fraunhofer IZM is only to collect and evaluate the information provided by stakeholders with a goal to provide the Commission with a recommendation on an exemption's justification. Any decision making, however, is the sole responsibility of EU institutions.

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 Consultation scope

The scope of the current consultation concerns the review of twenty nine exemptions as shown in the table below. The evaluation of the requests for renewal (or amendment) of these existing exemptions has been commissioned through the project "Pack 9" for which the current stakeholder consultation (2015 Consultation 2) is being performed. In some cases multiple stakeholders have requested the renewal (or amendment) of a specific exemption.

¹ Contract is implemented through Framework Contract No. ENV.C.2/FRA/2011/0020 led by Eunomia

Where application requests did not meet the minimum requirements as specified under Annex V of Directive 2011/65/EU, they shall not be evaluated as such. The submitting stakeholders (applicants) of such requests shall still be able to participate in the stakeholder consultation.

Furthermore, some applicants' clarifications are still to be added to the consultation website until the 15 of September.

Oeko-Institut and Fraunhofer IZM – on behalf of the European Commission – has published the requests as worded by the applicants, therefore the applicant is solely responsible for the wording and supporting evidence it has provided.

Table 1: RoHS exemption requests covered by this stakeholder consultation

Exemption No.	Annex III formulation	Applicant
1 (a-e)	Mercury in single capped (compact) fluorescent lamps not exceeding (per burner): (a) For general lighting purposes < 30 W: 2,5 mg may be used after 31.12.2012 (b) For general lighting purposes ≥ 30 W and < 50 W: 3,5 mg may be used after 31.12.2011 (c) For general lighting purposes ≥ 50 W and < 150 W: 5 mg (d) For general lighting purposes ≥ 150 W: 15 mg (e) For general lighting purposes with circular or square structural shape and tube diameter ≤ 17 mm: 7 mg may be used after 31.12.2011	NARVA Lichtquellen GmbH + Co. KG
		LightingEurope
1 (f)	Mercury in single capped (compact) fluorescent lamps not exceeding (per burner): (f) For special purposes: 5 mg	NARVA Lichtquellen GmbH + Co. KG
		LightingEurope
2(a)(1-5)	Mercury in double-capped linear fluorescent lamps for general lighting purposes not exceeding (per lamp): (1) Tri-band phosphor with normal lifetime and a tube diameter < 9 mm (e.g. T2): 4 mg may be used after 31.12.2011 (2) Tri-band phosphor with normal lifetime and a tube diameter ≥ 9 mm and ≤ 17 mm (e.g. T5): 3 mg may be used after 31.12.2011 (3) Tri-band phosphor with normal lifetime and a tube diameter > 17 mm and ≤ 28 mm (e.g. T8): 3,5 mg may be used after 31.12.2011 (4) Tri-band phosphor with normal lifetime and a tube diameter > 28 mm (e.g. T12): 3,5 mg may be used after 31.12.2012 (5) Tri-band phosphor with long lifetime (≥ 25 000 h): 5 mg may be used after 31.12.2011	NARVA Lichtquellen GmbH + Co. KG
		LightingEurope
2(b)(3)	Mercury in other fluorescent lamps not exceeding (per lamp): (3) Non-linear tri-band phosphor lamps with tube diameter > 15 mm (e.g. T9): 15 mg may be used after 31.12.2011	NARVA Lichtquellen GmbH + Co. KG
		LightingEurope
2(b)(4)	Mercury in other fluorescent lamps not exceeding (per lamp): (4) Lamps for other general lighting and special purposes (e.g. induction lamps): 15 mg may be used after 31.12.2011	LightingEurope

Exemption No.	Annex III formulation	Applicant
3 (a-c)	Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for special purposes not exceeding (per lamp): (a) Short length (≤ 500 mm): 3,5 mg may be used after 31.12.2011 (b) Medium length (> 500 mm and $\leq 1\,500$ mm): 5 mg may be used after 31.12.2011 (c) Long length ($> 1\,500$ mm): 13 mg may be used after 31.12.2011	LightingEurope
4(a)	Mercury in other low pressure discharge lamps (per lamp): 15 mg may be used after 31.12.2011	NARVA Lichtquellen GmbH + Co. KG LightingEurope
4(b)(I-III)	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner) in lamps with improved colour rendering index $R_a > 60$: I) $P \leq 155$ W: 30 mg may be used per burner after 31.12.2011 II) 155 W $< P \leq 405$ W: 40 mg may be used per burner after 31.12.2011 III) $P > 405$ W: 40 mg may be used per burner after 31.12.2011	LightingEurope
4(c)(I-III)	Mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner): I) $P \leq 155$ W: 25 mg may be used per burner after 31.12.2011 II) 155 W $< P \leq 405$ W: 30 mg may be used per burner after 31.12.2011 III) $P > 405$ W: 40 mg may be used per burner after 31.12.2011	LightingEurope
4 (e)	Mercury in metal halide lamps (MH)	LightingEurope
4(f)	Mercury in other discharge lamps for special purposes not specifically mentioned in this Annex	VskE Lighting Europe VDMA
5(b)	Lead in glass of fluorescent tubes not exceeding 0,2 % by weight	Lighting Europe
6(a)	Lead as an alloying element in steel for machining purposes and in galvanised steel containing up to 0,35 % lead by weight	Dunkermotoren; Carsten Lang, Carsten.Lang@ametec.com; 00497703930177 The European Steel Association (EUROFER) and European General Galvanizers Association (EGGA) Sensata Technologies
6(b)	Lead as an alloying element in aluminium containing up to 0,4 % lead by weight	AISBL - EAA Sensata Technologies Dunkermotoren
6(c)	Copper alloy containing up to 4 % lead by weight	Bourns Inc. Dunkermotoren Framo Morat Group Sensata Technologies Phoenix Contact GmbH & Co KG; Harting

Exemption No.	Annex III formulation	Applicant
		KGaA
		Lighting Europe
7(a)	Lead in high melting temperature type solders (i.e. lead-based alloys containing 85 % by weight or more lead)	Bourns Inc.
		IXYS Semiconductor GmbH
		Freescale Semiconductor
7(c)-I	Electrical and electronic components containing lead in a glass or ceramic other than dielectric ceramic in capacitors, e.g. piezoelectric devices, or in a glass or ceramic matrix compound	Bourns Inc.
		Sensata Technologies
		YAGEO Corporation
		BANDELN electronic GmbH&Co.KG
		RALEC TECHNOLOGY (KUNSHAN) CO.
		Japan Electronics & Information Technology Industries Association
		Murata Elektronik GmbH; EPCOS AG; VISHAY BC components BEYSCHLAG GmbH
		SCHOTT AG
7(c)-II	Lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher	Murata Elektronik GmbH; EPCOS AG; VISHAY BC components BEYSCHLAG GmbH ²
7(c)-IV	Lead in PZT based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors	ST Microelectronics
8(b)	Cadmium and its compounds in electrical contacts	Sensata Technologies
		National Electrical Manufacturers Association
9	Hexavalent chromium as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75 % by weight in the cooling solution	Dometic
15	Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages	Intel Corporation
18(b)	Lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (BaSi 2 O 5 :Pb)	NARVA Lichtquellen GmbH + Co. KG
		Lighting Europe
21	Lead and cadmium in printing inks for the application of enamels on glasses, such as borosilicate and soda lime glasses	LightingEurope
24	Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors	Knowles
29	Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) of Council Directive 69/493/EEC (1)	EUROPEAN DOMESTIC GLASS and LightingEurope
32	Lead oxide in seal frit used for making window assemblies for	Coherent Inc.

² Request is further supported by JEITA et al. (Japan Electronics & Information Technology Industries Association) through their exemption request for Ex. 7(c)-I

Exemption No.	Annex III formulation	Applicant
	Argon and Krypton laser tubes	JDSU
34	Lead in cermet-based trimmer potentiometer elements	General Electric
37	Lead in the plating layer of high voltage diodes on the basis of a zinc borate glass body	IXYS Semiconductor GmbH
		General Electric

3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the exemption request listed in Table 1 and have a clear reference as to the exemption number.
- Take the **questionnaires** on the exemption requests into account (questionnaires available under the exemption request specific pages, accessible through the following link: <http://rohs.exemptions.oeko.info/index.php?id=228> > select exemption through tabs on left.
- Clearly state whether the exemption requests are supported or whether no justification is seen. To support your comment, it is needed to **provide relevant technical and scientific evidence** in accordance with the criteria listed in Article 5 (1) (a). Explain the reasons why potential alternative materials, designs or processes are unsuitable with quantitative data wherever possible. If possible, **provide photographs or diagrams** to illustrate claims. Provision of third party data and information may be beneficial to further support your view. **Sources of information** should be referenced where possible.
- Provide your input to the consultation as early as possible in order to allow other stakeholders to comment.
- Exemptions to the RoHS Directive can not be justified on the basis of confidential information. Should you wish such information to be used as a justification for an exemption, you need to give explicit agreement to the Commission and the project team to disclose the relevant information on their website.
- Nevertheless, comments shall be clearly marked **“NOT FOR PUBLICATION”** if they are not to be posted as comments on the consultation website. Please also refrain from submitting confidential and non-confidential information mixed in one document!
- Please refrain from submitting several identical comments in order to support a position / comment. It is more useful and efficient to include a cover letter stating that a submission is supported by several parties.
- Submit **compact and comprehensive information** instead of very large and extensive documentation. It will facilitate formulating the need for further information.

- It shall be noted that generic comments, statements, position papers and any additional request for exemptions will not be taken into account.
- **Do not submit new exemption requests.** New exemption requests as well as questions or remarks concerning results of former evaluations have to be addressed to the European Commission directly.
- Please be aware that it might be necessary to give a negative recommendation if important information is missing.
- Always include **your contact details** (or of the person responsible for further contact with name, organisation, email and phone number). The evaluation procedure will normally lead to further questions which we need to address to you directly.
- If you submit documents in **PDF-formats**, please make sure that text can be marked and copied selectively from these documents in order to avoid retyping (which is a possible source of mistakes) when summarising your arguments for the review report.

Interested parties are invited to send their comments by e-mail, at the latest on **16 October 2015**, to rohs.exemptions@oeko.de or by post to:

Oeko-Institut e.V.
Carl-Otto Gensch
P.O. Box 17 71
D - 79017 Freiburg
Germany

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