

*14 Feb, 2013*

**JEITA/CIAJ/JEMA/JBMIA**

**Comments related to the Questionnaire**

**of exemption requests 17a,18a,20a for Annex IV RoHS Directive**

<b>JEITA</b>	(Japan Electronics & Information Technology Industries Association)
<b>CIAJ</b>	(Communications and Information Network Association of Japan)
<b>JEMA</b>	(Japan Electrical Manufacturers' Association)
<b>JBMA</b>	(Japan Business Machine and Information System Industries Association)

**JEITA, CIAJ, JEMA and JBMIA submit the following comments related to the Questionnaire of Exemption request 17a**

**"Lead in glass of electronic components and fluorescent tubes, or in electronic ceramic parts (including dielectric ceramic capacitors) used in industrial monitoring & control instruments (only sub-category 9 industrial)", exemption to expire in 2024**

**Exemption request 18a**

**"Lead used in compliant pin connector systems for use in industrial monitoring and control instruments (only sub-category 9 industrial)", exemption to expire in 2024**

**Exemption request 20a**

**"Mercury in cold cathode fluorescent lamps (CCFL) for back-lighting liquid crystal displays not exceeding 5 mg per lamp used in industrial monitoring and control instruments (only sub-category 9 industrial)"**

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**1. We suggest that some scope of the existing exemptions as stated in Annex III should not be added to Annex IV.**

**Justification:**

▪ **Article 5.2 of the current RoHS states "For the exemptions listed in Annex III as at 21 July 2011, the maximum validity period, which may be renewed, shall, for categories 1 to 7 and 10 of Annex I, be 5 years from 21 July 2011 and, for categories 8 and 9 of Annex I, 7 years from the relevant dates laid down in Article 4(3)," and;**

**1) If such exemptions are added to Annex IV, in which several items of the existing exemptions in Annex III are mixed, they could lead to misunderstanding that the total scope of these exemption items are exempted and may lead to the marketing of some products incompliant to RoHS .**

2) The burdensome work of referring both to Annex III and Annex IV may be needed in order to identify the scope and the expiration of the exemptions. Such complicated work may cause inconsistency or any conflict in the process of interpreting and enforcing the legislation.

2. We recommend that;

1) Exemptions only, which have already expired but which are necessary to be continued for Category 9, should be assessed and then, if needed, Annex III should be revised.

For instance, Exemptions No.7(c)-III, 11(a) and 11(b) have already expired for Categories 1 to 7 and 10. If these exemptions are acknowledged to be applied to Category 9, expire dates for the Category 9 should be newly set out in Exemptions No.7(c)-III, 11(a) and 11(b) in Annex III.

**Justification:**

If the exemption requests are added to Annex IV as exemptions, the applications for which the statement in Article 5.1(b) (\*) of RoHS is applicable could be mistakenly acknowledged to be exempted again.

(\*) “deletion of materials and components of EEE from the lists in Annexes III and IV where the conditions set out in point (a) are no longer fulfilled.”

2) The related existing exemptions in Annex III should be assessed in the revision to be scheduled in 2016 under the statement in Article 5.3 and the procedures set out in Annex V of RoHS.

On the other hand, it is expected that the recommendation to result from the assessment in this current consultation for the exemption requests should be considered in order NOT to affect the revision of the related existing exemptions to be subject for the updating process.

We expect that we are invited to propose a coherently integrated wording of Exemption No.7(c) including Category 9 in the coming updating process.

Yours truly

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The Four Japanese Industry Associations are as follows:

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CIAJ (Communications and Information Network Association of Japan)

JBMIA (Japan Business Machine and Information System Industries Association)

JEMA (Japan Electrical Manufacturers' Association)

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