

Questionnaire Exemption Request No. 20

“Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for special purposes not exceeding 5 mg per lamp in lighting applications for monitoring and control instruments (Category 9).”

Background

Test and Measurement Coalition (TMC) applies for an exemption for “Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for special purposes not exceeding 5 mg per lamp in lighting applications for monitoring and control instruments (Category 9).”

The application is covered by exemption no. 3 (a) of Annex III Directive 2011/65/EU (RoHS II). This exemption was reviewed in 2008 resulting in its inclusion into Annex III of RoHS II. The relevant excerpt of the final report is available on the project website at <http://rohs.exemptions.oeko.info/index.php?id=126>.

Category 9 equipment will be included into the scope of the RoHS Directive starting on 22 July 2014 and 22 July 2017 respectively for industrial monitoring and control instruments. If the exemption were to be adopted, it would be included into Annex IV of RoHS II and expire on 22 July 2021¹, unless an earlier expiry date is set.

The applicant puts forward the following main arguments.

- a. Historically suppliers of consumer and industrial displays have provided compliant mercury displays for consumer producers whilst delaying compliance on their industrial display products. In one example the display manufacturer (Sharp) updated an industrial display to contain a lamp with no more than 5 mg of mercury at least three years after their consumer displays containing mercury lamps were made compliant using exemption 3 of 2002/95/EC for mercury.
- b. LED substitute materials have been made available for consumer displays and are now being introduced in industrial displays. Availability of LED displays for all

¹ Due to a standard 7 year validity period for category 9 exemptions as stated in Article 5 (2) of Directive 2011/65/EU

- monitoring and control instruments applications that will use this exemption has not been fully established.
- c. The applicant claims that the long-term reliability of all alternatives has not been fully evaluated. Category 9 products are stated to have long life time of 10 years on average; therefore according to the applicant substitutes should be tested not only for meeting reliability requirements but also for long term performance, going beyond the one of consumer goods applications.
 - d. The applicant claims that the existing exemption 3(a) has become stricter on 31 December 2011² and that category 9 equipment would need a longer validity of a 5 mg mercury limit value until 2021.

For details, please check the applicant's exemption request at <http://rohs.exemptions.oeko.info/index.php?id=126>. This exemption request has been subject to a first completeness and plausibility check. The applicant has been requested to answer additional questions and to provide additional information (c.f. link above).

In the document "[General comments to Oeko's questions.docx](#)", TMC justifies the exemption request with formal and procedural arguments. Such formal and procedural arguments cannot be taken into account during the evaluation by Öko-Institut and Fraunhofer IZM. Rather, the objective of this consultation and the review process is to collect and to evaluate information and evidence according to the criteria listed in Art. 5 (1) (a) of Directive 2011/65/EU (RoHS II), which you can download from here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT>.

If you would like to contribute to the stakeholder consultation, please answer the following questions:

Questions

1. Please state whether you either support the applicant's request or whether you would like to provide argumentation against the applicant's request. In both cases please provide detailed technical argumentation / evidence in line with the criteria in Art. 5 (1) (a) to support your statement.
 - a. Can you support or challenge the argument that either low mercury displays or LED-based substitutes are not available respectively not tested enough for category 9 equipment?

² Note that in the original exemption request, the date is erroneously stated as 31 December 2012.

- b. Can you support or challenge the argument that due to long design cycles and long life span of category 9 products, a timely redesign until 2014 respectively 2017 is not feasible?
2. Do you agree with the scope of the exemption as proposed by the applicant? Please suggest an alternative wording and explain your proposal, if you do not agree with the proposed exemption wording.
3. The applicant proposes for the exemption a maximum validity until 2021. Do you agree with this expiry date, or would an earlier expiry be feasible against the background of CCFLs and EEFLs that are available with 3,5 mg of mercury?
4. Do you consider any other aspects or details to be of importance, which have not yet been taken into account?

Finally, please do not forget to provide **your contact details** (Name, Organisation, e-mail and phone number) so that Öko-Institut/Fraunhofer IZM can contact you in case there are questions concerning your contribution.