

Adaptation to scientific and technical progress under Directive 2002/95/EC

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Monthly Report 2

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Öko-Institut e.V.

Dipl.-Ing. Carl-Otto Gensch

Dipl.-Ing. Stéphanie Zangl

Fraunhofer Institut IZM

Dipl.-Ing. Otmar Deubzer

Öko-Institut e.V.

Freiburg Head Office

P.O. Box 50 02 40

D-79028 Freiburg

Tel. +49 (0) 7 61 – 45 295-0

Fax +49 (0) 7 61 – 4 52 95 88

Street Address

Merzhauser Str. 173

D-79100 Freiburg

Darmstadt Office

Rheinstraße 95

D-64295 Darmstadt

Tel. +49 (0) 6151 – 81 91 - 0

Fax +49 (0) 6151 – 81 91 33

Berlin Office

Novalisstraße 10

D-10115 Berlin

Tel. +49 (0) 30 – 28 04 86-80

Fax +49 (0) 30 – 28 04 86-88

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1 Background and Objectives

Article 4 (1) of Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment 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 limited number of applications of lead, mercury, cadmium and hexavalent chromium, which are exempted from the requirements of Article 4 (1).

Article 5 (1) (b) of the Directive 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 (and is still receiving) additional requests for applications to be exempted from the requirements of the Directive from industry. These requests need to be evaluated in order to assess whether they fulfil the above mentioned requirements of Article 5 (1) (b). Where the requirements are fulfilled the Commission proposes a draft decision amending the RoHS Directive.

Against this background Öko-Institut e.V. and Fraunhofer Institute for Reliability and Microintegration IZM have been commissioned by the European Commission with technical assistance for the evaluation of requests for exemptions submitted according to Article 5 (1) (b). The main objective of this technical assistance contract consists in a clear assessment of whether the requests for exemptions are justified in line with the requirements listed in Article 5 (1) (b) and in a subsequent recommendation on whether or not to grant the exemption – including a precise wording. These recommendations as well as the description of the proceeding will be included in monthly reports between October 2006 and October 2007.

2 General Procedure

For details on the general procedure please refer to monthly report 1.

3 Scope

On 10 November 2006 the sixth stakeholder consultation round was launched by the Commission and will close on 10 January 2007. The requests open for comments of this sixth consultation round represent the scope of this second monthly report and of the current and forthcoming evaluation. Some stakeholder comments have been posted on the consultation website concerning requests 1, 7, 15 and 18.

Table 1 below gives an overview over the corresponding set 6 of requests for exemption and their current status.

Table 1: Overview requests set 6

No.	Title	Applicant	Status
1a	Lead used for shielding of x-radiation emissions for CRT	VDC Display Systems	WITHDRAWAL 11/12
1b	Hazardous materials and lead in solders in components and assemblies used in non-consumer products	VDC Display Systems	WITHDRAWAL 11/12
1c	Electronic equipment where reliability, durability and longevity of the equipment is paramount	VDC Display Systems	WITHDRAWAL 11/12
2	Lead as soldering alloy in high performance communication electronic board and hexavalent chromium (Cr-VI)	Clarity SAS	Questions sent out 6/12/06. No reply yet.
3	GemCore 410 EMV	Gemplus	Questions sent out 4/12/06. No reply yet.
4	SAVBIT solder	Roband Electronics PLC	Questions still to be sent out.
5	Sn-Pb soldering used in Ground-based Aeronautical Communication Equipment Manufacturing	Telerad	Questions still to be sent out.
6	Transducers used in professional loudspeaker systems, using tin-lead solder	Gemini Sound products Corp.	Questions still to be sent out.
7	Tin-lead solder in the manufacture of professional audio equipment	Gemini Sound products Corp.	Questions still to be sent out.
8	Inventory of special ICS having tin-lead solder on/in leads/balls, used in specialist/professional equipment	Gemini Sound products Corp.	Questions sent out 4/12/06. No reply yet.
9	Crystal Stones within the battery operated watch	Zeon Ltd.	Questions sent out 4/12/06. No reply yet.

No.	Title	Applicant	Status
10	EEE used for the broadcast and homeland security sector	Tieline Technology	Questions still to be sent out.
11a	AM186ES-V40 containing lead in used in the leads over plating and AM79C961AKC containing lead in used in the leads over plating	Digigram	Questions sent out 5/12/06. No reply yet.
11b	Audio board manufacturing process	Digigram	Questions sent out 5/12/06. No reply yet.
12	Cadmium sulphide or cadmium selenide in polymer based thin film transistor	Silk Displays Inc.	Questions sent out 5/12/06. No reply yet.
13	Lead used in the soldering for surface finishing at the electric pole terminal on the electronic parts	ICOM Incorporated	Questions still to be sent out.
14	Cadmium contained in the cadmium oxide of a thick film ceramic substrate	ICOM Incorporated	Questions still to be sent out.
15	All electronics assemblies using lead in solder	RoHSUSA Inc	Questions sent out 11/12/06. Answer received 15/12.
16	Lead in electric overblankets for Hot Spot detection	Beurer / Especialidades Eléctricas Daga S.A.	Questions sent out 15/12/06. Answers will be provided by 05/01/07.
17	MPC10 used in automatic vending machines to achieve the payment by card	Sagem monetel	Questions still to be sent out.
18	Hexavalent Chrome Cr-VI when used as a passivate	Amphenol Limited	Questions still to be sent out.
19	Lead contained in circuit boards, obsolete and non-compliant Intel 80c188/86 EA\XL microprocessors, Analog Devices ADMC300 DSP, and NEC uPD7101 DART and hexavalent chromium	NBS Technologies Inc.	Questions still to be sent out.
20	Component used in the manufacture of electric blankets and heating pads	Thermocable (Flexible Elements) Limited	Questions sent out 15/12/06. Answer will be provided by 05/01/07.
21	Request to delete exemption for "Lead as impurity in RIG (rare earth iron garnet) Faraday rotators used for fibre optic communications systems	Integrated Photonics	Questions still to be sent out.
22	Lead in Trimmer Potentiometer elements	Tokyo Denshi Ltd.	Questions still to be sent out.

No.	Title	Applicant	Status
23	Cadmium in opto-electronic components	Marshall Amplification plc	Questions still to be sent out.

4 Results

The requests are currently being looked at in more depth. This first evaluation step mostly leads to need for clarification with the applicant. Thus, questions have been sent out to applicants. The table above reflects for which requests questions have already been sent out and for which ones questions still need to be sent out. At time of drafting of this report only one applicant has replied to the questions (request no. 1).

The applicant of request no. 1 decided to withdraw his exemption request after having reconsidered whether the applications for which an exemption was requested fall under the scope of RoHS or not. He came to the conclusion that the applications can be considered as fixed installations and thus do not fall under the scope of RoHS.

Concerning request 16, it was decided - together with the Commission – to post only one of the two requests (the one by Beurer) in order to avoid confusion. Furthermore it was realised that request no. 20 also covers the same application (electric overblankets). Subsequently Beurer (request no. 16) and Thermocable (request no. 20) were addressed with the same questions. One of the questions was, whether the two requests do indeed cover the same application and could thus be considered as one.

Exemption request no. 15 refers to a rather general question on the substitution of lead in solders. Since this is a cross-cutting issue it will be dealt with carefully. Fraunhofer IZM has long years experience in the environmental assessment of lead and lead-free soldering. The applicant has received first questions and provided answers to them. A first draft recommendation will be given in the next monthly report.

A further overlapping of requests could be identified: exemption requests 3 and 17 of the current consultation refer to the same application.

Meanwhile, first stakeholder comments have been posted on the consultation website. The comments refer to requests no. 1, 7, 15 and 18. Since the applicant of request no. 1 has withdrawn its request the corresponding comment will not further be taken into account. Concerning the comments on request no. 15 the majority follows a standard template and does not contribute with new evidence on the questions raised by the request. They are thus not at all useful for the ongoing evaluation. The huge amount (over 180) of such standard comments reflects that stakeholders have not understood that the purpose of stakeholder comments is to provide new or additional evidence with regard to the subject of the corresponding request and not to support a request in the sense of a petition. Nevertheless, comments will be screened in order to make sure that all aspects are taken into account.

5 Further proceeding

The next step will be to finalise sending out the first questions to applicants (for 13 of the 23 requests). Most of the replies for the 10 requests for which questions have already been sent out will have arrived by the 5th of January 2007. Hence, final evaluation will take place and first recommendations will be given within the next two monthly reports.

The next monthly report is scheduled for 24 January 2007.