

Stakeholder consultation on adaptation to scientific and technical progress under Directive 2002/95/EC (RoHS)

1 Introduction

Article 4 (1) of Directive 2002/95/EC (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=76> with the purpose to collect stakeholder contributions. Please note that the role of Öko-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 is the review of the exemptions 30, 31 and 32 shown in the table below.

Öko-Institut and Fraunhofer IZM – on behalf of the European Commission - have published the exemptions as worded in the Annex to the RoHS Directive. However, stakeholders can provide proposals for new or amended wordings as long as they cover the same application and as long as the wording proposal is sufficiently justified as well as clear and unambiguous.

Table 1 RoHS exemption 30, 31 and 32 covered by the stakeholder consultation

No.	Current wording	Link to questionnaire
30	Cadmium alloys as electrical/mechanical solder joints to electrical conductors located directly on the voice coil in transducers used in high-powered loudspeakers with sound pressure levels of 100 dB (A) and more.	http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_IV/Cons_3/Questionnaire_Review_Exe-30-RoHS_final.pdf
31	Lead in soldering materials in mercury free flat fluorescent lamps (which e.g. are used for liquid crystal displays, design or industrial lighting).	http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_IV/Cons_3/Questionnaire_Review_Exe-31-RoHS_final.pdf
32	Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes.	http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_IV/Cons_3/Questionnaire_Review_Exe-32-RoHS_final.pdf

3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the exemption listed in Table 1 and have a clear reference as to the consultation number.
- Take the **questionnaire** on the exemptions as given in Table 1 into account.
- Clearly state whether the continuation of the exemption is supported or whether no justification is seen respectively a withdrawal is justified. To support your comment, it is needed to **provide relevant technical and scientific evidence** as well as an assessment of your evidence by an independent expert. Explain the reasons why potential alternative materials, designs or processes are unsuitable with quantitative data wherever possible. Although not decisive, any relevant economic data regarding those alternative materials are also welcome. If possible, **provide photographs or diagrams** to illustrate claims. **Sources of information** should be referenced where possible.
- 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 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.
- **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). 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.

4 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 **15 November 2010**, to rohs.exemptions@oeko.de or by post to:

Öko-Institut e.V.
Stéphanie Zangl
P.O. Box 17 71
D - 79017 Freiburg
Germany

Responses submitted electronically will be posted on the EU CIRCA website 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".