

4th 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>.

This consultation is run by Öko-Institut together with Fraunhofer IZM on behalf of the European Commission 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 on two new exemption requests as shown in the table below.

Öko-Institut and Fraunhofer IZM – on behalf of the European Commission - have published the requests as worded by the submitter, therefore the submitter is solely responsible for the wording and supporting evidence he / she has provided.

Table 1: RoHS exemption requests covered by this stakeholder consultation

No.	Proposed wording	Applicant
3	“Cadmium as a pigment for the use in vitreous enamel”	Institute of Vitreous Enamellers
4	“Restriction of exemption 1 to non-liquid mercury”	Neonlite Megaman

3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the exemption requests listed in [Table 1](#) and have a clear reference as to the consultation number.
- Take the **questionnaires** on the exemption requests at http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_IV/Cons_4/Questionnaire_request_3-Vitreous-Enamels_final.pdf and http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_IV/Cons_4/Questionnaire_request_4-Neonlite-Megaman_final.pdf into account.
- 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** 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 confidential and non-confidential information together in the same 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 **14 February 2011**, to rohs.exemptions@oeko.de or by post to:

Öko-Institut e.V.

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Responses submitted electronically will be posted on this web site 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".