Öko-Institut e.V.
Institut für angewandte Ökologie
Institute for Applied Ecology

RoHS Stakeholder Meeting

The Process of Exemption Evaluation

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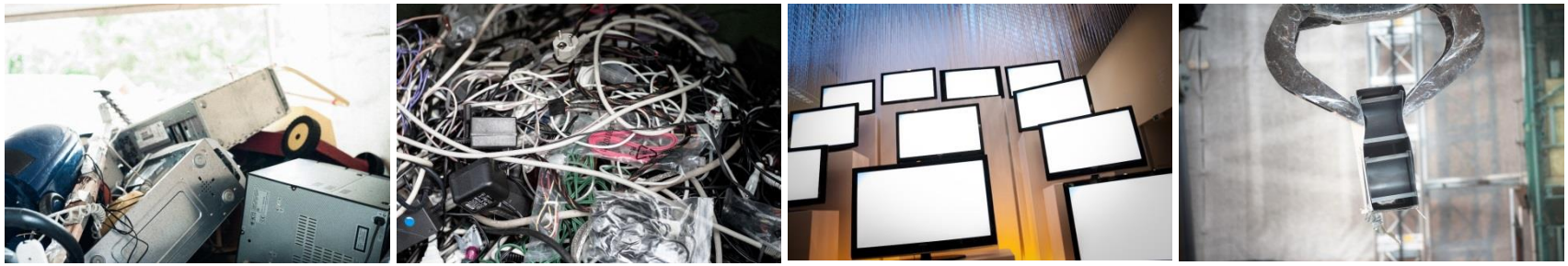
13 December 2013

Freiburg



Agenda

1 General Background for exemption requests

2 Exemption evaluation stages

3 Criteria that can justify granting an exemption

4 Evaluation of confidential information and data

5 Further stages once the evaluation is completed

General background concerning exemptions

Article 5(3): An application for granting, renewing or revoking an exemption shall be made to the Commission…

Article 5(4) The Commission shall:

(a) acknowledge receipt of an application…

(b) inform the Member States of the application…

(c) make a summary of the application available to the public ;

(d) evaluate the application and its justification

After an initial check of the request, the EU COM forwards the request to an external consultant nominated to *Assist the Commission on technological, socio-economic and cost-benefit assessment related to exemptions from the substance restrictions in EEE*

Exemption Evaluation Stages

The following stages are followed upon receiving requests for evaluation

- ☑ First check of request
  - First set of clarification questions sent to applicant
- ☑ Stakeholder Consultation
  - Public information and questionnaires prepared for on-line consultation
- Evaluation of Request
  - Further rounds of clarification questions, until information allows reaching conclusion
  - In some cases stakeholder meetings or teleconferences may be used to clarify open issues
- Documentation of evaluation and recommendation (Report)

Primary criteria for justifying an exemption

Article 5(1)(a): inclusion of materials and components of EEE for specific applications in the lists in Annexes III and IV, provided that such inclusion does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 and where any of the following conditions is fulfilled:

— their elimination or substitution via design changes or materials and components which do not require any of the materials or substances listed in Annex II is scientifically or technically impracticable,

— the reliability of substitutes is not ensured,

— the total negative environmental, health and consumer safety impacts caused by substitution are likely to outweigh the total environmental, health and consumer safety benefits thereof.

Secondary criteria for justifying an exemption

Article 5(1)(a):

Decisions on the inclusion of materials and components of EEE in the lists in Annexes III and IV and on the duration of any exemptions shall take into account the availability of substitutes and the socioeconomic impact of substitution.

Decisions on the duration of any exemptions shall take into account any potential adverse impacts on innovation.

Life-cycle thinking on the overall impacts of the exemption shall apply, where relevant;

Use of confidential information as evidence

Exemptions to the RoHS Directive can not be justified on the basis of confidential information

If you wish to provide information which is confidential, it may be reviewed to understand if its contents are essential for supporting your line of argumentation

Should such information be understood to be essential to justify an exemption, the information shall have to be reformulated in a way allowing it to be made public

Further stages once the evaluation is completed

- Once the evaluation report is approved for publication it is sent to the RoHS Member State Representatives
- Exemptions are presented to the MS representatives at a Delegated Act Expert Group meeting, where representatives have time to clarify the details of the evaluation
- MS representatives then receive further time to go over the information internally, along with their team members and decide how they would like to rule concerning a specific request
- Delegated act meetings are set for each exemption request so that time is sufficient for an internal discussion before deciding if to grant an exemption or not
- Positive decisions are published in the Official Journal (OJ) and enter in to force 20 days thereafter

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Open discusion

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Issues of Interest

- Availability of Indium
- Range of display products on the market or expected to become available on the market in the next 5 years – differentiate for TVs, tablets, mobile devices, other
- Range of solid state illumination products on the market or expected to become available on the market in the next 5 years

Issues for Discussion

- Available technology on the market – on surface technologies
- Different estimations concerning amount of Cd used:
  - Cd in products;
  - Cd in relation to energy efficiency/ emission factors
- Products in which the light efficiency (brightness) required:
  - How do requirements clients influence the demand of colour gamut (Amazon et. al.)
  - How do requirements of regional market influence demand of colour gamut

Contact Details

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Thank you for your attention!

Do you have any questions?