

Oko-Institut e.V.
Yifaat Baron
P.O. Box 17 71
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Germany

16 December, 2015

Dear Ms. Baron,

Response to 2015 Consultation 3: Joint Revaluation of Two Requests for Exemption, First Reviewed in 2013-2014, Related to Cadmium Quantum Dot Applications

Henderson Global Investors is a leading independent global asset management firm with £81.5 billion assets under management. Central to our business is our commitment to act responsibly, not only in the way we invest and engage with our clients, but also in terms of supporting our people, managing our impact on the environment and contributing to the communities of which we are part.

We have been long term investors in technology companies that are the key to a growing and more environmentally sensitive global economy. However capital alone cannot disrupt existing monopolies and it is essential that regulation encourages and rewards investment that will shape tomorrow's marketplace. Given our credentials, we felt it was appropriate to comment on the joint revaluation of these two requests for exemption of extension of use of Cadmium-based quantum dots in lighting and display systems.

We believe these Exemption requests should be dismissed on basis of availability of safer and cleaner alternative technology. We believe that the innovation and competitiveness should not be hampered by regulation that sets back the new technology that was developed in order to bring to consumers safe and environmentally friendly products. The Cadmium-free quantum dot technology is a fine example of cutting edge science that puts the European innovation in a leading position when competing with other manufacturers of quantum dots. However, the requests for exemption are at odds with this proposition despite overwhelming evidence that safer, market ready and proven alternatives exist to the use of toxic cadmium in quantum dot displays.

European legislation, including RoHS Directive, strives for a high level of protection of human health and the environment. Accordingly, Cadmium and other hazardous substances are subject to special attention. That is why we need to emphasise that the use of Cadmium and other heavy metals in electronic and electrical equipment is restricted in the EU under Directive 2011/65/EU (RoHS 2) and the permitted concentration of Cadmium is limited to 0.01 wt. % (100 ppm). In addition, there are similar restrictions that are being adopted across the globe. These restrictions are being introduced because of the widely known health risks associated with Cadmium. There are tangible potential future liabilities from customer exposure, operator exposure, recycling risks and the toxic legacy of Cadmium.

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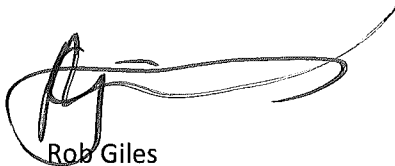
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Therefore, we believe that all manufacturers of electronic equipment should be aware of provisions of the RoHS Directive 2011/65/EU and avoid using Cadmium-based Quantum Dots. We believe that the industry should completely refocus on the development and manufacture of Cadmium-free quantum dot materials that are RoHS compliant, toxic heavy metal-free and free of earth metal. Furthermore, we conclude that Exemption 39 is no longer justified because Cadmium-free QD displays are already widely available with high performance and reliability. This Exemption would discourage sustainable and responsible innovation and that would have a grave environmental effect, which can be avoided.

We believe it is also important to take into consideration that the European Parliament voted against the proposed Exemptions 39(a) and 39(b) on the 20th of May 2015. These exemptions directly addressed the use of Cadmium-based quantum dots in lighting and display applications. After rejecting the prolongation of the exemptions, the European Parliament concluded that the European Commission's justification for the Delegated Act was clearly incorrect because the Cadmium-free quantum dots are available throughout the European market with a whole line of TVs based on this technology on offer by well-known major retailers.

Henderson Global Investors would like to once again underline its opposition to the renewal of Exemption 39 as it is no longer justified and as it carries significant environmental and health risks. Prolonging the Exemption would discourage further innovation and investment across a much broader spectrum of technologies that are dependent upon their progress being matched by policymakers adhering to their stated goals.

Yours sincerely,



Rob Giles
Director of Smaller Companies