

“Study to assess requests for a renewal of nine (-9-) exemptions 6(a), 6(a)-I, 6(b), 6(b)-I, 6(b)-II, 6(c), 7(a), 7(c)-I and 7 (c)-II of Annex III of Directive 2011/65/EU”

Project Description Pack 22 – 2020/2021

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1. Background

The RoHS Directive (2011/65/EU) on the restriction of the use of certain hazardous substances in electrical and electronic equipment requires “*that EEE placed on the market, including cables and spare parts for its repair, its reuse, updating of its functionalities or upgrading of its capacity, does not contain the substances listed in Annex II*” (i.e. lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers and the phthalates dibutyl phthalate (DBP), bis(2-ethylhexyl)phthalate (DEHP), diethyl phthalate (DEP) and diisobutyl phthalate (DIBP). These provisions “*shall not apply to the applications listed in Annexes III and IV*” (Article 4). These Annexes are to be adapted to scientific and technical progress on the basis of the provisions listed in Article 5.

With contract No. 070201/2020/8358484/ENV.B.3 implementing Framework contract No ENV.B.3/FRA/2019/0017, a consortium led by Ramboll Deutschland GmbH, has been requested by DG Environment of the European Commission to provide technical and scientific support for the evaluation of exemption requests under the RoHS 2 regime. The work is being undertaken by the Oeko-Institut. The work has been requested in view of providing technical and scientific support for the evaluation of applications for granting, renewing or revoking an exemption to be included in or deleted from Annexes III and IV of the RoHS Directive 2011/65/EU.

2. Objectives

The objectives of this project can be outlined as follows:

- Provide a dedicated website which ensures that involved stakeholders will receive all necessary information and can contribute to online consultations (<http://rohs.exemptions.oeko.info>);
- Execute a clear technical and scientific assessment on whether requests for new exemptions are justified in line with the criteria given in Article 5(1)(a);
- Provide for the involvement and consultation of stakeholders (inter alia producers of electrical and electronic materials, components and equipment, recyclers, treatment operators, environmental organisations, employee and consumer associations), according to Article 5(7);
- Provide a clear and unambiguous wording for the preparation of a Draft Commission Decision for those exemptions, where on the basis of the result of the consultation and the evaluation, an exemption can be justified.

3. Scope

In agreement with the Commission, sixteen requests for the renewal of nine exemptions (see table below) will be evaluated. The exemptions are specified as worded in the consolidated version of the Directive¹ - this text is used purely for documentation and is not legally binding. In case of mistake, the authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex.

¹ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1584116022829&uri=CELEX:02011L0065-20200301>

Table 3-1: RoHS exemption requests covered by this stakeholder consultation

No.	Wording according to the terms of reference	Applicants
Requested renewal of existing exemption		
Annex III, 6(a) and 6(a)-I	<i>“Lead as an alloying element in steel for machining purposes and in galvanised steel containing up to 0,35 % lead by weight.” and “Lead as an alloying element in steel for machining purposes containing up to 0,35 % lead by weight and in batch hot dip galvanised steel components containing up to 0,2 % lead by weight”</i>	RÖHM GmbH; The Umbrella Project
Annex III, 6(b)/6(b)-I	<i>“Lead as an alloying element in aluminium containing up to 0,4 % lead by weight” and “Lead as an alloying element in aluminium containing up to 0,4 % lead by weight, provided it stems from lead-bearing aluminium scrap recycling”</i>	European Aluminium; The Umbrella Project
Annex III, 6(b)-II	<i>“Lead as an alloying element in aluminium for machining purposes with a lead content up to 0,4 % by weight”</i>	The Umbrella Project
Annex III, 6(c)	<i>“Copper alloy containing up to 4 % lead by weight”</i>	Bourns Inc.; The Umbrella Project
Annex III, 7(a)	<i>“Lead in high melting temperature type solders (i.e. lead-based alloys containing 85 % by weight or more lead)”</i>	Bourns Inc.; The Umbrella Project
Annex III, 7(c)-I	<i>“Electrical and electronic components containing lead in a glass or ceramic other than dielectric ceramic in capacitors, e.g. piezoelectronic devices, or in a glass or ceramic matrix compound”</i>	COCIR; SCHOTT AG; Bourns Inc.; Photonis Scientific, Inc.; Optical Fiber Packaging Ltd; The Umbrella Project
Annex III, 7(c)-II	<i>“Lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher”</i>	The Umbrella Project

4. Project set-up

The overall project is led by Yifaat Baron. The project team at Oeko-Institut consists of the technical experts Carl-Otto Gensch, Clara Loew, Andreas Koehler and Katja Moch.

The exemption evaluation will be performed in close co-operation with the European Commission and stakeholders (electrical and electronic industry and its associations, NGOs, independent experts etc.). This includes:

- Central communication access for stakeholders via the project-specific e-mail account rohs.exemptions@oeko.de;
- Project-specific website at <http://rohs.exemptions.oeko.info/> where relevant documents and project activities will be published;
- Information for stakeholders via website and via mailing lists for which stakeholders can register;
- Preparation and management of stakeholder consultation on exemption requests via project website;
- Technical and scientific evaluation of stakeholder input and further procedure for receiving a sound basis with a high level quality of data and information and for cross-checking information for technical correctness and confidentiality issues;
- Stakeholder workshop or meetings where necessary.

5. Time schedule

Assignment of project tasks to Oeko-Institut started 28 October 2020 and will run over a period of 10 months, thus ending 27 July 2021. An interim report shall be delivered to the European Commission before the end of the April. The final report is due at the end of the project.

The stakeholder consultation is planned to be launched at the end of 2020.