

“Study to assess requests for renewal of seven (-7-) exemptions 18(b), 18(b)-I, 24, 29, 32 and 34 of Annex III and exemption 34 of Annex IV of Directive 2011/65/EU”

Project Description Pack 24 – 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. 07.0201/2020/840286/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 and Fraunhofer IZM. 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 seven exemption requests mentioned in the title will be evaluated. Table 3-1 gives an overview on the seven exemption requests:

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

No.	Wording according to the terms of reference	Applicant
Requested renewal of existing exemptions		
Annex III, 18(b)	<i>“Lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP.”</i>	Lighting Europe
Annex III, 18(b)-I	<i>“Lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps containing phosphors such as BSP when used in medical phototherapy equipment.”</i>	Lighting Europe
Annex III, 24	<i>“Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors.”</i>	Knowles Precision Devices
Annex III, 29	<i>“Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) of Council Directive 69/493/EEC.”</i>	European Domestic Glass & Lighting Europe
Annex III, 32	<i>“Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes.”</i>	Lumentum
Annex III, 34	<i>“Lead in cermet-based trimmer potentiometer elements.”</i>	General Electric in the name of the Umbrella Project
Annex IV, 34	<i>“Lead as an activator in the fluorescent powder of discharge lamps when used for extracorporeal photopheresis lamps containing BSP (BaSi2O5:Pb) phosphors.”</i>	Lighting Europe

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, Ran Liu, 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 17 December 2020 and will run over a period of 10 months, thus ending 16 October 2021. An interim report shall be delivered to the European Commission in the end of May 2021. The final report is due at the end of the project.

The stakeholder consultation is planned to be launched towards end of March 2021.