Stakeholder consultation on exemption request evaluation under Directive 2011/65/EU

1 Introduction

The RoHS Directive (2002/95/EC) (RoHS I) has been recasted and has now become Directive 2011/65/EU that entered into force on 21 July 2011 and will lead to the repeal of Directive 2002/95/EC on 3 January 2013. Directive 2011/65/EU is available here: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT.

The European Commission has appointed the Öko-Institut together with Fraunhofer IZM to technically assist in reviewing the requests for exemptions from the substance restrictions of Directive 2011/65/EU (RoHS II). The exemption requests have to be evaluated against the criteria for exemptions in Art. 5 (1) (a).

This consultation is run by Öko-Institut together with Fraunhofer IZM on behalf of the European Commission with the purpose to collect stakeholder contributions under http://rohs.exemptions.oeko.info/index.php?id=76. 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 11 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 applicant, therefore the applicant 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
1	Hexavalent chromium in alkali dispensers for in-situ production of photocathodes	COCIR: European Coordination Committee of the Radiological, Electromedical and Healthcare IT Industry
2	Reuse of parts from medical devices including X-ray tube components in new X-ray tube assemblies	COCIR
3	Lead in solders for Positron Emission Tomography detectors and data acquisition units installed in Magnetic Resonance Imaging equipment	COCIR
4	Lead in solders used in mobile medical equipment	COCIR
5	Decorative ceramic lamp bases or other ceramic components of luminaires containing lead and/or cadmium in the glaze/colouring	CELMA - Federation of National Manufacturers Associations for Luminaires and Electrotechnical Components for Luminaires in the European Union
6	Decorative lamp shades and bases (luminaires) containing lead in the solder used to join/coat the copper foil mounting strips for the glass/shell/other material used in tiffany (like stained glass windows), capiz shell and similar products	CELMA
7	Mercury in single capped (compact) fluorescent lamps not exceeding (per burner): 1(a)(1) For long-life lamps <30W (specified with a lifetime of >15 khrs) 3.5 mg may be used after 31 December 2011.	European Lamp Companies Federation
8	Mercury in cold cathode fluorescent lamps for general lighting purposes (Category 5)	Federazione ANIE - Italian Federation of Electrotechnical and Electronic Industries
9	Mercury in cold cathode fluorescent lamps for luminous sign for advertising or decorative purposes (Category 5)	Federazione ANIE
10	Lead in micro-channel plate	JBCE - Japan Business Council in Europe
11	Lead as an activator in the fluorescent powder of discharge lamps when used as photophoresis lamps containing phosphors such as BSP (BaSi2O5:Pb)	Therakos Photopheresis

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 exemption number.
- Take the **questionnaires** on the exemption requests into account (see the sections for each request at http://rohs.exemptions.oeko.info/index.php?id=76).
- 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** in accordance with the criteria listed in Article 5 (1) (a) 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. If possible, **provide photographs or diagrams** to illustrate claims. **Sources of information** should be referenced where possible.

- Provide your input to the consultation as early as possible in order to allow other stakeholders to comment.
- 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 to 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 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.
- It shall be noted that generic comments, statements, position papers and any additional request for exemptions will not be taken into account.
- **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 with name, organisation, email and phone number). 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.

Interested parties are invited to send their comments by e-mail, the latest on **4 September 2012**, to rohs.exemptions@oeko.de or by post to:

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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 published. In the latter case, responses should be clearly and visibly marked with the words **"Not for publication"**.