

Contribution concerning requests 17a, 18a and 20a of the 2012 4th Stakeholder Consultation, made by the Danish Ministry of the Environment: environmental Protection Agency and received per Email on 15.2.2013

To the RoHS Exemption Team,

We find the request somewhat confusing.

The three requests on exemptions all address applications where alternatives have been developed for category 1,2,3,4,5,6,7 and 10. Thus, it is expected that alternatives are available or could relatively easily be developed also for category 8 and 9. To support this view no request for exemption on these applications has been made for category 8.

The main reason put forward for the exemption thus seems to be, not that there are no replacements available, but that the industry has assumed that there would be an exemption and has thus developed products in line with this assumption, and so changing to a new technology would be very costly at this point. We doubt, that this is a valid argument. Anyway, the applicant should estimate the cost for replacement and it does not seem to us that they have done this. Further, they first apply for the whole category 9, then they narrow it down to only the industrial equipment without explanation.

Further, for all request and in particular request 17a, we find that the application has a very broad and general character*(se further examples below). According to **Article 5 exemptions can be given for "specific applications"**. During the negotiations of the RoHS directive this wording was specifically negotiated in order to assure that general and broad exemptions like the one proposed in e.g. request 17a would NOT be granted. **Thus the applications in the current wordings, do not in our understanding qualify for an exemption.**

The applicant argues that it is a waste of money to qualify which type of equipment need an exemption. Which to our understanding indicates that they do not know for sure, to what extend and in worst case if the exemptions is needed.

They further argue that the product development cycle takes up to 7 - 10 years and that they would need until 2024 (11 years from now) to adjust.

According to article Article 5 exemptions can only be granted for a period of up to 7 years. **Thus according to the directive it is not possible to grant an exemption that would run to 2024. The maximum exemption that can be granted in 2013 would run to 2020.**

Finally, the producers of category 9 industrial equipment is **already granted a transition period of 6 years from 2011 to 2017**. We thus find it much to premature to support new exemption for category 9.

We suggest that the commission reject the requests and recommend to the Test and Measurement coalition to quantify and resubmit their applications in 2016.

Best regards

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* - e.g. in 17a at some point the applicant narrow down the request to the wording in the current 7(c) III exemption

- in 20a at least it could be analysed what limit values would apply to the various lengths. e.g. could short length (< 500) use just 3,5 mg?
- e.g. in 18a a separation for C-press compliant pin connector systems and other systems could have been made.