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Swedish Chemicals Agency's Contribution to Stakeholder Consultation regarding the following Exemption Requests; No. 2017-5, No. 2017-6 and No. 2017-7

The Swedish Chemicals Agency welcomes the opportunity to comment on these requests for an exemption under the RoHS Directive. Please find our comments under the respective heading and question in the text below.

- **No. 2017-5 "Lead in thermal cut-off fuses overmolded into solenoid coils used in industrial monitoring and control instruments (Category 9) and EEE falling under Category 11."**

1. The applicant's solenoid coils so far have been used in large-scale fixed installations which are outside the scope of the RoHS Directive, but in future it can be expected that they shall be used in EEE that is in scope. The applicant has therefore requested an exemption, proposing the following wording:

"Lead in thermal cutoff fuses overmolded into solenoid coils used in industrial monitoring and control instruments (Category 9) and EEE falling under Category 11" for 5 years.

- a. Do you agree with the scope of the exemption as proposed by the applicant?*

No. We do not agree with the scope proposed by the applicant for the following reason. The exemption request suggests lead used in "...EEE falling under Category 11." Article 5 in the RoHS directive (2011/65/EC) stipulates that exemptions can be included in Annexes III and IV for materials and components of EEE for specific applications. The proposed scope of the exemption is too broad and not specific enough. Furthermore, it will be difficult to ascertain which products that are covered in enforcement activities.

- b. Please suggest an alternative wording and explain your proposal, if you do not agree with the proposed exemption wording.*

We consider that it must be specified in the exemption for which types of EEE, falling under Category 11, it is necessary to use lead in thermal cut-off fuses overmolded into solenoid coils. We understand that these types of products are only used by professionals. Therefore, the exemption must also specify that it only concerns products for professional use. However, we do not have any suggestion on the wording of the exemption.

- **No. 2017-6 "Bis (2-ethylhexyl) phthalate in rubber parts such as O-rings, seals, vibration dampers, gaskets, hoses, grommets and cap-plugs that are used in engine systems including exhausts and turbochargers that are designed for use in equipment that is not designed solely for consumer use."**

1. a. Do you agree with the scope of the exemption as proposed by the applicant?

No. Article 5 in the RoHS directive (2011/65/EC) stipulates that exemptions can be included in Annexes III and IV for materials and components of EEE for specific applications. The proposed scope of the exemption is too broad and not specific enough. Additionally, the applicant gives examples of types of equipment that are in scope of RoHS that require this exemption. It is also mentioned in the application certain types of rubber used which contains bis (2-ethylhexyl) phthalate (DEHP). Furthermore, it is difficult to ascertain exactly which products that will be covered with the proposed wording in enforcement activities.

b. Please suggest an alternative wording and explain your proposal, if you do not agree with the proposed exemption wording.

We consider that the scope of the exemption must be narrowed down to include the relevant rubber types which contains DEHP, types of parts where these rubbers are to be found and for which type of EEE an exemption is necessary. However, we do not have any suggestion on the wording of the exemption.

Furthermore, DEHP is included in the REACH Candidate list. Therefore, the information requirement in Article 33 REACH is valid independently if the articles are in scope of ROHS or not and independently if an exemption is granted or not.

- **No. 2017-7 "Lead in solders of sensors, actuators and engine control units (ECUs) that are used to monitor and control engine systems including turbochargers and exhaust emission controls of internal combustion engines used in equipment that are not intended to be used solely by consumers."**

1. a. Do you agree with the scope of the exemption as proposed by the applicant?

No. Article 5 in the RoHS directive (2011/65/EC) stipulates that exemptions can be included in Annexes III and IV for materials and components of EEE for specific applications. The proposed scope of the exemption is too broad. Additionally, the applicant gives examples of types of equipment that are in scope of RoHS that require this exemption. Furthermore, it is difficult to ascertain exactly which products that will be covered with the proposed wording in enforcement activities.

b. Please suggest an alternative wording and explain your proposal, if you do not agree with the proposed exemption wording.

We consider that the scope of the exemption must be narrowed down to specify for which products the exemption of lead is necessary and in addition in which parts. However, we do not have any suggestion on the wording of the exemption.