
**Study to assess eight (8) exemption requests
in Annexes III and IV to Directive 2011/65/EU:
“Renewal of exemptions III.41, IV.37, IV.41,
and requests for new exemptions for lead and
DEHP in certain NRMM engines applications,
lead in solder and hexavalent chromium to be
used in mass spectrometers, lead in certain
thermal cutoff fuses and lead in solders of
certain applications used to identify
radiation”**

Project Description Pack 14 – 2017

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1 Background

The RoHS Directive (2002/95/EC) (RoHS 1) has been recasted and has now become Directive 2011/65/EU that entered into force on 21 July 2011, repealing Directive 2002/95/EC on 3 January 2013. 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. 07.0201/2017,762291/ETU/ENV.B.3 implementing Framework Contract No. ENV.A.2/FRA/2015/0008, a consortium led by Oeko-Institut for Applied Ecology, 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 new RoHS Directive 2011/65/EU (RoHS 2).

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, eight exemption requests will be evaluated. Table 1 gives an overview of the requests, covering the use of DEHP and lead.

Table 1 Exemption requests that will be evaluated during this project in order of date of submission.

No.	Initially Proposed Wording	Applicant
Requested renewal/ amendment of existing exemption		
Annex III, 41	Lead in solders and termination finishes of electrical and electronic components and finishes of printed circuit boards used in ignition modules and other electrical and electronic engine control systems, which for technical reasons must be mounted directly on or in the crankcase or cylinder of hand-held combustion engines (classes SH:1, SH:2, SH:3 of Directive 97/68/EC of the European Parliament and of the Council (2))	Stihl
Annex IV, 37	Lead in platinized platinum electrodes used for conductivity measurements where at least one of the following conditions applies: (a) wide-range measurements with a conductivity range covering more than 1 order of magnitude (e.g. range between 0,1 mS/m and 5 mS/m) in laboratory applications for unknown concentrations; (b) measurements of solutions where an accuracy of +/- 1 % of the sample range and where high corrosion resistance of the electrode are required for any of the following: (i) solutions with an acidity < pH 1; (ii) solutions with an alkalinity > pH 13; (iii) corrosive solutions containing halogen gas; (c) measurements of conductivities above 100 mS/m that must be performed with portable instruments.	JBCE
Annex IV, 41	Lead as a thermal stabiliser in polyvinyl chloride (PVC) used as base material in amperometric, potentiometric and conductometric electrochemical sensors which are used in in-vitro diagnostic medical devices for the analysis of blood and other body fluids and body gases.	Intertek
Request of new exemptions		
2017-3	Lead in solders of alpha spectrometers, pulse-processing electronics, scintillation detectors and spectroscopy systems used in equipment to identify radiation, expiring on 23 July 2024	Ametek
2017-4	Lead in solder and Hexavalent Chromium in parts used to make RF detectors in Mass Spectrometers, to be added to Annex IV	Sciex
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.	Emerson
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.	Euromot
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.	Euromot

4 Project set-up

The overall project is led by Carl-Otto Gensch. At Fraunhofer IZM the contact person is Otmar Deubzer. The project team at Oeko-Institut consists of the technical experts Yifaat Baron 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:

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- 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 consultations on new 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 and Fraunhofer IZM started 4 September 2017 and will run over a period of 8 months, thus ending 3 May 2018. An interim report shall be delivered to the European Commission during October 2017. The final report is due at the end of the project.

The stakeholder consultation is planned towards mid-October 2017. If a stakeholder workshop is appropriate it will take place in winter 2017/2018.