

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 18 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 (request No. 2 and 11 have been submitted to the Commission but are not part of the current project and are therefore not listed here).

| No. | Proposed wording Titel | Applicant |
|-----|--|--------------------------------|
| 1 | Cadmium and its compounds in electrical contacts or one shot pellet type thermal cut-offs with current ratings of 5 Amperes or more, for use in monitoring and control instruments (Category 9.) | Test and Measurement Coalition |
| 3 | Cadmium in phosphor coatings in image intensifiers for X-ray images | COCIR ¹ |
| 4 | Lead acetate marker for use in stereotactic headframes for use with CT and MRI and in positioning systems for gamma beam and particle therapy equipment | COCIR |
| 5 | Lead as an alloying element as a lubricant for bearings and wear surfaces in radiotherapy equipment and radiosurgery equipment and for patient and equipment support systems | COCIR |
| 6 | Lead to enable thermal compression process to make a vacuum tight connection between aluminium and steel for X-ray image intensifiers | COCIR |
| 7 | Lead in non-magnetic pin connector systems used at temperatures below minus 20°C | COCIR |
| 8 | Lead in solder for electrical circuitry that is used at temperatures below -20°C | COCIR |
| 9 | Lead in solders and solderable coatings used on non-magnetic components and circuits that are used in magnetic fields or are associated with circuits used inside strong magnetic fields | COCIR |
| 10 | Lead in solders to PCBs for mounting cadmium telluride and cadmium zinc telluride digital array detectors | COCIR |
| 12 | Lead and cadmium in optical and filter glass in monitoring and control instruments (Category 9.) | Test and Measurement Coalition |
| 13 | Lead and cadmium in metallic bonds creating superconducting magnetic circuits | Test and Measurement Coalition |
| 14 | Lead in alloys as a superconductor and thermal conductor in devices that depend on superconductivity for their operation | Test and Measurement Coalition |
| 15 | Lead not exceeding 20% in bronze bearings and bushes in monitoring and control instruments (Category 9.) | Test and Measurement Coalition |
| 16 | Lead in solders consisting of more than two elements for the connection between the pins and the package of microprocessors with a lead content of more than 80% and less than 85% by weight used in monitoring and control instruments (Category 9) | Test and Measurement Coalition |
| 17 | Lead in glass of electronic components and fluorescent tubes, or in electronic ceramic parts (including dielectric ceramic capacitors) used in monitoring and control instruments (Category 9.) | Test and Measurement Coalition |
| 18 | Lead used in compliant pin connector systems for use in monitoring and control instruments (Category 9) | Test and Measurement Coalition |
| 19 | Handicraft luminous discharge tubes (HLDT) used for signs, decorative lighting and light-artwork, in fixed or portable installations as per definition in EN50107-1(2002) "1 Scope" and in prHD60364-7-719 number 719-1 | European Sign Federation |
| 20 | Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for special purposes not exceeding 5 mg per lamp in lighting applications for monitoring and control instruments (Category 9) | Test and Measurement Coalition |

¹ European Coordination Committee of the Radiological, Electromedical and Healthcare IT Industry

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).
- 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 **20 March 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 publicised. In the latter case, responses should be clearly and visibly marked with the words "Not for publication".