

Questionnaire Exemption Request No. 12

“Lead and cadmium in optical filter glass in monitoring and control instruments”

Background

The Test and Measurement Coalition (TMC) applies for an exemption for “Lead and cadmium in optical filter glass in monitoring and control instruments (Category 9)”.

A very similar exemption was reviewed in 2008 resulting in its inclusion into Annex III of RoHS II (exemptions 13(a) and 13(b)):

13(a): Lead in white glasses used for optical applications

13(b): Cadmium and lead in filter glasses and glasses used for reflectance standards

The relevant excerpt of the final report is available on the project website at <http://rohs.exemptions.oeko.info/index.php?id=118>.

Category 9 equipment will be included into the scope of the RoHS Directive starting on 22 July 2014 and 22 July 2017 respectively for industrial monitoring and control instruments. If the exemption were to be adopted, it would be included into Annex IV of RoHS II and expire on 22 July 2021¹, unless an earlier expiry date is set. Otherwise, the currently valid exemptions 13(a) and 13(b) will remain valid for category 9 equipment until 21 July 2018.

The applicant justifies the exemption request with the following technical, scientific and socioeconomic arguments:

- a) The applicant claims that optical filter glass containing lead and/or cadmium has significant advantages over lead- and cadmium-free substitutions.
- b) The applicant claims that lead-free alternatives are only available with low refractive index.
- c) The applicant claims that substitutes have lower quality than lead- or cadmium-containing optical filter glasses.

¹ Due to a standard 7 year validity period for category 9 exemptions as stated in Article 5 (2) of Directive 2011/65/EU

For details, please check the applicant's exemption request at <http://rohs.exemptions.oeko.info/index.php?id=118>. This exemption request has been subject to a first completeness and plausibility check. The applicant has been requested to answer additional questions and to provide additional information (c.f. link above).

In the document "[General comments to Oeko's questions.docx](#)", TMC justifies the exemption request with formal and procedural arguments. Such formal and procedural arguments cannot be taken into account during the evaluation by Öko-Institut and Fraunhofer IZM. Rather, the objective of this consultation and the review process is to collect and to evaluate information and evidence according to the criteria listed in Art. 5 (1) (a) of Directive 2011/65/EU (RoHS II), which you can download from here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT>.

If you would like to contribute to the stakeholder consultation, please answer the following **questions**:

1. Please state whether you either support the applicant's request or whether you would like to provide argumentation against the applicant's request. In both cases please provide detailed technical argumentation / evidence in line with the criteria in Art. 5 (1) (a) to support your statement.
2. Would you consider a separate inclusion of the requested exemption into Annex IV of Directive 2011/65/EU to be necessary with a validity period until 2021 or would the validity of existing exemptions 13 (a) and 13 (b) until 21 July 2018 be sufficient?
3. The applicant did not provide test results/protocols supporting his argumentation with regard to the non-practicability respectively the non-availability of substitutes (e.g. related research activities and potential limitations of certain substitutes). Is there any supporting / contradicting evidence in the form of test results/protocols that you can provide?
4. The applicant fails to specify the range of the refractive index in which no lead-free alternative of sufficient quality is available. Can you provide information that can help to specify this assertion?
5. The applicant fails to provide an objective definition of quality aspects of optical filter glasses. Can you provide information that can help to define the quality aspects of optical filter glasses (e.g. thermal stability)?
6. Do you consider any other aspects or details to be of importance, which have not yet been taken into account?

Finally, please do not forget to provide **your contact details** (Name, Organisation, e-mail and phone number) so that Öko-Institut/Fraunhofer IZM can contact you in case there are questions concerning your contribution.