

Questionnaire Exemption Request No. 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).”

Background

The Test and Measurement Coalition (TMC) applies for an exemption for “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)”.

The requested exemption is a fusion of several exemptions already listed in Annex III of Directive 2011/65/EU (RoHS II Directive):

5 (b) Lead in glass of fluorescent tubes not exceeding 0.2 % by weight; this exemption expires on 22 July 2015 and after that date may be used in spare parts for EEE placed on the market before 22 July 2015

7c-I Electrical and electronic components containing lead in a glass or ceramic other than dielectric ceramic in capacitors, e.g. piezoelectronic devices, or in a glass or ceramic matrix compound; this exemption expires on 22 July 2015 and after that date may be used in spare parts for EEE placed on the market before 22 July 2015

7c-II Lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher; this exemption expires on 22 July 2015 and after that date may be used in spare parts for EEE placed on the market before 22 July 2015

7c-III Lead in dielectric ceramic in capacitors for a rated voltage of less than 125 V AC or 250 V DC; this exemption expires on 1 January 2013 and after that date may be used in spare parts for EEE placed on the market before 1 January 2013.

These were reviewed in 2008. The relevant excerpt of the final report is available on the project website at <http://rohs.exemptions.oeko.info/index.php?id=123>.

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.

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

- a) The use of lead is critical for Category 9 products to guarantee high and long term reliability. There are no suitable alternatives available to date. Due to the unique nature of many of the components used in Category 9 equipment, the refusal of the exemption request would drive design changes to the individual component and potentially design changes to the application where the component is utilized.
- b) Historically, material or component substitutions have been validated through a number of tests under extreme conditions. Testing programs can last one or two years.
- c) The additional time needed for adaptation and redesign of the sector's portfolios would be considerable causing massive withdrawal of products from the EU market. This would have very serious consequences, not only for Category 9 producers, but also on client industries which are of key importance for the EU economy and competitiveness such as communication, defence, research & development, aerospace, electronic manufacture, etc.

For details, please check the applicant's exemption request at <http://rohs.exemptions.oeko.info/index.php?id=123>. 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>.

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

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

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. The applicant asks for an extension of the exemption until 2021, which is the maximum possible validity period. Do you agree with this expiry date, or would an earlier expiry be feasible in case the exemption is justified?
3. 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.