

June 16th, 2006 U.S. Mission to the EU WEEE/RoHS Update

With the July 1st 2006 RoHS start date just over two weeks away, the US Mission has been focusing on the issues related to that Directive in recent weeks. This update summarizes the information from a number of sources, including a meeting with the European Commission on WEEE and RoHS (June 15th) and information from US companies and other US DOC posts in Europe.

In addition to frequent updates to the information already on [our WEEE/RoHS web pages](#), we have recently added a list of EU Member State RoHS enforcement bodies, which are of ever more immediate interest to US exporters of EEE.

As always, we welcome feedback on the site, and will strive to keep it as accurate and up-to-date as possible, so don't hesitate to let us know if you have better or newer information!

WEEE & RoHS

- FAQ Updates Coming from the Commission
 - At our meeting on June 15th, EC officials indicated to us that they had recently updated the FAQ document that appears on their main WEEE/RoHS web page with further guidance on the scope of WEEE/RoHS, specifically concerning how it relates to batteries.
 - They also indicated that further updates are planned for the near future, and that these would include some guidance on specific scope issues and definitions, but gave no details.
- Revisions
 - The process currently underway that will see the EC make proposals about whether and/or how to include medical devices and monitoring and control instruments ("Categories 8 & 9") in the scope of the RoHS Directive continues with no change. The final report by consultants ERA Technology is due in July 2006. This will be followed by an impact assessment and a public consultation on legislative options before a full legislative procedure is formally launched.
 - The general revision process for both the WEEE & RoHS Directive continues too. When questioned on the kind of approaches that could be considered in the revisions, the EC officials we spoke to on June 15th indicated that "lifecycle" thinking and broader impacts would be taken into account, in contrast to the legislation as it stands today. This might conceivably steer the EU towards a more balanced and broad-based approach to questions unanswered by the current legislation, e.g. what is the impact of substitution, and is it desirable?

WEEE

- Registration
 - The European Commission has asked the European EEE industry (EICTA, Orgalime, and Ceced) to provide it with input about how to move towards harmonized WEEE registers. The input received so far has yet to be fully analyzed.
 - The European Commission believes that industry could be doing much to help move towards harmonization of registers, especially in countries where the registers are managed by the collective take back schemes of which producers are the owners.
 - The US Mission will soon be launching an information-gathering exercise in the US EEE exporter community to determine the usefulness of possible initiatives aimed at allowing US companies to register directly for WEEE obligations in EU countries rather than depend on distributors or end customers.
- Fixed Installations

The debate between EU Member States about the scope of the exclusion of “fixed installations” from the WEEE Directive continues. Consensus does not appear to be close, and the European Commission acknowledges the challenge posed by the fact that the RoHS Directive, which should have identical scope in all EU countries, takes its scope from the WEEE Directive, which allows individual Member States to increase the scope on their territory. This is an issue that ought to be addressed in the revisions referred to above.

- Pipe Organs

At our meeting with the European Commission, the EC officials confirmed their view that pipe organs are not covered by WEEE. Musical instruments are part of Category 4, but that Category encompasses “consumer equipment”. A pipe organ is not consumer equipment, and indeed might well be considered a “fixed installation”. We do not yet have the text of the Commission’s opinion. The EC opinion may not be followed by all the Member States.

RoHS

- Transpositions

- The Commission continues to work on assessing the transpositions of WEEE and RoHS in each of the 25 EU Member States. As with all EU legislation, action will be taken against countries felt not to have correctly interpreted their obligations.

- Exemptions

- A new set of exemptions (the third batch) was adopted in April 2006, and published in a [legislative amendment](#) to the RoHS Directive at the end of that month.
- A fourth set of exemptions is due to be voted on at the next meeting of the TAC on June 26th. We understand this batch contains the following exemptions:
 - 21. Lead and cadmium in printing inks for the application of enamels on borosilicate glass.
 - 22. Lead as impurity in RIG (rare earth iron garnet) Faraday rotators used for fibre optic communications systems.
 - 23. Lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with NiFe lead frames and lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with copper lead-frames.
 - 24. Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors.
 - 25. Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.
 - 26. Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.
 - 27. Lead alloys as solder for transducers used in high-powered (designated to operate for several hours at acoustic power levels of 125 dB SPL and above) loudspeakers.
- RoHS exemptions must be revised by four years from July 1st 2006, i.e. July 1st 2010. However, in practice this date may not be so significant, since the exemptions can be revised earlier if any stakeholders make a good case for such a revision.
- **Hexavalent Chromium exemption:** after receiving a letter from three white goods manufacturers suggesting that trivalent chromium was a good substitute for CRVI passivation coatings, the consultant advising the European Commission asked HP (who made the original exemption request) to propose new wording that would leave the ban intact in the white goods sector, but create an exemption for IT and telecoms equipment. This new wording is also likely to be voted on at the June 26th TAC, but separately from the batch referred to above. The wording is:

“Hexavalent chromium in corrosive preventive coatings of unpainted metal sheetings and fasteners used for corrosion protection and Electromagnetic Interference Shielding in

equipment falling under category three of Directive 2002/96/EC (IT and telecommunications equipment) until 1 July 2007.”

- RoHS enforcement
 - We recently published a [RoHS Enforcement Guidance document](#) on our web site. This document was first published in May 2006. It was written by a group of EU Member State government officials and RoHS enforcement authorities. It does not bind the Member States in any way, and should be read with a view to understanding the broad outlines of a probable approach to enforcement in the countries that choose to follow it. Some Member States may wish not to follow this approach. Nevertheless, we feel it can provide valuable insights to business.
 - We recently also published a [list of national RoHS enforcement bodies](#) on our site.
- “Put on the market”

At our meeting with officials from DG Environment, they indicated that they were continuing to monitor the situation in all Member States with regard to the various interpretations of “put on the market”.