

# **Unofficial note of the Technical Adaptation Committee on the WEEE & RoHS Directives**

**Brussels, 10 December 2004**

## **Summary**

The TAC voted upon and adopted two draft Commission Decisions – one amending the list of exemptions in the Annex of the RoHS Directive and the other laying down the rules for monitoring the compliance of Member States and establishing data formats for the WEEE Directive.

The TAC also discussed the Commission's proposals for dealing with outstanding RoHS exemption requests brought forward by industry interests since the independent technical study had been launched and a process for dealing with any further requests that may be submitted. A round table discussion by all TAC members on the implementation of Article 8 of the WEEE Directive was undertaken and there were preliminary discussions on a number of other issues under the Any Other Business item.

## **Main points**

### **Vote on the Commission's draft Decision to amend the annex of the RoHS Directive**

The Commission had circulated proposals to amend the list of exemptions in the Annex to the RoHS Directive on the basis of the results of the independent technical study undertaken on its behalf by ERA Technology. The Member States voted to adopt these proposals by an overwhelming majority. The draft Decision will now be translated into the EU's official languages, followed by publication in the Official Journal. The UK understands that this process will take some ten to twelve weeks.

Subject to formal legal notification, the adopted changes for the Annex are: -

- (i) the first indent of paragraph seven will refer to "lead based alloys containing 85 % by weight or more lead";
- (ii) the second and third indents of the same paragraph will be combined to "lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications";
- (iii) paragraph 8 will be replaced by "cadmium and its compounds in electrical contacts and cadmium plating except for applications banned under Directive 91/338/EEC amending Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations"; and
- (iv) there will be new exempted applications for "lead used in compliant pin connector systems", "lead as a coating material for the thermal conduction module c-ring", "lead and cadmium in optical and filter glass", "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” and “lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit Flip Chip packages”.

### **Vote on the Commission’s draft Decision laying down rules for monitoring compliance of Member States and establishing data format for the WEEE Directive**

The Commission had circulated a draft Decision laying down the rules for monitoring compliance of Member States with the recovery and recycling targets set out by the Directive. It also covered the data formats to be used by Member States when reporting this information. The Member States voted to adopt these proposals by an overwhelming majority. The draft Decision will now be translated into the EU’s official languages, followed by publication in the Official Journal. The UK understands that this process will take some ten to twelve weeks. Guidance will also follow.

### **Discussion on the ways in which additional requests for exemption requests to be included in the Annex of the RoHS Directive**

As discussed at the TAC meeting on 22 October, a number of other exemption requests had been received by the Commission since the ERA study had been launched.

At that meeting, the Commission had said that it wanted to bring forward two further sets of exemption proposals for vote early in the new year. The first of these would cover deca-BDE; the lead in lead-bronze bearing shells & bushes; the lead crystal in the glass of chandeliers; and the use of non-RoHS compliant parts from old electrical and electronic equipment in the manufacture of new equipment. The second set of proposals would cover those late requests for exemptions received by the Commission since the launch of the study.

The Commission now announced that it had decided that those requests that were not covered by the stakeholder consultation exercise undertaken in July this year would be the subject of a similar consultation exercise to be launched this month<sup>1</sup>. It also proposed that - following the conclusion of the consultation exercise - the two sets of proposals should be combined for a possible vote in either February or March.

The Commission also announced that it had now received advice from its Legal Services on the issue of electrical & electronic equipment that is part of another type of equipment not covered within the scope of the WEEE and RoHS Directives. This type of equipment is specifically excluded from the WEEE Directive by Article 2.1 and the UK’s view was that this exclusion should also apply to the RoHS Directive, (on the basis that EEE is defined in identical terms in both Directives). The

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<sup>1</sup> Commission consultation exercise now launched, see - [http://europa.eu.int/comm/environment/waste/rohs\\_consult.htm](http://europa.eu.int/comm/environment/waste/rohs_consult.htm)

Commission's Legal Services, however, do not agree with the UK's view and have decided that the current text of the RoHS Directive does not cover such an exclusion.

In order to help address this anomaly (which cannot be rectified through the comitology process), the Commission has included a new exemption proposal in its latest stakeholder consultation exercise - see exemption proposal 22 in the new list. Whilst welcoming the Commission's initiative, the UK raised concerns that this exemption should not be restricted to the aeronautic and aerospace sectors.

During general discussion on the issue of exempted applications, some Member States asked about the ways in which any future additional requests might be handled. The Commission said that it felt that the obligation to supply the relevant independent scientific and technical evidence to support such requests should now be placed upon those making them, which the Commission and the TAC could then take forward for final consideration.

### **Discussion on the implementation of Article 8 of the WEEE Directive**

There was a general (unminuted) round table discussion on how Member States were proposing to implement Article 8 of the WEEE Directive (Financing in respect of WEEE from private households). Some Member States said that they were proposing to copy the Directive's requirements into their national law; others said they intended to go further and to specify particular mechanisms.

### **Any Other Business**

A number of other issues were discussed: -

#### Report of the Workshop on WEEE Treatment held on 21 October

A Member State reported on a workshop it had held to discuss certain aspects of the treatment requirements under the WEEE Directive. The workshop had focussed on acceptable ways of removing LCDs, PCBs and the treatment of CRTs, including the possibility of using smelting to fulfil the Directive's requirements. The workshop also discussed the acceptance of new treatment techniques. The Member State said that it had also conducted a survey of Member States to identify how they proposed to implement the treatment requirements. Some are proposing to specify particular techniques or to go further than the requirements of the Directive.

#### Proposal by one Member State to revise Annex II of the WEEE Directive

A Member State had written to the Commission proposing ways of taking forward future revisions to Annex II of the WEEE Directive. The Commission said that its initial view was that this was within the remit of the TAC, but that it would check with its legal services. One possibility was a small discussion group to look at the issue and to report back to the TAC. It could clarify the options on how to address new treatment technologies in collaboration with industry.

### Marking of Small Products

A Member State asked about whether small products needed to be marked with the crossed out wheeled bin symbol and whether it was necessary to require marking of packaging if the product was too small to carry the mark itself. The Member State thought that requiring marking of packaging where it would normally not be used would be an added environmental impact. It suggested that a removable sticker could be used. The Commission said that the draft CENELEC standard had suggested that if the label fitted on the product, it should be used and that the suggested minimum size was 5mm. Another Member State asked if the symbol applied to B2B EEE. The Commission replied that it had told CENELEC that it applied to B2C and B2B, as it could be difficult to identify the final destination of products.

### Methods of Compliance with the RoHS Directive

A preliminary discussion on the ways in which producers may demonstrate compliance with the RoHS Directive was undertaken. The UK welcomed this discussion, which it felt was extremely important and long overdue. One Member State asked about the possibility of developing European standards and said that one major IT company was willing to do some pilot work with them to take this forward. Both the Commission and a number of TAC members had also been approached by a major European IT and consumer electronics trade association, which was also interested in the development of practical guidance to support the agreed definition of 'homogeneous material'.

The Commission said that it welcomed the direct participation of industry in such issues, as the producer/manufacturer would be the key stakeholder that would need to comply with any resultant developments. The UK said that it understood that the development of standards was already being discussed in both the US and the UK, but that the European standard-setting bodies would not initiate any work programmes until the Commission formally asked them to do so.

It was agreed that this was an important issue and that discussions should be held early in 2005.

### The Inventory Movement of IT Products used to Replace Faulty or Broken Equipment

One major IT manufacturer had approached the Commission and a number of TAC representatives to discuss the issue of industry standard processes for the repair of IT products. The Commission had now discussed this issue with them and was awaiting further information.

### Commission Guidance on 'Grey Area' Products

One Member State asked about progress on the Commission's criteria for 'grey area' products. The meeting was told that DG Environment was still working on this with its colleagues in other DGs and that it hoped to put an updated document on its website shortly.

### The RoHS Directive's Maximum Concentration Values

The draft Commission Decision on the establishment of the maximum concentration values for the RoHS Directive had been submitted to the Environment Council in September. The Council had made no formal response to this draft Decision, it would – therefore – be adopted by default in December.

### **Next Meeting**

The Commission announced that the next meeting of the TAC would take place in early February, with a second meeting to be held in mid-March. Both dates would be confirmed nearer the time.

DTI  
20 December 2004