

STAKEHOLDER CONSULTATION ON

ADAPTATION TO SCIENTIFIC AND TECHNICAL PROGRESS

UNDER DIRECTIVE 2002/95/EC

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE

RESTRICTION OF THE USE OF CERTAIN HAZARDOUS

SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT

FOR THE PURPOSE OF A POSSIBLE AMENDMENT OF THE ANNEX

1. INTRODUCTION

Article 4(1) of Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment¹ provides ‘that from 1 July 2006, new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, PBB or PBDE.’

The annex to the Directive lists a limited number of applications of lead, mercury, cadmium and hexavalent chromium, which are exempted from the requirements of Article 4(1).

According to Article 5 (2) of Directive 2002/95/EC the Commission is required to consult the relevant stakeholders before amending the annex. The results of this consultation will be forwarded to the Technical Adaptation Committee of the Directive 2002/95/EC and the Commission services will provide an account of the information received.

Although the Commission will analyse the results of this stakeholder consultation carefully, please note that as with all stakeholder consultations, this action is only one part of the decision making process. 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. APPLICATIONS TO BE EVALUATED - ANNEX

Item 10 of the annex, as published, states that the Commission shall evaluate ‘as a matter of priority in order to establish as soon as possible whether these items are to be amended accordingly’ the following applications:

- Deca BDE²,
- Mercury in straight fluorescent lamps for special purposes³,
- Lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network

¹ OJ L 37, 13.2.2003, p. 19

² Currently assessed under Regulation 793/93/EEC on the evaluation and control of the risks of existing substances.

³ Currently exempted under Directive 2002/95/EC. Currently part of a study to assess the need to maintain the exemption or to delete it.

management for telecommunications (with a view to setting a specific time limit for this exemption)⁴, and

- Light bulbs⁵.

3. PROPOSAL FOR ADDITIONAL EXEMPTIONS

Article 5(1)(b) of Directive 2002/95/EC provides that materials and components can be exempted from the substance restrictions contained in Article 4(1) if their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to therein is technically or scientifically impracticable, or where the negative environmental, health and/or consumer safety impacts caused by substitution outweigh the environmental, health and/or consumer safety benefits thereof.

On the basis of this provision the Commission has received from Member States and Industry additional requests for applications to be exempted from the requirements of the directive.

The additional requests are:

1. Lead used in compliant-pin VHDM (Very High Density Medium) connector system
2. Lead as a coating material for a thermal conduction module c-ring
3. Lead and cadmium in optical and filter glass
4. Lead in optical transceivers for industrial applications
5. 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 85% in proportion to the tin-lead content (exemption until 2010)
6. Lead in high melting temperature type solders (i.e. tin-lead solder alloys containing more than 85% lead) and any lower melting temperature solder required to be used with high melting temperature solder to complete a viable electrical connection
7. Lead in solders to complete a viable electrical connection internal to certain Integrated Circuit Packages (Flip Chips) (exemption until 2010)
8. Article 4(1) substances in safety equipment for fire and rescue services.
9. Lead in lead-bronze bearing-shells and bushes

⁴ Currently exempted under Directive 2002/95/EC. Currently part of a study to assess the need to maintain the exemption or to delete it.

⁵ Currently covered by the substance ban under Directive 2002/95/EC. Currently part of a study to assess the ban.

4. CONSULTATION OF INTERESTED PARTIES

In preparation of the decision for the consideration of item 10 of the annex as published, and the items listed above based on Article 5(1) (b), the Commission services would like to consult interested parties.

In particular, stakeholders are requested to provide, for each entry, information on the existence of feasible substitutes currently existing in an industrial and/or commercial scale, and the costs and benefits and advantages and disadvantages of such a substitute. For each item, any feasible substitutes should be identified and any restrictions that apply to this substitute. Stakeholders are requested to support, as far as possible, their contribution with technical and scientific evidence.

- | |
|--|
| <p>1. Deca-BDE</p> <ul style="list-style-type: none">- Do feasible substitutes currently exist in an industrial and/or commercial scale?- Do any restrictions apply to such substitutes?- What are the costs and benefits and advantages and disadvantages of such substitutes? |
|--|

- | |
|--|
| <p>2. Mercury in straight fluorescent lamps for special purposes</p> <ul style="list-style-type: none">- Do feasible substitutes currently exist in an industrial and/or commercial scale?- Do any restrictions apply to such substitutes?- What are the costs and benefits and advantages and disadvantages of such substitutes? |
|--|

- | |
|---|
| <p>3. Lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications (with a view to setting a specific time limit for this exemption)</p> <ul style="list-style-type: none">- Do feasible substitutes currently exist in an industrial and/or commercial scale?- Do any restrictions apply to such substitutes?- What are the costs and benefits and advantages and disadvantages of such substitutes? |
|---|

- | |
|---|
| <p>4. Lead in glass for light bulbs</p> <ul style="list-style-type: none">- Do feasible substitutes currently exist in an industrial and/or commercial scale?- Do any restrictions apply to such substitutes?- What are the costs and benefits and advantages and disadvantages of such substitutes? |
|---|

- 5. Lead used in compliant-pin VHDM (Very High Density Medium) connector system**
- Do feasible substitutes currently exist in an industrial and/or commercial scale?
 - Do any restrictions apply to such substitutes?
 - What are the costs and benefits and advantages and disadvantages of such substitutes?

- 6. Lead as a coating material for a thermal conduction module c-ring**
- Do feasible substitutes currently exist in an industrial and/or commercial scale?
 - Do any restrictions apply to such substitutes?
 - What are the costs and benefits and advantages and disadvantages of such substitutes?

- 7. Lead and cadmium in optical and filter glass**
- Do feasible substitutes currently exist in an industrial and/or commercial scale?
 - Do any restrictions apply to such substitutes?
 - What are the costs and benefits and advantages and disadvantages of such substitutes?

- 8. Lead in optical transceivers for industrial applications**
- Do feasible substitutes currently exist in an industrial and/or commercial scale?
 - Do any restrictions apply to such substitutes?
 - What are the costs and benefits and advantages and disadvantages of such substitutes?

- 9. 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 85% in proportion to the tin-lead content (exemption until 2010)**
- Do feasible substitutes currently exist in an industrial and/or commercial scale?
 - Do any restrictions apply to such substitutes?
 - What are the costs and benefits and advantages and disadvantages of such substitutes?

10. Lead in high melting temperature type solders (i.e. tin-lead solder alloys containing more than 85% lead) and any lower melting temperature solder required to be used with high melting temperature solder to complete a viable electrical connection

- Do feasible substitutes currently exist in an industrial and/or commercial scale?
- Do any restrictions apply to such substitutes?
- What are the costs and benefits and advantages and disadvantages of such substitutes?

11. Lead in solders to complete a viable electrical connection internal to certain Integrated Circuit Packages (Flip Chips) (exemption until 2010)

- Do feasible substitutes currently exist in an industrial and/or commercial scale?
- Do any restrictions apply to such substitutes?
- What are the costs and benefits and advantages and disadvantages of such substitutes?

12. Article 4(1) substances in safety equipment for fire and rescue services

- Do feasible substitutes currently exist in an industrial and/or commercial scale?
- Do any restrictions apply to such substitutes?
- What are the costs and benefits and advantages and disadvantages of such substitutes?

13. Lead in lead-bronze bearing shells and bushes

- Do feasible substitutes currently exist in an industrial and/or commercial scale?
- Do any restrictions apply to such substitutes?
- What are the costs and benefits and advantages and disadvantages of such substitutes?

Interested parties are invited to send their comments by **5 July 2004** at the latest by e-mail to ENV-RoHS@cec.eu.int or by post to:

European Commission
DG Environment, Unit G4 – Consultation Directive 2002/95/EC
B-1049 Brussels, Belgium.

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".
