

**Unofficial note  
of the Technical Adaptation Committee on the WEEE and RoHS Directives  
Brussels, 26 June 2006**

## **OVERVIEW**

### **1. Update on Results of Written Vote on draft Commission Decision**

The draft Commission Decision on seven additional exemptions to the RoHS Directive was carried by a qualified majority, but as new technical evidence had come to light on RIG (rare earth iron garnet), this exemption was withdrawn pending further investigation.

### **2. TAC Committee Votes on Two draft Commission Decisions**

The Commission proposed the adoption of two further exemptions to the RoHS Directive for lead in crystal glass and for hexavalent chromium. Both of these were carried by a qualified majority.

### **3. Network of RoHS Enforcement Authorities**

The Commission welcomed the work carried out by Member States through the informal network. This includes completing the Enforcement Guidance Document and the development of a Manual of Decision for deciding whether a product falls within the scope of the RoHS Directive. Neither of these documents will be legally binding and consequently neither will be formally approved by either the TAC or the Commission.

### **4. Grey Area Products**

All Member States and the Commission agreed that pipe organs fell outside the scope of the RoHS Directive and the Commission agreed to release a statement confirming this.

There was a discussion on the definition of “luminaires” for the purposes of the RoHS and WEEE Directives.

It was agreed by most Member States and the Commission that stickers and labels that are placed on electrical and electronic equipment must be RoHS compliant if the equipment itself has to be RoHS compliant.

### **5. WEEE Review**

The Commission outlined the process that it was intending to follow for the review of the WEEE Directive, with the aim of collecting initial data by 11 August of this year and presenting new legislative proposals by June 2008.

### **6. Fixed Installations**

Some Member States asked the Commission to remove the reference to “Fixed Installations” in its Frequently Asked Questions Document as they suggested that it causes confusion.

## 7. Any Other Business.

The Commission updated Member States on the status of the current study on Categories 8 (medical devices) and 9 (monitoring & control instruments).

It was announced that a Member State workshop would be held in Copenhagen in November this year on the issue of distance sellers with regard to the WEEE Directive.

The status of the exemption request for the reuse of photocopier and printer parts in a 'closed-loop' system was raised and discussed.

The extent of the adopted Commission Decision exempting DecaBDE in polymeric applications was raised by the UK.

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## DETAIL – RoHS DIRECTIVE

### 1. Update of Results of Written Vote

The Commission began by reading out the results of the vote that had taken place by correspondence on the draft Commission Decision to grant seven further exemptions. The proposal was carried by a qualified majority. The Commission explained – however - that at the same time as the Member States were voting, new technical evidence had come to light that the exemption for RIG (rare earth iron garnet) might not be necessary due to a new alternative that had been developed. The Commission said that it would need to consult its legal services to establish how it should proceed in these circumstances.

The six exempted applications that are **not** affected by the new technical evidence and which will now be transmitted to other parts of the Commission before final adoption and publication in the Official Journal are: -

*Lead and cadmium in printing inks for the application of enamels on borosilicate glass.*

*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.*

*Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors.*

*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.*

*Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.*

*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.*

## **2. Vote on proposals for new exemptions**

The Commission had circulated draft Decisions for two new exemptions and these were discussed at length. Both draft Decisions were eventually carried under the Qualified Majority Voting system.

As above, DG Environment will transmit the details of the TAC vote to colleagues in other parts of the Commission before final adoption and publication in the Official Journal.

Subject to a successful conclusion of that process, the adopted changes for the Annex will be: -

*Hexavalent chromium in corrosive preventive coatings of unpainted metal sheetings and fasteners used for corrosion protection and Electromagnetic Interface Shielding in equipment falling under category three of Directive 2002/96/EC (IT and telecommunications equipment). Exemption granted until 1 July 2007.*

*Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3, and 4) of Council Directive 69/493/EEC.*

## **3. Network of RoHS Enforcement Authorities**

The Commission noted that Member States should have finalized which organization would be the enforcement authority for the RoHS Directive. It asked each Member State to send the appropriate details to DG Environment within two weeks.

The UK introduced the RoHS Enforcement Guidance Document that had been developed over the course of three meetings of the informal network. Significant progress had been made and the Document had been published in May. The Document was specifically aimed at Member State enforcement authorities but was also made available to stakeholders so that they could be aware of the general principles supporting the proposed RoHS compliance regime across the EU. The UK reported that the final document was now available on the UK's NWML website – [www.rohs.gov.uk](http://www.rohs.gov.uk).

One Member State presented a draft Manual of Decision document on which it had taken the co-ordinating role. This document will cover the decision process that is required in order to decide whether or not a product is included within the scope of the RoHS Directive, but the Member State asked colleagues to note that the current version of this document was only an early draft and asked for comments and feedback. It was hoped that the document could be finalized and published in the autumn.

Some Member States asked whether a certified or approved RoHS marking could be developed similar to the CE mark for the New Approach Directives. The Commission replied that as the RoHS Directive does not require or impose a marking or compliance procedure, it would not be possible to introduce one without the text of the Directive being renegotiated under the codecision procedure. It was noted that the development of voluntary markings by industry could be encouraged provided that these markings did not undermine the free movement of goods in accordance with Article 95 of the Treaty.

Member States also inquired as to the relationship between the informal Network and the TAC and it was noted that the TAC would remain the policy development group, whilst the informal network would make efforts to expand that policy and clarify it on a practical level.

#### **4. Grey Area Products**

The UK gave a presentation on why its Government believed that pipe organs should not fall within the scope of the WEEE and RoHS Directives. It reported that pipe organ producers were prepared and able to make the electrical components of pipe organs RoHS compliant provided that the lead pipes of pipe organs did not have to be compliant. The other Member States all agreed that pipe organs should not and did not fall within the scope of the Directives, albeit for slightly different reasons. The Commission concluded that it and Member States were all agreed that pipe organs should not be covered by the scope of the Directive. This would be recorded in the official notes of the meeting and the Commission would write to all Member States to confirm this position.

The UK presented the issue of “luminaires”, noting that the term “luminaires” had been a problem as it did not exist in common English usage and it had a specific meaning in the lighting sector. The UK outlined its understanding of the term. Some other Member States also noted the potential problem with the definition of “luminaires” and it was clear that there were different interpretations of the term “luminaire” between Member States. The distinction between household and industrial applications for luminaires was also noted as a further issue of complication. The Commission concluded that it would need to consider the issue very carefully but that whilst it was clear that light bulbs (or lamps as they are known in the sector) were included within the scope of RoHS, what was meant by the term “luminaire” was less certain.

The Commission highlighted the fact that there had been some debate over the issue of whether any labels attached to RoHS compliant equipment needed themselves to be RoHS compliant and it had been asked to discuss this at the TAC meeting. Member States were of the opinion that it would be difficult to draw the line at what was and what was not a label and concluded that if a producer was able to ensure that a product was RoHS compliant, it should not be difficult to ensure that the labels were too. The Commission brought the debate to a close by agreeing that what came as part of the equipment (including labels) should be considered part of the equipment in RoHS terms and subject to the substances restrictions.

### **DETAIL – WEEE DIRECTIVE**

#### **5. Review of the WEEE Directive**

The Commission presented the process that it intended to follow for the Review of the WEEE Directive that is required by Article 17. The review would look at four topics: the revision of targets; the scope issue; the operation of the Producer Responsibility provisions; and the treatment requirements.

The Commission explained that it was currently in an information gathering stage and requested receipt of the details and copies of any reports that Member States may have readily available by 11 August 2006. It then proposed to carry out research studies that would inform the Impact Assessment.

The Commission emphasized that the Impact Assessment was a significant new development at an EC level that did not exist when the original proposals for the WEEE Directive were discussed. It anticipated completing the review and presenting new legislative proposals by June 2008.

When questioned specifically on the practical implementation of Individual Producer Responsibility, the Commission confirmed that they would look very closely at the experience obtained so far, the costs of setting up schemes and any other practical data that was available. It also confirmed that all the provisions of the WEEE Directive were subject to review and subsequent discussion. The Commission asked whether Member States agreed that the small review that it had agreed to carry out on the Annex II treatment requirements before 2008 should wait until the wider review got underway.

## **6. Fixed Installations**

Prior to the TAC meeting held on 15 February this year, one Member State had circulated a paper outlining its concerns over the use of the terms “fixed installations” and “large-scale stationary industrial tools” (LSIT) within the Commission’s Frequently Asked Questions guidance document on the WEEE and the RoHS Directives.

The UK outlined its position and stated that it was content with the current wording of the Commission’s Frequently Asked Questions Document on this issue, except for one proposed significant amendment. The UK said that there was nothing to suggest that the LSIT derogation should be limited to tools that are "not intended to be placed on the market as a single functional or commercial unit" and that these words should be deleted.

Some other Member States, however, were less satisfied with the current wording of the Commission’s FAQ Document and asked for the removal of all references to “fixed installations”, arguing that this term was only relevant (if at all) in the context of the LSIT derogation.

The Commission noted these views and agreed to reflect upon the current text and decide whether there was a need to revise its current guidance or not.

## **7. Any Other Business**

The Commission announced that the study that was reviewing whether WEEE Categories 8 (medical devices) and 9 (monitoring and control instruments) should be included within the scope of the RoHS Directive was due to be finalised by the end of July. Any Commission proposals arising out of the conclusions of this study were unlikely to be tabled for discussion before early 2007. There was a brief discussion over the definition of the term ‘medical devices’ and the Commission noted that the technical consultants were recommending that the definition employed by the Medical Devices Directive might be an appropriate definition to employ in relation to the RoHS Directive.

It was announced that a Member State workshop would be held in Copenhagen on 9 and 10 November this year on the issue of distance sellers with regard to the WEEE Directive. Invitations would be sent to all TAC members.

One Member State asked about the status of the exemption request for the reuse of photocopier and printer parts in a ‘closed-loop’ system. This exemption request had been discussed in February, but had not been the subject of a formal vote at that meeting. The Member State in question asked whether it could now be put to the vote under the written procedure. The Commission said that it would only bring this particular request forward if it had a clear indication that the majority of Member States were content for it to do so. The UK supported the Member State that wanted the exemption brought forward, arguing that there were sound environmental reasons for doing so. The UK also said that it would like a similar request for the use of parts reused within a ‘closed-loop’ in

the gaming machine industry considered at the same time. Other Member States were unable to give a current position on the day on either issue, so the Commission announced that they would be asked to do so by email.

Following concerns raised by some about the commercial substance DecaBDE, the Commission had reviewed the extent of the exemption from the RoHS Directive of the use of DecaBDE in polymeric applications. It had been noted that, when analysed, impurity levels of up to 3% nonaBDE are usually found in the composition of the commercial substance DecaBDE. The Commission's legal services had reviewed this situation in relation to the Decision adopted in October last year and concluded that any of the restricted substances present in DecaBDE above 0.1% would be outside the scope of the exemption. The UK informed the Commission that its Environment Ministry (which had been responsible for the Risk Assessment conducted on DecaBDE), had reported that impurity levels of this order were usual in all common chemical substances. The Commission said that it had received similar representations from other sources following the circulation of the opinion of its legal services and was considering its formal response.

**DTI**

5 July 2006