

The Recast of the RoHS Directive

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Resume of existing RoHS directive

- Restricts the use of Cadmium, Chromium(VI), Lead, Mercury, Polybrominated biphenyls (PBB) Polybrominated diphenyl ethers in electrical and electronic equipment;
- Main scope of application is consumer elect / electronic products + telecoms + IT + tools ;
- No documentary provisions;
- Continually issuing derogations for the use of the restricted substances.

The amendment of the RoHS Directive

- Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- COM(2008) 809;
- http://ec.europa.eu/environment/waste/weee/pdf/com_2008_809.pdf

The Reasons for amending the existing RoHS Directive

- Clarification of the Directive and harmonisation of its implementation in line with the NLF;
- Set up a mechanism to restrict new substances deemed hazardous;
- Include medical devices and control/monitoring instruments within its scope.

ATTENTION

- The following information is based on the proposal which is being discussed at the European Council.
- The text is fluid and the final text could be different.

Medical Devices

- Intention to apply to Medical Devices (93/42/EC) from 1 Jan 2014;
- Intention to apply to in vitro medical devices (98/79/EC) from 1 Jan 2016;
- Active implantable medical devices are excluded but the commission will consider their inclusion by 2020.

Monitoring and Control Instruments

- Defined as including:
 - Smoke detector
 - Heating regulators
 - Thermostats
 - Measuring, weighing or adjusting appliances for household or as laboratory equipment
 - Industrial monitoring and control instruments

Monitoring and Control Instruments

- Applies to all except industrial instruments from 1 Jan 2014;
- As regards Industrial monitoring and control instruments will apply from 1 Jan 2017.

Mechanism to restrict new substances deemed hazardous

- Suspect candidate substances shall be reviewed using a methodology based on the one set by REACH;
- Shall apply in parallel to REACH;
- This means that compliance with REACH does not imply compliance with RoHS nor vice versa.

Candidate list of suspect substances

- 1. Hexabromocyclododecane (HBCDD)
- 2. Bis (2-ethylhexyl) phthalate (DEHP)
- 3. Butyl benzyl phthalate (BBP)
- 4. Dibutylphthalate (DBP).

Alignment with New Legal Framework

- Affixing of the CE mark;
- Drawing up of a declaration of conformity (Model on Annex VII);
- Technical file;
- Obligations on manufacturers, authorised representatives, importers and other economic operators.

Obligation of manufacturers

- Conformance to the technical requirements;
- Preparing the documents required;
- Appropriate marking of product - CE , serial no., registered trademark, address etc.;
- Assisting market surveillance;

Obligation of authorised representatives

- Must have written mandate from manufacturer;
- Keep DoC and technical documentation for 10 years;

Obligation of importers

- = Any person established within the community who places a product from a 3rd country on the Community market;
- Must place only compliant products on the market;
- Contact details to be on or with the products;
- Keep DoC and technical documentation for 10 years;

Obligation of Distributors

- = Any person in the supply chain other than the manufacturer or the importer;
- Product has CE mark;
 - Product has documentation in English or Maltese;
 - Should inform importers / manufacturers of suspect cases;
 - Cooperate with Market Surveillance;

Other comments

- Any derogation for the use of a restricted substance cannot last more than 4 years – details to be set comitology procedure;
- The procedure of requesting exemptions is to be devised via a comitology procedure;
- Procedure for demonstrating compliance with the maximum concentration values to be devised via the comitology procedure.

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Thank you

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