Solna, Sweden

2021-05-26

To:
Bio Innovation Service
Stakeholder Consultation on Service pack 23

Dometic Input to consultation on renewal of RoHS exemption 9

Dometic is hereby submitting comments on a request for renewal and change of wording of exemption 9 of RoHS Annex III. The comments are referring to the specific Consultation Questionnaire. Several questions in the questionnaire are not relevant for us, and has consequently been left without response.

We assume that the request for renewal is only refereeing to sub clause 9(a)-II, relevant for products with higher boiling temperature. Sub clause 9(a)-I is not anymore applicable as the exemption expired already in March 2021 and Exemption 9 is only applicable for category 8,9 and 11. We kindly ask the consultants to clarify this.

Question 1a

Dometic is proposing NOT to amend the current wording of exemption 9(a)-II. In the case an exemption for this application should be granted, we propose a separate exemption and keep the current wording of exemption 9(a)-II, and an expiring date at 31 December 2025, as we have suggested in our application dated 2020-01-16.

Dometic has over the years committed and communicated a phase our plan for hexavalent chromium in absorption refrigeration products. We would like to emphasize that phase out of sodium chromate (hexavalent chromium) from our products is not only a legal matter, but is also an important part of our sustainability agenda that we have communicated to customers and to the market. Products within the scope of RoHS and with electrical heaters only are already converted to our new Inhibitor 7, and the previous exemption according to RoHS (Exemption 9(a)-I) is not more applicable. At time being we are working on our remaining range of products with higher boiler temperature. These products are mainly covered by exemption 14 (i) in the ELV Directive, but some products are also in the scope of RoHS and covered by RoHS exemption 9(a)-II.

Our products are typically found in the borderline between mobile and domestic applications. Therefore, it could sometimes be difficult to determine if products are in the scope of the RoHS Directive or the ELV Directive. We have therefore worked for aligning the exemptions in the two legislations. This would also simplify our internal activities. For products with low boiling temperature this alignment is already a fact (however the exemptions are not any more applicable). For products with higher boiling temperature and covered by the ELV Directive, the phase out date is set to January 2026. The alignment between the legislations are very important to avoid potential loop holes and this is also what we have worked against internally. The proposed expiring date in December 2016 is also aligned with the authorization according to Reach. The Reach legislation is important to keep in mind since any loop hole in the legislation would potentially open up for producers outside of EU to continue supply into EU since they are not effected by the Reach legislation.

The consequence of the proposed amendment would be that the exemption would remain also after our phase out, maybe even after the expiring date of our Reach authorization. We believe this is wrong as a technical solution is in fact available. This could open up for imported products with hexavalent chromium and consequently increase the amount of hexavalent chromium on the European market.

Furthermore, the proposed wording will cause a conflict for some absorption refrigeration products. The proposed wording by the applicant is:

> *"Hexavalent chromium as an anticorrosion agent of the carbon steel sealed circuit in gas absorption driven appliances up to 0.75 % by weight in the refrigerant solution"*

However, the current wording of exemption 9(a)-II (with the anticipation that the proposal is in fact for 9(a)-II) is:

> *"Up to 0,75 % hexavalent chromium by weight, used as an anticorrosion agent in the cooling solution of carbon steel cooling systems of absorption refrigerators:*
> *— designed to operate fully or partly with electrical heater, having an average utilised power input ≥ 75 W at constant running conditions,*
> *—designed to fully operate with non-electrical heater."*

Even if the two dash sentences are added to the applicants proposal, it will cause problems for absorptions refrigeration with only electrical heaters and with a input power >75 W. Such products would not benefit from the proposed exemption as they are not "gas absorption driven appliances". Finally, it should be noted that absorptions refrigerators could operate on liquid fuels, such as kerosene, and such products would then also not be considered as "gas absorption driven appliances".

Question 1b

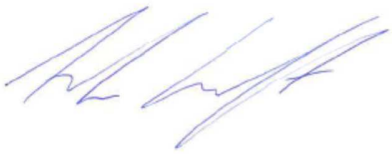
Dometic has no proposals for the new application.

Question 2

From the application Dometic understand that the applicant has studied our public documents on Inhibitor 7, and come to the conclusion that it is not feasible to implement in the concerned products. We do not see that any such conclusion can be drawn from the public documentation and in fact we are about to change inhibitor also in our high temperature application. We have of course limited knowledge about this application, but we are positive to openly discuss the matter with the applicant. So far we have had no contacts.

For any further questions we are happy to assist you.

For Dometic Group



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