

Questionnaire 1 (Clarification) for Renewal of Exemption IV-1(c) (Bruker)

Current wording of exemption 1(c)

Table 1: Currently valid exemption wording

No.	Exemption	Scope and dates of applicability
IV-1(c)	Lead, cadmium and mercury in infra-red light detectors.	Applies to categories 8 and 9 and expires on <ul style="list-style-type: none"> - 21 July 2021 for category 8 other than in-vitro diagnostic medical devices (IVDs) and for EEE of cat. 9 other than industrial monitoring and control instruments (IMCIs) - 21 July 2023 for category 8 in vitro diagnostic medical devices (IVCs); - 21 July 2024 for category 9 industrial monitoring and control instruments (IMCIs)

Acronyms and Definitions

- Cat. Category, referring to the categories of EEE specified in Annex I of the current RoHS Directive
- COM European Commission
- EEE Electrical and electronic equipment
- IMCIs Industrial monitoring and control instruments
- IVCs In-vitro diagnostic medical devices

1. Background

Bio Innovation Service, UNITAR and Fraunhofer IZM have been appointed¹ by the European Commission through for the evaluation of applications for the review of requests for new exemptions and the renewal of exemptions currently listed in Annexes III and IV of the RoHS Directive 2011/65/EU.

Bruker submitted a request for the renewal of the above exemption with the wording, scope and validity period shown in the below table:

¹ Implemented through the specific contract 070201/2020/832829/ENV.B.3 under the Framework contract ENV.B.3/FRA/2019/0017

Table 2: Requested exemption renewal

No.	Requested exemption	Requested scope and dates of applicability
IV-1(c)	Lead, cadmium and mercury in infra-red light detectors	Applies to category 9 industrial monitoring and control instruments and expires on 21 July 2031 (= 2024 + 7 years)

As result of a first review we identified that some information is missing. Against this background the questions below are intended to clarify some aspects concerning the request at hand.

We ask you to kindly answer the below questions until 15 September 2023 latest.

2. Questions

- Could you please confirm that Table 2 correctly reflects the requested renewal of the exemption?
 - Yes, confirmed.
- Exemption IV-1(c) was reviewed by Deubzer et al. (2022)². They recommended specifying exemption IV-1(c) like listed in
- Table 3 below.

Table 3: Renewal of current exemption 1(c) recommended by Deubzer et al. (2022)

	Exemption	Scope and dates of applicability
1(c)(I)	<i>Cadmium and mercury in mercury cadmium telluride (MCT) of infrared light detectors</i>	<i>Expiry on</i> - 21 July 2028 for cat. 8 medical devices including in-vitro diagnostic medical devices, and for cat. 9 monitoring and control instruments incl. industrial monitoring and control instruments.
1(c)(II)	<i>Lead in lead sulphide (PbS) and lead selenide (PbSe) of infrared light detectors</i>	<i>Expiry on</i> - 21 July 2028 for cat. 8 medical devices including in-vitro diagnostic medical devices, and for cat. 9 monitoring and control instruments incl. industrial monitoring and control instruments.
1(c)(III)	<i>Lead in PZT ceramics of infrared light detectors</i>	<i>Expiry on</i> - 21 July 2027 for cat. 8 medical devices including in-vitro diagnostic medical devices, and for cat. 9 monitoring and control instruments incl. industrial monitoring and control instruments

Source: Deubzer et al. (2022)

² cf. Fraunhofer-Institute for Reliability and Microintegration (IZM), the United Nations Institute for Training and Research (UNITAR), and BIO Innovation Services (Bio IS), https://rohs.biois.eu/RoHS-Pack-21_Final-Report_amended.pdf



The European Commission (COM) have not yet officially published their decision as to the adoption of the above recommendation. The COM wish the consultants to assess in this current review round whether there are any substantial reasons in line with Art. 5(1)(a) against the adoption of the recommendations from recent reviews for EEE of categories 8, 9 and 11.

Please let us know whether the above recommendation covers the applications described in your exemption request.

- *The recommended exemption 1(c)-I (“Cadmium and mercury in mercury cadmium telluride (MCT) of infrared light detectors”, in particular for industrial cat. 9 instruments) expiring on 21 July 2028 covers our applications.*

Please note that answers to these questions will be published as part of the evaluation of this exemption request. If your answers contain confidential information, please provide a version that can be made public along with a confidential version in which proprietary information is clearly marked.

We ask you to kindly provide the information in formats that allow copying text, figures and tables to be included into the review report.

3. References

Study to assess requests for renewal of 16 exemptions to Annex IV of Directive 2011/65/EU - Under the Framework Contract: Assistance to the Commission on technical, socio-economic and cost-benefit assessments related to the implementation and further development of EU waste legislation. Author(s): Otmar Deubzer, Christian Clemm, Jana Rückschloss, Saskia Huber, Shailendra Mudgal, Fraunhofer-Institute for Reliability and Microintegration (IZM), the United Nations Institute for Training and Research (UNITAR), and BIO Innovation Services (Bio IS). Retrieved from https://rohs.biois.eu/RoHS-Pack-21_Final-Report_amended.pdf [Accessed: 01.09.2023]