

## **JBCE Responds to the public consultation for Exemption 1(c) of RoHS Annex IV**

**1, December 2020**

As an applicant, JBCE would like to provide our contribution to the public consultation.

Please kindly find our answers in the attached.

If you have any further questions, please do not hesitate to contact to us.

We are looking forward to continued contribution during the consultation phase of evaluation.

Yours sincerely,

### **Contact details**

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### **ABOUT JBCE**

Founded in 1999, the Japan Business Council in Europe (JBCE) is a leading European organisation representing the interests of over 85 multinational companies of Japanese parentage active in Europe.

Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceutical, railway, textiles and glass products.

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# Consultation Questionnaire Exemption 1(c) of RoHS Annex IV

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Current wording of the exemption:

*Lead, cadmium and mercury in infrared detectors*

Expires on 21 July 2021 for equipment of cat. 8 and 9 other than in-vitro diagnostics and industrial monitoring and control instruments

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## 1. Acronyms and Definitions

FTIR	Fourier transform infra-red
HgCdTe	Mercury cadmium tellurium (MCT)
JBCE	Japan Business Council in Europe
LWIR	Long wavelength infrared
MCT	Mercury cadmium tellurium
MWIR	Medium wavelength infrared
PbSe	Lead selenide
PbS	Lead sulphide
PPTF	Polish Technological Platform on Photonics
PZT	Lead zirconate titanate
IR	Infrared
S/N	Signal over noise

## 2. Background

Bio Innovation Service, UNITAR and Fraunhofer IZM have been appointed<sup>1</sup> 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.

COCIR, JBCE, LASER COMPONENTS, PerkinElmer and PPTF have submitted requests<sup>2</sup> for the continuation of the above-mentioned exemption. The requests have been subject to a first completeness and plausibility check. The applicants have been re-requested to answer additional questions and to provide additional information, available on the request webpage of the stakeholder consultation.<sup>3</sup>

### SUMMARY OF THE EXEMPTION REQUEST OF **JBCE**

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<sup>1</sup> It is implemented through the specific contract 070201/2020/832829/ENV.B.3 under the Framework contract ENV.B.3/FRA/2019/0017

<sup>2</sup> Exemption requests available at [https://rohs.biois.eu/Ex\\_1c-IV\\_COCIR\\_Renewal-Request.pdf](https://rohs.biois.eu/Ex_1c-IV_COCIR_Renewal-Request.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_JBCE\\_Renewal-Request.pdf](https://rohs.biois.eu/Ex_1c-IV_JBCE_Renewal-Request.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_LC\\_Renewal-Request.pdf](https://rohs.biois.eu/Ex_1c-IV_LC_Renewal-Request.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_PE\\_Renewal-Request.pdf](https://rohs.biois.eu/Ex_1c-IV_PE_Renewal-Request.pdf), [https://rohs.biois.eu/Ex-1c-IV\\_PPTF\\_Renewal-Request.pdf](https://rohs.biois.eu/Ex-1c-IV_PPTF_Renewal-Request.pdf)

<sup>3</sup> Clarification questionnaire available at [https://rohs.biois.eu/Ex\\_1c-IV\\_COCIR\\_Questionnaire-1\\_Clarification.pdf](https://rohs.biois.eu/Ex_1c-IV_COCIR_Questionnaire-1_Clarification.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_JBCE\\_Questionnaire-1\\_Clarification.pdf](https://rohs.biois.eu/Ex_1c-IV_JBCE_Questionnaire-1_Clarification.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_LC\\_Questionnaire-1\\_Clarification.pdf](https://rohs.biois.eu/Ex_1c-IV_LC_Questionnaire-1_Clarification.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_PerkinElmer\\_Questionnaire-1\\_Clarification.pdf](https://rohs.biois.eu/Ex_1c-IV_PerkinElmer_Questionnaire-1_Clarification.pdf), [https://rohs.biois.eu/Ex\\_1c-IV\\_PPTF\\_Questionnaire-1\\_Clarification.pdf](https://rohs.biois.eu/Ex_1c-IV_PPTF_Questionnaire-1_Clarification.pdf)

JBCE requests the renewal of the exemption in its current scope and wording:

### **Lead, cadmium and mercury in infrared detectors**

According to JBCE, “Infrared (IR) analysis and measuring instruments provide a rapid, accurate analysis of materials to provide information on the chemical composition, surface properties and spatial distribution of substances. The technology is utilised by a wide variety of industry sectors, researchers and for educational purposes, examples of which are given in this exemption request.

The choice of semiconductors intrinsically affects the infrared range detectable and usefulness of the signal produced. The current infrared detectors have features such as higher sensitivity and wider measurement wavelength ranges than their substitutes; as such substitutions are not capable to fulfil the requirements of analysis and measuring instruments.”

The applicant requests a renewal of this exemption for 7 years for all equipment of cat. 8 and 9.

### **SUMMARY OF THE EXEMPTION REQUEST OF COCIR AND LASER COMPONENTS**

COCIR and Laser Components request the renewal of the exemption with the following scope and wording:

#### **“Lead in infra-red light detectors”.**

Both applicants request a renewal period of 7 years.

According to COCIR, “PbSe infrared detectors are used in medical devices called capnometers, which are used to monitor the breathing of patients in EU hospitals and clinics. PbSe is the only detector material that meets all of the essential criteria and is able to detect small changes in breathing using a capnometer that can be indicative of health conditions as well as difficulties with breathing. All potential substitutes either do not adequately respond to changes in CO<sub>2</sub> concentrations in patients’ exhaled breath, they respond too slowly, or the detectors require cooling. Cooling requires extra bulky equipment and would cause condensation of water from exhaled air onto the detector’s surface. This will freeze and the ice crystals will block infrared light and so make the detector insensitive.”

According to Laser Components, “PbSe and PbS infrared detectors have unique characteristics that enable them to be used in a wide variety of applications. They are used in near infrared analysers used by very many diverse industries, medical devices for analysis of carbon dioxide in patients’ breath and in spark detection systems. These detectors are used because of their high sensitivity in the near infrared range and can be used without cooling. Another advantage over thermal heat detectors is the very fast response times of the lead based detectors, which is essential in many applications.”

### **SUMMARY OF THE EXEMPTION REQUEST OF PPTF**

PPTF requests the renewal of the exemption with the following scope and wording:

#### **“Cadmium and mercury in infra-red detectors”**

According to PPTF, “The variable band gap Hg<sub>1-x</sub>Cd<sub>x</sub>Te (also called in short HgCdTe or MCT) has been undeniably the champion among the large variety of material systems, offering 2x up to 100x better detectivity levels in the MWIR (3 to 8µm) and especially LWIR (8 to 14µm) spectrum. The are possible substitutes used in less demanding measurement applications – III-V compound semiconductor detectors. However, despite many years of development there have not been yet any commercially available detectors matching MCT detectors in terms of detectivity.”

The applicant requests a renewal of this exemption for 7 years.

### **SUMMARY OF THE EXEMPTION REQUEST OF PERKINELMER**

PerkinElmer requests the renewal of the exemption with the following scope and wording in the clarification questionnaire:

**“Cadmium and mercury in infra-red detectors of Fourier transform infra-red (FTIR) spectrometers and microscopes”**

PerkinElmer claims “[...] that MCT [mercury cadmium telluride] is the only detector material currently available which is able to provide all of the following characteristics required for FTIR spectrometers and microscopes:

- Photoconductor with an electrical resistance that decreases as the level of incident infra-red light increases;
- High sensitivity to small infra-red light level changes producing a strong signal;
- Low dielectric constant, ensuring that the signal to noise ratio is maximised;
- Relatively low electrical resistance when not exposed to infra-red light;
- Low noise, otherwise averaging methods have to be used which increases measurement time by a factor of 4 for an improvement of the signal to noise ratio of two due to a square law relationship;
- Ability to detect over a wide range of IR regions therefore requiring both low and high carrier concentrations; and
- FTIR spectrometers for kinetics studies must have very fast response to changes in concentration of substances with typical requirements being the ability to measure spectra in times that are 1000 times shorter than the overall changes in concentration.”

The applicant requests the renewal of this exemption for 7 years.

The stakeholder consultation is part of the review process for the request at hand. The objective of this consultation and the review process is to collect and to evaluate information and evidence according to the criteria listed in Art. 5(1)(a) of Directive 2011/65/EU.<sup>4</sup>

To contribute to this stakeholder consultation, please answer the the questions below by November 18th, 2020.

### 3. Questions

1. The applicants have requested the renewal of exemption 1(c) of RoHS Annex IV with partially different scopes and wording.
  - a. Please let us know whether you support or disagree with any of the above wordings, scopes and requested durations of the exemption. To support your views, please provide detailed technical argumentation / evidence in line with the criteria<sup>4</sup> in Art. 5(1)(a).  
**Please see 2 of our renewal application.**
  - b. If applicable, please suggest an alternative wording and duration and explain your proposal.
  
2. Please provide information concerning possible substitutes or elimination possibilities at present or in the future so that the requested exemption could be restricted or revoked. Please specify which of the requested exemption scopes and wordings you address in your answers.
  - a. Please explain substitution and elimination possibilities and for which part of the applications in the scope of the requested exemption they are relevant.  
**Please see 6(A) of our renewal application.**
  - b. Please provide information as to research to find alternatives that do not rely on the exemption under review (substitution or elimination), and which may cover part or all of the applications in the scope of the exemption request.

<sup>4</sup> Directive 2011/65/EU (RoHS) available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT>

Please see 6(A) of our renewal application.

- c. Please provide a roadmap of such on-going substitution/elimination and research (phases that are to be carried out), detailing the current status as well as the estimated time needed for further stages.

Please see 7(B) of our renewal application.

3. Do you know of other manufacturers producing devices of comparable features and performance like the ones in the scope of this exemption request that do not depend on RoHS-restricted substances, or use smaller amounts of these substances compared to the applications in the scope of this exemption?

Some infrared detectors with a limited range of wavelengths do not contain regulated substances by RoHS Directive. However, the range of wavelengths and detectivity of infrared detectors with no regulated substances are not wide and high enough to those of infrared detectors with regulated substances (Hg, Cd, and Pb.)

4. As part of the evaluation, socio-economic impacts shall also be compiled and evaluated. For this purpose, if you have information on socioeconomic aspects, please provide details in respect of the following:

- a. What are the volumes of EEE in the scope of the requested exemptions which are placed on the market per year?
- b. What are the volumes of additional waste to be generated should the requested ex-emption not be renewed or not be renewed for the requested duration?
- c. What are estimated impacts on employment in total, in the EU and outside the EU, should the requested exemption not be renewed or be renewed for less than the re-quested time period? Please detail the main sectors in which possible impacts are expected – manufacturers of equipment in the scope of the exemption, suppliers, re-tail, users of MRI devices, etc.

If the duration of the exemption is not extended, wide variety of field will have got adverse effects. The examples, which are not exhaustive, are listed below.

Socio-economics:

Suppliers of Infrared detectors with regulated substances are in and outside of EU. Supply for the EU market is lost and the business of the suppliers will be shrunk. The manufacturers of analysis and measurement instruments will stop providing highly sophisticated products incorporated with infrared detectors with regulated substances in the EU market. However, they will continue providing them outside EU market. It will cause the decrease of qualities of analysis and measurement, which resulting in relative disadvantages of the developments for cutting-edge academic researches, scientific technologies and industrial sectors in EU. EU will lose the status of academic researches, scientific technologies and economics.

Due to the prohibition of use of infrared detectors with regulated substances, R&D facilities of relevant industries might be moved to outside EU, or the infrared detectors suppliers might consign the business to the companies outside EU, which resulting in adverse effects, such as, losing the large amount of unemployment.

(Case example)

- High-sensitivity and high-speed response measurement in infrared spectroscopic measurement becomes impossible, which is disadvantageous in basic research in advanced academic fields and science and technology.

- Forensic applications that based on infrared microscopy become difficult.
- Foreign body analysis applications that based on infrared microscopic measurement will no longer be possible, making failure analysis and complaint handling difficult in the industry.

Technologies for the environment conservation:

The infrared detectors with regulated substances are incorporated with the instruments for analysis and measurement for the environment conservation.

(Case example)

- Evaluation of high reflectance paint and functional glass for the purpose of mitigating heat island phenomenon and energy-saving measures.
- Development of a measuring instrument for greenhouse gases driving global warming.
- Analysis of microplastics that can persist for long periods in the environment.
- Analysis and measurement of various gases and emission gases

If the duration of the exemption is not extended, it will have got adverse effects to R &D and quality control of the analysis and measurement instruments which are used for the wide variety of research and development of the environment conservation.

- d. Please estimate additional costs associated should the requested exemption not be renewed, and how this is divided between various sectors (e.g. private, public, industry: manufacturers, suppliers, retailers).

In online measurement, if high-performance detectors containing regulated substances are not available, production tact time will be extended because sensitivity has to be gained by averaging processing with lower-performance alternative detectors.

If a lower-performance infrared detector with alternatives is used, averaging time will be longer in order to correct the low-sensitivity. Therefore, a measuring time by a lower-performance infrared detector will be longer than that by a high-performance detector, and the production time by a lower-performance infrared detector will be longer than that by a high-performance detector.

In addition, as described in 4.c. above, the analysis and measurement instruments which are used in a wide variety of academic, scientific researches and industrial sectors will not achieve the analysis and measurements which have been done by the existing instruments. Additional actions will be required and it will be the additional costs. The loss caused by the decrease of high accuracy of instruments used for medical purpose, environment conservation will possibly increase damages and adverse effects to the human health and the environment.

Please specify which of the requested exemption scopes and wordings you address in your answers.

5. Any other information you would like to share?

Please note that answers to these questions can be published in the stakeholder consultation, which is part of the evaluation of this 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.

Please do not forget to provide your contact details (Name, Organisation, e-mail and phone number) so that the project team can contact you in case there are questions concerning your contribution.