Consultation Questionnaire
Exemption 13a of RoHS Annex III

Table 1 shows the current wording of the exemption on Annex III of the RoHS Directive.

Table 1: Currently valid exemption wording

|  |  |  |
| --- | --- | --- |
| No. | Current exemption wording | Current scope and dates of applicability |

|  |  |  |
| --- | --- | --- |
| III-13a | Lead in white glasses used for optical applications | Applies to all categories; expires on: * 21 July 2023 for category 8 in vitro diagnostic medical devices;
* 21 July 2024 for category 9 industrial monitoring and control instruments and for category 11;
* 21 July 2021 for all other categories and subcategories.
 |

# ACRONYMS AND DEFINITIONS

COM European Commission

EEE Electrical and electronic equipment

IMCI Industrial monitoring and control instruments

# Background and objectives of this review

Bio Innovation Service, UNITAR-SCYCLE and Fraunhofer IZM have been appointed[[1]](#footnote-2) by the European Commission for the evaluation of new exemptions and the renewal of exemptions currently listed in Annexes III and IV of the RoHS Directive 2011/65/EU.

TMC requested the renewal of exemption 13a with the currently valid wording and the maximum renewal period of 7 years until 21 July 2031 for category 9 industrial monitoring and control instruments (IMCI).

The applicants were requested to respond to a clarification questionnaire prior to this stakeholder consultation to provide missing information. This questionnaire, along with the exemption applications, and – if submitted – supporting evidence from other stakeholders, are accessible on the consultation web page.

The stakeholder consultation is part of the review process for the exemption requests at hand. It addresses third parties – not the applicants – to collect and to evaluate information and evidence according to the criteria listed in Art. 5(1)(a) of Directive 2011/65/EU.[[2]](#footnote-3)

**To contribute to this stakeholder consultation, please answer the below questions until 19 January 2024.**

**Please also see the applicants’ renewal request form and – if submitted – further information on the consultation web page[[3]](#footnote-4).**

Exemption 13a was reviewed by Deubzer et al. (2022)[[4]](#footnote-5) resulting in the below recommendation of three separate wording options.

Table 2: Proposed renewal of exemption 13a in the last review in 2022







Source: Deubzer et al. (2022)

The European Commission (COM) have not yet officially published their decision as to the adoption of the above recommendation. The COM wishes 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 above recommendation for EEE of categories 8, 9 and 11 (RoHS Annex I). This implies that the consultants will assess whether the validities of exemptions whose renewal is requested for cat. 8, 9 or 11 may exceed the validities recommended in the previous review (Table 2). Table 3 reflects the potential scope and wording if exemption III-13a is renewed for cat. 9 IMCI.

Table 3: Renewal of exemption 13a for cat. 9 IMCI

|  |  |  |
| --- | --- | --- |
| No. | Exemption | Scope and dates of applicability |
| III-13a | Lead in […]\**\* following sentence depending on wording options 1 or 2 from Table 2 above* | Applies to cat. 1-11.Expires on: * 21 July […]\*\*
* 21 July 2028 for cat. 8 in vitro diagnostic medical devices
* 21 July [2028 **+ X**] for cat. 9 industrial monitoring and control instruments

*\*\* the following sentence depends on options 1, 2 or 3 from Table 3 above* |

\*X can be a maximum of 3 years

# Questions

1. In their answers to the clarification questionnaire, TMC agree that the recommended exemption would cover their applications of lead in EEE of cat. 9 IMCI, provided that the exemption would remain vaild for 7 years, i.e. until 21 July 2031. They further state to favor the recommended exemption wording option 1 from Table 2 that maintains the currently valid wording.
2. In case you do not agree to TMC’s above conclusions, please support your views with detailed technical argumentation / evidence in line with the criteria in Art. 5(1)(a).
3. Do you agree that this exemption is required for cat. 9 IMCI for the applied for validity period until 2031? Please provide arguments and evidence for your opinion.
4. Are you aware of lead-free substitutes being used in EEE of cat. 9 IMCI in applications that are in the scope of the requested exemption?
5. TMC provided a socio-economic analysis related to the impacts of non-renewal of exemption III-13a for EEE of category 9 IMCI. The document is available online in the consultation folder for this exemption. Do you agree with the underlying method, data and conclusions?
6. Is there any additional information which you would like to provide?

**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. Additionally, please also add “confidential” to the file name.**

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

**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.**

1. It is implemented through the specific contract 070201/2020/832829/ENV.B.3 under the Framework contract ENV.B.3/FRA/2019/0017 [↑](#footnote-ref-2)
2. Directive 2011/65/EU (RoHS) available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT> [↑](#footnote-ref-3)
3. Consultation web page: <https://rohs.biois.eu/requests2b.html> [↑](#footnote-ref-4)
4. C.f. BioIS, <https://www.rohs.biois.eu/RoHS_Pack-23_Report_Final_20221220.pdf> [↑](#footnote-ref-5)