

Questionnaire 1 (Clarification) for Exemptions III-6(b(I) and III-6(b(II)) (EUROMOT)

Current wordings of exemptions 6(b), 6(b)(I) and 6(b)(II)

Table 1: Currently valid exemption wordings

No.	Exemption	Scope and dates of applicability
III-6(b)	Lead as an alloying element in aluminium containing up to 0,4 % lead by weight	Applies to categories 8, 9 and 11, and expires on <ul style="list-style-type: none"> - 21 July 2021 for cat. 8 other than in-vitro diagnostic medical devices, and cat. 9 other than industrial monitoring and control instruments - 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
III-6(b)(I)	Lead as an alloying element in aluminium containing up to 0,4 % lead by weight, provided it stems from lead-bearing aluminium scrap recycling	Expires on 21 July 2021 for categories 1-7 and 10
III-6(b)(II)	Lead as an alloying element in aluminium for machining purposes with a lead content up to 0,4 % by weight	Expires on 18 May 2021 for categories 1-7 and 10

Acronyms and Definitions

Cat. Category, referring to the categories of EEE specified in Annex II of the current RoHS Directive

COM European Commission

EEE Electrical and electronic equipment

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.

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

EUROMOT et al. submitted a request for the renewal of exemption III-6(a) for EEE of category 11 in its current wording for the maximum validity period:

Table 2: Requested exemption renewal

No.	Requested exemption	Requested scope and dates of applicability
III-6(b)(I)	Lead as an alloying element in aluminium containing up to 0,4 % lead by weight, provided it stems from lead-bearing aluminium scrap recycling	Applies to category 11 from 22 July 2024 on and expires on 21 July 2029 (= 2024 + 5 years)
III-6(b)(II)	Lead as an alloying element in aluminium for machining purposes with a lead content up to 0,4 % by weight	Applies to cat. 11 from 22 July 2024 on and expires on 21 July 2029 (= 2024 + 5 years) ²

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 13 September 2023 latest.

2. Questions

1. Could you please confirm that Table 2 correctly reflects the requested renewal of the exemption?

The proposed exemption renewal as outlined in Table 2 correctly reflects the requested renewal of the exemption.

2. Exemptions 6(b), 6(b)(I) and 6(b)(II) were reviewed by Baron et al. (2022)³. They recommended maintaining the current exemption 6(b) with the same wording and expiry dates as listed in Table 1. For exemptions 6(b)(I) and 6(b)(II), they propose new wordings and scopes for the renewed exemptions 6(b)(III) and 6(b)(IV) listed in the below table.

² The mathematically correct expiry date of 18 May 2029 was aligned with the other exemptions of the series that expire on 21 July

³ C.f. Öko-Institut, https://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_22/RoHS_Pack-22_final_report_amended_February_2022.pdf



Table 3: Renewal of current exemption 6(b)(I) and 6(b)(II) proposed by Baron et al. (2022)

	Exemption formulation	Duration
6(b)-I	<i>Lead as an alloying element in aluminium containing up to 0,4% lead by weight provided it stems from lead-bearing aluminium scrap recycling</i>	Expires 12 months after the decision for all categories
6(b)-III	<i>Lead as an alloying element in aluminium casting alloys containing up to 0,3% lead by weight provided it stems from lead-bearing aluminium scrap recycling</i>	Expires on 21 July 2026 for all categories

	Exemption formulation	Duration
6(b)-II	Lead as an alloying element in aluminium for machining purposes with a lead content up to 0,4 % by weight.	Expires 18 months after the decision for all categories
6(b)-IV	Lead as an alloying element in aluminium for machining purposes with a lead content up to 0,4 % by weight in gas valves applied in category 1 EEE (large household appliances)	Expires on 31 December 2024

Source: Baron et al. (2022)

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 above recommendation for EEE of categories 8, 9 and 11.

If the review shows that EUROMOT's arguments justify the renewal of an exemption for the use of lead in aluminium alloys, the consultants would therefore prefer recommending the wordings of 6(b)(III) and 6(b)(IV). The expiry dates may be adapted to the specific situation of cat. 11 in the scope of EUROMOT's renewal request. **Error! Reference source not found.** reflects the resulting wordings, scopes and validity periods in consistency with the state of science and technology assessed by Baron et al. (2022) and with their recommendations.

Table 4: Renewal of current exemption 6(b)(I) and 6(b)(II) for cat. 11 as exemptions 6(b)(III) and 6(b)(IV) in modification of the recommendation of Baron et al. (2022)

No.	Recommended Exemption	Recommended cope and dates of applicability
III-6(b)	Lead as an alloying element in aluminium containing up to 0,4 % lead by weight	Applies to categories 8, 9 and 11, and expires on <ul style="list-style-type: none"> - 21 July 2021 for cat. 8 other than in-vitro diagnostic medical devices, and cat. 9 other than industrial monitoring and control instruments - 21 July 2023 for category 8 in-vitro diagnostic medical devices

		<ul style="list-style-type: none"> - 21 July 2024 for category 9 industrial monitoring and control instruments - [21 July 2024 + 18 months, or date of official publication of the COM decision + 18 months if the publication date is later than 21 July 2024] for category 11
III-6(b)(III)	Lead as an alloying element in aluminium casting alloys containing up to 0,3 % lead by weight provided it stems from lead-bearing aluminium scrap recycling	<p>Applies to</p> <ul style="list-style-type: none"> - categories 1-7 and 10 - category 11 from [date of expiry of III-6(b) + 1 day] on <p>and expires on</p> <ul style="list-style-type: none"> - 21 July 2026 for categories 1-7 and 10 - 21 July [2026 + X] for cat. 11
III-6(b)(IV)	Lead as an alloying element in aluminium for machining purposes with a lead content up to 0,4 % by weight	<p>Applies to</p> <ul style="list-style-type: none"> - gas valves in category 1 from 31 December 2024 - category 11 from [date of expiry of III-6(b) + 1 day] on <p>Expires on</p> <ul style="list-style-type: none"> - 31 December 2024 for category 1 - 31 July [2024 + Y] for cat. 11

X can be 3 years maximum

Y can be 5 years maximum

With the above proposal, exemption 6(b) would at earliest expire on 21 January 2026 for cat. 11 IMCI, and this category would thereafter fall under exemptions 6(b)(III) and 6(b)(IV). Please comment on this proposal explaining any obstacles you see if you do not agree that cat. 11 could be covered by exemptions 6(b)(III) and/or 6(b)(III).

We do not agree that internal combustion engines, associated components, and end-products in which these are used would be covered by exemption 6(b)(III). III-6(b) permitting lead up to 0.4% is still required, rather than 6(b)(III) permitting 0.3%.

The higher limit of 0.4% is still necessary as although there is the trend of reducing lead content in some alloy specifications, some specifications still permit >0.3% lead which are utilised in EUROMOT members parts. Parts with up to 0.4% lead are still used by EUROMOT members as they produce special types of engines some of which are sold annually in only small numbers, as few as one or two per year. Stocks of parts for these special types of engines may last for up to seven years before they are consumed, and new batches of parts are obtained. Some of the parts currently in stock contain between 0.3% and 0.4% lead and so manufacturers need this exemption to allow up to 0.4% lead until these parts are used in finished products that are placed on the market. Without the continuation of the exemption these parts will become waste and have to be disposed of and replaced which has a considerable environmental impact.



We do agree that internal combustion engines, associated components, and end-products in which these are used would be covered by exemption 6(b)(IV), if Y is 5 years. 5 years is necessary to undertake essential testing as outlined in the renewal request in section 7.

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.

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3. References

Baron et al. (2022): Study to assess requests for a renewal of nine (-9-) exemptions 6(a), 6(a)-I, 6(b), 6(b)-I, 6(b)-II, 6(c), 7(a), 7(c)-I and 7 (c)-II of Annex III of Directive 2011/65/EU (Pack 22) – Final Report (Amended Version). 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): Yifaat Baron, Carl-Otto Gensch, Andreas Köhler, Ran Liu, Clara Löw, Katja Moch, Oeko-Institut e. V. (Pack 22). retrieved from https://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_22/RoHS_Pack-22_final_report_amended_February_2022.pdf.