

2nd stakeholder consultation on adaptation to scientific and technical progress of Annex II Directive 2000/53/EC (ELV) and of the Annex to Directive 2002/95/EC (RoHS)

1 Introduction

Following the requirements of Article 4(2)(a) of Directive 2000/53/EC on end-of-life vehicles (ELV Directive), Member States of the European Union have to ensure that materials and components of vehicles put on the market since 1 July 2003 do not contain lead, mercury, hexavalent chromium and cadmium. Article 4(1) of Directive 2002/95/EC (RoHS Directive) provides that 'from 1 July 2006, new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, PBB or PBDE.'

The Annexes to both Directives list a number of applications of these substances, which are exempted from the requirements of those Articles and which have to be revised on a regular basis.

Prior to amending the Annexes, the Commission is required to consult the relevant stakeholders. The results of this consultation will be forwarded to the Technical Adaptation Committee (TAC). Also, the Commission services will provide an account of the information received.

This second consultation is run by Öko-Institut together with Fraunhofer IZM (<http://rohs-elv.exemptions.oeko.info/index.php?id=21>) on behalf of the European Commission with the purpose to collect stakeholder contributions. Please note that the role of Öko-Institut and Fraunhofer IZM is only to collect and evaluate the information provided by stakeholders with a goal to provide the Commission with a recommendation on an exemption's justification. Any decision making, however, is the sole responsibility of EU institutions.

2 Consultation scope

The scope of the current consultation is on certain existing ELV exemptions and on two new exemption requests as shown in the table below.

Table 1: ELV exemptions and exemption requests covered by the 2nd stakeholder consultation

Existing ELV exemptions		
No.	Current wording	Scope and expiry date
Lead as an alloying element		
1	Steel for machining purposes and galvanised steel containing up to 0,35 % lead by weight	
2c	Aluminium with a lead content up to 0,4 % by weight	
3	Copper alloy containing up to 4 % lead by weight	
4b	Bearing shells and bushes in engines, transmissions and air conditioning compressors	1 July 2011 and after that date as spare parts for vehicles put on the market before 1 July 2011
Lead and lead compounds in components		
5	Batteries	
6	Vibration dampers	
10	Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs	
Hexavalent chromium		
13	Absorption refrigerators in motorcaravans	
Mercury		
14a	Discharge lamps for headlight application	Vehicles type approved before 1 July 2012 and spare parts for these vehicles
14b	Fluorescent tubes used in instrument panel displays	Vehicles type approved before 1 July 2012 and spare parts for these vehicles
New exemption requests		
No.	Proposed wording	Applicant
1	Lead in solders for the connection of very thin (<100 µm) enamelled copper wires and for the connection of enamelled clad aluminium wires (CCAWs) with a copper layer smaller than 20 µm.	PSS Belgium NV
2	Lead in thermoelectric generators	ACEA JAMA KAMA CLEPA

3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to one of the exemptions / exemption requests listed in Table 1 and have a clear reference as to the corresponding **number**.
- Take the **questionnaires** on individual exemptions / exemption requests at <http://rohs-elv.exemptions.oeko.info/index.php?id=23> into account.
- Clearly state whether an exemption / exemption request is supported or whether no justification is seen. To support your comment, it is useful to **provide relevant technical and scientific evidence** as well as an assessment of your evidence by an independent expert. Explain the reasons why potential alternative materials, designs or processes are unsuitable with quantitative data wherever possible. Although not decisive, any relevant economic data regarding those alternative materials are also welcome. If possible, **provide photographs or diagrams** to illustrate claims. **Sources of information** should be referenced where possible.
- Exemptions to the ELV Directive can not be justified on the basis of confidential information. Should you wish such information to be used as a justification for an exemption, you need to give explicit agreement to the Commission and the project team to disclose the relevant information on their website.
- Nevertheless, comments shall be clearly marked “NOT FOR PUBLICATION” if they are not be posted as comments on the consultation website. Please also refrain from submitting confidential and non-confidential information mixed in one document!
- Please refrain from submitting several identical comments in order to support a position /comment. It is more useful and efficient to include a cover letter stating that a submission is supported by several parties.
- Submit **compact and comprehensive information** instead of very large and extensive documentation. It will facilitate formulating the need for further information.
- **Do not submit new exemption requests.** New exemption requests as well as questions or remarks concerning results of former evaluations have to be addressed to the European Commission directly.
- Please be aware that it might be necessary to give a negative recommendation if important information is missing.
- Always include **your contact details** (or of the person responsible for further contact). The evaluation procedure will normally lead to further questions which we need to address to you directly.
- If you submit documents in **PDF-formats**, please make sure that text can be marked and copied selectively from these documents in order to avoid retyping (which is a possible source of mistakes) when summarising your arguments for the review report.