

Questionnaire

Exemption request 1 under Directive 2000/53/EC

“Lead in solders for the connection of very thin (<100 µm) enamelled copper wires and enamelled copper clad aluminium wires with a copper layer smaller than 20 µm for tweeters in vehicles”

The applicant and stakeholders are invited to clarify the following specific questions as detailed as possible. In your contribution, please state which question number you are referring to.

- 1) Are the respective products to be covered by the requested exemption only produced for vehicles and used in them, i.e. do they fall only under the scope of the ELV Directive? If not, i.e. if the products are also marketed in applications falling under the RoHS Directive, an exemption is necessary under RoHS. Since such an exemption does not exist, it can be assumed that the respective marketed products did not contain lead and that substitution is possible. Please thus explain why an exemption is now necessary.
- 2) The most recent review of the RoHS Directive included the evaluation of a very similar exemption. Please state in detail whether the conclusions of the evaluation as described in section 4.40 of the final report (cf. http://ec.europa.eu/environment/waste/weee/pdf/final_reportl_rohs1_en.pdf) are also applicable for exemption request 1 ELV Directive.
- 3) Please give detailed information on the status quo of research for substitutes.
- 4) Please also state in detail whether the conclusions of a former evaluation of RoHS exemptions as described in section 5.1 of the final report (cf. <http://ec.europa.eu/environment/waste/weee/pdf/rohs.pdf>) are also applicable for exemption request 1 ELV Directive.

Furthermore, the following general questions can be used to support or to argue against the exemption request:

- What is the application in which the substance/compound is used for and what is its specific technical function?
- What is the specific (technical) function of the substance/compound in this application?
- Please justify why this application falls under the scope of the ELV Directive (e.g. is it a finished product? is it a fixed installation? What category of the WEEE Directive does it belong to?).

- What is the amount (in absolute number and in percentage by weight) of the substance/compound in: i) the homogeneous material¹, ii) the application and iii) total EU annually for relevant applications?

Documentation provided by stakeholders including replies to the questions above should take the following points into consideration:

- Please justify your contribution according to Article 4 (2) (b) (ii) ELV Directive, i.e.
 - Justification for exemption still given or not given anymore according to technical and scientific progress;
 - Substitution of concerned hazardous substances via materials and components not containing these is technically or scientifically either practicable or impracticable;
 - Elimination or substitution of concerned hazardous substances via design changes is technically or scientifically either practicable or impracticable.
- Please provide sound data/evidence on why substitution/elimination is either practicable or impracticable (e.g. what research has been done, what was the outcome, is there a timeline for possible substitutes, why is the substance and its function in the application indispensable or not, is there available economic data on the possible substitutes, where relevant, etc.).
- Please also indicate if feasible substitutes currently exist in an industrial and/or commercial scale for similar use.
- Please indicate the possibilities and/or the status for the development of substitutes and indicate if these substitutes were available by 1 July 2003 or at a later stage.
- Please indicate if any current restrictions apply to such substitutes. If yes, please quote the exact title of the appropriate legislation/regulation.
- Please indicate benefits/advantages and disadvantages of such substitutes.
- Please state whether there are overlapping issues with other relevant legislation such as e.g. the Energy-using Products (EuP) - EuP Directive (2005/32/EC) that should be taken into account..
- If a transition period between the publication of an amended exemption is needed or seems appropriate, please state how long this period should be for the specific application concerned.

Stakeholder contributions shall be clearly marked “NOT FOR PUBLICATION” if they are not be posted as comments on the consultation website (http://circa.europa.eu/Public/irc/env/elv_4/library).

¹ Please refer to the FAQ document on RoHS and WEEE Directives available at http://www.europa.eu.int/comm/environment/waste/weee_index.htm