

RoHS – New proposals September 2009

Following discussions between EU Member States and the Council of Ministers new proposals have been put forward by Sweden, who currently owns the EU presidency, to amend the scope of the RoHS Directive.

Under the proposals the scope will change to encompass all electrical and electronic equipment unless specifically excluded. Currently there are 8 product categories with binding examples of what products fall within scope. A recast, published in December 2008, also proposed the phased in addition of categories 8 and 9 (medical devices and monitoring and control instruments).

Annex I (the 10 broad product categories) and Annex II (binding list of product examples) have been deleted from the text of the RoHS recast and will now sit, as before, within the WEEE Directive although Annex II is referred to as indicative as opposed to a binding list.

There are new exclusions from the RoHS text such as large-scale stationary industrial tools (LSIT) but the impact of the revised proposals is clearly to include products that are not currently in scope.

It is also proposed to delete Annex III that lists four substances - BBP, DBP, DEHP and HBCDD for priority assessment, leading to possible restrictions. However, the Commission intends to adopt a methodology for the review of the restricted substances in Annex IV (the original 6 possible, but unlikely) and new substances where deemed necessary in the future, based on the process set out in Articles 69 to 72 of the REACH Regulations. This would look to review a substance used in EEE, or the waste derived from it, that poses a hazard to human health or the environment that is not adequately controlled.

However, industry will be interested in the scope, where any product that relies on electricity to function could be included as well as the status of some of the grey area products. No longer will there be the “is it in scope or is it out” issues as with, for example, semiconductor development tools at present, as everything will be within scope unless specifically excluded. RoHS was previously unclear, especially for fixed installations, and it is probable that these proposals are an attempt to resolve this. However, “equipment that is part of equipment that is out of scope is itself out of scope” remains in the text so uncertainty is likely to continue.

Article courtesy of Farnell