

# Stakeholder consultation on exemption request evaluation under Directive 2011/65/EU

## 1 Introduction

The RoHS Directive (2002/95/EC) (RoHS 1) has been recasted and has now become Directive 2011/65/EU that entered into force on 21 July 2011, repealing Directive 2002/95/EC on 3 January 2013. Directive 2011/65/EU is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT>.

The European Commission has appointed the Oeko-Institut to technically assist in reviewing the requests for exemptions from the substance restrictions of Directive 2011/65/EU (RoHS 2). The exemption requests have to be evaluated against the criteria for exemptions in Art. 5(1)(a).

This consultation is run by Oeko-Institut on behalf of the European Commission, with the purpose to collect stakeholder contributions, under:

<http://rohs.exemptions.oeko.info/index.php?id=261>

Please note that the role of Oeko-Institut 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.

**Neither the fact that a stakeholder consultation is being launched, nor the results of this stakeholder consultation should be interpreted as a political or legal signal that the Commission intends to take a given action.**

## 2 Consultation scope

The scope of the current consultation concerns the revision of two exemptions, as shown in Table 1 below, which have been evaluated in the past. The evaluation of the requests has been commissioned through the project "Pack 10".

In December 2012 the Commission received a request for the renewal of Annex III exemption 39, and in May 2013 the request for a new Annex III exemption. The exemptions,

both dealing with cadmium quantum dot applications, were both evaluated in the course of an evaluation performed in 2013-2014<sup>1</sup>. The final report was published in April 2014.<sup>2</sup>

On the 20 May 2015, the European Parliament objected to the Commission Delegated act adopted on the basis of the mentioned report, claiming that the report need be updated;<sup>3</sup> Thus the reevaluation of these requests is to be performed.

Oeko-Institut - on behalf of the European Commission – has published the requests as worded by the applicants, therefore the applicant is solely responsible for the wording and supporting evidence it has provided.

Table 1: RoHS exemption requests covered by this stakeholder consultation

| Exemption No. | Annex III formulation                                                                                                                                                                                                              | Applicant                   |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 2013-2        | Cadmium in colour converting II-VI LEDs (< 10 µg Cd per mm <sup>2</sup> of light-emitting area) for use in solid state illumination or display systems (Request for renewal of exemption 39 of Annex III of Directive 2011/65/EU); | QD Vision, Inc.             |
| 2013-5        | Cadmium in LCD Quantum Dot Light Control Films and Components                                                                                                                                                                      | 3M Optical Systems Division |

### 3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the exemption request listed in Table 1 and have a clear reference as to the exemption number.
- Take the specific questionnaire available on the Cd Quantum-Dot Joint Evaluation section (questionnaire available under the page accessible through the following link: <http://rohs.exemptions.oeko.info/index.php?id=265>)
- Clearly state whether the exemption requests are supported or whether no justification is seen. To support your comment, it is needed to **provide relevant technical and scientific evidence** in accordance with the criteria listed in Article 5(1)(a). Explain the reasons why potential alternative materials, designs or processes are unsuitable with

<sup>1</sup> For details please see the following link to the consultation page and refer to Request 2013-2 and 2013-5:  
<http://rohs.exemptions.oeko.info/index.php?id=179>

<sup>2</sup> See report under:  
[http://rohs.exemptions.oeko.info/fileadmin/user\\_upload/RoHS\\_IX/20140422\\_RoHS2\\_Evaluation\\_Ex\\_Requests\\_2013-1-5\\_final.pdf](http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_IX/20140422_RoHS2_Evaluation_Ex_Requests_2013-1-5_final.pdf)

<sup>3</sup> See under: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0205+0+DOC+XML+V0//EN&language=EN>

quantitative data wherever possible. If possible, **provide photographs or diagrams** to illustrate claims. Provision of third party data and information may be beneficial to further support your view. **Sources of information** should be referenced where possible.

- Provide your input to the consultation as early as possible in order to allow other stakeholders to comment.
- Exemptions to the RoHS 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.
- Please refrain from submitting confidential and non-confidential information mixed in one document! If you include confidential comments in your response, please provide a confidential and a non-confidential version, also clearly marked confidential comments with “NOT FOR PUBLICATION” if they are not to be posted as comments on the consultation website.
- 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.
- It shall be noted that generic comments, statements, position papers and any additional request for exemptions will not be taken into account.
- **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 with name, organisation, email and phone number). 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.

Interested parties are invited to send their comments by e-mail, at the latest on **08 January 2016** to [rohs.exemptions@oeko.de](mailto:rohs.exemptions@oeko.de) or by post to:

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Responses submitted electronically will be posted on this web site as they are received, unless respondents specifically request that their contribution should not be published. In the latter case, responses should be clearly and visibly marked with the words "**Not for publication**".