



Welcome

**Recent RoHS Developments & Obtaining Your RoHS
Exemption Renewal: How to Best Support a Renewal
Request**

30th September, 2020

Agenda

Introduction

Danny Cassidy

Regulatory update

Louise Forrest

RoHS exemption

Emily Tyrwhitt Jones

Round Up

Danny Cassidy

Q&A

Compliance & Risks

60,000+

in force & pending
regulations / documents

23

languages spoken
on the team

203

regularly monitored
countries

000's

ask our experts queries
answered in 2020

30

global network of
knowledge partners




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Leveraging the Power of Technology

REGULATION

Proposed: proposed on Oct 05, 2018 | Approval probability: > 99% | Last alert: Aug 06, 2020 - New deadline | Reference: <https://opinion.lawma...> | Share

South Korea: Enforcement Ordinance on the Recycling of Electrical and Electronic Equipment and Vehicles Act 2007, Presidential Decree No. 20480, 2007 - Proposed Amendment - (on additional restricted substances and additional products subject to restrictions etc.) Draft Notice No. 2020-646

NEWS Aug 06, 2020
South Korea's RoHS amendment proposal advances
Joyce Costello of Compliance & Risks Ltd (C&R)



Leveraging the Power of Technology

Overview

On 9 July 2020, the South Korean Ministry of Environment issued a revised proposed amendment to the Enforcement Ordinance on the Recycling of Electrical and Electronic Equipment and Vehicles Act (K-ROHS).

The original draft with regard to additional restricted substances was proposed on 5 October 2018, and scheduled to enter into force in December 2019. However, the draft has been delayed due to objection of stakeholders, and contained changes only on additional 23 new products.

This revised proposed amendment covers products subject to the K-ROHS.

Scope

Products Covered

- Air Conditioning Equipment
- Audio Visual Equipment (Abbrv: AV)
- Clothes Washers
- Computer Equipment
- Computer Monitors
- Copiers
- Dehumidifiers
- Dish Dryers

Materials & Substances

- Bis (2-ethylhexyl) phthalate (CAS No. 117-81-7)
- Butyl Benzyl Phthalate (CAS No. 85-68-7)
- Cadmium (CAS No. 7440-43-9)
- Dibutylphthalate (CAS No. 84-74-2)
- Diisobutyl Phthalate (CAS No. 84-69-5)
- Hexavalent chromium (CAS No. 18540-29-9)
- Lead (CAS No. 7439-92-3)
- Mercury (CAS No. 7440-10-9)
- Polybrominated biphenyls
- Polybrominated Diphenyl Ethers

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Topics

Chemicals in Products



Recent RoHS Developments
Louise Forrest
30th September, 2020

Recent RoHS Developments - Introduction

While RoHS has been with us for some time, it continues to remain prominent on the radar of manufacturers, importers & distributors and is very much still a live concern of which they must remain aware and keep up to date on.

The impetus for RoHS was to ensure the environmentally sound recovery and disposal of WEEE, thereby protecting the environment & public health.

The following will touch on recent developments pertaining to RoHS around the globe.



Recent RoHS Developments - South Korea

- On 5 August 2020 South Korea notified a RoHS proposal to WTO
- Proposal will amend K-RoHS with the aim to strengthen the RoHS regime in South Korea and to bring it into line with Directive (EU) 2015/863 on phthalate restrictions (DEHP, BBP, DBP & DIBP).
- Draft was initially proposed as far back as October 2018, but floundered due to resistance from stakeholders.

Recent RoHS Developments - South Korea

Major features of the Proposal include:

- Addition of 4 phthalates
- Addition of 23 new products subject to restriction on use of hazardous substances
- Relaxation of requirements on retention of records for businesses subject to mandatory recycling and takeback
- Strengthening of penalties
- Addition of military equipment, large fixed industrial equipment, large fixed facilities and medical equipment to products excluded from restrictions, as well as recycling and take back obligations

Recent RoHS Developments - South Korea

The 23 new products include, among others, dehumidifiers, toasters, electric kettles, electric water heaters, electric frying pans, hair dryers, surveillance cameras, video game consoles (not including handheld game consoles) wired and wireless routers

The South Korean Ministry of Environment succeeded in abridging the usual 60-day notification period to 20 days, citing the urgency of the measure to the TBT committee.

Enforcement of the new provisions is planned for **1 January 2021**.

Recent RoHS Developments - China







- On 9 June 2020 China Quality Certification Centre (CQC) amended its RoHS Certification Rules (CQC21-020304-2011) (This had been previously amended in 2016 to align with the requirements in Directive (EU) 2015/863) by changing the transition dates for the phthalates.
- The changes also update the detection methods for these phthalates and hexavalent chromium in Table 2 of 3.2.2.2
- The amendment provides that the changes do not affect existing valid certificates. However new certificate applications shall be made in accordance with revised certification rules.

Recent RoHS Developments - Europe

Developments in RoHS continue at EU level and across Member States -

Amendments

Filter

-  (Proposed) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Proposed Amendment - (on extension of the validity period of an exemption for the use of mercury in intravascular ultrasound imaging systems) Draft Directive, July 2020
-  (Proposed) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Proposed Amendment - (on exemption for the use of lead and hexavalent chromium in electric and electronic initiators of explosives for civil (professional) use) Draft Directive, July 2020
-  (In force) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Amendment - (on exemption for hexavalent chromium as an anticorrosion agent of carbon steel cooling systems in absorption refrigerators) Directive (EU) 2020/361
-  (In force) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Amendment - (on exemption for the use of cadmium in certain radiation tolerant video camera tubes) Directive (EU) 2020/364
-  (In force) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Amendment - (on exemption for lead in solders and termination finishes used in certain hand-held combustion engines) Directive (EU) 2020/365
-  (In force) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Amendment - (on exemption for lead as a thermal stabiliser in polyvinyl chloride used in certain in-vitro diagnostic medical devices for the analysis of blood and body fluids and gases) Directive (EU) 2020/366
-  (In force) EU: Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU - Amendment - (on exemption for lead in platinized platinum electrodes used for certain conductivity measurements) Directive (EU) 2020/360

Recent RoHS Developments - Europe


Developments in RoHS continue at EU level and across Member States -

Implementations

Filter

-  (In force) Denmark: Restricting the Import, Sales and Manufacture for Export of Electrical and Electronic Equipment Containing Certain Hazardous Substances, Order No. 1216/2020
-  (In force) Croatia: Restriction of Hazardous Substances in Electrical and Electronic Equipment, Pravilnik NN 20/2020 - Amendment - (on implementing directives EU 2020/360, 2020/361, 2020/364, 2020/365 and 2020/366) Pravilnik NN 87/2020
-  (In force) Italy: Implementation of RoHS Recast Directive 2011/65/EU, Legislative Decree No. 27, 2014 - Amendment - (on implementation of Directive (EU) 2017/2102) Legislative Decree No. 42, 2020
-  (In force) Croatia: Restriction of Hazardous Substances in Electrical and Electronic Equipment, Pravilnik NN 20/2020
-  (In force) Lithuania: RoHS Market Surveillance Rules, Order 4-459, 2008 - Amendment - (on an exemption for lead and cadmium in certain products) Order No. 4-728, 2020
-  (In force) Cyprus: Restrictions on Hazardous Substances in Electrical and Electronic Equipment, Regulation 203/2014 - Amendment - (on implementation of Directive 2017/2102) Regulation 40/2020

Ask our Experts

 Help

Recent RoHS Developments - Standard EN IEC 63000:2018

- On 18 May 2020 EU Commission published Decision (EU) 2020/659 in the OJ declaring Standard EN IEC 63000:2018 as a RoHS Harmonised Standard
- It replaces EN 50581:2012 and sets out the technical documentation to be used to show compliance with applicable chemical restrictions.
- A transition period has been provided until 18 November 2021, allowing manufacturers to use both standards to demonstrate conformity and giving them sufficient time to adapt to the new standard.
- Benefit of the new standard is that it can ensure same approach from manufacturers everywhere.

Proposed RoHS Measures

- Brazil: Restriction of Use of Certain Hazardous Substances in Electrical and Electronic Equipment, Working Document, September 2018
- Argentina: Management of Waste Electrical and Electronic Equipment, Bill 0703-D-2016
- Indonesia: Applying Rules on Restrictions to Hazardous Substances in Electrical Equipment, Draft Guidelines 2016
- Jordan: Certain Hazardous Substances in Electrical and Electronic Equipment, Draft Technical Regulation, May 2012
- GCC: Restriction on the Use of Hazardous Substances in Electrical and Electronic Equipment, Draft Regulation, March 2018
- Nigeria: Communications Industry E-waste, Draft Regulations, 2018
- Bangladesh: Management of Waste Generated from EEE, Draft Regulations January 2019



How to get your RoHS Exemption Renewed

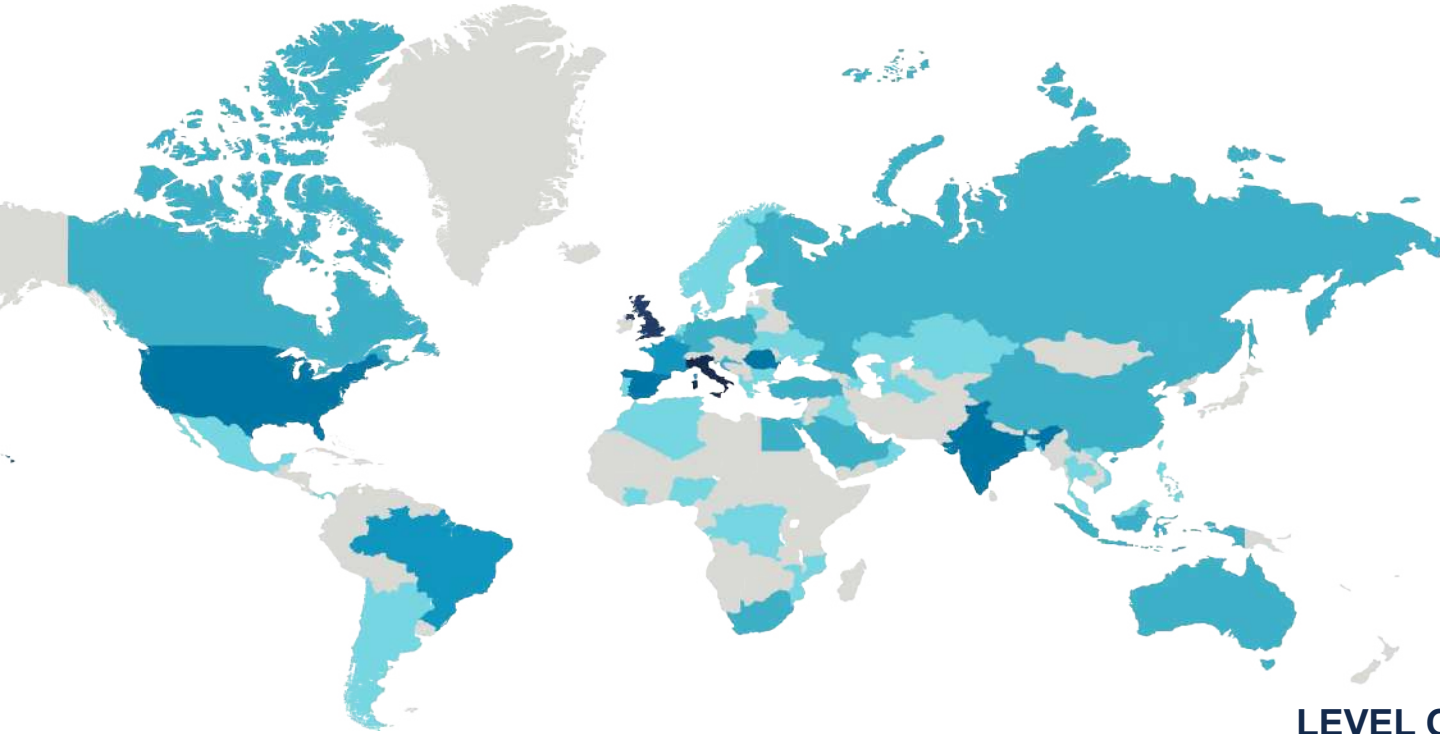


Agenda



1. RINA in brief
2. Overview and status of RoHS exemption requests
3. Timeframes of the process
4. How to increase the chances of success
5. Next steps

RINA worldwide



3700+ Staff

170+ Offices

65+ Countries

LEVEL OF RINA PRESENCE:



About Product Regulatory Compliance



- We support the European Commission, manufacturers, importers and distributors of electrical and engineering products to identify, understand and meet technical and environmental legislation
- Compliance & Risks Knowledge Partner since 2008

Safety

Performance

Environment



RoHS Exemption Overview



Restricted substances cannot be used unless they are specifically permitted by an exemption (“temporary”)

- Exemptions are temporary and automatically expire unless renewed
- Annex III exemptions are for all products in all categories, maximum validity period 5 years*
- Annex IV exemptions are for category 8 (medical) and 9 products (monitoring & control instruments) only, maximum validity period 7 years*

*The validity period can be less than this

RoHS Exemption Overview



Exemptions can be utilised by anyone so long as the use of the substance is covered by the exemptions description.

Exemptions are granted only if they meet at least one of three criteria

1. Substitution is technically impractical
2. Reliability of substitutes is not ensured
3. Overall health, safety and environmental impact of substitutes is more negative than that of the RoHS substance overall.

Exemption Status



A large number of exemptions are due to expire 21 July 2021. If renewals were requested before 20 January 2020, this guarantees continuing validity until a “decision” is published by the EC

Annex III:

57 Annex III exemptions have been requested for renewal, many of which were submitted by the **Umbrella Project** (supported by 67 trade associations) or Lighting Europe

Annex IV:

24 Annex IV exemptions which have been requested for renewal, by industry groups such as COCIR*, JBCE** or individual companies

*COCIR (European Trade Association representing the medical imaging, radiotherapy, health ICT and electromedical industries)

**JBCE (Japan Business Council in Europe)

Exemption Status



The European Commission has made available the full list of exemption requests submitted to the Commission between November 2019 and January 2020 as well as a table providing an overview of Annex III and IV exemptions, including their validity status. Submitted exemption requests are also published

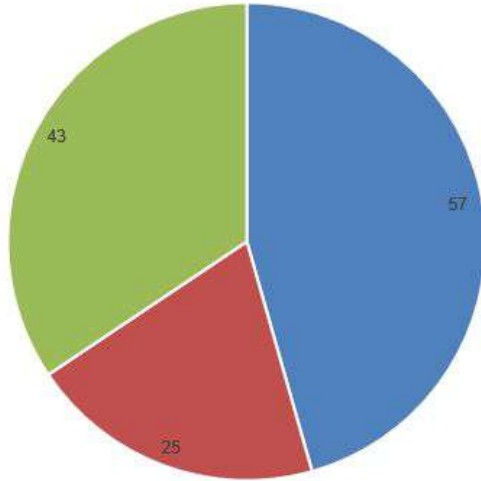
Directive 2011/65/EU (RoHS2)	RoHS 2 exemptions - Validity and rolling plan	Version: 17/04/2020	Contacts: ENV-ROHS@ec.europa.eu		
DISCLAIMER: This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. Official legal interpretation of EU legislation can only be provided by the European Court of Justice. The above remarks are without prejudice to the position the Commission might take should the issue arise in a procedure before the Court of Justice.					
DISCLAIMER: some exemptions could be void of technical interest for some categories.					
Note: explanations are given through cell's comment.					
Exemption (or request for new exemption)	Applicable to categories	Start	End	(Renewal) request	Validity status
Annex III n. 1(a-e)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 1(f)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 1(g)	1 to 7 and 10	29/01/2019	31/07/2016	28/06/2016	valid - requested for renewal
Annex III n. 2(a)(1-5)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 2(b)(1)	1 to 7 and 10	22/07/2011	13/04/2012		no longer valid
Annex III n. 2(b)(2)	1 to 7 and 10	22/07/2011	13/04/2016		no longer valid
Annex III n. 2(b)(3)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 2(b)(4)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 3(a-e)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 4(a)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 4(b)(I-II)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 4(c)(I-III)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 4(d)	1 to 7 and 10	22/07/2011	13/04/2015		no longer valid
Annex III n. 4(e)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 4(f)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 4(g)	1 to 7 and 10	20/05/2014	31/12/2018		no longer valid
Annex III n. 5(a)	1 to 7 and 10	22/07/2011	21/07/2016		no longer valid
Annex III n. 5(b)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 5(c)	1 to 7 and 10	22/07/2011	31/07/2016	16/01/2015	valid - requested for renewal
Annex III n. 5(d)	1 to 7 and 10	22/07/2016	30/06/2019		no longer valid
Annex III n. 6(a)-1	1 to 7 and 10	03/07/2019	31/07/2019	17/01/2020	valid - requested for renewal
Annex III n. 6(d)	1 to 7 and 10	22/07/2016	30/06/2019		no longer valid
Annex III n. 6(d)-1	1 to 7 and 10	01/07/2019	31/07/2019	03/12/2019	valid - requested for renewal

https://ec.europa.eu/environment/waste/rohs_eee/adaptation_en.htm

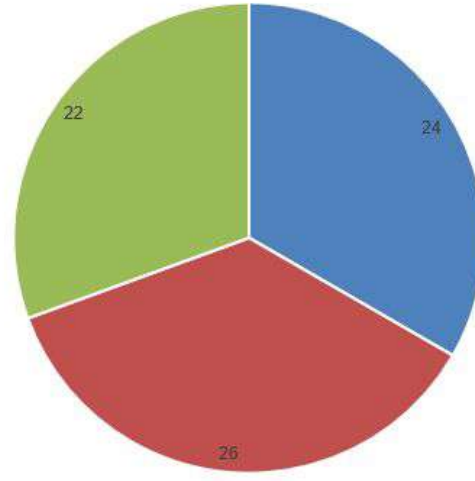
Exemption Status



Annex III



Annex IV



- Exemptions requested for renewal
- Valid but are no longer renewable
- No longer valid

Timeframes



Annex IV assessments started

Annex III: expected to start from November 2020 onwards
Annex IV: on-going

Annex III: Expected from November onwards
Annex IV: Closing 18th Nov

Typically 1 year after start of assessment

1 – 2 years later (but can take longer)

What do you need to do?



1. Identify which exemptions are utilised by your business;
2. Has someone else already requested renewal for exemptions that you need? If not, then submit a renewal request >18 months before expiry
3. Provide information during the stakeholder consultation to support the exemption application

Information to provide:

- Confirmation that companies support the exemption renewal request;
- Any evidence that alternative solutions are not technically suitable in your application (especially important if your use is not described in the exemption application)

What do you need to do?



There is the implication from recent reviews that future renewal requests may not be recommended for granting if the applicant is unable to encourage other users of the exemption (competitors and customers) to communicate with the consultants

How to provide the information:

- Through your trade association;
- As a individual company

New RoHS assessment study website: <http://www.rohs.biois.eu/>

What the EC's consultants may do



1. Reduce the scope of exemptions by excluding uses that do not need them
 - So provide evidence for all uses
2. Grant exemptions for less than maximum validity period
 - So provide convincing timescales for future R&D
3. Contact competitors to ask about substitutes
 - The consultants may ask applicants for contact details
4. Ask for socio economic assessment
 - Article 5.2 states that these need to be taken into account

Summary




There are a large number of exemption renewal request currently being reviewed, to ensure that an exemption you rely upon is renewed it is important to:

- Ensure your use is covered/ exemption has been applied for
- Provide information during the stakeholder consultation to support the exemption application

Otherwise the exemption may be **reduced the scope** to exclude your use or the maximum exemption **validity** period may not be granted.

Thank you

A light blue world map is centered on the slide. Overlaid on the map is the email address support@complianceandrisks.com.

support@complianceandrisks.com

