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RoHS FAQ Guide: Understanding the Latest Exemption Renewal Changes

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Navigating the PFAS Maze: Your Ultimate Global Regulatory Handbook

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Maitheya Riva is a materials engineer with a strong background in analytical techniques with experience in hazardous chemical testing for regulatory compliance, materials characterization and contamination analysis.

Maitheya is currently part of the regulatory compliance team at RINA where she work mainly in chemical regulation with main focus on RoHS and REACH.

In previous role at RINA she worked as a forensic engineer where she was involved in failure investigations and condition assessment of components for extended life reliability.

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01. About The Authors

Emily Tyrwhitt Jones, Principal Regulatory Consultant, RINA

Experienced materials engineer and chemist who is a highly regarded technical expert in global environmental compliance, sustainability and safety.

Emily brings considerable experience of supporting product development from technical and regulatory perspectives with regard to materials and processes.

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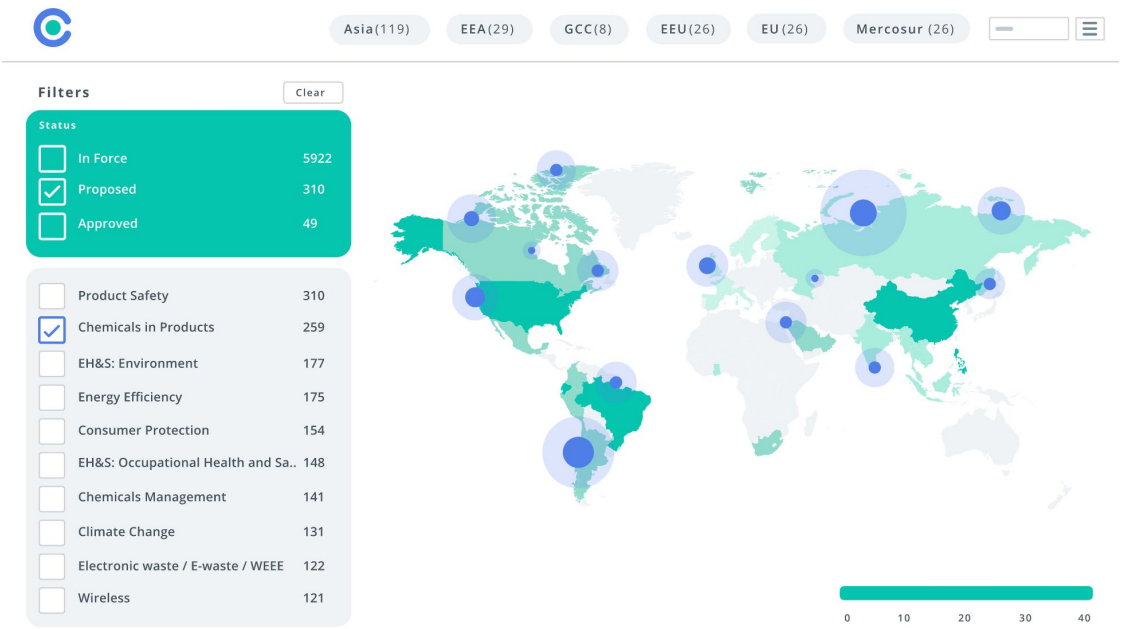

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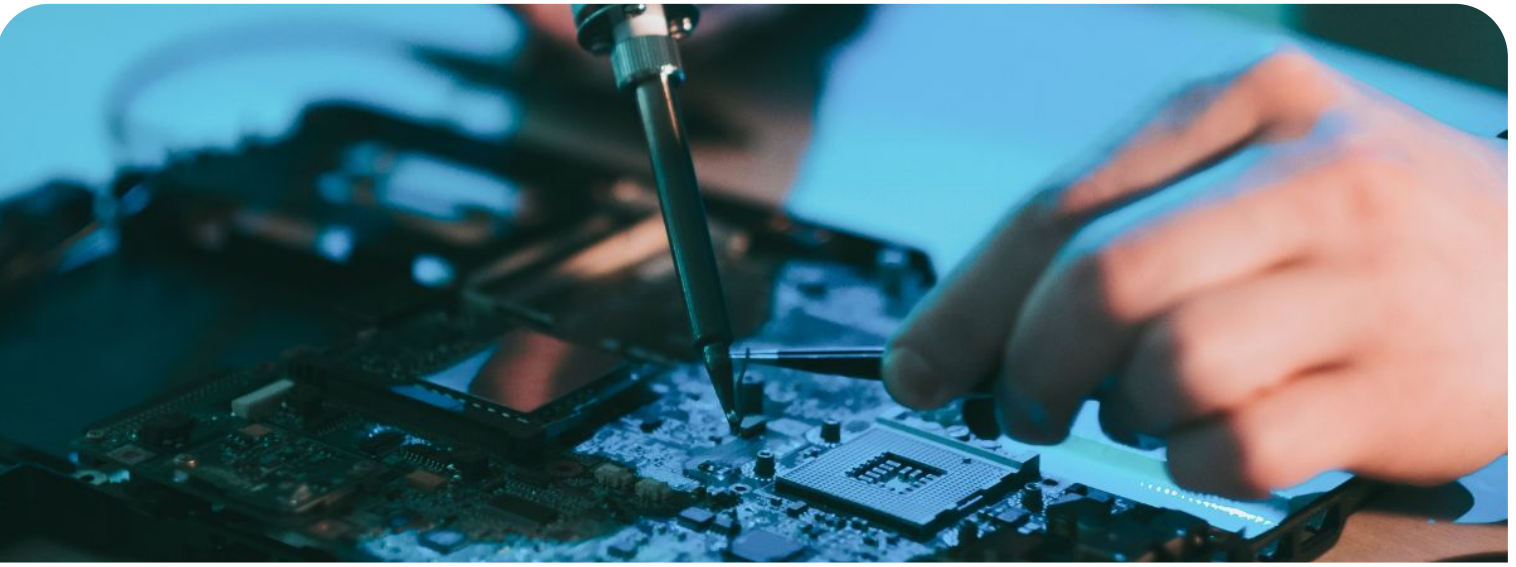


03. Introduction

Amidst the ever-evolving regulatory landscape, the European Commission's review of RoHS exemptions stands as a significant juncture for manufacturers across the EU. With a multitude of exemptions under scrutiny, the implications of delayed decisions resonate deeply within the industry, demanding proactive measures to ensure compliance.

On February 7th, RINA experts delved into the heart of this matter during our webinar, "RoHS Updates – What You Need To Know On The New Exemption Renewal Timeline." Our aim was clear: to demystify the exemption review process, shed light on the repercussions of decision delays, and offer actionable guidance for manufacturers to navigate these regulatory shifts effectively.

In response to the insightful queries posed by our engaged audience, we've distilled the wealth of knowledge shared by our regulatory experts into this comprehensive document.

This guide serves as your compass in understanding the intricate world of RoHS directives, offering practical insights and expert recommendations to bolster your compliance strategy.

Dive into the depths of RoHS compliance, explore the nuances of exemption renewals, and equip yourself with the tools necessary to navigate this dynamic regulatory landscape with confidence.

04. FAQS

Welcome to the FAQ section of our comprehensive guide, derived from our recent webinar, "RoHS Updates – What You Need To Know On The New Exemption Renewal Timeline," in collaboration with RINA. As manufacturers and stakeholders navigate the intricate landscape of RoHS regulations, clarity is paramount. This chapter serves as a curated repository of insights, distilled from the collective expertise of regulatory specialists who addressed a diverse range of questions during the webinar.

Within these pages, you'll find answers to common queries that plague manufacturers striving for RoHS compliance. From deciphering reporting obligations to anticipating the implications of delayed decisions on exemptions, we aim to provide you with the tools and knowledge necessary to navigate the complexities of RoHS directives effectively.

Q) What are your insights on the expected timeline for the closure of in-flight renewal applications by the EC to minimize overlap with the ECHA takeover of the process, potentially occurring by late 2024 to early 2025?

A) Exemptions which are in process, in our opinion are more likely to be managed under the current system rather than handed over to ECHA mid process. However, there has been no formal position stated on this.

Q) Does the exemption rolling plan remain valid even if the norms indicate a different timeline?

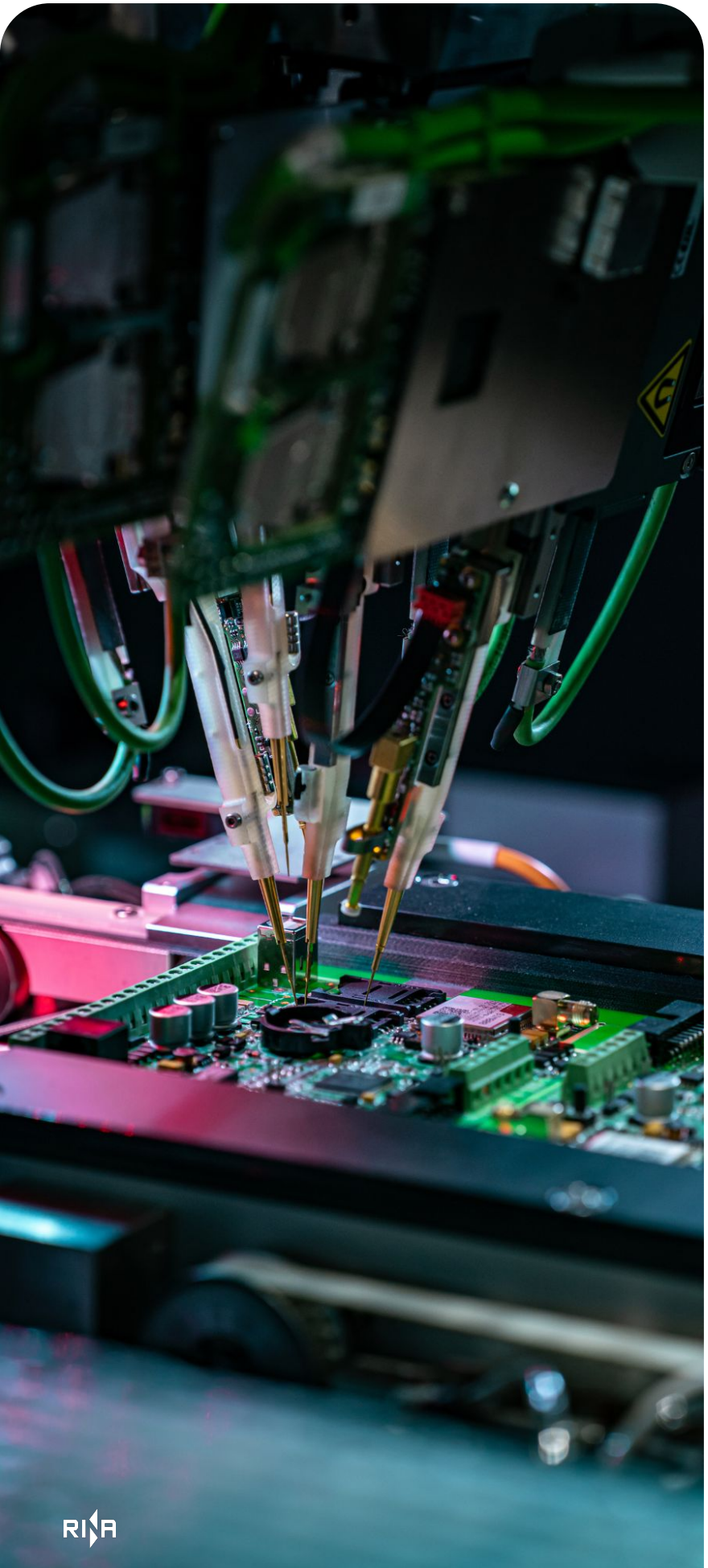
A) The exemption rolling action plan is aimed at being an aid to reviewing the exemptions but is not legally binding. As such, it can contain errors but in the past, where this has been spotted, feedback to the Commission has resulted in its update.

Q) Exemption 15 for categories 8-9 had its renewal application in 2020. Is it not advisable for renewal at present?

A) Based on the recommendations in Pack 23, the exemption 15 has not been recommended for renewal, irrespective of the category of product. If you rely on this exemption it is recommended that you start to try to design out such solder uses or, if this is not possible, engage as a matter of urgency with the Commission on your need for this exemption.

Q) Could the proposed new ECHA process further delay the current evaluation process of external consultant exemption review analyses?

A) It could be envisaged that in the hand over of responsibilities from the European Commission to ECHA that there will be some short term delays, as to date ECHA has not had these responsibilities. However, part of the reason why ECHA has been identified is to help with the long timelines of review, so the longer term hope is that the review period will be shorter.



Q) Is there a specific date for when Pack 22's exemptions will be finalized?

A) There is no concrete timeline for when exemptions will be published, however in the slides shown during the presentation we tried to extrapolate based on the latest information as to when this might be.

Q) Are there any expected dates for the remaining exemption packs

A) The only information is that they will be after Pack 22, but no timeline has been shared that we are aware of.

Q) What determines whether scenario 1 or 2 for RoHS Pack 22 comes into play?

A) The European Commission has recognised that some time will have to be permitted for exemption renewals to be written, but no timeline has been committed to. During discussions there have been indications that 6 months to write an exemption renewal has been deemed a suitable time period, but it could be shorter than this. As such the scenario will be somewhere between scenario 1 and 2.

Q) Who is responsible for applying the exemption: the manufacturer of the component or should all users of the component apply for exemption?

A) Exemptions can be applied for by any stakeholder and often consortia (such as the umbrella project) or trade associations submit exemption renewals to reflect the views of as many stakeholders as possible. However, no matter who is applying for the exemption, it is important to have information from all levels of the supply chain as each hold different information. As such we would recommend that if an exemption is critical to any business that you engage with an exemption renewal process.

Q) When can we expect the next update to arrive?

A) There are no specific timelines which have been committed to by the European Commission related to when exemptions will be published, but during the presentation we tried to estimate timelines based on available information. Whereas if the question is related to the rolling action plan, there is no set schedule as to when the document will be updated, but presumably it will be shortly after exemptions are published in the Official Journal.

Q) Is exemption 7(c)-I already expired?

A) Exemption 7cI has been requested for renewal, with the application for renewal submitted 18 month prior to its expiry. As such it benefits from continued validity until the new exemption wording is published. However, the recommendation for the exemption introduces significant changes so it would be worthwhile reviewing this to ensure that is captures all of your uses of the exemption.

Q) Are there any discussions/plans to renew Exemption 21, Cat 9?

A) According to the rolling action plan, Annex III ex.21 has not been requested for renewal and therefore is only valid until 21/07/2024.

Q) Where can we locate information regarding any upcoming packs available for consultation?

A) One of the ways of keeping informed of the exemption renewals is to sign up to the websites of the consultants appointed to reviewing the exemptions. By searching for Oeko and BioIS exemption renewals you will be able to find their specific websites.

Q) If the consultant suggests a four-year extension, proposing in 2022 to extend the validity of the exemption until 2026, and if the EC takes a considerable time to make its decision, wouldn't those four years of extension begin at the time the final decision is published? This would imply that the exemption would remain valid until 2028 if published this year, correct?

A) If the consultant recommend 4 years and the review period takes up all or a significant proportion of this time, the elapsed time is not added to the exemption period. For example, if the date recommended for exemption by the consultant was 2026, this date will remain the expiration date regardless of the delay experienced in the review and decision making process. Rather, the minimum timeline to allow for renewal and possibly exemption writing will be added. This is also outlined in our slides.

Conclusion

As we conclude this guide, we recognize the complexities and challenges inherent in navigating the evolving landscape of RoHS compliance.

Through the insights shared in our webinar and distilled into this comprehensive document, we've endeavored to equip you with the knowledge, tools, and strategies necessary to navigate these challenges with confidence. Whether you're a seasoned manufacturer or just beginning your journey towards compliance, we hope this guide has provided clarity and actionable guidance to ensure your products meet the highest standards of environmental responsibility.

As regulations continue to evolve, we encourage you to stay informed, adapt proactively, and embrace compliance as a cornerstone of your business ethos.

We are closely monitoring all developments in this growing area on a daily basis and will capture all regulatory updates in our C2P database.

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