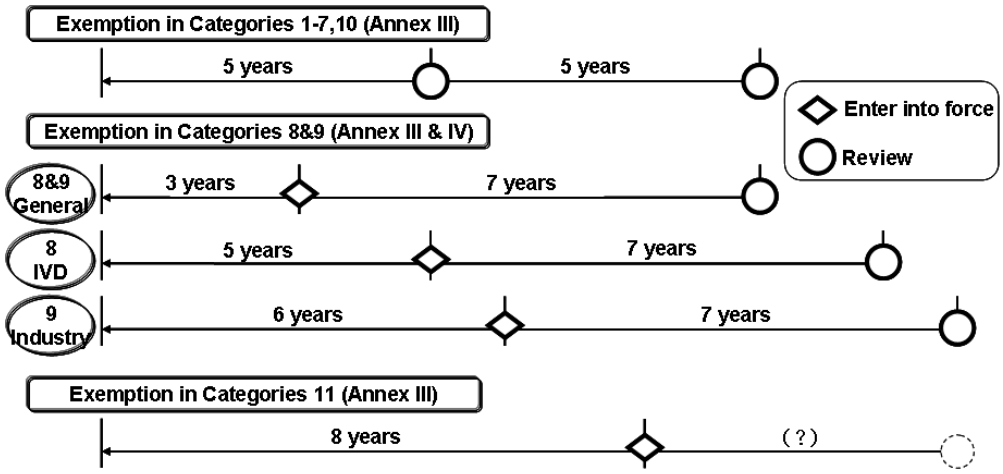
JBCE input for exemption management in RoHS recast

1. Concern of the review process of applications exempted from the restrictions in the RoHS recast (Section 2 of Article 5 and Annex III)

(1) The exemptions specified in Annex III are applicable to all categories, however the starting timing of application is different among them (already applied to Categories 1 to 7 and 10; will be applied to Categories 8 and 9 three to six years later by classification according to Section 3 of Article 4; and will be applied to Category 11 eight years later according to Section 2 of Article 2). In addition, different maximum validity periods are set on these categories (Categories 1 to 7 and 10: up to five years; Categories 8 and 9: up to seven years according to Section 2 of Article 5; Category 11: not stated), so that a review will take place at different times. For example, the first review of Annex III is scheduled to be held five years with regard to categories 1 to 7 and 10. If any of the exemptions constantly indispensable for other categories is deleted or a new validity period is set on any exemption uniformly without considering other categories under different timeline, it will cause significant trouble.



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It is absolutely necessary to let the stakeholders in countries outside of the EU member states know well of exemptions applicable to each product category and their validity periods, because supply chains from raw materials to parts, components and finished products extend globally. This is indispensable to ensure compliance to the RoHS requirements through such actions as promoting development of alternative technologies, assessing state-of-the-art technology relating to exemptions, considering whether each exemption should be renewed, and acquiring reliable alternatives for exemptions to be expired or deleted. We sincerely hope that measures will be taken to ensure accurate information about exemptions to be widely known to countries other than EU member states.

As an example of such measures, specifying validity period of each exemption listed in Annex III for each category would be very effective.

Exemption		Scope and dates of applicability				
		Category 1~7&10	Category 8&9 (General)	Category 8&9 (IVD)	Category 8&9 (Industrial)	Category 11
1	…… ……	Review until ** April 2016 ; ……	Review until ** April 2021 ; ……	Review until ** April 2023 ; ……	Review until ** April 2024 ; ……	Review until ** April 20?? ; ……
2	…… ……	Review until ** April 2016 ; ……	Review until ** April 2021 ; ……	Review until ** April 2023 ; ……	Review until ** April 2024 ; ……	Review until ** April 20?? ; ……

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2. Concern on future addition to list of restricted substances in the RoHS recast (Section 1 of Article 6)

(1) If further restriction of any substances in addition to current six ones are decided, at the same time consideration and decision of applications exempted from the restriction should be necessary through deep assessment in the technical difficulty of alternatives, the reliability and availability of alternatives, or their socially or economically negative impact. We desire public consultation to be thoroughly implemented and instilled in the entire global supply chain in countries outside of the EU member states so that these countries can study the above mentioned matters and take proper action abreast with the EU member states.

(2) After substances to be newly restricted are determined and notified, a grace period until the start of restriction is indispensable. What is desired is a proper grace period that gives careful consideration not only to the wider and deeper dissemination of these newly restricted substances in the entire global supply chain, design changes, reliability evaluations, and alternatives taking into account trade inventories back up to the raw material of parts as the bottom of supply chain but also studies and applications for exemptions of the restricted substances. When considering a grace period, the life cycle to each product like Categories 8 and 9 under the current EU RoHS directive, in particular, should be taken into account.

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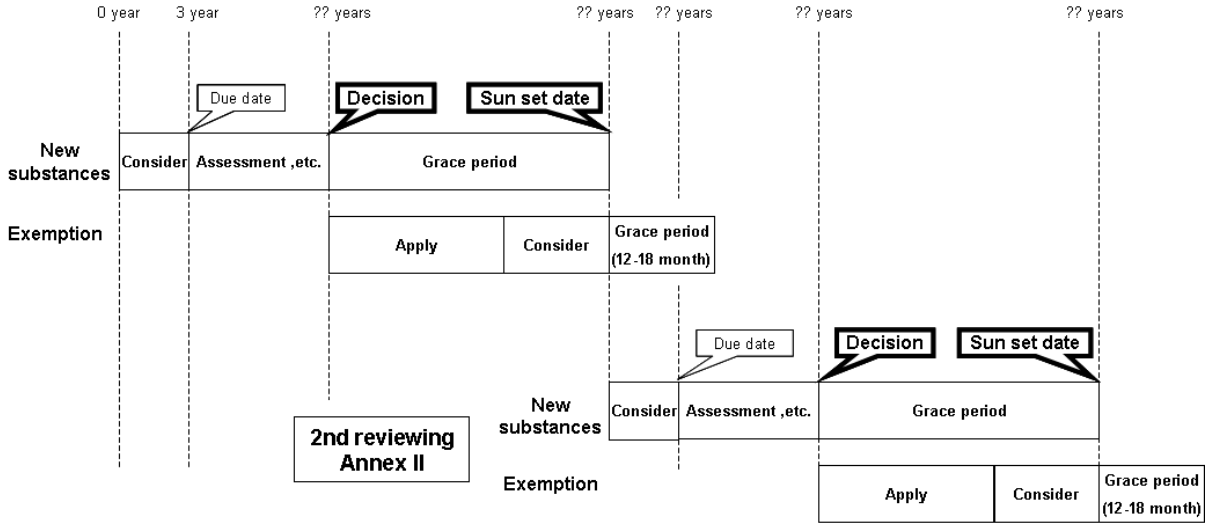
(3) It is described that reviews of the addition of restricted substances will be periodically considered after the first review by three years after the entry into force of the recast. Before the subsequent review, studies on exemptions for newly restricted substances added at the previous review should be completed and proposal of next candidate substances (if any) to be considered on addition to the list of restricted substances should be published. Furthermore following procedures should be completed as well: impact assessments when they are restricted, risk assessments focusing on end-of-life stage such as waste, recycle and reuse, and public consultation including those outside of the EU member states. After all these necessary procedures are done, a new restricted substance can be finally added. Practicable period to carry them out should be allocated, because broad-range and enormous amount of works must be made by the authorities of EU member states, member states, and stakeholders within and outside the EU member states



(4) As mentioned in above (3), studies are indispensable in each review not only on proposed restricted substances but also on exemptions, and these huge tasks must be repeated in every review at regular intervals. We sincerely hope that guidelines showing specific procedures and timeline will be provided at first to enable also countries outside of the EU member states to take appropriate action without delay throughout global supply chain.

ABOUT JBCE

The Japan Business Council in Europe was established in 1999 as the representative organization of Japanese companies operating in the European Union. Our membership consists of more than 60 leading multinational corporations that are active across a wide range of sectors, including electronics, automotive, and chemical manufacturing. The key goal of JBCE is to contribute to EU public policy in a positive and constructive way. In doing this, we can draw upon the expertise and experience of our member companies.

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