



RoHS Recast

Workgroup meeting, 03.02.11



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Note: Part of the data is courtesy of DCA

- 🕒 When a producer puts a “finished” product on the market it is assumed to be RoHS compliant if in scope
- 🕒 There is no “official” mark, logo, to indicate compliance
 - Some companies have invented their own
- 🕒 No Declaration of conformity statement required for finished products
- 🕒 “IF” asked, most enforcement agencies and customers expect that you can produce objective evidence to support product compliance. Typically within 28 days and it may require an on site, member state, meeting.
- 🕒 Many product manufacturers that are currently out of scope are requiring the use of RoHS compliant materials from their suppliers and subcontractors
 - Many OEMs have material restrictions above and beyond what is currently legislated

Recast background data...



- 339 amendments were tabled
- Compromise text called for listing of 37 substances for priority assessment in Annex III
- Narrowly approved by a 27 to 25 vote
- Compromise text:
 - No substance restrictions
 - No substances listed for Priority Assessment
 - Four substances identified by the EU Commission to be discussed in a non-binding recital
- Compromise text approved by EU Parliament on November 24th, 2010

Additional Substances for Restriction



EU Commission

- No Substances proposed for immediate restriction
- Four REACH Substances of Very High Concern (SVHCs) recommended for “Priority Assessment” List (Annex III)
 - HBCDD (Hexabromocyclododecane)
 - DEHP (Bis(2-ethylhexyl) phthalate)
 - BBP (Butyl benzyl phthalate)
 - DBP (Dibutylphthalate)

Note: all are SVHCs under REACH and as such must be disclosed in articles containing SVHCs $>0.1\%W / W$

- TBBPA (tetrabromobisphenol) not included as a result of IPC and industry lobbying

Additional Substances for Restriction



● Hexabromocyclododecane (HBCD or HBCDD)

- a brominated flame retardant
- packaging material, video cassette recorder housing and electric and electronic equipment

● Bis (2-ethylhexyl) phthalate, DEHP

- widely used as a plasticizer in manufacturing of articles made of PVC
- as a dielectric fluid in capacitors

● Benzylbutylphthalate (BBzP), also called *n-butyl benzyl phthalate (BBP)* or *benzyl butyl phthalate, is a phthalate*

- trade names e.g. Palatinol BB, Unimoll BB, Sicol 160, or Santicizer 160
- widely used as a plasticizer in manufacturing of articles made of PVC

● Dibutyl phthalate (DBP)

- widely used as a plasticizer in manufacturing of articles made of PVC
- an additive to adhesives or printing inks

Next Steps



- Translation into 22 EU member languages
- Rubber-stamp approval at next Council meeting
- Publication in EU Official Journal –May 2011?
- Enters into force 20 days after its publication in the Official Journal
- Member States will then have 18 months to transpose it into national law
- RoHS Recast may come into Member State law as early as October 2012

- The following EEE are covered in Article 2 Scope:
 1. Large household appliances
 2. Small household appliances
 3. IT and telecommunications equipment
 4. Consumer equipment
 5. Lighting equipment
 6. Electrical and electronic tools (with the exception of large- scale stationary industrial tools)

7. Toys, leisure and sports equipment

8. Medical devices

- *three years after the date of entry into force*
- in vitro medical devices
 - *five years after the date of entry into force*

9. Monitoring and control instruments

- three years after the date of entry into force
- industrial monitoring and control instruments
 - *six years after the date of entry into force*

10. Automatic dispensers

11. Other electrical and electronic equipment not covered by any of the categories above

- date of entry into force plus 8 years

Product Exclusions



This Directive does not apply to (selected examples):

- Equipment which is specifically designed **and to be installed as part of another type of equipment that is excluded or does not fall within the scope of this Directive, which can fulfill its function only if it is part of that equipment, and which can only be replaced by the same specifically designed equipment;**
- Large-scale stationary industrial tools;
- Large scale fixed installations;
- Active implantable medical devices;

Product Exclusions



- **Photovoltaic panels** intended to be used in a system that is designed, assembled and installed by professionals for permanent use at a defined location to produce energy from solar light for public, commercial, industrial and residential applications;
- Equipment specifically designed solely for the purposes of **research and development** only made available on a business to business basis.
- Equipment which is necessary for the protection of the essential interests of the **security** of Member States, including arms, munitions and war material intended for specifically military purposes;

- Paragraph 1 **shall not** apply to cables or spare parts for the repair, the reuse, the updating of functionalities or upgrading of capacity of the following
 - EEE placed on the market **before** X years after the date of entry into force of this Directive
 - EEE which benefited from an exemption and was placed on the market **before** that exemption expired as far as that specific exemption is concerned
 - Spare parts recovered from EEE put on the market **before** 1 July 2006, under the condition that re-use takes place in auditable closed-loop business-to-business return systems, and that re-use of parts is notified to the consumer.

Current RoHS Exemptions Policy



- Industry submits requests for exemptions
- Commission is required to evaluate all requests
 - Appoint independent technical experts
 - Request additional justification from industry as required
- Commission reviews all exemptions at least every 4 years to determine if situation has changed and exemption can be removed
 - Still technically or scientifically impracticable?
 - Negative environmental, health and consumer safety impacts of substitution still outweigh the EHS benefits?

New RoHS-2 Exemptions Policy



Very detailed procedure. Summary:

- All exemptions will have a maximum validity period
 - Up to 5 years for Categories 1-7, 10 & 11
 - Up to 7 years for Categories 8 & 9
- Burden of proof is now on industry
 - Industry must apply for exemptions to be granted, renewed **or deleted**
 - Annex VIa provides information requirements
- Applications to renew an exemption must be submitted at least 18 months before due to expire
 - Commission must decide at least 6 months before expiry date
 - If renewal application is rejected, **or deletion request is accepted, then exemption will expire 12 -18 months notice from date of decision**

New RoHS Exemptions List Published

September 24th, 2010



- 3 exemptions were deleted (39 left active)
- 2 exemptions will expire Jan 2011, 3 in June 2011, 1 in Jan 2012 and 2 in Jan 2013
- Changes to scope of 13 exemptions
- IPC materials declaration (2-18b) committee discussing publication of definitive numbering system (RoHS – JIG A – REACH SVHC)
 - ensure interoperability between software systems using the IPC 1752A standard

General Principles of the CE Marking



- The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.
 - The CE marking shall be affixed only by the manufacturer or his authorized representative.
 - The CE marking as presented in Annex II shall be affixed only to products to which its affixing is provided for by specific Community harmonization legislation, and shall **not be affixed to any other product**.
 - By affixing or having affixed the CE marking, the manufacturer indicates that he takes responsibility for the conformity of the product with all applicable requirements set out in the relevant Community harmonization legislation providing for its affixing.
 - The CE marking shall be affixed visibly, legibly and indelibly to the finished EEE or to its data plate. Where that is not possible or not warranted on account of the nature of the EEE, it shall be affixed to the packaging and to the accompanying documents
 - The CE marking shall be affixed before the EEE is placed on the market.

Presumption of Conformity



- In the absence of evidence to the contrary, Member States shall presume electrical and electronic equipment bearing the CE marking as conforming to this Directive.
- Materials, components and EEE on which tests and measurements demonstrating compliance with the requirements of Article 4 have been performed, or which have been assessed, in accordance with harmonized standards, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the requirements of this Directive

Manufacturers RoHS-2 CE Marking Requirements



- Draw up technical documents and implement procedures of module A of Annex II of Regulation 768/2008/EC
- Provide CE declaration of conformity (DoC)
 - Manufacturer/distributors must provide DoC in language(s) required by Member States where product is sold
- Keep technical documents and DoCs for 10 years after EEE put on the market
- Mark compliant products* with
 - CE mark
 - Type, batch or serial number
 - Manufacturer name or trade mark, and contact address

*if not possible to mark the product, then must mark the packaging or documentation accompanying the product

Manufacturers RoHS-2 CE Marking Requirements



- Ensure that procedures are in place for **series production** to remain in conformity. Changes in product design or characteristics and changes in the harmonized standards or in technical specifications by reference to which conformity of EEE is declared shall be adequately taken into account;
- ensure that their EEE bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the EEE does not allow it, that the required information is provided on the packaging or in a document accompanying the EEE
- manufacturers indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the EEE or, where that is not possible, on its packaging or in a document accompanying the EEE. The address must indicate a single point at which the manufacturer can be contacted;

Manufacturers RoHS-2 CE Marking Requirements



- Carry out a Risk Assessment to assess level of sample testing required to demonstrate compliance to RoHS restrictions
 - Keep a register of non-conforming EEE and product recalls and keep distributors informed thereof
- Take immediate action for non-compliant EEE, including withdrawal or product recall if appropriate, and immediately inform Member States where they sold EEE giving details of non-compliance and corrective measures taken

RoHS Risk Assessment Process



Supplier qualification	Criteria	Risk Assessment
Type A	Supplier has very good understanding of RoHS, comprehensive & effective systems in place to ensure RoHS compliance & carries out selective analysis of high risk components /materials	Accept all supplier self-declarations without further testing
Type B	Supplier has good understanding of RoHS and has a system for ensuring RoHS compliance but may be lacking in some respect, e.g. does not analyse high risk components	Require recent sample test report for all high risk components
Type C	Supplier does not understand RoHS requirements or does not have system to ensure compliance and does not check incoming components/materials or declarations	Require recent sample test report for all high risk components + consider additional random testing

High risk components include the following examples: PVC; bright red, orange or yellow plastic, ABS, aluminum and galvanized steel with a yellow “tint”

Importers RoHS-2 CE Marking Requirements



- Ensure that Manufacturer has
 - Drawn up technical documents and implemented procedures in module A of Annex II of Regulation 768/2008/EC
 - Marked product with CE mark, Manufacturer name and contact address, and type, batch or serial number
- Keep copies of DoCs for 10 years after EEE put on the market and ensure technical documents can be made available on request
- Mark compliant products* with Importer's name or trade mark, and contact address

*if not possible to mark the product, then must mark the packaging or documentation accompanying the product

Importers RoHS-2 CE Marking Requirements



- Carry out a Risk Assessment to assess level of sample testing required to demonstrate compliance to RoHS restrictions
 - Keep a register of non-conforming EEE and product recalls and keep distributors informed thereof
- Take immediate action for non-compliant EEE, including withdrawal or product recall if appropriate, and immediately inform Member States where they sold EEE giving details of non-compliance and corrective measures taken

Distributors RoHS-2 CE Marking Requirements



- Distributor must “act with due care” to check that product is RoHS compliant and that product is marked with:
 - CE mark; Manufacturer name and contact address; Importer name and contact address; type, batch or serial number
- If Distributor has “reason to believe” EEE is not RoHS compliant then Distributor is not allowed to sell EEE and must inform manufacturer, importer and Member State regulators
- If Distributor has sold non-compliant EEE then must ensure that immediate action for non-compliant EEE is taken, including withdrawal or product recall if appropriate, and immediately inform Member States where they sold EEE giving details of non-compliance and corrective measures taken

Importers and Distributors Considered Manufacturers



- Cases in which obligations of manufacturers apply to importers and distributors
 - Member States shall ensure that an importer or distributor **is** considered a manufacturer for the purposes of this Directive and **that he is** subject to the obligations of the manufacturer under Article 7, where he places EEE on the market under his name or trademark or modifies EEE already placed on the market in such a way that compliance with the applicable requirements may be affected.

- Technical documentation for internal production control must:
 - Enable assessment of RoHS compliance for the product
 - Cover the design and manufacture of the product
 - Include a compliance Risk Assessment

- Technical documentation must include:
 - A general description of the product
 - Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits etc with sufficient explanations to enable their understanding
 - Results of examinations carried out
 - Test reports

RoHS-2 Declaration of Conformity



No: _____ (*unique identification of the EEE*)

Name and address of Manufacturer or Authorised Representative: _____

This declaration of conformity is issued under the sole responsibility of the Manufacturer (or installer): _____

Object of the declaration: _____ (*identification of the EEE allowing traceability. It may include a photograph, where appropriate*)

The object of the declaration described above is in conformity with the **RoHS Directive**

Signed for and on behalf of: _____

Place and date of issue: _____

Name, function, signature: _____

- No later than 3 years after the date of entry into force of this Directive the Commission shall examine the need to amend the scope of this Directive in respect of the EEE referred to in Article 2, and shall present a report there on to the European Parliament and the Council accompanied by a legislative proposal, if appropriate, with respect to any additional exclusions related to that EEE.
- No later than 10 years after the date of entry into force of this Directive the Commission shall carry out a general review of this Directive, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal.

- This Directive shall **enter into force on the 20th day** following that of its publication in the Official Journal of the European Union.
- Member States shall adopt and publish, by at the **latest 18 months** after the publication of this Directive, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions



Thank you

"Feeling gratitude and not expressing it
is like wrapping a present and not giving it."

-William Arthur Ward