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Restriction of the use of certain hazardous substance in electrical and electronic equipment

This Directive lays out the rules on the restriction of use of hazardous substances in electrical and electronic equipment (EEE) with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE.

RoHS Guidelines

Brief Overview

RoHS: Restriction of the use of certain hazardous substance in electrical and electronic equipment

Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011

Latest Amendment as of **02/05/2019**

#### **Article 1: Directive**

This Directive lays down rules on the restriction of the use of hazardous substances in electrical and electronic equipment (EEE) with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE.

#### **Article 2: Categories covered by this Directive**

* Large and Small household appliances
* IT and Telecom equipment
* Consumer equipment
* Lighting equipment
* Electrical and electronic tools
* Toys, leisure and sports equipment
* Medical devices
* Monitoring and control instruments
* Automatic dispensers
* Other EEE not covered by any of the categories above

#### **Article 2: Categories excluded by this Directive**

[Detailed definitions available in RoHS Article 3]

* Equipment’s for protection of persons in high authorities.
* Equipment to be sent into space
* Equipment that is required for another excluded equipment
* Large-scale stationary industrial tools and fixed installations
* Means of transport for persons or goods, excluding electric two-wheelers
* Non-road machinery made for professional use
* Active implantable medical devices
* Photovoltaic panels
* Equipment designed for purposes of research
* Pipe organs

#### **Article 3: Important Definitions**

**Harmonized Standard**  
A standard adopted by one of the European standardization bodies.

**Conformity Assessment**  
The process demonstrating whether the requirements of this Directive relating to an EEE, are met.

**Market Surveillance**  
The measures taken by public authority to ensure EEE comply with requirements set out in this Directive.

**Recall**  
Measure aimed at achieving the return of a product already available in market.

**Withdrawal**  
Measure aimed at preventing a product in the supply chain from being available in market.

#### **Article 4: Prevention**

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Member States shall ensure that EEE placed on the market, including cables and spare parts for its repair, its reuse, updating of functionalities or upgrading of its capacity, does not contain the substances listed in Annex II.  
For the purpose of this Directive, no more than the maximum concentration value by weight in homogenous materials as specified in Annex II shall be tolerated.

##### **Substances listed in Annex II**

* Lead 0.1 %
* Mercury 0.1 %
* Hexavalent chromium 0.1 %
* Polybrominated biphenyls (PBB) 0.1 %
* Polybrominated diphenyl ethers (PBDE) 0.1 %
* Bis (2-ethylhexyl) phthalate (DEHP) 0.1 %
* Butyl benzyl phthalate (BBP) 0.1 %
* Dibutyl phthalate (DBP) 0.1 %
* Diisobutyl phthalate (DIBP) 0.1 %

DEHP, BBP, DBP, DIBP shall not apply to medical devices, Monitoring and control equipment’s from July 22, 2021.

DEHP, BBP, DBP, DIBP apply to cables or spare parts for repair/reuse/updating of EEE placed on market after July 22, 2019.

#### **Article 5: Adaptation of the Annexes to scientific and technical progress**

For the purposes of adapting to scientific and technical progress, the Commission shall adopt the following measures:

* Inclusion of materials and components of EEE for specific applications in the lists, provided that such inclusion does not weaken the environmental and health protection.
* Deletion of materials and components of EEE from the lists when then conditions set out are no longer fulfilled.

Measures adopted for categories 1 to 7 of Article 2, have a validity period of up to 5 years, and rest up to 7 years.  
Applications for granting, renewing, and revoking exemptions follow guidelines mentioned in Annex V.

#### **Article 6: Review and amendment of list of restricted substances in Annex II**

The review and amendment of the list of restricted substances shall be coherent with other legislation related to chemicals (REACH). The Commission shall take into account whether a substance:

* Could have a negative impact during EEE waste management operations.
* Could give rise to uncontrolled or diffuse release into the environment of the substance, or to hazardous residues, or transformation or degradation products through the preparation for reuse, recycling or other treatment of materials.
* Could lead to unacceptable exposure of workers involved in the waste EEE collection or treatment.
* Could be replaced by substitutes/alternatives which have less negative impact.

The proposal shall contain precise and clear wording of the proposed restriction, references and scientific evidence for the restriction, information on the use of substance, detrimental effects, possible alternatives, and socio-economic assessment.

#### **Article 7: Obligations of manufacturers**

Member states shall ensure that:

* When placing EEE on the market, manufacturers ensure that it has been designed and manufactured in accordance with the requirements set in Article 4 i.e. use of substances below threshold limits (subject to exemptions).
* Manufacturers draw up the required technical documentation and carry out the internal production control procedure.
* Could lead to unacceptable exposure of workers involved in the waste EEE collection or treatment.
* Once compliance of manufactured EEE has been demonstrated, manufacturers draw up an EU declaration of conformity and affix the CE marking on the finished product. It must be kept by them for 10 years. They also should keep a register of non-conforming EEE and product recalls, and keep distributors informed.
* Manufacturers should ensure that EEE bears a type, batch number, their name, registered trademark, and contact address. At any point in future, if manufacturers believe that EEE does not conform to regulations, they should immediately take measures to withdraw or recall it.

#### **Article 8: Obligations of authorized representatives**

Manufacturers have the possibility to appoint an authorized representative by written mandate. The Obligations laid out in Article 7 and drawing up of technical documentation shall not form part of the authorized representative's mandate.

#### **Article 9: Obligations of importers**

Member states shall ensure that:

* Importers place only EEE that complies with this Directive on the Union market.
* Importers who consider or have reason to believe that an EEE is not in conformity with Article 4, do not place EEE on market and take corrective measures to bring it to conformity.
* Importers must keep the documentation for 10 years like the manufacturers.

#### **Article 10: Obligations of distributors**

Member states shall ensure that:

* When making an EEE available on the market, distributors act with due care to the requirements applicable in particular by verifying that EEE bears CE marking and is accompanied by required documents.
* Distributors who consider or have reason to believe that an EEE is not in conformity with Article 4, do not place EEE on market and take corrective measures to bring it to conformity.

#### **Articles 11 - 28**

* Article 11: Cases in which obligations of manufacturers apply to importers and distributors. If importers/distributors place EEE on the market under his name/trademark or modifies existing EEE.
* Article 12: Identification of economic operators. Economic operators must divulge their suppliers and customers to authorities for 10 years following the placing of EEE on market.
* Article 13: EU declaration of conformity. It must include UID, name and address of manufacturer. Also, the object of declaration, wherever applicable, references to the relevant harmonized standards, and additional information like signature.
* Article 14: General principles of CE marking. These general principles are set out in Article 30 of Regulation (EC) No 765/2008.
* Article 15: Rules and conditions for affixing the CE marking. It should be visible and legible and should be placed before placing EEE on market.
* Article 16: Presumption of conformity. In case of absence of evidence, member states shall presume EEE bearing CE marking to comply with this Directive.
* Article 17: Formal objection to a harmonized standard. If the harmonized standard does not entirely satisfies the requirements which it covers and which are set out in Article 4, the Commission or Member state concerned shall bring the matter before the Committee set up pursuant to Article 5 of Directive 98/34/EC, giving its arguments.
* Article 18: Market surveillance and controls of EEE entering the Union market. Member states shall carry out market surveillance in accordance with Articles 15 to 29 of Regulation (EC) No 765/2008, setting out requirements for accreditation and market surveillance relating to the marketing of products.
* Article 19: Committee procedure. The Commission shall be assisted by the committee set up pursuant to Article 39 of Directive 2008/98/EC.
* Article 20: Exercise of the delegation. The powers to adopt the delegated acts referred to in Article 4, 5 and 6 shall be conferred on the Commission for a period of 5 years from 21 July 2011.
* Article 21: Revocation of the delegation. The delegation of power referred to in Article 4, 5 and 6 may be revoked at any time by EU Parliament or by the Council.
* Article 22: Objections to the delegated acts. The EU Parliament or Council may be object to a delegated act within a period of 2 months from the date of notification.
* Article 23: Penalties. The Member states shall lay down the rules on penalties and ensure that they are implemented.
* Article 24: Review. The Commission shall examine the need to amend the scope of this Directive. No later than 22 July 2021 the Commission shall carry out a general review of this Directive and present a report to EU Parliament and Council.
* Article 25: Transposition. Member states shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive.
* Article 26: Repeal. Annex VII Part A: Repealed Directive with its successive amendments; Part B: List of time-limits for transposition into national law; Correlation table: Table correlating RoHS1 and RoHS2 Directives.
* Article 27: Entry into Force. The day when this directive shall be enforced.
* Article 28: Addressees. This Directive is addressed to Member States.

**This Directive shall apply without prejudice to the requirements of Union Legislation on safety and health, and on chemicals, in particular to those specified in REACH, as well as requirements of specific Union waste management legislation.**