

SPARKLE

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California/USA Proposes a Bill to align with RoHS Directive

The current Californian Act (Electronic Waste Recycling Act of 2003) prohibits an electronic device (cathode ray tube, cathode ray tube device, flat panel screen, or any other similar video display device with a screen size that is greater than four inches in size measured diagonally) from being sold or offered for sale in the state of California if it does not meet the Heavy Metal requirement as stated in RoHS Directive 2002/95/EC by January 1, 2007.

However, the Act covers limited electronic devices. So the California Government proposes to widen the definition of "electronic device" by adopting:

1. devices fall under Annex IA of Directive 2002/96/EC(See remark);
2. devices fall within the scope of Article 2 and meet the definition of "Electrical and Electronic Equipment" of Article 3(a) of Directive 2002/95/EC(See remark);
3. device, or a component of an electronic device, that is exempt from the RoHS directive is also exempted;

The bill takes further step to align with the Directive 2002/95/EC as follows and proposes to become effective by January 1, 2010:

1. the published decisions of the Technical Adaptation Committee and European Union member states that interpret the requirements of Directive 2002/95/EC shall be used;
2. implementation of this section shall be consistent with any uniform implementation guidelines for Directive 2002/95/EC that are adopted by the European Union;
3. If Directive 2002/95/EC is not consistently implemented by the member states of the European Union, the implementation of this section shall be consistent with the provisions of the Statutory Instrument 2005 No. 2748 of the United Kingdom, as in effect on July 1, 2006.

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Intertek Testing Services made all reasonable efforts to ensure the accuracy of the information. However, the information provided should not be relied upon as legal advice or regarded as a substitute for legal advice. The reader should exercise his own care and judgement before relying on this information in any important matter.

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Remark**Annex IA of Directive 2002/96/EC (Categories)**

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 (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

Article 2 of Directive 2002/95/EC (Scope)

(A) Without prejudice to Article 6, this Directive shall apply to electrical and electronic equipment falling under the categories 1, 2, 3, 4, 5, 6, 7 and 10 set out in Annex IA to Directive No 2002/96/EC (WEEE) and to electric light bulbs, and luminaires in households.

(B) This Directive shall apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation.

(C) This Directive does not apply to spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before 1 July 2006.

Article 3(a) of Directive 2002/95/EC (Definitions)

'electrical and electronic equipment' or 'EEE' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA to Directive 2002/96/EC (WEEE) and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current.

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