RoHS/WEEE - Latest EU & UK Updates

EU Developments

RoHS Maximum Concentration Values Published


- Lead, mercury, hexavalent chromium, polybrominated biphenyls (PBBs) and polybrominated diphenyl ethers (PBDEs):
  0.1 % (1,000 mg/kg) by weight in homogenous materials.
- Cadmium:
  0.01 % (100 mg/kg) by weight in homogenous materials.

As expected these levels confirm the proposals made in the Commission's consultation document of 5 December 2003, but don't include the definition of "homogeneous material", which is covered elsewhere by the EU Commission's FAQs guidance document.

Official RoHS enforcement guidance is expected before the end of 2005.

EU Commission’s Frequently Asked Questions (FAQs) Guidance

The EU Commission has now published its first official guidance document for the WEEE & RoHS Directives, in a “Frequently Asked Questions“ (FAQ) format. This guidance is not legally binding, but nevertheless its interpretations are still likely to be followed by the Member States. Perhaps the most frequently asked questions cover the scope of the Directives and also when electrical and electronic equipment (EEE) has been “put on the market", for which the key points are:

**Scope**

Only products dependent on electric currents or electromagnetic fields for their basic/primary function are within the scope of the WEEE and RoHS Directives. Given examples of excluded products are:

- “Teddy bear with battery“ (presumably a soft toy with battery-powered secondary function).
- “Petrol-driven lawnmower“ (petrol provides the primary energy source).
- “Pneumatic tools“ (compressed air powers these tools).
- “Gas cooker with electric clock“ (the primary cooking function is fuelled by gas).
EU Developments

EU Commission’s Frequently Asked Questions (FAQs) cont.

Put on the Market
Making an individual product available on the EU market for the first time, by its transfer (physical hand-over or transfer of ownership) from the producer to a distributor or final EU consumer/user.
• The point at which a given product is “put on the market” will depend on the arrangements within its particular supply chain.
  For example, a product that is merely imported by the producer and stored in his own warehouse within the EU is unlikely to have been “put on the market”; unless it can be shown that there has been a “transfer” to a distributor or final consumer/user.
• Under the RoHS Directive, for an ongoing product line, those individual products “put on the market” before 1 July 2006 will not have to be RoHS-compliant, but those “put on the market” after this date will have to comply.
• “Transfer” of a product includes sale, loan, hire or gift (free of charge transfer).

The full FAQ can be downloaded from the Commission's WEEE website at:

WEEE Crossed Wheelie Bin Standard, EN 50419:2005 - To be amended

Although only published in January 2005, EN 50419, the European crossed wheelie bin and date marking standard, is already being amended. This follows objections raised by the EU Commission regarding conflicts between the standard and the WEEE Directive.

While the draft amendment text is still to be approved it is expected to cover the following points:
• Alternative locations for the crossed wheelie bin symbol, when it cannot be placed on the product, should be revised to match the WEEE Directive, (removing the current discrepancies).
• It will be permitted to place the crossed wheelie bin behind a removable cover (similar to the requirements of EN 60335-1 - Specification for safety of household and similar electrical appliances. General requirements).

The timescale for publication of this amendment remains unclear, but will certainly be several months away.
EU Developments

EU Commission’s Frequently Asked Questions (FAQs) cont.

The UK has decided to further postpone its national implementation of the WEEE Directive's producer responsibility and retailer take-back obligations until June 2006. It is believed that this will allow sufficient time for an adequate UK-wide network of WEEE collection facilities to have been established, which is critical to facilitate the effective operation of the UK WEEE Regulations. The UK’s WEEE collection network is likely to be based largely on upgrades of many existing civic amenity (CA)/municipal waste sites.

However, the UK crossed wheelie bin/date marking requirements will be implemented in late Summer 2005, when the UK WEEE Regulations enter into force (with a delay for other requirements as described above).

UK producer registration is expected to begin in January/February 2006, preceded by details of the arrangements due to be published in Autumn 2005.

New DTI RoHS Guidance Notes Published

In advance of the UK RoHS Regulations, the DTI has published revised draft RoHS guidance notes – August 2005, taking into account the Commission’s FAQs, and further amendments to the proposed exemptions to the RoHS Directive.

A final version will be published, with the final WEEE Regulations guidance notes, along side the UK’s WEEE and RoHS Regulations in late Summer 2005.

WEEE & RoHS Enforcement

While known for sometime that the UK Environment Agency (EA) will enforce the UK WEEE Regulations, it has only just been announced the National Weights and Measures Laboratory (NWML) has won the enforcement contract for the RoHS Regulations. The EA's and NWML's enforcement advisory services are being developed and should be operational in late 2005.

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