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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.3.2009

Draft

COMMISSION DIRECTIVE/.../EC

of [...]

reviewing, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of lead, mercury, cadmium and hexavalent chromium

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COMMISSION DIRECTIVE/EC

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment¹, and in particular Article 5(1)(c) thereof,

Whereas:

- (1) Directive 2002/95/EC requires the Commission to review the exempting for certain materials and components of electric and electronic equipment from Article 4(1) of that Directive.
- (2) Having carried out the required technical and scientific assessment, the Commission considers that certain materials and components containing lead, mercury, cadmium and hexavalent chromium should remain exempted from the prohibition since the elimination of these hazardous substances in those specific materials and components is still technically or scientifically impracticable, whilst for some applications substitutes are currently available and that the exemptions granted for those applications should be reviewed.
- (3) Pursuant to Article 5(2) of Directive 2002/95/EC, the Commission has consulted the relevant parties. During the consultation the need to ensure that producers are given sufficient time for the appropriate qualification of their substitutes with the substance restrictions emerged. It should therefore be ensured that the health or consumer safety impacts caused by substitution are not likely to outweigh the environmental, health or consumer safety benefits of the substitution.
- (4) Directive 2002/95/EC should therefore be amended accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council²,

¹ OJ L 37, 13.2.2003, p. 19.

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 2002/95/EC is reviewed as set out in the Annex I to this Directive.

Article 2

Repeal

1. The acts listed in Annex II are repealed with effect from the date mentioned in Article 3 (1).
2. References to the repealed acts shall be construed as references to the Annex to Directive 2002/95/EC as hereby reviewed and shall be read in accordance with the correlation table in Annex II.

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [6 months from publication in OJ] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

² OJ L 114, 27.4.2006, p. 9.

Done at Brussels,

For the Commission
Stavros Dimas
Member of the Commission

TABLE

ANNEX 1

"Applications of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) which are exempted from the requirements of Article 4(1)

Applications exempted from the requirements of Article 4(1)		Valid
MERCURY IN LAMPS		
1.	Mercury in single capped fluorescent lamps not exceeding (per burner): <ul style="list-style-type: none"> – For general lighting purposes < 50W: 3,5 mg – For general lighting purposes \geq 50W and < 150: 5 mg – For general lighting purposes with circular or square structural shape and tube diameter \leq 17 mm: 7 mg – For special purposes: 5 mg 	Until 1 July 2014
2.	Mercury in single capped fluorescent lamps not exceeding (per burner) for general lighting purposes >150W: 15 mg.	Until 31 December 2012
3.	Mercury in double-capped linear fluorescent lamps for general purposes not exceeding: <ul style="list-style-type: none"> – Tri-band phosphor with normal lifetime T2: 4 mg – Tri-band phosphor with normal lifetime > T2 and \leq T5: 3 mg – Tri-band phosphor with normal lifetime > T5 and \leq T8 and < 183 cm: 3,5 mg – Tri-band phosphor with normal lifetime > T8 and \leq T12: 3,5 mg – Tri-band phosphor with long lifetime: 5 mg. 	Until 1 July 2014
4.	Mercury in other fluorescent lamps not exceeding: <ul style="list-style-type: none"> – Halophosphates all shapes: 8 mg – T5 non-linear tri-band phosphor lamps: 8 mg – T9 non-linear tri-band phosphor lamps: 15 mg – Induction lamps: 15 mg. 	Until 1 July 2014
5.	Mercury in short length (not over 500 mm) cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) not exceeding 3,5 mg per lamp	Until 31 December 2012
6.	Mercury in medium length (over 500mm and not over 1500 mm) cold	31 December 2012

Applications exempted from the requirements of Article 4(1)		Valid
	cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) not exceeding 5 mg per lamp	
7.	Mercury in long length (over 1500 mm) cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) not exceeding 13 mg per lamp	Until 31 December 2012
8.	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding in lamps with improved colour rendering index > 60 <ul style="list-style-type: none"> – P ≤ 155 W: 30 mg per burner – 155 < P ≤ 405 W: 40 mg per burner – P > 405 W: 40 mg per burner 	Until 1 July 2014
9.	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding in other High Pressure Sodium (vapour) lamps <ul style="list-style-type: none"> – P ≤ 155 W: 25 mg per burner – 155 < P ≤ 405 W: 30 mg per burner – P > 405 W: 40 mg per burner – P > 405 W: 25 mg 	Until 1 July 2014
10.	Mercury in High Pressure Mercury (Vapour) lamps except for general lighting (HPMV)	Until 1 July 2014
11.	Mercury in Metal halide lamps (MH)	Until 1 July 2014
12.	Mercury in other discharge lamps for special purpose not specifically mentioned in this Annex	Until 1 July 2014
HEAVY METALS IN LAMPS		
13.	Lead in linear incandescent lamps with silicate coated tubes	Until 1 July 2011
14.	Lead halide as radiant agent in High Intensity Discharge (HID) lamps used for professional reprography applications	Until 1 July 2014
15.	Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (Ba-Si ₂ O ₅ :Pb) as well as when used as speciality lamps for diazo-printing reprography, lithography, insect traps, photochemical and curing processes containing phosphors such as SMS ((Sr,Ba) ₂ MgSi ₂ O ₇ :Pb)	Until 1 July 2011
16.	Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (BaSi ₂ O ₅ :Pb)	As of 1 July 2011 until 1 July 2014
17.	Lead with PbBiSn-Hg and PbInSn-Hg in specific compositions as main amalgam and with PbSn-Hg as auxiliary amalgam in very compact Energy Saving Lamps (ESL)	Until 1 July 2011

Applications exempted from the requirements of Article 4(1)		Valid
LEAD IN SOLDER/SOLDERING TECHNOLOGY		
18.	Lead in high melting temperature type solders (i.e. lead-based alloys containing 85% by weight or more lead).	Until 30 June 2013
19.	Lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications	Until 1 July 2014
20.	Electrical and electronic components which contain lead in a glass or ceramic other than a dielectric ceramic or in a glass or ceramic matrix compound, (e.g. piezoelectronic devices)	Until 1 July 2014
21.	Electrical and electronic components for a voltage of 125 V AC or 250 V DC or higher which contain lead in a dielectric ceramic until 31 July 2014	Until 1 July 2014
22.	Electrical and electronic components for a voltage of less than 125 V AC or 250 V DC which contain lead in a dielectric ceramic until 31 December 2012	Until 31 December 2012
23.	Lead used in C-press compliant pin connector systems.	Until 30 June 2010
24.	Lead used in other than C-press compliant pin connector systems.	Until 31 December 2012
25.	Lead in solders consisting of more than two elements for the connection between the pins and the package of microprocessors with a lead content of more than 80 % and less than 85 % by weight	Until 31 December 2010
26.	Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages	Until 1 July 2014
27.	Lead in finishes of fine pitch components others than connectors with a pitch of 0.65 mm and less	Until 30 June 2010
28.	Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors	Until 1 July 2014
LEAD AND CADMIUM IN GLASS TECHNOLOGY		
29.	Lead in glass of cathode ray tubes	Until 1 July 2014
30.	Lead in the glass of fluorescent tubes not exceeding 0,2% by weight	Until 1 July 2014
31.	Electrical and electronic components which contain lead in a glass or ceramic other than a dielectric ceramic, or in a glass or ceramic matrix compound (e.g. piezoelectronic devices)	Until 1 July 2014
32.	Lead in white glasses used for optical applications	Until 1 July 2014
33.	Cadmium and lead in filter glasses	Until 1 July 2014
34.	Lead oxide in glass used for bonding front and rear substrates of flat fluorescent lamps used for Liquid Crystal Displays (LCDs)	Until 1 July 2011
35.	Lead and cadmium in printing inks for the application of enamels on borosilicate glass	Until 1 July 2014
36.	Lead oxide in surface conduction electron emitter displays (SED) used in structural elements; notably in the seal frit and frit ring	Until 1 July 2014

Applications exempted from the requirements of Article 4(1)		Valid
37.	Lead oxide in the glass envelope of Black Light Blue (BLB) lamps	Until 1 July 2011
38.	Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) of Council Directive 69/493/EEC	Until 1 July 2014
LEAD IN METALS		
39.	Lead as an alloying element in steel for machining purposes and in galvanized steel containing up to 0,35% lead by weight	Until 1 July 2014
40.	Lead as an alloying element in aluminium containing up to 0,4% lead by weight	Until 1 July 2014
41.	Copper alloy containing up to 4% lead by weight	Until 1 July 2014
42.	Lead in bearing shells and bushes for refrigerant-containing compressors for HVACR applications	Until 1 July 2014
43.	Lead as a coating material for the thermal conduction module C-ring	Until 30 June 2010
CADMIUM IN ELECTRICAL CONTACTS		
44.	Cadmium and its compounds in one shot pellet type thermal cut-offs and in one shot pellet type thermal cut-offs	Until 31 December 2011
45.	Cadmium and its compounds in electrical contacts	Until 1 July 2014
HEXAVALENT CHROMIUM		
46.	Hexavalent chromium as an anti-corrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75 weight-% in the cooling solution except for applications where the use of other cooling technologies is practicable (i.e. available on the market for the specific area of application) and does not lead to negative environmental, health and/or consumer safety impacts	Until 1 July 2014

ANNEX 2

Correlation table (to be added)

TABLE