



INPUT TO CONSULTATION

ON DRAFT DELEGATED DIRECTIVE AMENDING ROHS

REGARDING EXEMPTION FOR LEAD IN ALUMINIUM

February 2025



Input to EC “Have your say” portal

Summary:

Because lead is toxic and because lead-free alloys for machining purpose (i.e. < 0,1 % lead) are widely available, the first one having been put on the market 20 years ago, intentional additions of lead should stop as soon as possible and without any exception.

Furthermore, because of their 0,4% maximum limit for lead content, keeping RoHS exemptions 6(b), 6(b)-I and 6(b)-II alive represents dangers for EU production since the publication of the 21st Adaptation to Technical Progress (ATP) of the CLP Regulation, which adds compliance requirements from 0,25% lead content. This is further explained in the attached position paper.

Because unintentional lead content below 0,3% of lead will continue to exist for aluminium casting alloys, and as it has been recently assessed in the context of the 12th adaptation to scientific and technical progress under the End-of-life Vehicles Directive, the new exemption 6(b)-III should be created as soon as possible, with the longest possible expiry date.

Because of the above reasons, please find below our detailed comments on the draft Delegated Directive:

6(b) and 6(b)-I

We welcome the exemptions 6(b), 6(b)-I to expire with the shortest possible period of 12 months after the entry into force of the Delegated Directive, but we are against the exception being made for categories 9 industrial monitoring and control instruments and 11, giving them longer expiry date until 31 December 2026 for 6(b)-I.

6(b)-II

We agree that the application covering lead in aluminium for machining purposes, i.e. exemption 6(b)-II, does no longer meets the relevant criteria set in Article 5(1), point (a), but we think that this conclusion should apply to all EEE categories and not be limited to categories 1 to 7 and 10.

We also disagree that the maximum transitional period of 18 months according to Article 5(6) of the RoHS Directive should apply. We think that applying the shortest possible transition period of 12 months should be possible. Indeed, while the Commission Delegated Directive (EU) 2018/740 indicates 18 May 2021 as

expiry date for exemption 6(b)-II, the absence of a new Commission Delegated Directive so far, 6(b)-II de-facto remained in force until now, providing nearly 5 more years for the industry to adapt.

6(b)-III

We welcome the new exemption 6(b)-III, but we would recommend the longest possible expiry date, as the need for an exemption for lead as alloying element in aluminium casting alloys containing up to 0,3% of lead by weight provided it stems for lead-bearing aluminium scrap was also recently recognized in the context of the 12th adaptation to scientific and technical progress of exemptions 2(c)(ii), 3, 8(e) and 8(g)(ii) of Annex II to Directive 2000/53/EC (ELV).

In its final report, the consultant recommends creating a new ELV exemption 2(c)(iii) whose wording is nearly identical with 6(b)-III, and to be reviewed "... in [max. review period], or alternatively 8 years after entry into force of the ELVR" (the proposed new Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles).

Finally, for consistency between different pieces of legislation, we would suggest changing one word in the name of exemption 6(b)-III, to align it with the proposed new ELV exemption 2(c)(iii), i.e. replacing the word "it" by "that the lead": "...provided it stems..." => "...provided that the lead stems...".

Finally, in line with our comments on 6(b)-I, we would also recommend extending the scope of 6(b)-III to all EEE categories.

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