



European Union: Restriction of the Use of Certain Hazardous Substances Directive (RoHS II)

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1. Introduction

U.S. companies exporting “electrical and electronic equipment” (“EEE products”) to the European Union need to be mindful of the requirements imposed by the [Restriction of the Use of Certain Hazardous Substances Directive](#) (“RoHS II” Directive - Directive 2011/65/EU). This Directive limits the use of a number of heavy metals in EEE products subject to a limited number of exemptions. EEE products that fail to comply with the Directive’s requirements may not be sold in the European Union. The Commercial Service at the U.S. Mission to the European Union (EU) prepared this report to give such exporters an overview of the Directive’s requirements. It also contains web links so that businesses may obtain more detailed information.

2. Overview

The basic requirements of the RoHS legislation have been in place since 2002, when the European Parliament and the Council adopted the [first RoHS Directive](#), also known as RoHS I (Directive 2002/95/EC). RoHS II, which is the recast version of RoHS I, will apply to a wider range of products than the original Directive as it is an “open scope” legislation. This means that *all* products requiring electric current to operate will become subject to RoHS II, unless a specific exemption applies.

The table below shows the transition to the open scope framework. U.S. exporters will note that starting next year, RoHS II will apply to medical devices and monitoring and control instruments. More products will be covered in 2016 and 2017. The transition will be complete on July 23, 2019.

RoHS II – Transition to Open Scope				
Date	From July 22, 2014	From July 22, 2016	From July 22, 2017	Open Scope (from July 23, 2019)
New EEE covered	- Medical devices - Monitoring and control instruments	- In vitro diagnostic medical devices	- Industrial monitoring and control instruments	Extension to all EEE except for the ones explicitly excluded

RoHS II restricts the use of the same six substances in EEE products as were listed by RoHS I. These substances are identified in sub-section (b) below.

Each EU Member State implements RoHS II through national or local legislation. Therefore it is essential for U.S. companies to ensure that they, or their EU based business partners, comply with the applicable legislation in the Member States where they operate. However, U.S. exporters should bear in mind that such implementing legislation varies among the EU Member States. Therefore, U.S. exporters should understand that each EU Member State will have a slightly different approach to ensuring products comply with RoHS II.

The deadline for EU Member States to adopt legislation implementing RoHS II expired on January 2, 2013.

3. Scope

a. Products covered

As mentioned above, RoHS II is transitioning to become an open scope Directive. However, at present, the Directive applies to EEE falling within one of 11 product categories. The Directive defines EEE as “equipment which is dependent on electric current or electromagnetic fields in order to work properly, and equipment for the generation, transfer and measurement of such currents and fields, and designed for use with a voltage rating not exceeding 1000V for AC and 1500V DC.” The European Commission interprets this to mean that RoHS II applies to any product that requires an electric spark to begin operating.

The 11 product categories are:

- Large household appliances.
- Small household appliances.
- IT and telecommunications equipment.
- Consumer equipment and photovoltaic panels.
- Lighting equipment.
- Electrical and electronic tools.
- Toys, leisure and sports equipment.
- Medical devices
- Monitoring and control instruments including industrial monitoring and control instruments
- Automatic dispensers
- Other EEE not covered by any of the categories above

b. Restricted substances

RoHS II restricts the use of the following six substances (“restriction list”):

- Lead (Pb)
- Mercury (Hg)
- Cadmium (Cd)
- Hexavalent chromium (Cr6+)
- Polybrominated biphenyls (PBB)
- Polybrominated diphenyl ether (PBDE)

The Commission is currently developing a framework on the process by which it will add more substances to the restriction list. The first four substances likely to be added are: Hexabromocyclododecane (HBCDD); Bis (2- ethylhexyl) phthalate (DEHP); Butyl benzyl phthalate (BBP); and, Dibutyl phthalate (DBP). The European Commission expects to complete this work in 2014.

4. Exemptions

Similar to the original RoHS Directive, RoHS II contains a limited number of exemptions that benefit certain product categories and specific uses of the restricted substances. U.S. exporters should note that some of these exemptions expire and therefore need to ensure that they make the necessary adjustments to comply with any relevant expiration dates.

As for the product category exemptions, these benefit items such as photovoltaic panels, products used in the means of transport for persons and goods, large scale fixed installations, large-scale stationary industrial tools or equipment intended specifically for military purposes.

U.S. exporters may want to review the [RoHS II Frequently Asked Questions \(FAQ\)](#) document published by the European Commission in December 2012. The document provides non-legally binding guidance to businesses and national authorities responsible for implementing the Directive. It is particularly helpful in identifying whether a product is covered by a categorical exemption.

In addition to the above exemptions, Annex III of the RoHS II Directive allows manufacturers to continue using the substances on the restriction list where they can demonstrate that no suitable alternative exists. Annex III has been amended twice since 2011 (the year in which RoHS II was adopted). These amendments can be found at: Amendment 1: [Directive 2012/50/EU](#); Amendment 2: [Directive 2012/51/EU](#).

The European Commission has published on its website a guidance document and application form for companies that believe the technical requirements of their products(s) warrant an exemption. This information is available at: [RoHS II Exemption Application Information](#).

5. Requirements for U.S. Exporters

a. Definition of “manufacturer”

The RoHS II Directive defines manufacturer as “any natural or legal person who manufactures an EEE or who has an EEE designed or manufactured and markets it under his name or trademark”.

b. Manufacturer obligations

Manufacturers of EEE must, among other things:

- Ensure that all EEE products placed on the EU market has been designed and manufactured in accordance with the requirements of RoHS II;
- Draw up the required technical documentation and carry out the internal production control procedure or have it carried out;
- Draw up an EU declaration of conformity and affix the CE marking; and,
- Keep the technical documentation and the EU declaration of conformity for 10 years after the EEE has been placed on the market.

c. EU declaration of conformity

By drawing up the declaration of conformity, the manufacturer assumes responsibility for the compliance of his product with the Directive. The declaration of conformity must contain the following elements:

- EEE's identification number;
- Name and address of the manufacturer or his authorized representative;
- A description and picture of the object; and,
- Where applicable, references to the relevant harmonized standards used or references to the technical specifications in relation to which conformity is declared.

6. Labeling requirements

The RoHS II Directive requires that manufacturers mark EEE sold in Europe with the CE symbol (depicted below). Furthermore, all EEE within the scope must include a reference to RoHS II on the declaration of conformity from the date when the substance restrictions apply.



7. Additional Information

The following links provide additional WEEE information and resources for U.S. companies.

- U.S. Commercial Service:
<http://export.gov/europeanunion/weeerohs/rohsinformation/>
- EU RoHS II Directive (Original): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:174:0088:0110:en:pdf>
- EU RoHS II Annex III Amendment 1: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:348:0016:0017:EN:PDF>
- EU RoHS II Annex III Amendment 2: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:348:0018:0019:EN:PDF>
- EU RoHS II FAQ Document:
http://ec.europa.eu/environment/waste/rohs_eee/pdf/faq.pdf
- European Commission RoHS II Website:
http://ec.europa.eu/environment/waste/rohs_eee/index_en.htm

For More Information

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