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THE EUROPEAN UNION**

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ADDENDUM TO NOTE

Subject: **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on the restriction of the use of certain hazardous substances in
electrical and electronic equipment (RoHS) (recast)**

Delegations will find attached a Presidency compromise on the above-mentioned following the WPE meeting on 8 December 2009.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the restriction of the use of certain hazardous substances in electrical and electronic equipment

(recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the Economic and Social Committee²,

Having regard to the opinion of the Committee of Regions³,

¹ OJ C , , p. ~~365~~, 19.12.2000, p. 195 and OJ C 240 E, 28.8.2001, p. 303.

² OJ C , , p. ~~116~~, 20.4.2001, p. 38.

³ OJ C , , p ; ~~148~~, 18.5.2001, p. 1.

Acting in accordance with the procedure laid down in Article 251 of the Treaty ~~in the light of the joint text approved by the Conciliation Committee on 8 November 2002~~⁴,

Whereas:

new

- (1) A number of substantial changes are to be made to Directive 2002/95/EC of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment⁵. In the interest of clarity, that Directive should be recast.

Ⓔ 2002/95/EC

- (~~2~~) The disparities between the laws or administrative measures adopted by the Member States as regards the restriction of the use of hazardous substances in electrical and electronic equipment could create barriers to trade and distort competition in the Community and may thereby have a direct impact on the establishment and functioning of the internal market. It therefore appears necessary to lay down rules in this field and to contribute to the protection of human health and the environmentally sound recovery and disposal of waste electrical and electronic equipment.

⁴ ~~OJ C, , p Opinion of the European Parliament of 15 May 2001 (OJ C 34 E, 7.2.2002, p. 109), Council Common Position of 4 December 2001 (OJ C 90 E, 16.4.2002, p. 12) and Decision of the European Parliament of 10 April 2002 (not yet published in the Official Journal). Decision of the European Parliament of 18 December 2002 and Decision of the Council of 16 December 2002.~~

⁵ OJ L 37, 13.2.2003, p 19.

- ~~(3)(2)~~ ~~The European Council at its meeting in Nice on 7, 8 and 9 December 2000~~ Directive 2002/95/EC provides that the Commission shall review the provisions of that Directive, in particular, in order to include in the scope, equipment which falls under certain categories and to study the need to adapt the list of substances on the basis of scientific progress, taking into account the precautionary principle, as endorsed by ~~the~~ Council Resolution of 4 December 2000. ~~on the precautionary principle.~~
- ~~(3)~~ ~~The Commission Communication of 30 July 1996 on the review of the Community strategy for waste management stresses the need to reduce the content of hazardous substances in waste and points out the potential benefits of Community-wide rules limiting the presence of such substances in products and in production processes.~~
- ~~(4)~~ ~~The Council Resolution of 25 January 1988 on a Community action programme to combat environmental pollution by cadmium⁶ invites the Commission to pursue without delay the development of specific measures for such a programme. Human health also has to be protected and an overall strategy that in particular restricts the use of cadmium and stimulates research into substitutes should therefore be implemented. The Resolution stresses that the use of cadmium should be limited to cases where suitable and safer alternatives do not exist.~~

⁶ ~~OJ C 30, 4.2.1988, p. 1.~~

- ~~(4)(5)~~ The available evidence indicates that measures on the collection, treatment, recycling and disposal of waste electrical and electronic equipment (WEEE) as set out in Directive 2002/96/EC of 27 January 2003 of the European Parliament and of the Council on waste electrical and electronic equipment⁷ are necessary to reduce the waste management problems linked to the heavy metals concerned and the flame retardants concerned. In spite of those measures, however, significant parts of WEEE will continue to be found in the current disposal routes. Even if WEEE were collected separately and submitted to recycling processes, its content of mercury, cadmium, lead, chromium VI, PBB and PBDE would be likely to pose risks to health or the environment.
- ~~(5)(6)~~ Taking into account technical and economic feasibility, including for small and medium sized enterprises (SMEs) the most effective way of ensuring the significant reduction of risks to health and the environment relating to those substances which can achieve the chosen level of protection in the Community is the substitution of those substances in electrical and electronic equipment by safe or safer materials. Restricting the use of these hazardous substances is likely to enhance the possibilities and economic profitability of recycling of WEEE and decrease the negative health impact on workers in recycling plants.
- ~~(6)(7)~~ The substances covered by this Directive are scientifically well researched and evaluated and have been subject to different measures both at Community and at national level.
- ~~(7)(8)~~ The measures provided for in this Directive take into account existing international guidelines and recommendations and are based on an assessment of available scientific and technical information. The measures are necessary to achieve the chosen level of protection of human and animal health and the environment, having regard to the risks which the absence of measures would be likely to create in the Community. The measures should be kept under review and, if necessary, adjusted to take account of available technical and scientific information.

⁷ See page 24 of this Official Journal

new

- (8) This Directive supplements the general Community waste management legislation, such as Directive 2008/[...]/EC of the European Parliament and of the Council on waste.
- (9) Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of eco-design requirements for energy-using products⁸ enables the adoption of specific eco-design requirements for energy using products which may also be covered by this Directive. Directive 2005/32/EC and the implementing measures adopted pursuant to it are without prejudice to Community waste management legislation.

Ⓔ 2002/95/EC (adapted)

new

- ~~(10)~~⁽⁹⁾ This Directive should apply without prejudice to Community legislation on safety and health requirements and specific Community waste management legislation, in particular Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators ~~Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances~~⁹ and Regulation (EC) 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants¹⁰.

⁸ OJ L 191, 22.7.2005, p. 29-58

⁹ ~~7 OJ L 266, 26.9.2006, p.1. 78, 26.3.1991, p. 38. Directive as amended by Commission Directive 98/101/EC (OJ L 1, 5.1.1999, p. 1).~~

¹⁰ OJ L 229, 30.4.2004, p.5 amending Directive 79/117/EEC

~~(11)~~(10) The technical development of electrical and electronic equipment without heavy metals, PBDE and PBB should be taken into account.

(12) As soon as scientific evidence is available and taking into account the precautionary principle, the prohibition of other hazardous substances and their substitution by more environmentally friendly alternatives which ensure at least the same level of protection of consumers should be examined , paying attention to coherency with other Community legislation, and in particular to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)¹¹. Specific account should be taken of the potential impact on SMEs.

¹¹ OJ L 396 of 30.12. 2006, p. 1–849.

~~(13)~~(11) Exemptions from the substitution requirement should be permitted if substitution is not possible from the scientific and technical point of view, taking specific account of the situation of SMEs or if the negative environmental, ~~or~~ health or socio-economic impacts caused by substitution are likely to outweigh ~~the human~~ the health, and environmental or socio-economic benefits of the substitution. or the availability and reliability of substitutes is not ensured. Substitution of the hazardous substances in electrical and electronic equipment should also be carried out in a way so as to be compatible with the health and safety of users of electrical and electronic equipment

The placing on the market of medical devices requires a conformity assessment procedure, according to Directives 93/42/EC and 98/79/EC, which could require the involvement of a notified body designated by Competent Authorities of Member States. If such a notified body certifies that the safety of the potential substitute for the intended use in medical devices or in vitro medical devices is not demonstrated, this will be viewed as a clear negative socio-economic, health and consumer safety impact ~~(EEE)~~. It should be possible to apply for exemptions of equipment coming under the scope of this Directive from the date of its entry into force, even when that is before the actual inclusion in the scope of that equipment.

new

- (14) Exemptions from the prohibition for certain specific materials or components should be limited in their scope, in order to achieve a gradual phase-out of hazardous substances in electrical and electronic equipment, given that the use of those substances in such applications should become avoidable.

CE 2002/95/EC

- ~~(15)~~ As product reuse, refurbishment and extension of lifetime are beneficial, spare parts need to be available.

new

- (16) Procedures for assessing the conformity of electrical and electronic equipment subject to this Directive should be consistent with the Community relevant legislation and in particular Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC¹². Harmonising conformity assessment procedures should give manufacturers legal certainty as to what they have to provide as proof of compliance to the authorities throughout the Community.
- (17) The conformity marking applicable for products at Community level, CE marking, should also apply to electrical and electronic equipment subject to this Directive.

¹² OJ L 218, 13.8.2008, p 82-128.

(18) The market surveillance mechanisms laid down by Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93¹³ would ensure the safeguard mechanisms to check compliance with this Directive.

new

~~(13) The adaptation to scientific and technical progress of the exemptions from the requirements concerning phasing out and prohibition of hazardous substances should be effected by the Commission under a committee procedure.~~

Ⓔ 2002/95/EC

~~(19)~~⁽¹⁴⁾ The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁴.

new

(20) In particular the Commission should be empowered to adapt Annexes II, III, IV, V and VI to technical and scientific progress and to adopt other necessary implementing measures. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2002/95/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

¹³ OJ L 218, 13.8.2008, p.30-47

¹⁴ OJ L 184, 17.7.1999, p. 23.

- (21) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.
- (22) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex VIII, Part B,
- (23) Since the objectives of the action to be taken, namely to establish restrictions on the use of hazardous substances in electrical and electronic equipment cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level by reason of the scale of the problem and its implications in respect of other Community legislation on recovery and disposal of waste and areas of common interest, such as human health protection, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,
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Ⓔ 2002/95/EC (adapted)

new

Council

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter ~~Objectives~~

~~The purpose of this Directive is to approximate the laws of the Member States on the restrictions of the use of hazardous substances in electrical and electronic equipment and~~

This Directive lays down rules on the restriction of use of hazardous substances in electric and electronic equipment with a view to contribute to the protection of human health and the environmentally sound recovery and disposal of waste electrical and electronic equipment.

Article 2

Scope

- ~~Without prejudice to Article 6, ¶~~ This Directive shall apply to electrical and electronic equipment [...].
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- This Directive shall apply without prejudice to requirements of Community legislation on safety and health, on chemicals, in particular Regulation (EC) 1907/2006 as well as of requirements and specific Community waste management legislation.

3. 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.~~
- (a) ~~equipment which is necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes;~~
 - (aa) ~~equipment designed to be sent into space;~~
 - (b) ~~[...]~~
 - (c) ~~equipment which is not intended to be placed on the market as a single functional or commercial unit ; [...]~~
 - (ca) ~~large-scale stationary industrial tools;~~
 - (cb) ~~musical pipe organs;~~
 - (cc) ~~equipment which is specifically designed as part of another type of equipment that is covered by litterae (a), (aa), (c),(ca) and (cb) and can fulfil its function only if it is part of that equipment.~~

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) ‘electrical and electronic equipment’ ~~or~~ (hereinafter ‘EEE’) means equipment ~~[...]~~ that has one or more electrical or electronic functions, and having only electric currents or electromagnetic fields ~~[...]~~ as energy source, 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;

~~(b) ‘producer’ means any person who, irrespective of the selling technique used, including by means of distance communication according to Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts¹⁵;~~

~~(i) manufactures and sells electrical and electronic equipment under his own brand;~~

~~(ii) resells under his own brand equipment produced by other suppliers, a reseller not being regarded as the ‘producer’ if the brand of the producer appears on the equipment, as provided for in subpoint (i); or~~

~~(iii) imports or exports electrical and electronic equipment on a professional basis into a Member State.~~

~~Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed a ‘producer’ unless he also acts as a producer within the meaning of subpoints (i) to (iii).~~

new

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(b) "manufacturer" means any natural or legal person who manufactures [...] EEE or who has [...] EEE designed or manufactured , and markets it under his name or trademark;

(c) “distributor” means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes [...] EEE available on the market;

¹⁵ ~~OJ L 144, 4.6.1997, p. 19. Directive as amended by Directive 2002/65/EC (L 271, 9.10.2002, p. 16).~~

(d) "importer" means any natural or legal person established within the Community, who places [...] EEE from a third country on the Community market;

(da) "authorised representative" means any natural or legal person established within the Community who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;

(db) "economic operators" mean the manufacturer, the authorised representative, the importer and the distributor;

(e) "making available on the market" means any supply of [...] EEE for distribution, consumption or use on the Community market in the course of a commercial activity, whether in return for payment or free of charge;

(f) "placing on the market" means the first making available of [...] EEE on the Community market;

(g) "harmonised standard" means a standard adopted by one of the European standardisation bodies listed in Annex I to Directive 98/34/EC on the basis of a request made by the Commission in accordance with Article 6 of Directive 98/34/EC;

(ga) "technical specification" means a document that prescribes technical requirements to be fulfilled by a product, process or service;

[...]

(i) "CE marking" means a marking by which the manufacturer indicates that the product is in conformity with the applicable requirements set out in Community harmonization legislation providing for its affixing;

- (j) "conformity assessment" means the process demonstrating whether the requirements of the present Directive relating to [...] EEE, are met;
- (k) "market surveillance" means the activities carried out and measures taken by public authorities to ensure that EEE complies with the requirements set out in this Directive and do not endanger health, safety or other issues of public interest protection;
- (ka) "recall" means any measure aimed at achieving the return of a product that has already been made available to the end user;
- (kb) "withdrawal" means any measure aimed at preventing a product in the supply chain from being made available on the market;
- (l) "homogeneous material" means either a material of uniform composition throughout or a material that can not be mechanically disjointed into different materials, meaning that the materials can not [...] be separated by mechanical actions such as unscrewing, cutting, crushing, grinding and abrasive processes;
- (m) "medical device" means a medical device within the meaning of point (a) of Article 1(2) of Directive 93/42/EC;
- (n) "in vitro diagnostic medical device" means in vitro diagnostic medical device within the meaning of point (b) of Article 1(2) of Directive 98/79/EC;
- (o) "active implantable medical device" means any active implantable medical device within the meaning of point (c) of Article 1(2) of Directive 90/385/EEC .
- (p) "industrial monitoring and control instruments" mean monitoring and control instruments designed for exclusively industrial or professional use.

© 2002/95/EC (adapted)

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Article 4

Prevention

1. Member States shall ensure that [...] from 1 July 2006, new electrical and electronic equipment EEE [...] including spare parts for its repair or its reuse placed on the market [...] does not contain the substances listed in Annex IV. ~~lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE). National measures restricting or prohibiting the use of these substances in electrical and electronic equipment which were adopted in line with Community legislation before the adoption of this Directive may be maintained until 1 July 2006.~~

© 2002/95/EC, Annex, pt 29

new

2. For the purposes of Article 5(1)(a) this Directive, ~~the~~ maximum concentration value by weight in homogeneous materials as specified in Annex IV shall be tolerated. ~~of 0,1 % by weight in homogeneous materials for lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE) and of 0,01 % by weight in homogeneous materials for cadmium shall be tolerated.~~

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3. Paragraph 1 shall apply to medical devices and monitoring and control instruments which are placed on the market from 1st January 2014, to in vitro medical devices which are placed on the market from 1st January 2016 and to industrial monitoring and control instruments which are placed on the market from 1st January 2017.
4. Paragraph 1 shall not apply to spare parts for the repair or to the reuse of the following:
- (a) EEE placed on the market before 1 July 2006.
 - (b) Medical devices placed on the market before 1st January 2014.
 - (c) In vitro diagnostic medical devices placed on the market before 1st January 2016.
 - (d) Monitoring and control instruments placed on the market before 1st January 2014.
 - (e) Industrial monitoring and control instruments placed on the market before 1st January 2017.
 - (f) EEE which benefited from an exemption and was placed on the market before that exemption expired.
5. Paragraph 1 shall not apply to active implantable medical devices. By 2020 the Commission shall review the exclusion of active implantable medical devices with a view to propose inclusion.

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new

26. Paragraph 1 shall not apply to the applications listed in ~~the Annexes II~~ **V and VI** .

~~3. On the basis of a proposal from the Commission, the European Parliament and the Council shall decide, as soon as scientific evidence is available, and in accordance with the principles on chemicals policy as laid down in the Sixth Community Environment Action Programme, on the prohibition of other hazardous substances and the substitution thereof by more environment friendly alternatives which ensure at least the same level of protection for consumers.~~

new

Council

7. [...] ¹⁶ The Commission shall, taking account of the precautionary principle, review and amend the list of prohibited substances in Annex IV if it is considered that a substance, or a group of substances, in EEE or in the waste derived from it, is detrimental to the environmentally sound recovery and disposal of waste electrical and electronic equipment, or has a negative impact on human health or the environment **during use and waste treatment of EEE**. For this purpose, the Commission shall adopt a methodology to review and amend Annex IV taking special account of whether the substance or the group of substances:

¹⁶ Pres suggests modifying Recital 7 and Recital 12 as follows:

"(7) The measures provided for in this Directive take into account existing international guidelines and recommendations and are based on an assessment of available scientific and technical information. The measures are necessary to achieve the chosen level of protection of human and animal health and the environment, having regard to the risks which the absence of measures would be likely to create in the Community. The measures should be kept under review and, if necessary, adjusted to take account of available technical and scientific information. **The impact on human health and the environment arising from the use of substances listed in the candidate list referred to in Article 59(4) and in Annex XIV of Regulation (EC) n° 1907/2006 with special attention to Hexabromocyclododecane (HBCDD), Bis (2-ethylhexyl) phthalate (DEHP), Butyl benzyl phthalate (BBP) and Dibutylphthalate (DBP) should be considered as a priority. Annexes of the Directive should be reviewed periodically to take account, among others, of decisions adopted in the framework of REACH on new restrictions or non-authorizations with regard to hazardous substances in EEE or in other articles.**"

"(12) As soon as scientific evidence is available and taking into account the precautionary principle, the prohibition of other hazardous substances and their substitution by more environmentally friendly alternatives which ensure at least the same level of protection of consumers should be examined. **To this end a methodology should be developed ensuring coherence with other Community legislation and maximise synergies with the work carried out under [...] Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**¹⁶. Specific account should be taken of the potential impact on SMEs."

- a) could have a negative impact on the possibilities for preparing for the reuse of EEE or for recycling of materials from WEEE;
- b) could give rise to uncontrolled or diffuse dispersion to the environment of the substance or of hazardous residues or of degradation products through the preparing for re-use, recycling or other treatment of materials from WEEE;
- c) could lead to unacceptable exposure to users of EEE or to workers involved in the WEEE collection or treatment processes.

Such a methodology shall take into account the need to ensure coherence with other legislation related to chemicals, in particular Regulation (EC) No 1907/2006 (REACH), and use the knowledge obtained from the application of such legislation.

The addition of prohibited substances to Annex IV shall be considered following the submission of a request by the Commission or a Member State. These measures, designed to amend non essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).

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new

Article 5

Adaptation of the Annexes to scientific and technical progress

1. The Commission shall, for the purposes of adapting the annexes to scientific and technical progress, and taking into account the criteria established in Article 4(7) especially as regards the environmentally sound recovery and disposal of waste electrical and electronic equipment, adopt the following measures:

~~1.(a)~~ [...]

~~(a) establishing, as necessary, maximum concentration values up to which the presence of the substances referred to in Article 4(1) in specific materials and components of electrical and electronic equipment shall be tolerated;~~

(b) ~~exempting~~ [...] Inclusion of materials and components of ~~of electrical and electronic equipment~~ EEE ~~from Article 4(1)~~ in Annexes V and VI on exemptions if such inclusion does not weaken the environmental and health protection of REACH and where either of the following conditions is fulfilled:

- their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to in Article 4(1) is scientifically or technically impracticable;

- the availability and reliability of substitutes is not ensured or the negative socio economic impacts caused by substitution are disproportionate compared to the environmental, health, consumer safety or socio economic benefits thereof;
- the negative environmental, health, consumer safety [...] impacts caused by substitution are likely to outweigh the environmental, health or consumer safety [...] benefits thereof;

~~(e) carrying out a review of each exemption in the Annex at least every four years or four years after an item is added to the list with the aim of considering deletion of materials and components of electrical and electronic equipment from the Annex if their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to in Article 4(1) is technically or scientifically possible, provided that the negative environmental, health and/or consumer safety impacts caused by substitution do not outweigh the possible environmental, health and/or consumer safety benefits thereof.~~

Ⓔ 2008/35/EC Art. 1.1(b)

~~The measures referred to in points (a), (b) and (c) of the first subparagraph, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).~~

new

Council

(c) [...] deletion of materials and components of EEE from Annexes V and VI where the conditions set out in point (b) are no longer fulfilled.

Those measures designed to amend non essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).

2. Measures adopted in accordance with point (b) of paragraph 1 shall have a [...] validity period of up to four years to be decided case by case and may be renewed. [...] Applications for exemptions shall be made in accordance with Article 5a.

Ⓔ 2002/95/EC (adapted)

new

Council

~~32.~~ Before the Annex is Annexes are amended pursuant to paragraph 1, the Commission shall *inter alia* consult [...] economic operators, recyclers, treatment operators, environmental organisations and employee and consumer associations. ~~Comments shall be forwarded to the Committee referred to in Article 7(1). The Commission shall provide an account of the information it receives.~~

4. [...]

Article 5a

Application for exemptions and renewals of exemptions

1. An application for exemption shall be submitted in accordance with the following paragraphs.
2. The application shall be sent to the Commission. The Commission shall:
 - (a) acknowledge receipt of an application in writing within 14 days of its receipt. The acknowledgement shall state the date of receipt of the application;
 - (b) inform without delay the Member States of the application and shall make the application and any supplementary information supplied by the applicant available to them;
 - (c) make the summary of the application referred to in paragraph 3(e) available to the public.
3. The application shall include the following:
 - (a) the name and address of the manufacturer;
 - (b) the material or component and the specific uses for which an exemption is requested and its particular characteristics;
 - (c) justification for an exemption in line with the conditions established in Article 5, including an analysis of possible alternative substances or techniques. Justification can be provided in the form of a copy of the studies including, where available, independent, peer-reviewed studies.

(d) where appropriate, an indication of the information which should be regarded as proprietary accompanied by verifiable justification;

(e) a summary of the application.

4. The Commission shall examine the application for exemption and conduct an independent study of the justification for exemption.

5. The Commission shall decide in due time on any application **including renewals**. **Application for renewals shall be** submitted no later than 12 months before an exemption expires and shall take into account the need for legal certainty for economic operators pending a Commission Decision.

6. The Commission shall adopt implementing rules for the application of this Article, including on the format and types of information to be provided when applying for an exemption or a renewal, including analysis of the alternatives and, if suitable alternatives are available, substitution plans as referred to in Regulation (EC) 1907/2006. Those measures designed to amend non essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).

new

Council

Article 6

Implementing measures

The Commission shall adopt detailed rules for [...] complying with the maximum concentration values of Article 4(2) .

[...]

Those measures designed to amend non essential elements of this directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2)

Ⓒ 2002/95/EC

~~*Article 6*~~

~~**Review**~~

~~Before 13 February 2005, the Commission shall review the measures provided for in this Directive to take into account, as necessary, new scientific evidence.~~

~~In particular the Commission shall, by that date, present proposals for including in the scope of this Directive equipment which falls under categories 8 and 9 set out in Annex IA to Directive 2002/96/EC (WEEE).~~

~~The Commission shall also study the need to adapt the list of substances of Article 4(1), on the basis of scientific facts and taking the precautionary principle into account, and present proposals to the European Parliament and Council for such adaptations, if appropriate.~~

~~Particular attention shall be paid during the review to the impact on the environment and on human health of other hazardous substances and materials used in electrical and electronic equipment. The Commission shall examine the feasibility of replacing such substances and materials and shall present proposals to the European Parliament and to the Council in order to extend the scope of Article 4, as appropriate.~~

new

Council

Article 7

Obligations of manufacturers

Member States shall ensure that:

1. When placing their products on the market, manufacturers [...] ensure that they have been designed and manufactured in accordance with the requirements set out in Article 4.
2. Manufacturers [...] draw up the required technical documentation and carry out the internal production control procedure set out in module A of Annex II to Decision No 768/2008/EC or have it carried out.

Where compliance of [...] EEE with the applicable requirements has been demonstrated by that procedure, manufacturers [...] draw up an EC declaration of conformity and affix the CE marking.

3. Manufacturers [...] keep the technical documentation and the EC declaration of conformity for ten years after the EEE has been placed on the market.
4. Manufacturers [...] ensure that procedures are in place for series production to remain in conformity. Changes in product design or characteristics and changes in the harmonised standards or in technical specifications by reference to which conformity of [...] EEE is declared shall be adequately taken into account.
5. When deemed appropriate with regard to the risks presented by a product, manufacturers [...], to protect the health and safety of consumers, carry out sample testing of marketed EEE, investigate, and, if necessary, keep a register of complaints, of non-conforming EEE and product recalls, and [...] keep distributors informed of any such monitoring.
6. Manufacturers [...] ensure that their EEE bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the EEE does not allow it, that the required information is provided on the packaging or in a document accompanying the EEE.
7. Manufacturers [...] indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the EEE or, where that is not possible, on its packaging or in a document accompanying the EEE. The address must indicate a single point at which the manufacturer can be contacted.

8. Manufacturers who consider or have reason to believe that [...] EEE which they have placed on the market is not in conformity with [...] this Directive immediately take the necessary corrective measures to bring that EEE into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the EEE presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the EEE available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
9. Manufacturers [...], further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the EEE, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by EEE which they have placed on the market.

Article 8

Authorised representatives

Member States shall ensure that:

1. A manufacturer [...] has the possibility to appoint an authorised representative by written mandate.

The obligations laid down in Article 7(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.

2. An authorised representative [...] performs the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:

- (a) keep the EC declaration of conformity and the technical documentation at the disposal of national surveillance authorities for ten years after the EEE has been placed on the market ;
- (b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of [...] EEE;
- (c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by EEE covered by their mandate.

Article 9

Obligations of importers

Member States shall ensure that:

1. Importers [...] place only compliant products on the Community market.
2. Before placing [...] EEE on the market importers [...] ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. [...] Importers will further ensure that the manufacturer has drawn up the technical documentation, that the EEE bears the CE marking and is accompanied by the required documents, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6).

Where an importer considers or has reason to believe that [...] EEE is not in conformity with Article 4, he [...] does not place the EEE on the market until it has been brought into conformity. Furthermore, where the EEE presents a risk, the importer [...] will inform the manufacturer and the market surveillance authorities to that effect.

3. Importers [...] indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the EEE or, where that is not possible, on its packaging or in a document accompanying the EEE.
4. Importers [...] ensure that, while [...] EEE is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Article 4.
5. When deemed appropriate with regard to the risks presented by [...] EEE, importers [...], to protect the health and safety of consumers, carry out sample testing of marketed EEE, investigate, and, if necessary, keep a register of complaints, of non-conforming EEE and EEE recalls, and [...] keep distributors informed of such monitoring.
6. Importers who consider or have reason to believe that an EEE which they have placed on the market is not in conformity with this Directive [...] immediately take the corrective measures necessary to bring that EEE into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the EEE presents a risk, importers [...] will immediately inform the competent national authorities of the Member States in which they made the EEE available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

7. Importers [...] keep , for ten years after the EEE has been placed on the market, a copy of the EC declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.
8. Importers [...] , further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of [...] EEE in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by EEE which they have placed on the market.

Article 10

Obligations of distributors

Member States shall ensure that:

1. When making [...] EEE available on the market distributors [...] act with due care in relation to the requirements applicable.
2. Before making [...] EEE available on the market distributors [...] verify that the EEE bears the CE marking, that it is accompanied by the required documents in a language which can be easily understood by consumers and other end-users in the Member State in which the EEE is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 7 [...] (6) and (7) and Article 9(3).

Where a distributor considers or has reason to believe that [...] EEE is not in conformity with Article 4, he [...] does not make the EEE available on the market until it has been brought into conformity. Furthermore, where the EEE presents a risk, the distributor [...] will inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

3. Distributors [...] ensure that, while [...] EEE is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Article 4.
4. Distributors who consider or have reason to believe that [...] EEE which they have made available on the market is not in conformity with this Directive [...] make sure that the corrective measures necessary to bring that EEE into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the EEE presents a risk, distributors [...] will immediately inform the competent national authorities of the Member States in which they made the EEE available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
5. Distributors [...], further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of [...] EEE. They [...] cooperate with that authority, at its request, on any action taken to eliminate the risks posed by EEE which they have made available on the market.

Article 11

Cases in which obligations of manufacturers apply to importers and distributors

Member States shall ensure that an importer or distributor [...] is considered a manufacturer for the purposes of this Directive and that he [...] is subject to the obligations of the manufacturer under Article 7, where he places [...] EEE on the market under his name or trademark or modifies [...] EEE already placed on the market in such a way that compliance with the applicable requirements may be affected.

Article 12

Identification of economic operators

Member States shall ensure that economic operators [...], on request, identify the following to the market surveillance authorities, for ten years:

- (a) any economic operator who has supplied them with [...] EEE;
- (b) any economic operator to whom they have supplied [...] EEE.

Article 13

EC declaration of conformity

1. The EC declaration of conformity shall state that the fulfilment of requirements specified in Article 4 has been demonstrated.

2. The EC declaration of conformity shall have the model structure and shall contain the elements specified in Annex VII and shall be updated. It shall be translated into the language or languages required by the Member State in which market the product is placed or made available.
3. By drawing up the EC declaration of conformity, the manufacturer shall assume responsibility for the compliance of the EEE.

Article 14

General principles of the CE marking

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Article 15

Rules and conditions for affixing the CE marking

1. The CE marking shall be affixed visibly, legibly and indelibly to the EEE or to its data plate. Where that is not possible or not warranted on account of the nature of the EEE, it shall be affixed to the packaging and to the accompanying documents, where the legislation concerned provides for such documents.
2. The CE marking shall be affixed before the EEE is placed on the market. It may be followed by a pictogram or any other mark indicating a special risk or use.
3. [...]

[...]

4. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and take appropriate action in the event of improper use of the marking. Member States shall also provide for penalties for infringements, which may include criminal sanctions for serious infringements. Those penalties shall be proportionate to the seriousness of the offence and constitute an effective deterrent against improper use.

Article 16

Presumption of conformity

Member States shall presume electrical and electronic equipment bearing the CE marking as conforming to this Directive.

[...] EEE on which tests and measurements have been performed in accordance with harmonised standards, the references of which have been published in the *Official Journal of the European Union*, shall be presumed to comply with all the relevant requirements of this Directive to which such standards relate.

Article 16a

Formal objection to a harmonised standard

1. When a Member State or the Commission considers that a harmonised standard does not entirely satisfy the requirements which it covers and which are set out in [Article 4], the Commission or the Member State concerned shall bring the matter before the Committee set up by Article 5 of Directive 98/34/EC, giving its arguments. The Committee shall, having consulted the relevant European standardisation bodies, deliver its opinion without delay.

2. In the light of the Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the harmonised standard concerned in or from the Official Journal of the European Union.

3. The Commission shall inform the European standardisation body concerned and, if necessary, request the revision of the harmonised standards concerned.

new

Article 17

Market surveillance and controls of EEE entering the Community market

Member States shall carry out market surveillance, in accordance with Articles 15 – 29 of Regulation (EC) No 765/2008.

© 2008/35/EC Art. 1.2 (adapted)

Article 18~~7~~

Committee

1. The Commission shall be assisted by the Committee set up by Article 18 of European Parliament and Council Directive ~~75/442/EEC of 15 July 1975~~ on waste 2006/12/EC of 5 April 2006¹⁷.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

¹⁷ OJ L 114, 27.4.2006, p. 9. ~~194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).~~

Article 19~~8~~

Penalties

~~Member States shall determine penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.~~

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in Article 20 [...] at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 20~~9~~

Transposition

~~1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 13 August 2004. They shall immediately inform the Commission thereof.~~

Ⓒ .

Council

1. Member States shall adopt and publish, by at the latest [18 month after this Directive's publication in the Official Journal of the European Union], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions [...] .

They shall apply those provisions from [...].

Ⓒ 2002/95/EC (adapted)

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

2. Member States shall communicate to the Commission ~~all laws, regulations and administrative provisions adopted~~ the text of the main provisions of national law which they adopt in the field covered by this Directive.

☒ .

Article 21

Repeal

Directive 2002/95/EC as amended by the acts listed in Annex VIII Part A is repealed with effect from the day after the date mentioned in the first subparagraph of Article 20(1) without prejudice to the obligations of the Member States relating to the time limits for transposition, into national law and application of the Directive set out in Annex VIII, Part B.

References to the repealed acts shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IX.

☒ 2002/95/EC (adapted)

new

Article ~~22~~¹⁰

Entry into force

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article ~~23~~¹¹

Addressees

This Directive is addressed to the Member States.

new

Council

[...]

18

¹⁸ *Annexes I and II appear in the WEEE text and Annex III is replaced by an addition in Recital n°7 (see Article 4 paragraph 7).*

ANNEX IV

Prohibited substances referred to in Article 4(7) and maximum concentration values tolerated by weight in homogeneous materials

Lead (0,1%)

Mercury (0,1%)

Cadmium (0,01%)

Hexavalent chromium (0,1%)

Polybrominated biphenyls (PBB) (0,1%)

Polybrominated diphenyl ethers(PBDE) (0,1%)

Ⓔ 2005/717/EC Art. unique and Annex
.1 (adapted)

ANNEX V~~H~~

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

Ⓔ 2002/95/EC

1. Mercury in compact fluorescent lamps not exceeding 5 mg per lamp.
2. Mercury in straight fluorescent lamps for general purposes not exceeding:

— halophosphate	10 mg
— triphosphate with normal lifetime	5 mg
— triphosphate with long lifetime	8 mg.

3. Mercury in straight fluorescent lamps for special purposes.
4. Mercury in other lamps not specifically mentioned in this Annex.
5. Lead in glass of cathode ray tubes, electronic components and fluorescent tubes.
6. Lead as an alloying element in steel containing up to 0,35 % lead by weight, aluminium containing up to 0,4 % lead by weight and as a copper alloy containing up to 4 % lead by weight.

☒ 2005/747/EC Art. 1 and Annex .1

7. - Lead in high melting temperature type solders (i.e. lead-based alloys containing 85 % by weight or more lead),
- lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications,
- lead in electronic ceramic parts (e.g. piezoelectronic devices).
-

☒ 2005/747/EC Art. 1 and Annex .2

8. Cadmium and its compounds in electrical contacts and cadmium plating except for applications banned under Directive 91/338/EEC¹⁹ amending Directive 76/769/EEC²⁰ relating to restrictions on the marketing and use of certain dangerous substances and preparations.
-

☒ 2002/95/EC

9. Hexavalent chromium as an anti-corrosion of the carbon steel cooling system in absorption refrigerators.
-

☒ 2005/717/EC Art. unique and Annex .2, Judgement of the ECJ (in joined cases C-14/06 and C-295/06) (adapted)

~~9a. DecaBDE in polymeric applications.~~

¹⁹ OJ L 186, 12.7.1991, p. 59.

²⁰ OJ L 262, 27.9.1976, p. 201.

© 2005/717/EC Art. unique and Annex .3

~~109b.~~ Lead in lead-bronze bearing shells and bushes.

© 2002/95/EC (adapted)

~~10. Within the procedure referred to in Article 7(2), the Commission shall evaluate the applications for:~~

- ~~– Deca-BDE,~~
- ~~– mercury in straight fluorescent lamps for special purposes,~~
- ~~– lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications (with a view to setting a specific time limit for this exemption), and~~
- ~~– light bulbs,~~

~~as a matter of priority in order to establish as soon as possible whether these items are to be amended accordingly.~~

© 2005/747/EC Art. 1 and Annex .3

11. Lead used in compliant pin connector systems.
12. Lead as a coating material for the thermal conduction module c-ring.
13. Lead and cadmium in optical and filter glass.

14. 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.
 15. Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit Flip Chip packages.
-

© 2006/310/EC Art. 1 and Annex

16. Lead in linear incandescent lamps with silicate coated tubes.
17. Lead halide as radiant agent in High Intensity Discharge (HID) lamps used for professional reprography applications.
18. 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 ($\text{BaSi}_2\text{O}_5:\text{Pb}$) as well as when used as speciality lamps for diazo-printing reprography, lithography, insect traps, photochemical and curing processes containing phosphors such as SMS ($(\text{Sr},\text{Ba})_2\text{MgSi}_2\text{O}_7:\text{Pb}$).
19. 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).
20. Lead oxide in glass used for bonding front and rear substrates of flat fluorescent lamps used for Liquid Crystal Displays (LCD).

21. Lead and cadmium in printing inks for the application of enamels on borosilicate glass.
22. Lead as impurity in RIG (rare earth iron garnet) Faraday rotators used for fibre optic communications systems.
23. Lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with NiFe lead frames and lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with copper lead frames.
24. Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors.
25. Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.
26. Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.
27. Lead alloys as solder for transducers used in high-powered (designated to operate for several hours at acoustic power levels of 125 dB SPL and above) loudspeakers.

~~28. Hexavalent chromium in corrosion preventive coatings of unpainted metal sheetings and fasteners used for corrosion protection and Electromagnetic Interference Shielding in equipment falling under category three of Directive 2002/96/EC (IT and telecommunications equipment). Exemption granted until 1 July 2007.~~

☒ 2006/690/EC Art. 1

29. Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) of Council Directive 69/493/EEC²¹.
-

☒ 2005/618/EC Art. 1 (adapted)

~~For the purposes of Article 5(1)(a), a maximum concentration value of 0,1 % by weight in homogeneous materials for lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE) and of 0,01 % by weight in homogeneous materials for cadmium shall be tolerated.~~

☒ 2008/385/EC Art. 1 and Annex

30. Cadmium alloys as electrical/mechanical solder joints to electrical conductors located directly on the voice coil in transducers used in high-powered loudspeakers with sound pressure levels of 100 dB (A) and more.
31. Lead in soldering materials in mercury free flat fluorescent lamps (which e.g. are used for liquid crystal displays, design or industrial lighting).
32. Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes.
-

²¹ OJ L 326, 29.12.1969, p. 36. Directive as last amended by 2003 Act of Accession.

new

Council

ANNEX VI

Applications exempted from the ban in Article 4(1) as regards [...] Medical devices ²² and Monitoring and control instruments

Equipment utilising or detecting ionising radiation

1 Lead, cadmium and mercury in detectors for ionising radiation

2 Lead bearings in X-ray tubes

3 Lead in electromagnetic radiation amplification devices: micro-channel plate and capillary plate

4 Lead in glass frit of X-ray tubes and image intensifiers and lead in glass frit binder for assembly of gas lasers and for vacuum tubes that convert electromagnetic radiation into electrons

5 Lead in shielding for ionising radiation

6 Lead in X-ray test objects

7 Lead stearate X-ray diffraction crystals

8 Radioactive cadmium isotope source for portable X-ray fluorescence spectrometers

²² Electrical equipment within the scope of Directives 93/42/EEC and 98/79/EC.

Sensors, detectors and electrodes (plus item 1)

1a Lead and cadmium in ion selective electrodes including glass of pH electrodes

1b Lead anodes in electrochemical oxygen sensors

1c Lead, cadmium and mercury in infra-red light detectors

1d Mercury in reference electrodes: low chloride mercury chloride, mercury sulphate and mercury oxide

Others

9 Cadmium in helium-cadmium lasers

10 Lead and cadmium in atomic adsorption spectroscopy lamps

11 Lead in alloys as a superconductor and thermal conductor in MRI

12 Lead and cadmium in metallic bonds to superconducting materials in MRI and SQUID detectors

13 Lead in counterweights

14 Lead in single crystal piezoelectric materials for ultrasonic transducers

15 Lead in solders for bonding to ultrasonic transducers

16 Mercury in very high accuracy capacitance and loss measurement bridges and in high frequency RF switches and relays in monitoring and control instruments not exceeding 20 mg of mercury per switch or relay

17 Lead in solders in portable emergency defibrillators

18 Lead in solders of high performance infrared imaging modules to detect in the range 8 – 14 μm

19 Lead in Liquid crystal on silicon (LCoS) displays

20 Cadmium in X-ray measurement filters

ANNEX VII

EC DECLARATION OF CONFORMITY

1. No ... (unique identification of the EEE):
2. Name and address of the manufacturer or his authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer (or installer):
4. Object of the declaration (identification of EEE allowing traceability. It may include a photograph, where appropriate):
5. The object of the declaration described above is in conformity with Directive...on the restriction of the use of certain hazardous substances in electrical and electronic equipment
6. Where applicable, references to the relevant harmonised standards used or references to the technical specifications in relation to which conformity is declared:
7. [...]
8. Additional information:

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature):

ANNEX VIII**Part A****Repealed Directive with its successive amendments****(referred to in Article 21)**

Directive 2002/95/EC of the European Parliament and of the Council	(OJ L 37, 13.2.2003, p. 19)
Commission Decision 2005/618/EC	(OJ L 214, 19.8.2005, p. 65)
Commission Decision 2005/717/EC	(OJ L 271, 15.10.2005, p. 48)
Commission Decision 2005/747/EC	(OJ L 280, 25.10.2005, p. 18)
Commission Decision 2006/310/EC	(OJ L 115, 28.4.2006, p. 38)
Commission Decision 2006/690/EC	(OJ L 283, 14.10.2006, p. 47)
Commission Decision 2006/691/EC	(OJ L 283, 14.10.2006, p. 48)
Commission Decision 2006/692/EC	(OJ L 283, 14.10.2006, p. 50)
Directive 2008/35/EC of the European Parliament and of the Council	(OJ L 81, 20.3.2008, p. 67)
Commission Decision 2008/385/EC	(OJ L 136, 24.5.2008, p. 9)

Part B

List of time-limits for transposition into national law

(referred to in Article 21)

Directive	Deadline for transposition
2002/95/EC	12 August 2004
2008/35/EC	-

ANNEX IX

Correlation table

Directive 2002/95/EC	This Directive
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(2)	Article 2(2)
Article 2(3)	Article 2(3), introductory wording
-	Article 2(3)(a) and (b)
Article 3(a)	Article 3(a)
Article 3(b)	-
-	Article 3(b)-(o)
Article 4(1)	Article 4(1)
-	Article 4(3)-(6)
Article 4(2)	Article 4(7)
Article 4(3)	-
-	Article 4(8)
-	Article 5(1), introductory wording
Article 5(1), first subparagraph, introductory wording	Article 5(1)(a)
Article 5(1), first subparagraph, (a)	-

Article 5(1), first subparagraph, (b)	Article 5(1)(b), introductory wording and first and third indents
-	Article 5(1)(b), second indent
Article 5(1), first subparagraph, (c)	-
Article 5(1), second subparagraph	-
Article 5(2)	Article 5(2)
-	Article 5(3)
Article 6	-
-	Article 6-17
Article 7	Article 18
Article 8	Article 19
Article 9	Article 20
-	Article 21
Article 10	Article 22
Article 11	Article 23
-	Annex I- IV
Annex, points 1-28	Annex V, points 1-28
Annex, point 29, first subparagraph	Annex V, point 29, first subparagraph
Annex, point 29, second subparagraph	Article 4(2)
Annex, points 30-32	Annex, points 30-32
-	Annex VI-IX