



Fire Industry Association

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THE “RESTRICTION ON THE USE OF CERTAIN HAZARDOUS SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT” (ROHS) DIRECTIVES – UPDATE 2

1. INTRODUCTION

This Fact File has been prepared to update members on developments since the publication of Fact File 20 which gave the basic requirements of the Directive. The main requirements of RoHS are given in Fact File 12.

2. THE ROHS DIRECTIVE

The UK RoHS Regulations were laid before Parliament on 7 October 2005 (SI 2005 No. 2748). The Regulations were revised in 2008 (SI 2008 No. 37)

The Department for Business, Enterprise & Regulatory Reform (BERR) also revised its non-statutory guidance on the directive in 2008 and the latest version of this publication can be downloaded from the BERR website at the following link:

<http://www.berr.gov.uk/files/file46862.pdf>

BERR appointed the National Weights and Measures Laboratory as the UK's RoHS Enforcement Body. Contact details and other information can be found on their website - www.rohs.gov.uk

The Commission let a contract to ERA to carry out a review of RoHS to explore the possibility of including categories 8 (medical) and 9 (monitoring and control) within the scope of RoHS at some time in the future. The results of that study were published by the Commission in July 2006 and are likely to lead to the presentation of proposals for negotiation by Member States towards the end of 2008.

The European Commission also carried out a review of the RoHS exemptions for specific materials and the consultation closed in April 2008, the online consultation will be followed by stakeholder meetings.

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For manufacturers whose products are within the scope of RoHS then they will be defined as producer under the Directive and as a producer they shall ensure that new electrical and electronic equipment put on the market on or after 1st July 2006 does not contain hazardous substances.

The definition of producer is as follows:

A "producer" means any person who, irrespective of the selling technique used, including by means of distance communication according to Directive 97/7/EC (a) on the protection of consumers in respect of distance contracts:

1. Manufactures and sells electrical and electronic equipment under his own brand
2. Resells under his own brand equipment produced by other suppliers, but for these purposes a reseller shall not be regarded as the producer if the brand of the producer appears on the equipment or
3. Imports or exports electrical and electronic equipment on a professional basis into a member State, Norway, Iceland or Liechtenstein.

"Put on the market" is open to interpretation as it is not defined in the Regulations or in the Directive. However, it is being interpreted in the same way as the term 'placing on the market' in other Directives, which is defined in the European Commission's "Guide to the implementation of directives based on the New Approach and the Global Approach" (commonly referred to as the "Blue Book"). This says that 'placing on the market' is the initial action of making a product available for the first time on the Community market, with a view to distribution or use in the Community.

A product is placed on the Community market when it is made available for the first time. This is considered to take place when a product is transferred from the stage of manufacture with the intention of distribution or use on the Community market. Thus, imports for own use are also considered as being placed on the market at the moment they enter the Community. Moreover, the concept of placing on the market refers to each individual product, not to a type of product, and whether it was manufactured as an individual unit or in a series. Therefore, a product is not deemed to have been placed on the market if it has been transferred to a manufacturer for further measures (for example assembling, packaging, processing or labelling).

Retailers and distributors, who have non-RoHS compliant products in their warehouses after 1st July 2006, can legally sell such products, provided these products were put on the market before 1st July 2006. Retailers and distributors cannot require producers to take back such products.

FD&A products (Category 9) are currently exempt from RoHS, however, manufacturers will find that their component suppliers are not exempt and they will have lead free products. Manufacturers of FD&A products will have to take this into account in their production lines. The FIA are in the process of discussing the implications RoHS compliance with the main testing and certification bodies in the UK. The result of these discussions will be sent to members.

3. SOURCES OF FURTHER INFORMATION

- For copies of the Directives and other associated information:
<http://www.berr.gov.uk/sectors/sustainability/rohs/page29048.html>

Relevant information provided by the Electrical Research Association:
<http://www.era.co.uk/techserv/re4view/index.htm>

- Relevant information provided by European Commission:
http://www.europa.eu.int/comm/environment/index_en.htm
<http://europa.eu.int/eur-lex/en/>

- Relevant information provided by Orgalime
<http://www.orgalime.org/>
<http://www.orgalime.org/News/>
- Relevant information provided by the National Weights and Measures Laboratory
www.rohs.gov.uk

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DISCLAIMER

The information set out in this document is believed to be correct in the light of information currently available but it is not guaranteed and neither the Fire Industry Association nor its officers can accept any responsibility in respect of the contents or any events arising from use of the information contained within this document.

**APPENDIX A
WEEE COMPLIANCE SCHEMES**

The compliance schemes listed below have been identified as offering suitable compliance schemes for FIA member companies (the list is in alphabetical order and not an indication of preference)

	Scheme	Address	Contact	Email	Telephone	Web
1)	B2B Compliance	Emerald House, Cabin Lane, Oswestry, Shropshire, SY11 2DZ	Carl Krüger	carlk@b2bcompliance.org.uk	01691 676 124 (option 1)	www.b2bcompliance.org.uk
2)	DHL(BSIA DHL WEEE Compliance	2020 Middlemarch Business Park Siskin Drive Coventry CV3 4FJ	Sioban Wall WEEE Commer cial Manager	sioban.wall@dhl.com	Tel: 02476 21 41 28 Mobile: 07768 50 77 31	www.dhl.co.uk/weee
3)	REPIC	REPIC Limited, REPIC House, Waterfold Business Park, Waterfold, Bury BL9 7BR, UK.	Phil Morton	info@repic.co.uk	0845 660 7929	www.repic.co.uk