



Fire Industry Association

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

1. INTRODUCTION

The WEEE and ROHS Directives were adopted by the European Parliament and enacted into the legislation of EU Member States on August 13th 2004. These two Directives have had significant impact on the electrical and electronic manufacturing industry and this Fact File has been prepared to update members on developments since the publication of Fact File 7 which gave basic requirements of the Directives.

2. THE ROHS DIRECTIVE

The UK RoHS Regulations have now been made and were laid before Parliament on 7 October 2005 (SI 2005 No. 2748).

DTI has produced non-statutory guidance on the directive and the latest version of this publication can be downloaded from the DTI website at the following link:

http://www.dti.gov.uk/sustainability/weee/RoHS_Guidance_November05_Final.pdf

DTI has also 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 first two Commission Decisions extending the list of exempted applications in the Annex to the RoHS Directive were published in the Official Journal of the EC on 15 and 21 October 2005.

The Commission Decision establishing the RoHS Directive's maximum concentration values was published in the Official Journal on 19 August 2005. The DTI will now have to finalise the UK Regulations to take this into account.

The Commission has recently 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. This review will be complete by mid 2006, but it is not expected that these categories will be brought within the scope of RoHS before 2009 at the earliest.

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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. BFPSA 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. THE WEEE DIRECTIVE

The WEEE Directive is now well established and a number of Member States have implemented their regulations for both Consumer (commonly referred to as B2C) and Business (commonly referred to as B2B) products in 2005 and set out the requirements for registration, collection and financing. For example the Directive became law in Ireland in November 2005.

To assist in determining how the Directive has been implemented across Europe DTI commissioned Perchards to draft a report giving details of the transposition of WEEE in EU Member States; the final report can be freely downloaded from the DTI website at the following link:

http://www.dti.gov.uk/sustainability/weee/Perchardsreport_November05.pdf

Whilst the Directive is well established in other EU Member states the UK Regulations have been delayed yet again and DTI have instigated a review into the UK proposals for the implementation of the Directive. The review will be undertaken by a cross Departmental team and will be followed by a full consultation exercise in the spring of 2006 before they transpose the main provisions of the Directive into

UK law. It is expected that the producer responsibilities will not come into effect until late 2006 early 2007.

BFPSA has reviewed the Directive and has currently agreed a position with regard to the B2B part of the Directive the text of the BFPSA view is as follows:

“BFPSA has reviewed the WEEE Directive and the draft UK regulations and considers that commercial fire detection and alarm products (B2B), which fall under Category 9 in the Directive, fall outside the scope of the Directive since they are products installed as part of fixed installations. As a result we believe that UK manufacturers of fire detection and alarm products are not obligated to comply with the requirements of the Directive and the UK Regulations.

Of course it is open to individual companies to offer their customers a collection and disposal service for their products equivalent to the WEEE procedures if they so wish.

This conclusion has been reached after discussions with similar trade associations and organisations within Europe.”

An example of the decision tree used to develop this position is given in appendix 1.

The result of this is that manufacturers of fire alarm products for the commercial market are not obliged to comply with requirements of the Directive including affixing the “wheelie bin” logo on products for sale/use within the UK. For product which will be used in other member states then the products will have to comply with the applicable national regulations.

Products that are not part of the fixed installation such as test sets, programmers, etc are covered by the scope of the Directive and therefore manufacturers will have to comply with the requirements and affix the appropriate “the “wheelie bin” logo on products for sale/use within the UK. They will also have to take steps to ensure the correct disposal of the products and provide DTI with sales data.

BFPSA will continue to monitor this decision and to examine the benefits of the industry voluntarily complying with the Directive. This will be the subject of a special interest group meeting to be held in June 2006.

With regard to the Domestic sector (B2C) BFPSA are currently having discussions to develop an industry compliance scheme for domestic smoke detectors. BFPSA members will be notified when the scheme is established.

4. SOURCES OF FURTHER INFORMATION

- For copies of the Directives and other associated information:

<http://www.dti.gov.uk/sustainability/weee/index.htm>

<http://www.dti.gov.uk/sustainability/weee/>

- 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/news.asp?id=195>

- Relevant information provided by the National Weights and Measures Laboratory

www.rohs.gov.uk

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