

## Update on European Union RoHS Exemptions for Lead in Steel, Copper alloys, and Aluminum- Annex III exemptions 6(a) (b) (c)

Miles Free Director, Industry Research and Technology, PMPA

15 April 2014

### Why this update?

*“The use of leaded materials for precision machined parts for Electrical and Electronic Equipment for EU may no longer be permitted under the current RoHS 2 recast unless suppliers are successful in winning a continued exemption.”-Miles Free*

### Executive summary

The latest version of RoHS – RoHS 2 (recast) sets expiry dates for materials exempted under the earlier RoHS regulation. The EU is currently reviewing exemptions under the latest recast of Restriction of Hazardous Substances (RoHS 2). *Of particular interest to U.S. precision machining companies that export machined components of steel, brass, or aluminum containing lead to the EU are the Annex III exemptions 6 (a) (b) (c). These exemptions allow leaded products made from these materials to be provided for sale in the European Union. Unless renewed, these Annex III exemptions will expire 5 years from 21 July 2011. If these exemptions expire, no parts made from these materials will be permitted for applications covered by RoHS 2, if they contain more than 0.1% lead.* Applications for renewals are due by January 21, 2015. If there is not an application for renewal, the exemption will expire on July 11, 2016. You may be asked by your customers to warrant that your products comply with the latest version of RoHS- RoHS 2. If your parts are made from Leaded Steel, Leaded Copper alloys (such as Brass), Leaded Aluminum, you will need to indicate that they are currently in compliance, but that you cannot warrant future compliance (after July 2016) until the renewals for these exemptions have been finalized.

### Details

Currently permitted per exemption in Annex III:

- 6(a) *“Lead as an alloying element in steel for machining purposes and in galvanised steel containing up to 0,35 % lead by weight”*
- 6(b) *“Lead as an alloying element in aluminium containing up to 0,4 % lead by weight”*
- 6(c) *“Copper alloy containing up to 4 % lead by weight”*

ROHS 2 (recast) Article 5 Paragraph 2 establishes dates of end of validity for the Annex III (Our Annex III Category 6 materials are **highlighted in yellow below**):

2. **Measures adopted in accordance with point (a) of paragraph 1 shall, for categories 1 to 7, 10 and 11 of Annex I, have a validity period of up to 5 years and, for categories 8 and 9 of Annex I, a validity period of up to 7 years. The validity periods are to be decided on a case-by-case basis and may be renewed.**

For the exemptions listed in Annex III as at 21 July 2011, the maximum validity period, which may be renewed, shall, for categories 1 to 7 and 10 of Annex I, be 5 years from 21 July 2011 and, for categories 8 and 9 of Annex I, 7 years from the relevant dates laid down in Article 4(3), unless a shorter period is specified.

For the exemptions listed in Annex IV as at 21 July 2011, the maximum validity period, which may be renewed, shall be 7 years from the relevant dates laid down in Article 4(3), unless a shorter period is specified.

RoHS 2 (recast) establishes the 0.1% lead maxima in Annex II for EEE for sale into EU.

*This means that if the Current Annex III Category 6 exemptions are not renewed, 0.1% max lead will be required by RoHS 2 after July 21, 2016, for all Steel, Aluminum, and **Copper** alloy (brass) components covered by RoHS 2.*

## Discussion

Earlier this year, we provided a heads up notification to PMPA Technical Members that produced the affected metals or the metalworking fluids used in their machining. We wanted them to be able to work on having an answer for you should this issue come up. At that time there were no applications to maintain exemptions for Leaded Steel, Aluminum, or Brass.

We have since learned that the Copper Development Association here in the U.S has made contact with the European Copper Institute and the Deutches Kumpferinstitut and they state that:

*“...an industry working group is being formed and there will be a formal application to renew this exemption. The working group plans to apply for renewals of all three sections that deal with lead in metals (6a, b & c). Although we cannot predict the success of this effort, periodic updates will be posted to keep interested parties informed of how the process is proceeding. The important point at this time is that there will be an application to renew this exemption.”*

PMPA will continue to stay alert to this issue and coordinate our fact finding with PMPA Technical members as well as Industry groups such as the Copper Development Association and others. We will advise developments as we learn of them. For the moment, you need to know that if you are currently producing components for EU use under RoHS using Leaded Steel, Aluminum, or copper alloy materials, those parts could lose their Lead exemption as early as July 2016. Your customers may ask if your parts comply with the RoHS 2 (recast). With the current information known today, the answer is **“Yes until 21 July 2016.”**

## Links

RoHS 2 FAQ : [http://ec.europa.eu/environment/waste/rohs\\_eee/pdf/faq.pdf](http://ec.europa.eu/environment/waste/rohs_eee/pdf/faq.pdf)

Official journal: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2011.174.01.0088.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2011.174.01.0088.01.ENG)

Pdf: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0065&from=EN>