

FARECOGAZ

European Association of the Manufacturers of Gas Meters, Gas Pressure Regulators and Associated Safety Devices and Stations

Directive 2011/65/EU (RoHS II) FARECOGAZ POSITION PAPER

Foreword

Ref.:

- Directive 2011/65/EU (RoHS II) - Consolidated version of 24 June 2015 - is on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- Document “RoHS 2 FAQ – edition 12th December 2012”;
- Letter to FARECOGAZ from EUROPEAN COMMISSION - DIRECTORATE-GENERAL ENVIRONMENT - Directorate B - Circular Economy & Green Growth - ENV.B.3 - Waste Management & Secondary Materials.

Directive 2011/65/EU (RoHS II) has been published in the Official Journal of the European Union in July 2011; Member States were entitled to adopt and publish by 2 January 2013 the national regulations necessary to comply with the Directive.

After that date, and following the publication of national decrees, the previous Directive 2002/95/EC (RoHS I) has been formally repealed.

Main changes introduced by Directive 2011/65/EU (RoHS II) are as follows:

- scope of the RoHS II Directive is disjoint by the WEEE Directive;
- a new definition of "electrical and electronic equipment EEE": equipment using electricity for primary and secondary functions, which is dependent on electric currents or electromagnetic fields in order to work properly. For the purposes of this definition, 'dependent' means, with regard to EEE, needing electric currents or electromagnetic fields to fulfill at least one intended function;
- **large-scale stationary industrial tools and large-scale fixed installations are excluded from the scope of Directive;**
- new requirements for manufactures putting on the market equipment covered by the Directive: CE marking, declaration of conformity, preparation of the technical documentation, internal production control;
- some substances are banned by the Directive: Lead (0,1 %) (up to 4% for Copper Alloy), Mercury (0,1 %), Cadmium (0,01 %), Hexavalent chromium (0,1 %).

Three important elements need some considerations.

1. The scope of the Directive is characterized by detailed definitions, based on the experience of the previous Directive 2002/95/EC; categories of products covered by Directive 2011/65/EC are set out in Annex I. Important: **has been added the eleventh category, consisting of "Other EEE not covered by any of the categories above"**.
Essentially, this means that new RoHS II Directive will apply equally to all EEE, including those not subject to the Directive 2002/95/EC. It should however be noted that the date of implementation of the RoHS II, for new equipment that does not fall under the RoHS I, is **23rd July 2019** (see Art. 2 "Scope": ... *Member States shall provide that EEE that was outside the scope of Directive 2002/95/EC, but which would not comply with this Directive, may nevertheless continue to be made available on the market until 22 July 2019*); in other words, the substance restrictions will gradually be extended to new product categories **except for the ones explicitly excluded**.
2. Directive 2011/65/EU (RoHS II) has requested that the Commission has to examine the need to amend the scope of the Directive and a report has been submitted to the European Parliament and Council.

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3. The Commission's proposal, tackling scope problems that cannot be resolved by either substance substitution or exemptions and guidance, e.g. for specific product groups with permanent compliance problem or where scope provisions generate market distortions, does not impact on our previous position.

Rif.: COMMISSION DELEGATED DIRECTIVE .../EU of 19.4.2016 amending, for the purposes of adapting to technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in solders of electrical connections to temperature measurement sensors in certain devices

Directive 2011/65/EU (RoHS II) - Consolidated version up to Commission Delegated Directive (EU) 2016/1029 of 19 April 2016: application to electrical and electronic equipment installed in gas pressure control and metering stations & in relevant/domestic installations.

Following evaluations can be made on the basis of

- the Directive 2011/65/EU (RoHS II) text and of the document “RoHS 2 FAQ – edition 12th December 2012”:
 - [1] Directive 2011/65/EU (RoHS II) lays down rules on the restriction of the use of hazardous substances in electrical and electronic equipment (EEE) and applies to EEE falling within the categories set out in Annex I.
 - [2] Gas pressure control and metering stations & relevant/domestic installations have to be considered "large-scale fixed installations" to which Directive 2011/65/EU (RoHS II) does not apply - see Art.2 – Point 4. (e);
 - [3] Article 2, Section 4 defines that the Directive does not apply also to:
 - equipment which is specifically designed, and is to be installed, as part of another type of equipment that is excluded or does not fall within the scope of this Directive (e.g.: large-scale fixed installations);
 - [4] Equipment specifically associated to pressure control and measuring functions that are designed, constructed, installed and used in gas control and metering stations & in relevant/domestic installations have not any stand-alone purpose (eg.: pressure regulators, check valves with its dedicated electrical and electronic components, injection odorizing systems, volume correctors, data-loggers, ...), it means that they are not “finished EEE” according to Directive 2011/65/EU (RoHS II) – Art.15, as they have not any own independent function and depend on station where they are installed;
 - [5] Document “RoHS 2 FAQ – edition 12th December 2012”, Questions 1.2, 1.3, 1.7, 3.1 and 4.1 supports the FARECOGAZ position stating that RoHS 2 provisions do not apply to FARECOGAZ EEE.
- Letter to FARECOGAZ from EUROPEAN COMMISSION - DIRECTORATE-GENERAL ENVIRONMENT - Directorate B - Circular Economy & Green Growth - ENV.B.3 - Waste Management & Secondary Materials on 5th July 2017:
 - [6] Equipment that has a mechanical function only and does not depend on electric currents or electromagnetic fields in order to work properly does not meet the definition of EEE and therefore does not fall into the scope of the Directive.
 - [7] Equipment that meets the definition of EEE and is specifically designed and installed as part of large-scale fixed installation such as the gas infrastructure scheme is excluded from the scope of the Directive. For example, equipment specifically designed (tailor-made) to be used in gas exploitation platforms or rigs, in gas generation and storage stations, in the gas transport and gas distribution networks as well as in gas consumption, and can fulfil its function only if it is part of these installations is excluded from the scope of the Directive.
 - [8] Equipment which is not tailor-made and can be ordered out of a catalogue is a finished product and has a functionality of its own and therefore falls within the scope of the Directive. The fact that professional, trained staff shall install such equipment does not turn it into a component of a large-scale fixed installation and does not exclude it from the scope of the Directive. For example, solenoid valves which need electric currents to work properly and are available in the market as a finished product with a functionality of its own fall within the scope of the Directive.

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Position

From above statements, FARECOGAZ position is that

- *electrical and electronic equipment specifically designed and manufactured to be installed and used in the fuel gas infrastructure & relevant sub-assemblies are excluded from the scope of the Directive 2011/65/EU (RoHS II) - Consolidated version up to Commission Delegated Directive (EU) 2016/1029 of 19 April 2016.*
- *electric and electronic equipment available in the market like finished products and with functionality of its own fall within the scope of the Directive 2011/65/EU (RoHS II), even if they are installed and used in the fuel gas infrastructure and relevant installations.*

In the event of conflict in terms of more restrictive requirements in National laws / standards / codes of practices of Gas System Operators (GSOs) with this position, the National laws / standards and/or codes of practices shall take precedence.

Köln, 24th November 2017