

April 2, 2021

Immediate Term Outlook Lead Exceptions Under RoHS – One American’s View

Miles Free Director, Industry Affairs for Precision Machined Products Association

Fact: The Existing RoHS Annex III exceptions 6(a) for steel and 6(c) for Copper based alloys expire on July 21, 2021. Link to third party table : <https://www.rohsguide.com/rohs-lead-exemptions.htm> For 6(b) 2 Aluminum, the date is may 18, 2021.

Fact: Exemption requests have been submitted and are under evaluation at the Oeko Institut. Link here: <https://rohs.exemptions.oeko.info/index.php?id=354>

Fact : Renewal applications had been submitted and many European machining companies supported the requests for renewal of the exceptions during the public consultations.

Opinion: The last time around, the consultation greatly exceeded the time allotted for consideration. During the current situation, we see no reason to believe that a decision will be rendered in a timely manner. We further expect delays in the EU Commission’s process to decide on the renewal applications after receiving the Oeko-Institut reports. *We expect that there will be no decision resulting from the review process published in the official journal prior to the Exemptions Expiry date of July 21, 2021.*

Fact: The existing exceptions remain valid until the EU commission has published its decision on the renewal applications.

- If an application for renewal is rejected or an exception is revoked, it remains in effect for at least 12 months and no later than 18 months after the date of the decision.
- If an application is approved, then of course the exemptions will continue in force as per the approval.

Our conclusions:

Despite the stated expiration date of July 21, 2021 for lead in materials for machining in Annex III of RoHS 6(a) steel, and 6(c) copper based metals, the use of lead in these materials will continue until a final decision on their exemption has been published by the EU commission in the official journal. Even if they were to decide on July 21, 2021 to eliminate these exemptions, you and your customers would have an additional 12 months – until July 21, 2022 at the earliest, before the change in status would be enforceable. Given current circumstances and the past performance of the Oeko-Institut and the EU Commission, we believe that the exemptions for leaded steels and leaded copper alloys will remain in place at least through July of 2022. Realistically, we expect that sometime in 2023 or 2024 may in fact be the actual effective dates once a decision is finally reached.

For the exemption 6(b) aluminum, it is not so clear. There does seem to have been sufficient technological progress that the Annex III 6(b) exemption may be eliminated sooner. The Deadline for 6(b) 2 for aluminum for machining purposes up to 0.4% expires May 18, 2021 for categories 1-7 and 10.

We will keep you informed as we follow this important issue.

