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RoHS (Restriction of Hazardous Substances) and WEEE (Waste Electrical and Electronic Equipment) Issues

1. Introduction

The European Union (EU) has issued two directives that have implications for UK *producers of electrical or electronic equipment. These directives became law within the United Kingdom on July 1st 2006. The legislation applies to the disposal of electrical and electronic products and the banning of certain hazardous substances. Similar legislation is being introduced in other countries, particularly in Japan, China, and Taiwan and in California in the USA.

UK producers need to take immediate action to avoid incurring excessive and unnecessary costs in meeting this legislation and to ensure that their products can be sold in all their markets.

Producers that respond quickly to this challenge could turn it to their advantage.

* A producer in these directives is an organisation that manufactures affected electrical or electronic equipment, re-brands equipment produced by other manufacturers, or one that imports such equipment into the EU.

2. Implications for UK Producers

2.1 The EU Directives

There are two complementary directives; one restricts the use of certain substances and the other aims to improve recycling.

2.1.1 RoHS - Directive 2002/95/EC - The Restriction of the use of Certain Hazardous Substances in Electrical and Electronic Equipment

This aims to reduce the environmental impacts of waste and improve recyclability.

To comply with this directive, from July 1st 2006 businesses need to demonstrate that their products do not contain more than the maximum permitted levels of certain substances. The use of these substances in spares, to repair equipment put on the market before July 1st 2006, is permitted.

The materials content of components and sub-assemblies will also affect how products can be recycled and recovered at end-of-life to meet WEEE Directive targets, see below.

To show compliance producers have to obtain evidence that their suppliers conform and in turn, they need to do the same from their suppliers and so on down the supply chain.

The EU has allowed certain industries, such as medical and telecommunications, exemptions from RoHS and has a process through which companies can apply for exemption under certain conditions.

2.1.2 WEEE - Directive 2002/96/EC - Amended by Directive 2003/108/EC - Waste Electrical and Electronic Equipment (WEEE)

WEEE legislation aims to conserve landfill and to support more sustainable development by boosting recycling. It requires producers to finance collection arrangements for their products at the end-of-life. This includes the costs of appropriate treatment of waste and meeting specific targets for recycling and recovery.

2.2 Meeting these Directives

Put simply, producers' products must conform to RoHS in order for their customer's products to conform to WEEE.

Prototypes and samples do not come under the RoHS directive but of course, if they fail to meet the RoHS rules then production products derived from them would also fail.

Producers will be made responsible for the costs of collecting, re-using, recycling and disposing of equipment containing their products and this includes its packaging and ensuring they do not contain banned materials. This means that they will be required to prove that they supply products that conform to the requirements of the legislation. This in turn means that they need to provide evidence that their sub-contractors are not using banned products.

2.3 Historical Waste

All producers will have a shared responsibility for financing collection and treatment of waste put on the market before July 1st 2006 (to be known as historical waste). Each producer's part in this responsibility will be calculated on a proportionate basis such as according to market share at the time that the equipment becomes waste.

For products put on the market on or after July 1st 2006, producers will be required to guarantee that future costs of WEEE will be met.

2.4 Product marking and disassembly information

Starting on July 1st 2006, each producer of a finished product must mark its name on the product together with a symbol (a crossed-out wheellie bin) to show that it must not be disposed of in municipal waste collection.

Producers will have to provide information to enable treatment facilities, re-use centres and recycling facilities to disassemble, re-use and recycle their products. Producers also have to provide information to enable treatment facilities to identify specific components and materials that must be removed from equipment for separate treatment at end-of-life.

Many OEM producers have published environmental policy commitments. To comply with these commitments, they are exerting pressure on their supply chains by:

- Dealing only with suppliers that have a certified environmental management system (EMS) such as ISO 14001
- Asking their suppliers to demonstrate that they manufacture their products, components or materials in an environmentally responsible manner

- Asking suppliers to take back components and subassemblies at end-of-life as part of the price, and to arrange for them to be re-used, recycled or recovered

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