

EUROMOT EXEMPTION REQUEST ON THE RoHS DIRECTIVE ENTERS INTO FORCE

Over the last months, important progress has been made pertaining to three exemption requests made by EUROMOT on restrictions in the use of some materials, contained in Directive 2011/65/EU (the “RoHS Directive”).

On 5 February 2019 the European Commission Delegated Directive [2019/178](#) was published in the Official Journal of the EU. It entered into force on 25 February.

Said Delegated Directive establishes an exemption to some restrictions in the use of lead contained in the RoHS Directive. Indeed, as of 22 July 2019, the maximum tolerated concentration value (by weight in homogeneous materials) of lead in all kinds of Electric and Electronic Equipment (EEE) will be as low as 0,1%, unless for a number of exempted applications.

In July 2015, EUROMOT submitted an exemption request to the European Commission, for lead used in bearings and bushes of internal combustion engines applied in non-road professional use equipment. Indeed, leaded bearings have some key low friction and high load absorbing properties, not replicated so far by any currently known alternatives (lead-free bearings).

Based on these technical considerations, as well as on additional independent studies carried out by a scientific consultant, the European Commission granted the requested exemption in November 2018. Both Member States’ national experts and the European Parliament did not raise any objection to the Commission text, which is now legally binding within the EU. Member States shall now adopt and publish, by 21 July 2019 at the latest, the laws, regulations and administrative provisions necessary to comply with this Delegated Directive and shall apply those provisions from 22 July 2019.

The exemption was granted for a period of 5 years expiring on 21 July 2024, which will allow the industry to conduct additional research to produce viable alternatives to leaded bearings, while at the same time ensuring that no abrupt disruptions in commerce will occur.

Moreover, in June 2017, EUROMOT made two additional exemption requests: one concerning lead in solders of sensors, actuators and engine control units (ECUs) that are used in engine systems, and one concerning Bis (2-ethylhexyl) phthalate in rubber parts used in engine systems (as of 22 July 2019, Bis (2-ethylhexyl) phthalate is submitted to the same restriction as lead under the RoHS Directive).

On 25 April 2019, the European Commission has published (see [here](#) and [here](#)) its Draft Delegated Directives concerning said requests. In the Commission’s view, the two exemptions should be granted for five years, as EUROMOT had requested: indeed, the Commission considered that Bis (2-ethylhexyl) phthalate and lead do not have yet reliable alternatives for engine applications, and that additional time is needed for the industry to conduct additional research.

These Drafts are not legally binding yet: they are now open for feedback from the WTO and from the general public. After the feedback period ends (2nd half of June), the Drafts will be sent to the European Parliament and the Council: they will have up to 2 months to raise any possible objection to the proposed exemptions. Moreover, the upcoming European elections and the consequent Parliament reshuffle will surely further delay the process. However, this is already a key step for the industry: the European Commission, supported by its independent consultant’s opinion, has acknowledged the validity of the arguments raised by EUROMOT and the need for these exemptions to be granted.

EUROMOT will closely keep monitoring the process involving these two exemption requests.