

Copper & Brass Alloys – RoHS Frequently Asked Questions

(Updated May 2018)

What is RoHS?

RoHS stands for the Restriction of Hazardous Substances. The original RoHS, informally referred to as RoHS I, was implemented in the European Union in 2003 under EU Directive 2002/95/EC. It set limit values for lead, cadmium, and several other chemicals in specified types of electrical and electronic equipment, including a lead maximum of 0.1%.

When did RoHS take effect?

The RoHS restrictions became effective with electrical and electronic equipment put on the market on and after July 1, 2006.

Which companies are affected by RoHS?

Any business that sells electrical and electronic equipment to EU countries, including resellers, distributors and assemblers, that utilize materials restricted by RoHS.

Are copper alloys that contain lead affected by RoHS?

An exemption was granted for lead in copper and brass alloys allowing up to 4% lead by weight. Other exemptions were also included in RoHS I where no satisfactory alternatives were available. The directive required that exemptions be reviewed at least every four years with the aim of deleting the exemption if their elimination or substitution is technically or scientifically possible, provided that the negative environmental, health and/or consumer safety impacts caused by the substitution do not outweigh the benefits.



What about RoHS II?

In 2008, the EU launched a revision of RoHS. This process was completed in 2011 when Directive 2011/65/EU, informally known as RoHS II, was adopted. RoHS II became effective in January 2013, replacing RoHS I. The exemption process in RoHS II was also amended. The four-year review process of RoHS I, which was to be automatically conducted by the government, was abolished. Instead, under RoHS II, the burden was placed on parties wishing to maintain an exemption to file an application for renewal 18 months before expiry.

Are copper alloys that contain lead exempt from RoHS II?

Yes. The exemption for copper and brass alloys containing up to 4% lead was retained in RoHS II under Exemption 6(c) with an expiry date of July 21, 2016.

Did Exemption 6(c) for copper alloys expire on July 21, 2016?

No. An application to renew Exemption 6(c) was successfully filed by an industry working group on January 16, 2015 before the submission deadline. The European Commission was expected to decide on the application no later than January 21, 2016 which was six months before the expiry date of the exemption. However, a backlog of activity delayed the Commission's ruling into 2018. Even though the expiry date had passed, the exemption remained valid throughout the extended deliberation period per Article 5, Paragraph 5:

"The Commission shall decide on an application for renewal of an exemption no later than 6 months before the expiry date of the existing exemption unless specific circumstances justify other deadlines. The existing exemption shall remain valid until a decision on the renewal application is taken by the Commission."

Current Status of RoHS II Exemption 6(c) for copper alloys

On May 18, 2018, Commission Delegated Directive 2018/741 was published in the *Official Journal of the European Union* which renewed Exemption 6(c) through July 21, 2021, and longer for several regulated product categories. The renewal details are summarized in the amendment to Annex III shown in the figure below, and the full directive can be viewed online at the following link: <https://bit.ly/2wYk7sm>.

In Annex III to Directive 2011/65/EU, point 6(c) is replaced by the following:

6(c)	Copper alloy containing up to 4 % lead by weight	Expires on:
		— 21 July 2021 for categories 1-7 and 10,
		— 21 July 2021 for categories 8 and 9 other than <i>in vitro</i> diagnostic medical devices and industrial monitoring and control instruments,
		— 21 July 2023 for category 8 <i>in vitro</i> diagnostic medical devices,
		— 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.

The original rationale continues to support the requirement for Exemption 6(c) as shown in the directive excerpt below.

"Currently, alternatives to the use of copper alloys containing lead up to 4% by weight cannot be identified as scientifically or technically practicable. Therefore, a renewal of the exemption for the duration of 5 years after the former expiry date is justified..."

Thus, copper and brass alloys containing up to 4% lead by weight remain compliant under RoHS II.

Who can I contact for more information?

Adam Estelle

Copper Development Association, Inc.

Tel: (212) 251-7232

Email: adam.estelle@copperalliance.us



Copper Development Association Inc.

Copper Alliance

