

Copper & Brass Alloys – RoHS Frequently Asked Questions

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 restrictions in RoHS 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 or assemblers, is impacted if they utilize materials restricted by RoHS I.

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 alloys that contain lead also 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) but with an expiry date of July 21, 2016.

Did the RoHS II Exemption 6(c) for copper & brass alloys expire on July 21, 2016?

No. A formal application to renew the exemption for copper and brass alloys containing lead up to 4% 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.

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

As of April 2017, the Commission has yet to make a final decision on Exemption 6(c) for copper alloys due to backlog. The Commission contracts a consortium of independent consultants to provide technical assistance for the evaluation of exemptions. The consortium solicits input from relevant stakeholders during the review and issues a formal recommendation to the Commission to extend, amend or reject the exemption. In July 2016, the consortium issued its recommendation to the Commission to extend Exemption 6(c) for copper alloys for 3 years. Even though the Commission did not make a final decision by the July 21, 2016 expiry date, the exemption remains valid during the deliberation. Specific language from Article 5, Paragraph 5 states:

"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."

Even in the unlikely event that Exemption 6(c) is rejected, Article 5, Paragraph 6 states: "...the exemption shall expire at the earliest 12 months, and at the latest 18 months, after the date of the decision." Thus, Exemption 6(c) is guaranteed for a minimum of 12 months after the Commission makes its final decision.

Who can I contact for more information?

Adam Estelle

Project Engineer

Copper Development Association, Inc.

Tel: (212) 251-7232

Email: adam.estelle@copperalliance.us



Copper Development Association Inc.

Copper Alliance

