



BiPRO GmbH
Grauertstr. 12
81545 Munich
Germany

Oslo, 21.12.2016

Your ref.:
Ms Marie Dollhofer

Our ref. :
2013/10356

Contact person:
Pia Linda Sørensen

RoHS Directive 2011/65/EU – Contributions on Stakeholder Consultation B-2016

The Norwegian Environment Agency welcomes the opportunity to comment on this request on a new exemption under the RoHS directive. Please see our comments under the respective question in the text below.

1. Scope / wording and relevant category of the exemption request

The applicant has requested an exemption for “Cadmium and Lead used for windows and doors, being manufactured out of plastic window profiles containing recovered PVC, in case these windows and doors may be equipped or retrofitted with electric and/or electronic devices”

- a. *Do you agree with the scope of the exemption as proposed by the applicant?*

We do not agree with the scope proposed by the applicant and we believe that the scope is too wide and not justified for following reasons:

- there is no information on the maximum expected concentration for lead and cadmium in any homogeneous material. In the original request the applicant stating that amounts of hazardous substances in recovered PVC pose up to 2% Pb and up to 0,1% Cd in homogeneous material. This is 20 times above limit for lead and 10 times above limit for cadmium given in 2011/65/EU (RoHS 2).*
- it is not clear in which part of the door or window that lead and cadmium may occur*
- there are alternatives to recovered PVC for use in these kinds of articles*

The application does not seem to be in line with conditions stated in article 5 in the RoHS-directive.

- b. *Please suggest an alternative wording and explain your proposal, if you do not agree with the proposed exemption wording.*

We have no suggestion since we cannot support this request for granted.

2. Environmental / health protection / consumer safety considerations

Do you have any comments with respect to the applicant's assessment of environmental, health and consumer safety issues?

We do not find any information about specific volumes, content of hazardous substances and emissions in the application. Then it is not possible to assess the consequences for environment, human health and consumer safety.

Do you know about possible health effects of Cd/Pb contained in recycled PVC, which are no longer permitted in virgin PVC to protect the health of different actors?

Health effects of lead and cadmium should be well known and documented.

Do you have any comments regarding the environmental and health requirements as per the REACH Regulation?

- *Firstly, the Commission has made a request to ECHA to make a review of paragraph 4 of entry 23 of Annex XVII to REACH, in particular with a view to reducing the maximum cadmium content permitted in mixtures and articles containing recovered PVC in specified rigid PVC applications and to reassess the derogation for applications listed in points (a) to (e) of paragraph 4 of entry 23. For more information, the Commission request is available from the following link:*
- *https://echa.europa.eu/documents/10162/13641/echa_rest_proposals_rubber_granules_en.pdf. According to the request from The Commission, ECHA should finalise its evaluation report on cadmium in recovered PVC no later than 1 September 2017.*
- *Secondly, ECHA has submitted a proposal to restrict the placing on the market and use of lead compounds (EC 231-100-4) in PVC and of the placing on the market of PVC articles stabilised with lead compounds. The Agency's committees are currently performing a conformity check on the dossier. The dossier is available on ECHA's website to increase transparency and to help stakeholders prepare for the six months public consultation on the dossier. If the dossier passes conformity, the public consultation is expected in February 2017.*
- *<https://echa.europa.eu/web/guest/registry-of-submitted-restriction-proposal-intentions>*
- *Several lead compounds already included in the Candidate list may be used as stabilisers in PVC.*

With reference to ongoing processes under the REACH regulation related to cadmium and lead in recovered/recycled PVC, we are of the opinion that it is too early to consider any exemption on this topic.

Do you have any comments regarding the applicant's assessment of impacts and benefits?

Please see our comments to other questions.

Would you be able estimating the amount of Cd and Pb in recycled PVC-U profiles of electronic doors and windows which is placed on the market in the EU every year? Please indicate figures if yes.

We do not have any information

Do you support the applicants conclusion that: *“The use of recycled PVC has a strong positive environmental impact by closing the loop towards a circular economy, by reducing the use of raw materials and by reducing the primary energy demand in the extrusion process and thus aims to achieve low carbon manufacturing”.*

Please argue why or why not.

We cannot support the applicant's conclusion since the positive environmental impact is not sufficiently verified in their application.

- *Windows and doors are consumer goods and are likely to pose large amounts of PVC with considerable quantities of lead and cadmium if recycled material is used. The applicant doesn't elaborate anything about aggregated amounts of lead and cadmium in used material, and has not taken into account that lead and cadmium can be harmful to human health via the environment.*
- *The applicant say they have a closed loop system for PVC windows and doors in Germany, but does not give any information about similar systems which ensure closed loop in other countries in EU/EEA.*

We find it appropriate to have the same approach for recycled material in the RoHS directive as for other substances discussed for restrictions:

- *Specific exemptions for recycled material have not been regarded as an appropriate option for restrictions of dekaBDE and PFOA when recently discussed and voted for inclusion in Annex XVII in REACH*
- *Exemptions for recycled material is not an accepted option for POPs when assessed for listing in annexes of the Stockholm convention.*

Is it possible to quantify any environmental impact?

-

3. Socio-economic impacts of substitution

Please provide comments regarding the socio-economic impact of substitution as applicable.

Do you support the following statement of the applicant regarding socio-economic benefits of recycled PVC: *“The reuse of PVC waste, however, has a proven socio-economic benefit in particular with regard to decarbonisation, circular economy, competitiveness and raw material availability. For instance, the today’s ratio of around 16% recovered PVC used in PVC profiles reduce primary energy demand by approximately 8% (source: “Environmental Product Declaration for double-glazed PVC Windows, § 6.3 Sensivity concerning the use of recycled PVC (source: <https://epd-online.com/PublishedEpd/Detail/9185>).*”

Can you support this statement with further relevant data?

-

If you don’t agree to this statement, could you provide relevant data?

-

Please feel invited to provide data regarding the total negative environmental, health and consumer safety impacts caused by substitution, as well as data regarding the total environmental, health and consumer safety benefits of exemption.

-

4. Any comments on potential adverse impacts on innovation in case of granting the exemption?

-

Best regards
Norwegian Environment Agency

This document has been signed electronically

Heidi Morka
Head of Section

Pia Linda Sørensen
Senior Adviser