

Comments on Draft Emirates Control Scheme to Restrict the Use of Hazardous Materials in Electronic and Electrical Devices

Brussels, 28 September 2015

Introduction

The undersigned associations represent companies that design, manufacture and market their products for a single market, in fact, the global marketplace. A worldwide supply chain supports those products.

Ensuring consistent and common regulatory approaches across geographies is therefore of paramount importance to our industry.

Further to the World Trade Organization Technical Barriers to Trade notification number G/TBT/N/ARE/265, we would like to offer our comments and recommendations in an effort to align the “Draft Emirates Control Scheme to Restrict the Use of Hazardous Materials in Electronic and Electrical Devices” with global best practices, namely the EU RoHS Directive 2011/65/EU and to consider alignment with other EU regulations affecting electrical and electronic products such as the EU Toy Safety Directive. We would also like to stress the importance of a cross-Gulf countries alignment that facilitates international trade and ensures legal consistency within the region (e.g. also regarding the G-mark requirement). This can be done via the Gulf Cooperation Council as for other pieces of legislation.

Compliance requirements

While we acknowledge that various provisions are mostly in line with EU legislation and standards, we would like to urge the Emirates Authority for Standardization and Metrology (ESMA) to harmonize the draft requirements for conformity testing (Art. 5.4), marking (Art. 6.2), registration (Art. 8.2 and Art. 9.1) and non-compliant products withdraw (Art. 7.1) with the European Standards EN 50581:2012 “technical documentation for the assessment of electrical and electronic products with respect to the restriction of hazardous substances”.

Under the Standard, the manufacturer can select information needed for the conformance as a result of the assessment (See 4.3.3 of the EN50581) . The list of the possible documents is as follows:

a) Supplier declarations and/or contractual agreements, such as:

- Supplier declarations, confirming that the restricted substance content of the material, part, or subassembly is within the permitted levels and identifying any exemptions that have been applied;

- Signed contracts confirming that the manufacturer's specification for the maximum content of restricted substances in a material, part, or subassembly is fulfilled.

and/or

b) Material Declarations:

- Material declarations providing information on specific substance content and identifying any exemptions that have been applied.

and/or

c) Analytical test results:

- Analytical test results using the methods described or referenced in IEC 62321.

According to article 5 of the UAE draft scheme, products shall comply with Module A for conformity assessment. While "Module A" is defined nowhere, it is our understanding that also in the UAE it refers to self-certification by the manufacturer (declaration of conformity).

We are therefore concerned that clause 6.2 of the draft specifies that products have to be registered under Emirates Conformity Assessment Scheme (ECAS) or bear a quality mark. Similarly, we are concerned that clause 8.2 specifies that ESMA shall receive and study "applications" from suppliers, and that clause 9.1 stipulates that suppliers shall register products with ECAS.

Under clause 5, we also note that the manufacturer shall "submit" i.a. a list of the UAE Standards applied to meet the requirements of the Technical Regulations. It is not clear though which UAE standards would be applicable to the products, or against which Technical Regulations (plural) compliance would need to be shown.

Implementation of the 4 phthalates restriction

Following the publication in the [Official Journal](#) of Commission Delegated Directive (EU) 2015/863 amending Annex II of RoHS 2011/65/EU, the four phthalates DEHP, BBP, DBP and DIBP have been added to the list of restricted substances according to the following timelines:

- 22 July 2019 for all EEE
- 22 July 2021 for medical devices and monitoring and control instruments

The restriction of the four substances does not apply to cables or spare parts for the repair, the reuse, the updating of functionalities or upgrading of capacity of EEE placed on the market before these dates.

Additionally, the restrictions do not apply to products already placed on the market.

We recommend that the implementation date as set out in clause 9.2¹ of the proposed UAE scheme should be aligned with that of the EU Delegated Directive (EU) 2015/863 including that the implementation only affects products not yet placed on the UAE market.

Spare parts exclusion for products placed on the market before the substance restriction implementation date(s)

According to the current draft scheme, all spare parts would need to be RoHS compliant even if they were manufactured at the same time of products that were placed on the market before the substance restrictions implementation date(s).

In order to ensure that spare parts for servicing, maintenance and repair continue to be used thus offering products' lifetime extension, we highly recommend that the language of the UAE scheme be adapted to follow that of Art. 4(4) of RoHS Directive 2011/65/EU.

“The restriction of lead, mercury, cadmium, hexavalent chromium, PBB and PBDE shall not apply to cables or spare parts for the repair, the reuse, the updating of functionalities or upgrading of capacity of EEE placed on the market before 1st of January 2018, and of medical devices, including in vitro medical devices, and monitoring and control instruments, including industrial monitoring and control instruments, placed on the market before 1st January 2020.”

Alignment with Directive 2011/65/EU should also be sought with regard to content and numbering of exemptions from the substance bans.

¹ According to Article 9.2, products available in the market before the date of the publication are allowed to be sold until 1st of January 2018.

ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 59 corporate members and 35 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

ABOUT JBCE

The **Japan Business Council in Europe** was established in 1999 and is a leading European organisation representing the interests of over 70 multinational companies of Japanese companies of Japanese parentage operating in the European Union. Our members operate across a wide range of sectors, including electronics, wholesale trade, precision instruments, pharmaceutical, railway, textiles, glass, automotive, and chemical manufacturing. In 2014, our member companies had global sales of 1.4 trillion euros. Building a new era of cooperation between the EU and Japan is the core of our activities. The key goal of JBCE is to contribute to EU public policy in a positive and constructive way by drawing on the expertise and experience of our member companies.

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ABOUT KEA

KEA, initially Electronic Industries Association of Korea (EIAK), was established in 1976. The Government of Korea (Ministry of Commerce, Industry and Energy) designated EIAK as electronics industry promotion organization in the same year. EIAK merged with the Korea Electric Appliances Manufacturing Association in 1980 and changed its name to Korea Electronics Association in 1996. KEA represents numerous Korean electronics companies and its main purpose is to promote the electronics and IT industries of Korea, to revitalize policy recommendations aimed at establishing the dynamic industrial environments and to contribute to the healthy growth and development of the national economy.

ABOUT TIE

Toy Industries of Europe (TIE) is the trade association for the European toy industry. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Over 99% of the sector is composed of small and medium sized enterprises (SMEs), which have less than 50 employees. Members of TIE include corporate companies as well as national associations from Bulgaria, Denmark, France, Germany, Italy, the Netherlands, Spain, Sweden and the UK. www.tietoy.org