International Antimony Association

EU Shortlisting of Antimony Trioxide under RoHS
Regulatory update
2 July 2019

Background

Antimony trioxide has been shortlisted by the EU Commission to be assessed for possible addition to Annex II of RoHS. "RoHS" stands for the "Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (EEE)". RoHS-like legislation also exists in various jurisdictions in Latin America, EurAsia and Asia; these typically find inspiration in the EU RoHS Directive.

The original Directive (also known as RoHS I) restricted the following substances: lead, mercury, cadmium, chromium VI, Polybrominated biphenyls (PBB), and Polybrominated diphenyl ether (PBDE).

A recast of the directive was adopted in January 2013, leading to "RoHS2". Article 6 of RoHS2 requires a periodic review of the list of restricted substances, which appear in Annex II to the Directive. So far, one update of the list of restricted substances has been conducted, and in June 2015 four phthalates (DEHP, BBP, DBP, DIBP) were added to Annex II.

In December 2017, the EU Commission appointed the Oeko Institut for Applied Ecology and Fraunhofer IZM to review and update the existing methodology to identify and assess substances for possible restriction, as well as to perform a detailed assessment of a number of shortlisted substances for possible future restrictions. This project is referred to as Pack 15. Antimony trioxide is on this shortlist of substances to be assessed by the appointed consultants.

By July 2021, the Commission will have evaluated the Directive and in particular will assess RoHS':

- Effectiveness (e.g. To what extent have the RoHS objectives been achieved?)
- Efficiency (e.g. To what extent are the costs justified, given the benefits RoHS has delivered?; How efficient has the exemption system from substance restrictions been?)
- Relevance (e.g. To what extent do the objectives of RoHS correspond to the needs of the EU?; Has RoHS been flexible enough to respond to new issues?)
- Coherence (e.g. To what extent is RoHS coherent with other EU environmental policy objectives, in particular relating to circular economy policy, covering waste management (e.g. Waste Framework Directive), the use of chemicals (e.g. REACH Regulation) as well as product design (e.g. Ecodesign)?)
- EU added value (e.g. What is the added value resulting from RoHS compared to what is likely to have been achieved by the Member States in its absence?)

Upcoming steps

All relevant information about Pack 15 (RoHS work packaged assigned to Oeko Institut and Fraunhofer) is available on: http://rohs.exemptions.oeko.info/index.php?id=288.

The work of Oeko Institut for Applied Ecology and Fraunhofer IZM was expected to be complete by June 2019, but was delayed by six months. It explicitly allows for stakeholder participation. Various consultations, interim reports and stakeholder meetings are foreseen, as described in the following work schedules:

Table 1. Work schedule for substance restriction methodology schedule

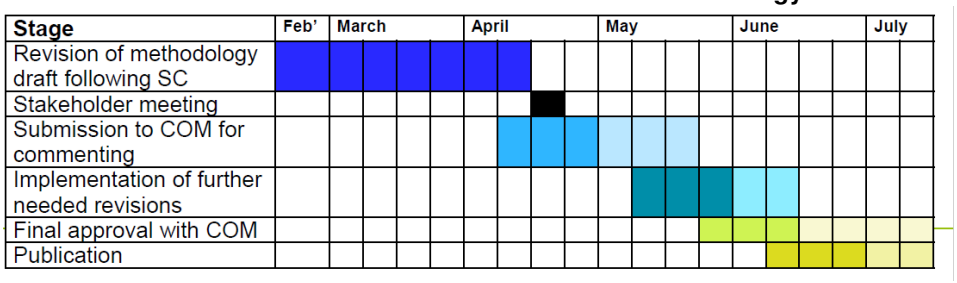


Table 2. Work schedule for assessment of shortlisted substances (including ATO)

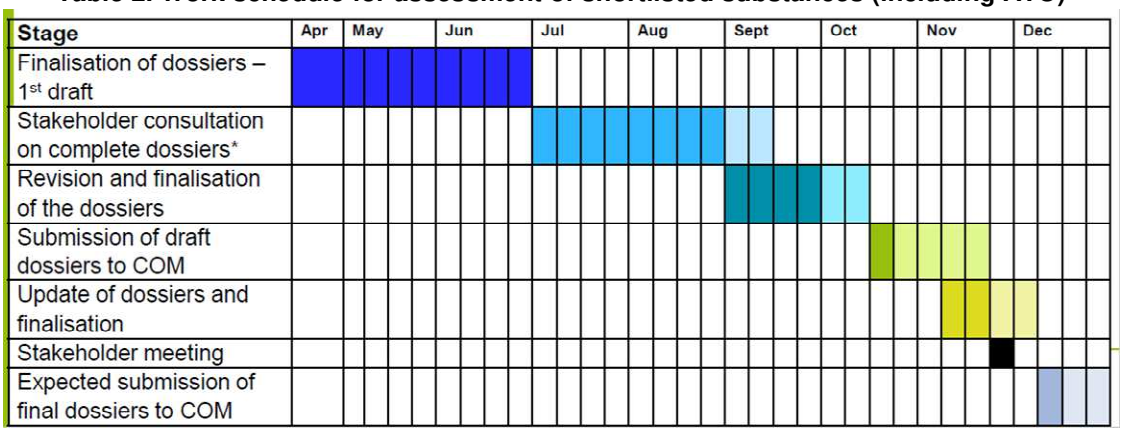
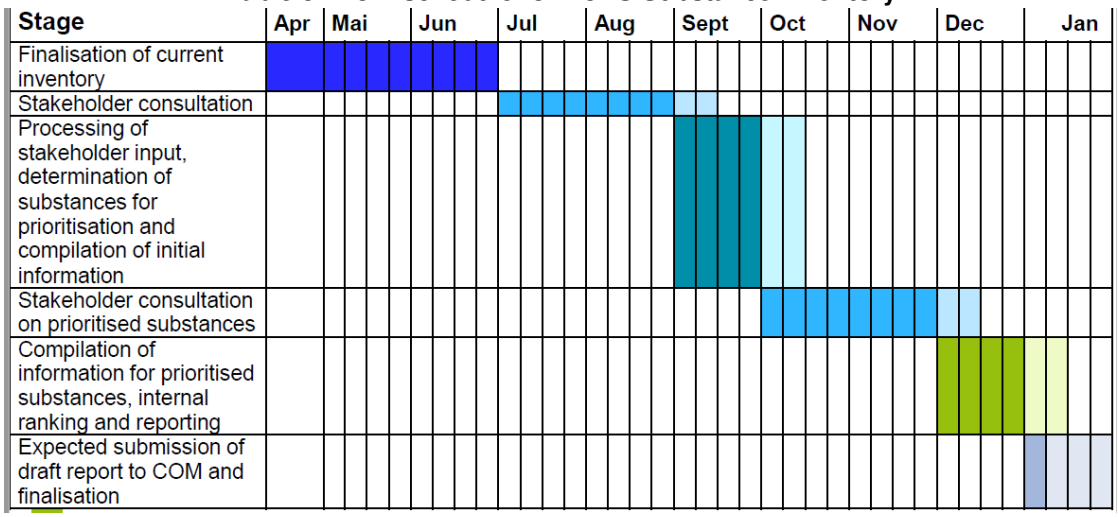


Table 3. Work schedule for RoHS Substance inventory



For each stakeholder consultation, i2a will produce a draft response to be commented and completed by the relevant value chain representatives. The final response will cover main general points and trends and will be submitted by i2a. More specific and in-depth descriptions/demonstrations of the points included in the i2a response will be submitted by the value chain. A dedicated i2a RoHS Expert Task Force has been pooled together to facilitate the exchanges between suppliers and users.

After the study is finalized, the EU Commission will draft a Delegated Act, which will have to go through the appropriate legislative procedure, including a 4-week public consultation and a 2-month period for Parliament or Council to raise objections. Therefore, no regulatory decision is likely to emerge from this review before end 2019, at the earliest.

i2a also participates in the cross-Industry group on RoHS, which meets two or three times per year and aims to align views and build common positions on Pack 15 and the RoHS Review.

How can the value chain contribute to the Evaluation?

i2a's view is that ATO's use in EEE is safe and there is no scientific basis to add it to RoHS' Annex II (list of restricted substances). i2a plans to fully participate in the review and ensure that the updated methodology is underpinned by science and the resulting assessment of ATO takes full account of the most recent data on the use of ATO in EEE.

i2a will be coordinating the generation and collection of information necessary to the consultants' assessment and the subsequent EU Commission decision-making. The following information will be of particular relevance to avoid an over-conservative and precautionary decision:

- Amounts of ATO used in EEE applications
- EEE polymers/matrices in which ATO is used,
- Amounts in which ATO is used in each polymer and resulting concentration in the polymer,
- Release/migration from the various matrices,
- Exact function and substitutability in each EEE application,
- Waste management issues (exposure of workers, emissions to environment, quality of recyclate, etc.).

In order to more closely participate in i2a's work under RoHS, please contribute to the information requests circulated by i2a by the given deadlines.

You may also consider:

- Joining the i2a RoHS Expert Task Force; and/or
- Becoming a Member of i2a, as Full or Associate Member; and/or
- Becoming a Member of the relevant EEE Downstream user association(s).

Do not hesitate to contact i2a for more information at: info@antimony.com.

About i2a

The mission of the International Antimony Association is to inspire product stewardship along the antimony value chain. This mission is accomplished by generating and sharing information concerning the environmental and health safety and societal benefits of antimony and antimony compounds. Through a common evidence base, i2a promotes a harmonized risk management and continued safe use of antimony and antimony substances across the value chain and geographical borders.

For further information: www.antimony.com.

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