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Q1.3	Technical	It should be clarified that cables and spare parts for repair of equipment placed on the market prior to the date the substance restrictions were applied may continue to have their life extended via use of replacement parts that were compliant when the product was placed on the market. In many instances, compliant parts will not be compatible with the older equipment and would force premature withdrawal from the market, which is in conflict with the goals of waste reduction and extension of product life. Additionally, it should be clearly understood that products which do not need to comply with the RoHS 2 substance restrictions do not need to comply with the administrative measures under RoHS 2 until such time as the substance restrictions apply, in order to eliminate potential conflicts with existing EU legislation which may already apply (e.g. EMC and Low Voltage Directives.)	Cables, spare parts for the repair, the reuse, the updating of functionalities or upgrading of capacity for a specific product category, are in scope for use in new products from the same date as their respective product category. The requirements for CE marking and Declaration of Conformity are effective from 2 January 2013 for those product categories that are required to comply as of that date (see section 9 of this document). For products in categories for which the substance restrictions will be gradually added, CE marking and Declaration of Conformity requirements will not be mandatory under RoHS 2 until the transition dates indicated.	

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		Addition of a statement of conformity to RoHS 2 when substance restrictions are not met during the transition period would only serve to confuse the end user as to the presence or absence of the restricted substances in the product.		
Q1.6	Technical		No. The batteries and accumulators directive (2006/66/EC) and RoHS 2 have similar substance restrictions. Recital 14 of RoHS 2 specifically states that RoHS should apply without prejudice to the Batteries Directive. Recital 29 of the batteries and accumulators directive states RoHS 1 does not apply to batteries and accumulators used in electrical and electronic equipment. According to Article 26 of RoHS 2, references to RoHS 1 and amending acts shall be construed as references to RoHS 2, thus assuring this interpretation will remain consistent with respect to the recast directive.	The coherence of the legislation must be ensured.
Q1.7	General		This decision tree provides basic guidance only and the responsible parties need to consider the product application and all facets of the EEE before concluding the product is in or out of scope.	
Q2.2 /Q2.3	Editorial		Reverse the order of the questions 2.2 and 2.3.	The FAQ relating to the products impacted by Art 2.2 should be placed

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				before the FAQ relating to the definition of "made available" referenced in this article to improve the logical sequence of the FAQs.
Q2.2 (prev. Q2.3)	Editorial	Subject to the outcome of the impact assessment report , the original intent of The Commission was: EEE which was outside the scope of Directive 2002/95/EC, but which would be covered by the new Directive, includes among others EEE covered by: • the new category 11 in Annex I; • the new definition of "dependent" in Article 3(2); • "cables" mentioned in Article 4 and the related definition in Article 3(5); • two-wheel vehicles which are not type-approved (Article 2(4)(f)).	**Which products are included in this provision? (Articles 2(2), 2(1), 3(1), 3(2), 4(3), 4(4))** All category 11 products are included in the transitional period of Article 2(2), but also products in other categories (1-7 and 10) that only now fall within the scope of RoHS 2 due to a new scope related provision, such as the clarified definition of EEE, which comprises any piece of equipment that needs electric currents or electromagnetic fields for at least one intended function. Categories 8 and 9 are not to be considered within the provisions of Article 2(2), given the outcome of the impact assessment report.	Categories 8 and 9 would otherwise be impacted by significant environmental, economic and social costs and were not originally intended by the Commission to be included within Article 2(2).
Q2.3	Editorial	Renumber Q2.2 as Q2.3.		The FAQ relating

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(p. Q2.2)				to the products impacted by Art 2.2 should be placed before the FAQ relating to the definition of "made available" referenced in this article to improve the logical sequence of the FAQs.
Q2.4	Technical	Strict adherence to the maximum concentration values is not required for compliance if an applicable exemption is available in Annex III or IV.	Non-compliant means products that do not comply with the relevant substance restrictions or do not comply with the procedural requirements under RoHS 2 (i.e. Declaration of Conformity and CE marking) by Category for EEE, Cables or Spare Parts.	Original wording does not recognise the possibility of exemption use in a compliant product.
Q3.1	Editorial	Add example of large-scale fixed installations (benefitting from an exclusion)	-large electrical distribution systems such as stationary generators exceeding 375 kW	
Q4.2	Editorial	Add additional notes on R&D.	'Research and Development' (R&D) is defined as activities which directly contribute to achieving advances in science or technology through the resolution of scientific or technological uncertainty. EEE designed solely to achieve these objectives and only made available on a business to business basis meets the	

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			criteria and are excluded from the scope of RoHS 2. This is because if this type of equipment were to fall within scope of RoHS 2, it could place a burden on research, scientific advancement, development and innovation in the EU. In order to benefit from the R&D exclusion the equipment concerned should be solely designed to directly contribute to achieving advances in science or technology through the resolution of scientific or technological uncertainty and only made available to specific business customers. Notes: Equipment such as standard monitoring devices or instruments for chemical analysis and other laboratory equipment that can be used both for R&D applications and in commercial or other applications, will not benefit from this exclusion.	
Q5.1	Technical		Cables are within the scope of RoHS 2 if they meet the definitions of EEE in Article 3(1) and of cables in Article 3(5). Add: Cables can be placed on the market together with EEE, or they can either be placed on the market as a standalone piece of EEE or as a spare part. This is independent of whether a cable has a	It must be "and" and not "or" otherwise the exclusion from scope from RoHS 2 of cables rated >250 V would not hold

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			specific or multiple uses. Internal wiring connects individual components within EEE and does not meet the definition of a cable in Article 3 (5) as they do not "serve as a connection or an extension to connect EEE to the electrical outlet or to connect two or more EEE to each other." Cables that are placed on the market individually as a standalone piece of EEE with a rated voltage higher than 250 volts are not within the scope of RoHS 2.	true.
Q5.2	Technical	The response should be simplified.	No, internal wiring is intrinsic to the EEE itself, and so only have to meet the substance restrictions associated with that EEE.	
Q5.3	Editorial	The question should be more specific: "When does a cable need to comply with RoHS 2?"	**When does a cable need to comply with RoHS 2?** This is dependent on being able to answer the following: is the cable's application aligned with any of the following Categories of products (as listed in Annex I) • Categories 1 through 7 or 10 -must comply by 3 Jan 2013 • Medical devices: must comply by 22 July 2014; • In vitro diagnostic medical devices must comply by 22 July 2016; • Monitoring and control instruments: must comply by 22 July	

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			2014; • Industrial monitoring and control instruments must comply by 22 July 2017; • Any other cable not covered by any of the categories above: must comply by 22 July 2019 The above dates apply whether the cable is placed on the market together with EEE or separately. Note: Cables with one or no connector are in the scope of the RoHS 2 and should be placed in category 11. Cables which may be aligned with more than one category and placed on the market individually should be placed in Category 11	
Q5.4	Editorial	The question should be changed to "What are the requirements for cables under RoHS2?".	**What are the requirements for cables under RoHS 2?** Cables meeting the defintions covered in the above FAQs and associated timings have two different sets of requirements depending on how the cable is placed on the market: 1. Cables placed on the market together with EEE are only required to meet the substance restrictions related to the	

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			category of the associated product. 2. Cables placed on the market separately as stand-alone EEE must meet the substance restrictions applicable to the associated category, and also are required to meet the applicable procedural requirements associated with RoHS 2 .	
Q5.5	Editorial	The revisions to questions 5.1 through 5.4 proposed above make this FAQ redundant.	Delete Q5.5	
Q5.6	Editorial	The revisions to questions 5.1 through 5.4 proposed above make this FAQ redundant.	Delete Q5.6	
Q6.1	Editorial		Although consumables are not defined in RoHS 2, they are considered as spare parts that are defined as "a separate part of an EEE that can replace a part of an EEE". Consumables that are not dependent on electric currents or electromagnetic fields in order to work properly, such as soap powder or vacuum cleaner bags, are not in the scope of RoHS 2. Other consumables are in the scope of RoHS 2 and should meet the requirements for spare parts as defined in Articles 4(4) and 4(5).	
Q7.1	Editorial	Additional examples to clarify exclusions	**Summary Exclusion** **Example equipment** Large-scale fixed installations Electrical distribution systems	

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			such as generators Means of transport Recreational watercraft	
Q7.3	Editorial		This is a decision for the manufacturer or importer, although guidance can be sought from the competent authority in the Member State where the manufacturer or importer intends to market the product. Any guidance provided by the competent authority shall be made public in order to ensure a level playing field for all producers of like equipment. Notes 1. On request from a competent authority, for example in an enforcement situation, the manufacturer/importer may need to justify its decision. 2. For some categories of EEE such as medical devices, there is sector specific legislation (for example the Medical Devices Directive, 93/42/EEC) that sets out what types of products are included within its respective scope. In these cases, such sector specific legislation has priority.	
Q7.4	Technical	Category 9 differentiates compliance timeframes depending on whether instruments are designed for exclusively industrial or professional use. Consequently, the statement "RoHS 2, just as RoHS 1, does not distinguish between EEE for	All exclusions from the scope are listed in Article 2(4). Only Category 9 differentiates compliance timeframes depending on whether instruments are designed for exclusively industrial or professional use.	

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		consumer use and EEE for professional and industrial use. All exclusions from the scope are listed in Article 2(4)" is incorrect.		
Q7.5	Technical	This FAQ must consider the LSFI definitions on such networks.	EEE that form an element of a telecommunications network are in scope of RoHS 2, unless that apparatus is solely designed and installed for use in a specific large scale fixed installation. A telecommunications network can be considered as a large scale fixed installation and, as a whole, is out of scope. This applies to cable TV and other similar networks. Note: Annex III exemption 7(b), which exempts lead in solder for IT and telecommunication networks illustrates that those EEE are in scope.	
Q7.6	Editorial	A clearer terminology required in order to provide a concise answer. It may be best to delete this FAQ as it creates confusion with other categories covered in other FAQs (eg spare parts, components...)	Whether an "electric board" falls within scope of RoHS 2 depends on a whether the item is: • Finished equipment (such as a graphics card for a computer) or, • A spare-part (such as a printed circuit assembly of an EEE) or • A component, such as a printed circuit board. Electric boards that are either finished equipment or spare parts are in scope of RoHS 2 and follow the relevant requirements and compliance schedules for their category of use, while components are not in scope (see Q8.3)	

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			Notes: 1. Printed Circuit Board (PCB): provides point-to-point connections for components in a predetermined arrangement on a common base. A PCB is not finished equipment. 2. Printed circuit assembly (PCA): a printed circuit board populated with electronic components. Without components it would simply be a PCB.	
Q 7.8	Technical	Under RoHS 1 FAQs, RFID's were in scope and included in Category 3 for RoHS and for WEEE it depended on the product or item they were attached to. Some RFIDs are still used where they are attached permanently to (or are difficult to remove from) appliances/equipment falling into other Categories of RoHS. Under such conditions they could be considered a component part of such appliances/equipment.	Add the following paragraph to the end of the answer to Q7.8 RFID Tags which are attached permanently to (or are difficult to separate from) appliances/equipment falling into other Categories of RoHS, may be considered a component part of such appliances/equipment and thus be considered under the same category as that appliance/equipment.	
Q7.10	Editorial		"Professional use", as referred to in the exclusion of non-road mobile machinery and the definition of industrial monitoring and control, refers to the use phase of the EEE. In order for EEE to be marketed for "professional use", its intended end user has	

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			to be a professional or in training supportive of becoming one. It should also be noted that RoHS 2 does not differentiate between EEE for professional or non-professional use other than in a few exclusions. These exclusions explicitly state that the equipment concerned is only designed exclusively for professional use in order for the exclusion to apply.	
			Whether the nonroad mobile machinery is made available exclusively for professional use is determined by the intent of the machine manufacturer because the ultimate use of the nonroad mobile machinery is out of the control of the manufacturer. Furthermore, the sole fact that nonroad mobile machinery is made available in the rental market will not be considered as evidence that the nonroad mobile machinery is not made available exclusively for professional use, as such product is often rented for professional use.	
Q8.1	Technical	The example provided for furniture is inconsistent with the concept of finished equipment. Delete the mentioned two paragraphs for a more general answer.	Delete the following: For the example of a wardrobe with lights, even if it is sold as a single unit, a distinction has to be drawn between the piece of furniture and the electric/electronic device with which the piece is or can be equipped. If the lighting is EEE in itself and both the lighting and the wardrobe can be separated and used as fully functional separate products, only the electric/electronic equipment (the lighting) is in the RoHS 2 scope. The furniture	

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			itself would then be outside the scope. This scenario is different from the example of power tools, lamps and many other types of EEE, most of which are already in the scope of RoHS 1 and comprise various detachable electric/electronic and non-electric/electronic parts, which are however only fully functional in combination. These parts are simply integral parts of EEE and have to meet the respective requirements. This is for example reflected in various existing exemptions for non-electric EEE parts.	
Q8.2	Technical	Delete "optical cables".	Equipment without any electrical or electronic parts, such as compact discs (CDs), is outside the scope of RoHS 2.	Optical cables should be included as they transmit electromagnetic fields.
Q8.3	Editorial	Rewritten for improved clarity.	There is no legal obligation on manufacturers of components to comply with RoHS 2 since the Directive applies to finished equipment and not components. However, commercial pressures from producers of equipment that is in scope of RoHS 2 -- who require all EEE components in their supply chain to be compliant with the substance restrictions -- will drive requirements for components to comply with the substance restriction of RoHS 2 (but not the CE marking related	

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			obligations.) The substance restrictions in Annex II do not apply to any part of excluded equipment at the time this equipment is placed on the market. This means that the "specifically designed" exclusion does not need to be applied to electrical components that are already installed on excluded equipment when it is placed on the market.	
Q9.2	Editorial		When a product is placed on the market the manufacturer or the authorised representative established within the EU is obliged to draw up an EU DoC as part of the conformity assessment procedure. The manufacturer issuing the DoC must ensure that the requirements of the applicable Directives have been satisfied, i.e. with regard to RoHS 2 the electrical or electronic equipment is in compliance with the substance restrictions relevant to its category, and prepare the necessary Technical Documentation in support of the administrative requirements of RoHS 2. Article 5 of Commission Decision 768/2008/EC (common framework for the marketing of products) states that legislation requiring a DoC shall provide that a single declaration shall be drawn up in respect of all relevant Community Acts that apply.	
Q9.4	Editorial	Rewritten for improved clarity. Limit the answer to the proposed	Products previously in scope of RoHS 1 (2002/95/EC) and remaining in scope of RoHS 2 have from the entry into force	

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		paragraphs.	date (21 July 2011) until the repeal date of RoHS 1 (3 January 2013) to meet the CE marking and DoC requirements. No other transition arrangements are in the RoHS 2 provisions for these products. Products newly brought into scope of RoHS 2 have until the relevant date of Article 4(3) to become compliant with the substance restrictions, CE marking and DoC requirements.	
Q9.5	Editorial	Rewritten for improved clarity. Limit the answer to the proposed paragraph.	No. Spare parts, by definition in Article 3(27) are "a separate part of an EEE that can replace a part of an EEE" are not finished EEE and so are not covered by the obligations of CE marking or the requirement for a DoC.	
Q9.6	Editorial	Rewritten for improved clarity and to align with the terminology proposed for Q7.6. However, it may be best to delete this FAQ, and treat sub-assemblies either as components or as spare parts.	Whether a "sub assembly" is covered by the obligations to CE Mark depends on whether the item is: • Finished equipment (such as a graphics card for a computer) or, • A spare-part (such as a printed circuit assembly of an EEE) Only finished equipment meeting the definition of EEE is required to meet all the relevant requirements and have a CE Mark and DoC.	
Q9.7	Editorial	Limit the answer to the proposed paragraphs.	No. Products newly brought into scope of RoHS 2 have until the relevant date of Article 4(3) to become compliant with the	

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			substance restrictions, CE marking and DoC requirements. In order to complete the transition within these timeframes, products compliant with the substance restrictions and procedural requirements may reference RoHS 2 on the DoC before the relevant compliance deadline and be CE-Marked accordingly.	
Q9.8	Technical		The product's DoC may list RoHS 2 on the DoC during any relevant transition period that would indicate compliance with the substance restrictions. Note: A CE mark alone is insufficient to determine if a product complies with the substance restrictions during any transition period of RoHS 2 as the CE mark symbolizes the conformity of the product the applicable Community requirements imposed on the manufacturer. Consequently, such a CE mark on a product could legitimately support compliance with other EU legislation such as the Low Voltage, EMC, R&TTE, and Machinery Directives without any obligation against the RoHS 2 substance restrictions.	
Q9.13	Technical	Clarification necessary to consider implication of other CE-Marking Directives. Proposal aligned with Q9.8 feedback above.	CE marking symbolises the conformity of the product with the applicable EU requirements imposed on the manufacturer. The CE marking affixed to a product therefore is a declaration by the	The affixing of other markings or signs which do not

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			person responsible that: - the product conforms to <u>all</u> applicable EU provisions, and - the appropriate conformity assessment procedures have been carried out. <u>A CE mark alone is insufficient to determine if a product complies with the substance restrictions during any transition period of RoHS 2 as the CE mark symbolizes the conformity of the product the applicable Community requirements imposed on the manufacturer. Consequently, such a CE mark on a product could legitimately support compliance with other EU legislation such as the Low Voltage, EMC, R&TTE, and Machinery Directives without any obligation against the RoHS 2 substance restrictions.</u> The affixing to a product of markings, signs or inscriptions which are likely to mislead third parties regarding the meaning or form of the CE marking shall be prohibited. Other marking may be affixed to the product provided that the visibility, legibility and meaning of the CE marking is not thereby impaired.	have similar form to the CE mark should be allowed. Such markings are voluntary and often enhance the information provided for the consumer. Examples of this might be markings from 3rd party assessment and monitoring bodies or voluntary markings for energy efficiency or chemical and material content. Such markings do not conflict with the legal certainty of attestment provided by the CE Mark and

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				are often used in territories outside the EU where the CE Marking has no legal meaning.
Q9.14	Editorial		The product needs to be compliant with the requirements that are applicable at the time of its 'placing on the market' (by the manufacturer or importer) according to Article 4(4). It can thereafter continue to be made available by economic operators in the distribution chain. However, this does not refer to the end of the Article 2(2) grace period for non-compliant products. See Q2.1, Q2.2 and Q2.3 for additional details.	
Q9.15	Technical	The answer also needs to reference the requirements of Art 7(h) Add the following footnote to "economic conditions": Page 45 of Blue Guide http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf	Article 7(g) requires manufacturers to mark equipment with type, batch or serial number or other element allowing its identification. The frequency of change in the marking, whether it is for a product line, batch or individual serial numbers is a matter for business decision. Article 7(h) requires manufacturers to mark equipment with their contact details, but allows for alternatively providing this information on its packaging or in a document accompanying the EEE. These alternatives are limited to situations where the manufacturer decides that it is "not possible" to mark the product directly. The Blue Book allows "economic conditions"	

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			to be used as a justification for not applying the relevant markings. Note: Where identified non-conformities require action on the part of economic operators, product and manufacturer identification information may be used to establish the action required to mitigate that non-conformity and to discriminate between compliant and non-compliant EEE on the market.	
Q10.1	Technical	Add the following note:	Exemptions listed on annex III and IV will no longer be generally applicable when: - Their validity period has expired for EEE ; - They are revoked because the conditions set out in article 5(1a) are no longer fulfilled (anyone can apply for revocation assuming they have documentation that can justify it). Note: The principle of "repair as produced" to cover Exemptions was introduced in RoHS 2 through Article 4.4(f), enabling use of parts with expired exemptions in the repair of equipment placed on the market while they were still in force.	
Q10.3	Editorial		Yes, but only once a stakeholder consultation has been announced. All available information on applications for exemptions from requirements in RoHS 2 can be found at:	

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			http://ec.europa.eu/environment/waste/rohs_eee/events_rohs1_en.htm	
Q10.4	Editorial		The recent exemptions granted under RoHS 1 in 2011/534/EU apply until 3 January 2013 but still need to be legally incorporated under RoHS 2 in order to apply after that date. This will take place through a Council Decision published in the OJ after 2 January 2013 when RoHS 2 will have completed transposition into national law.	
Q10.5	Technical	The principle of "Repair as Produced" must be upheld! Replace the answer by the proposed paragraph.	Yes. One of the key aspects agreed in RoHS 2 Impact Assessment[1] was the Clarification of Spare Parts including the "Repair as produced principle." The requirements of Article 4.4(f) take precedence over the content of Annexes III or IV regarding whether the application of an Exemption that has expired can be extended to spare parts or cables. This includes Exemptions previously expired from the original RoHS 1 Directive.	
Q10.6	Technical	The Directive's requirement is limited to Art 7(b). Harmonized standards provide a presumption of conformity with these requirements.	As specified in Article 7(b), the technical documentation shall comply with Module A in Annex II to Decision 768/2008/EC. Compliance with harmonised standard FprEN 50581 will provide a presumption of Conformity with these requirements as	

[1] COM SEC(2008)2930
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2008:2930:FIN:EN:PDF

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dregs FAQ #	Comment Type E.g (General/ Technical/ Editorial)	COMMENTS	Proposed Changes	Justification
			specified in Article 16(2). Member States may carry out analysis of EEE as part of their enforcement activities.	
Q10.8	Editorial	Clarify language used regarding sample preparation. Add the proposed note.	All EEE consist of many different homogeneous materials. Note: Due care and risk considerations should be taken when preparing samples for compliance assessment purposes to assure individual homogeneous materials are adequately separated for the test method applied.	

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