



The European PVC and related  
Buildings Products Association | EPPA

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EPPA ivzw, Ave de Cortenberg 71, B- 1000 Brussels

European Commission  
DG ENV. B – Kestutis Sadauskas

DG GROW.D – Carlo Pettinelli

Brussels, July 5<sup>th</sup> 2019

## RoHS II and REACH Regulation overlap concerning lead stabilizers in PVC recyclate

Dear Mr. Sadauskas,

Dear Mr. Pettinelli,

We contact you today with our concerns on the RoHS II Directive, based on which a restriction of lead (0,1%) and cadmium (0,01 %) will enter into force for construction products with electrical device belonging to category 11 on the 22<sup>nd</sup> of July 2019.

An application to exempt Cd (up to 0,1% ) and Pb (up to 2%) as found in recyclate used in PVC window and door profiles was filed by EuroWindow and EPPA in line with Art. 5 and Annex V of the RoHS II Directive on the 14<sup>th</sup> of December 2015. To date, we have not received any decision on our request.

Therefore, we urge you to consider the below and to take a decision accordingly:

In the case of Cd, COM paper REACH AND DIRECTIVE 2011/65/EU (RoHS)

A COMMON UNDERSTANDING, clearly indicates that a substance which is a candidate for inclusion in Annex II of RoHS will be excluded from the identification exercise if it is listed in Annex XVII to REACH and the restriction covers EEE. We kindly ask DG ENV to mention this in the exemptions to ROHS.

For Pb, a thorough scientific assessment was completed by the European Chemicals Agency, which, according to our information, is expected to be the basis of an EU wide restriction (with derogations for the use of recyclate) in the REACH Committee held in September 2019. The same logic as for Cd would then apply to the Pb restriction under REACH, which will also cover uses in E&E (namely products incorporating electrical components).

**Therefore, ROHS should exclude the derogated article from its scope.**

For the sake of clarity and in order to avoid legal uncertainty for the period between 22 July and the adoption and publication of the Pb restriction, the EC should:



**Draft an exemption that refers to the foreseen derogation for the use of windows and doors under REACH.** Thereby, protection to human health and the environment are ensured because:

- In case the derogation is not granted, a restriction to 0,1 % is certain, which would be the same level as currently suggested under RoHS
- In case the derogation is granted, it is attached to specific conditions that ensure the protection of humans and the environment. The goals of Art. 1 RoHS are therefore served.

We would like by the way to highlight that the Commission Common Understanding Paper precisely aims at synchronization between measures under REACH and ROHS.

**We kindly request you to take a positive decision on the exemption request, at least by circulating a draft delegated act, before the 22<sup>nd</sup> of July.**

Failure to do so would interfere with on-going legislative action by DG GROW via REACH and jeopardize the objectives of DG GROWs activity, namely to foster the circular economy while at the same time protecting human health and the environment.

Kind regards,

**European PVC Window Profile and  
Related Building Products Association | EPPA ivzw**

**EuroWindow AISBL**

**European Plastics Converters | EuPC**

**VinylPlus**

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**EPPA** is the European trade association for PVC window profile manufacturers. Our company members represent around 70% of the PVC profile market in Europe. EPPA consolidates and represents the interests of its members in discussions with industry partners, legislators and standardization bodies.

**EuroWindow AISBL** was founded as an international non-profit Association, in order to represent the interests of the European window, door and facade (curtain walling) sector. Our 18 national associations speak for European window, door and facade manufacturers that are in direct contact with consumers, and thereby having large insights on consumers' demands and expectations. We are at the forefront interacting with dealers, installers and consumers buying windows and doors, and the companies behind the associations cover selling all over Europe.



**EuPC** is the leading EU-level Trade Association, based in Brussels, representing European Plastics Converters. EuPC now totals about 51 European Plastics Converting national and European industry associations, it represents close to 50,000 companies, producing over 50 million tonnes of plastic products every year. The European plastics industry makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection. More than 1.6 million people are working in about 50,000 companies (mainly small and medium sized companies in the converting sector) to create a turnover in excess of 280 billion € per year.

**VinylPlus** is the voluntary commitment to sustainable development of the European PVC industry, working to improve the sustainability performance of PVC. PVC is one of the most widely used plastics in the world with a wide range of long-life applications such as window frames, pipes, flooring, cables, sport equipment, furniture and a range of lifesaving medical devices.