



EU updates RoHS Annex III exemptions

On January 26, 2023, the European Commission issued Directive (EU) 2023/171, which added an exemption for hexavalent chromium 9(a)-III to Annex III of the EU RoHS Directive 2011/65/EU.

The European Commission evaluated previous exemption applications and concluded that the substitution of hexavalent chromium in refrigerant solutions is not currently scientifically and technically impracticable, and other heating technologies eliminating the use of hexavalent chromium in the form of sodium chromate cannot offer equivalent functionality and performance. Gas absorption heat pumps can indeed provide higher energy efficiency than condensing boiler technologies, can help to replace those systems and can lead to carbon dioxide emission savings, met the relevant conditions of the EU RoHS Directive 2011/65/EU exemption, the following entry has been inserted in Annex III of the Directive:

Item	Exemptions	Scope and validity period
9(a)-III	Up to 0,7 % hexavalent chromium by weight, used as an anticorrosion agent in the working fluid of the carbon steel sealed circuit of gas absorption heat pumps for space and water heating	Applies to category 1 and expires on 31 December 2026

EU RoHS Directive 2011/65/EU exemption related rules:

◆ Exemption validity rules-2011/65/EU Article 5(2)

For the exemptions listed in Annex III on July 21, 2011, the maximum exemption period is 5 years for Annex I products 1-7,10,11 and 7 years for products 8 and 9, unless a shorter period is specified. For the exemptions listed in Annex IV on July 21, 2011, the maximum exemption period is 7 years, unless a shorter period is specified.

◆ Exemption extension application rules-2011/65/EU Article 5(5)

An application for renewal of an exemption shall be made no later than 18 months before the exemption expires.

◆ Exemption from the withdrawal of the transition period rules-2011/65/EU Article 5(6)

In the event that the application for renewal of an exemption is revoked, the exemption shall expire at the earliest 12 months, and at the latest 18 months, after the date of the decision.

Original link :

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023L0171&qid=1675067520214>

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