

EUROPEAN ASSOCIATION OF PUMP MANUFACTURERS
ASSOCIATION EUROPÉENNE DES CONSTRUCTEURS DE POMPES
EUROPÄISCHE VEREINIGUNG DER PUMPENHERSTELLER



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EUROPUMP - Position Paper

on RoHS2

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1. Introduction

On 8th of June 2011, the Recast Directive 2011/65/EU (RoHS2) on the restriction of the use of certain hazardous substances in electrical and electronic equipment was published in the Official Journal of the European Union (L 174, pages 88-110).

The RoHS2 Directive is applicable from 2 January 2013, and effectively imposes substance restrictions on newly covered equipment at different dates (from 2014 to 2019).

The goals of the RoHS2 directive are to avoid hazardous substances in waste from electrical and electronic equipment (EEE) and components, e.g. computers, washing machines, irons, electric tools... The directive covers both privately and commercially used EEE.

The scope of the directive has been opened to all EEE, and such “open scope” brings questions as to what products are covered by the RoHS2 directive.

A European Commission RoHS2 FAQ guidance document attempts to further clarify the terms of the Directive. It is meant to be a leaving document and is available at:

http://ec.europa.eu/environment/waste/rohs_eee/pdf/faq.pdf.

Additionally, an Orgalime Guide on Recast RoHS2 Directive aims at explaining the main changes and obligations arising from the recast, especially in the following areas: scope; substance restrictions; exemptions; alignment of the Directive with the New Legislative Framework; terms and Definitions; review; transposition; comitology. The Orgalime Guide is meant to be a living document and is available here:

<http://www.orgalime.org/publication/september-2012-update-orgalime-guide-recast-rohs-directive-july-2011>.

In order to answer the questions arising from the scope of RoHS2 for the pumps industry, and after a more precise analysis of the core text of the directive, the members of Europump agreed the following position.

2. Pumps

In view of the definition of ‘electrical and electronic equipment’ or ‘EEE’ in the Recast Directive 2011/65/EU (RoHS2), **some pumps may be understood as EEE.**

Article 3(1): ‘electrical and electronic equipment’ or ‘EEE’ means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;

Article 3(2): for the purposes of point 1, ‘dependent ‘ means, with regard to EEE, needing electric currents or electromagnetic fields to fulfil at least one intended function;

2.1. Exclusions applicable to pumps

- **“Large-scale fixed installation”** (Articles 2.4(e) (Scope) and 3.4 (Definitions) of Directive 2011/65/EU)

“[...] means a large-scale combination of several types of apparatus and, where applicable, other devices, which are assembled and installed by professionals, intended to be used permanently in a pre-defined and dedicated location, and de-installed by professionals;”

Pumps in general are installed in a dedicated location by professionals in combinations with several types of apparatus.

These types of pumps are excluded.

- **“Equipment specifically designed and to be installed as part of another type of equipment** (Article 2.4(c) (Scope) of Directive 2011/65/EU)

“[...] equipment which is specifically designed, and is to be installed, as part of another type of equipment that is excluded or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment, and which can be replaced only by the same specifically designed equipment;”

Pumps may be *specifically designed and installed as part of* other equipment or installations which are excluded from /do not fall under the Directive e.g. large-scale stationary industrial tools (Article 2.4(d)) or large-scale fixed installations (Article 2.4(e)).

These types of pumps are excluded.

- **Equipment specifically designed solely for the purposes of research and development only made available on a business-to-business basis.** (Article 2.4(j) (Scope) of Directive 2011/65/EU)

2.2. Pumps that may be in scope

After careful study of the Directive 2011/65/EU on RoHS, EUROPUMP and its members come to the conclusion that the **following pumps and pump units may fall in scope of this Directive from 2nd of January 2013 on:**

- **Portable pumps for garden ponds and similar applications**
- **Portable drainage pumps for non-industrial or private use**

According to Article 2.2 of Directive 2011/65/EU

“Without prejudice to Article 4(3) and 4(4), Member States shall provide that EEE that was outside the scope of Directive 2002/95/EC, but which would not comply with this Directive, may nevertheless continue to be made available on the market until 22 July 2019.”

This means that pumps which were not covered by Directive 2002/95/EC (RoHS1) and thus may not comply with the substance restrictions prescribed, but which are now subject to Directive 2011/65/EU (RoHS2), can still be made available on the market until 22 July 2019.

NOTE: In view of the current wording of Directive 2011/65/EU (RoHS2), this also means that the distribution / rental channels and stocks will have to be clear of non-conforming pumps on 22 July 2019. However, in view of the serious economic and environmental impact of

such clearance, Industry associations together with the European Commission and Member States authorities are trying to find a solution to mitigate such consequences. Consequences.

3. Monitoring and control instruments for pumps

Monitoring and control instruments as well as industrial monitoring and control instruments are in the scope of Directive 2011/65/EU (RoHS2). Because pumps and pumps units use monitoring and control instruments, the following needs to be taken into account:

3.1. Exclusions applicable to monitoring and control instruments

Article 2.4(c) excludes “equipment which is specifically designed, and is to be installed, as part of another type of equipment that is excluded or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment, and which can be replaced only by the same specifically designed equipment;”

Monitoring and control instruments for pumps may be equipment which is specifically designed, and is to be installed, as part of another type of equipment.

- **If a pump is one of the kinds that may fall in the scope of RoHS2 (see above), then monitoring and control instruments may also be included.**
- **If the pump unit is excluded from scope, the monitoring and control instruments are also excluded.**