

FARECOGAZ

Association of European Manufacturers of Gas Meters
Gas Pressure Regulators and associated Safety Devices and Stations

FARECOGAZ POSITION PAPER

Ref.:

1. Directive 2011/65/EU (RoHS II)
2. Directive 2012/19/EU (WEEE)

Foreword

1. Directive 2011/65/EU (RoHS II) is on the restriction of the use of certain hazardous substances in electrical and electronic equipment.
Directive 2011/65/EU (RoHS II) has been published in the Official Journal of the European Union in July 2011; Member States were entitled to adopt and publish by 2 January 2013 the national regulations necessary to comply with the Directive.

After that date, and following the publication of national decrees, the previous Directive 2002/95/EC (RoHS I) will be formally repealed.

2. Directive 2012/19/EU (WEEE) is on waste electrical and electronic equipment.
Directive 2012/19/EU (WEEE) has been published in the Official Journal of the European Union in July 2012; Member States were entitled to adopt and publish by 15 February 2014 the national regulations necessary to comply with the Directive.

After that date, and following the publication of national decrees, the previous Directive 2002/96/EC will be formally repealed.

Main changes introduced by Directive 2011/65/EU (RoHS II) are as follows:

- scope of the RoHS II Directive is disjoint by the WEEE Directive;
- a new definition of "electrical and electronic equipment EEE": equipment using electricity for primary and secondary functions, which is dependent on electric currents or electromagnetic fields in order to work properly. For the purposes of this definition, 'dependent' means, with regard to EEE, needing electric currents or electromagnetic fields to fulfill at least one intended function;
- **large-scale stationary industrial tools and large-scale fixed installations are excluded from the Directive scope;**

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- new requirements for manufactures putting on the market equipment covered by the Directive: CE marking, declaration of conformity, preparation of the technical documentation, internal production control;
- some substances are banned by the Directive: Lead (0,1 %) (up to 4% for Copper Alloy), Mercury (0,1 %), Cadmium (0,01 %), Hexavalent chromium (0,1 %).

Two important elements need some considerations.

The scope of the Directive is characterized by detailed definitions, based on the experience of the previous Directive 2002/95/EC; categories of products covered by Directive 2011/65/EC are set out in Annex I.

Important: **the eleventh category, consisting of Other EEE not covered by any of the categories above, has been added.**

Essentially, this means that new RoHS II Directive will apply equally to all EEE, including those not subject to the Directive 2002/95/EC. It should however be noted that the date of implementation of the RoHS II, for new equipment that does not fall under the RoHS I, is **July 2019** (see Art. 2 "Scope": ... *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*).

Directive 2011/65/EU (RoHS II) requires that, no later than July 2014, the Commission will examine the need to amend the scope of the Directive and a report will be submitted to the European Parliament and Council.

Directive 2011/65/EU (RoHS II): application to electrical and electronic equipment installed in gas pressure regulating and metering stations

On the basis of the Directive 2011/65/EU (RoHS II) text, it is possible to make the following evaluations:

1. With reference to Article 1 "*Subject matter*" the European Directive refers to electrical and electronic equipment only. Thus mechanical gas meters and gas regulators are excluded from RoHS II
2. Directive 2011/65/EU (RoHS II) applies to electrical and electronic equipment falling within the categories set out in Annex I. Among these, category 9 is: "Monitoring and control instruments including industrial monitoring and control instruments".
Article 4, Section 3 of the Directive, defines that the Directive shall apply to industrial monitoring and control instruments which are placed on the market from 22 July 2017.
3. Article 2, Section 4 defines that the Directive does not apply to:
 - 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
 - stationary large-scale fixed installations
4. Equipments specifically associated to regulating and measuring functions that are designed, constructed, installed and used in gas regulation and metering stations have not any stand-alone purpose (eg.: pressure regulators and check valves with its dedicated electrical and electronic components, injection odorizing systems, volume correctors, data-loggers, ...), it means that they are not "finished good" according to Directive 2011/65/EU (RoHS II), as they have not any own independent function and depend on station where they are installed.

5. Gas regulation and metering stations have to be considered "stationary large-scale fixed installations" to which Directive 2011/65/EU (RoHS II) does not apply.

On the basis of the Directive 2012/19/EU (WEEE) text, it is possible to make the following evaluations:

6. Art. 2 – Point 3.b of Directive 2012/19/EU (WEEE) clearly states the exemption of the equipment that is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment.
7. Above Art. 2 – Point 3.b of WEEE Directive, combined with the documents released by European Commission DG Environment:
 - Frequently Asked Questions on Directive 2012/19/EU (WEEE) on April 2014 (clauses 3.14 and 4.2) and
 - Frequently Asked Questions on Directive 2011/65/EU (RoHS) on December 2012 (clause Q 3.1)confirms that NG Supply Systems (in particular, pressure regulating and metering stations) are out of the scope of WEEE as :
 - Pressure regulating and metering stations can be defined as “fixed installations”.
 - Electronics within the context of this paper do not have their own independent function and cannot be defined as “finished products”.

From above statements, follows that:

ANIMA UCRS position is that electrical and electronic equipment specifically designed and manufactured to be installed and used in the gas pressure regulating and metering stations are excluded from the scope of both Directives 2002/96/EC (WEEE) and 2011/65/EU (RoHS II).