

General questionnaire

The following questions can be used in two different ways:

1. To support an **exemption request** (the applicant's exemption request which is posted on the consultation website should already contain answers to these questions) or to argue why an exemption request is not justified.
2. To support an **existing exemption** or taken as a basis for requesting an amendment or the discontinuation of an existing exemption.

- For which substance(s) or compound(s) should the requested exemption be valid?
- What is the application in which the substance/compound is used for and what is its specific technical function?
- What is the specific (technical) function of the substance/compound in this application?
- Please justify why this application falls under the scope of the RoHS Directive (e.g. is it a finished product? is it a fixed installation? What category of the WEEE Directive does it belong to?).
- What is the amount (in absolute number and in percentage by weight) of the substance/compound in: i) the homogeneous material, ii) the application and iii) total EU annually for RoHS relevant applications?
- Please check and justify why the application you request an exemption for does not overlap with already existing exemptions respectively does not overlap with exemption requests covered by previous consultations.
- Please provide an unambiguous wording for the (requested) exemption.

Documentation provided by stakeholders including replies to the questions above should take the following points into consideration:

- Please justify your contribution according to Article 5 (1) (b) RoHS Directive whereas:
 - Substitution of concerned hazardous substances via materials and components not containing these is technically or scientifically either practicable or impracticable;
 - Elimination or substitution of concerned hazardous substances via design changes is technically or scientifically either practicable or impracticable;
 - Negative environmental, health and/or consumer safety impacts caused by substitution are either likely or unlikely to outweigh environmental, health

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and/or consumer safety benefits thereof (If existing, please refer to relevant studies on negative or positive impacts caused by substitution).

- Please provide sound data/evidence on why substitution / elimination is either practicable or impracticable (e.g. what research has been done, what was the outcome, is there a timeline for possible substitutes, why is the substance and its function in the application indispensable or not, is there available economic data on the possible substitutes, where relevant, etc.).
- Please also indicate if feasible substitutes currently exist in an industrial and/or commercial scale for similar use.
- Please indicate the possibilities and/or the status for the development of substitutes and indicate if these substitutes were available by 1 July 2006 or at a later stage.
- Please indicate if any current restrictions apply to such substitutes. If yes, please quote the exact title of the appropriate legislation/regulation.
- Please indicate benefits / advantages and disadvantages of such substitutes.
- Please state whether there are overlapping issues with other relevant legislation such as e.g. the ELV Directive that should be taken into account.
- If a transition period between the publication of an amended Annex is needed or seems appropriate, please state how long this period should be for the specific application concerned.

1 Please refer to the FAQ document on RoHS and WEEE Directives available at http://www.europa.eu.int/comm/environment/waste/weee_index.htm

Answers to General Questionnaire (No.13)

We request Exemption 13 continuation of lead and cadmium contained in the optical glass and filter glass.

Exemption 13 is used for optical equipments classified in Categories 3, 4, and other as final products to which the RoHS directive is applied and in Categories 8 and 9 to which the RoHS directive is not applied at this stage, in some cases, and provides functions to ensure optical performance based on sophisticated or specific specifications required.

Although there is no statistical data, Exemption 13 may possibly be used for less than a few percent of optical components contained in products marketed in EU.

We indicate that Exemption 13 is basically independent of other exemptions, but it may overlap with Exemption 5 (Lead in glasses of electronic components), in some cases.

A large amount of materials which are classified into Exemption 13 have so far existed, and many substitute materials for them have already been developed. Health and environmental problems involving substitute materials which are being used now have been sharply reduced, and are in tolerable levels although the relevant costs have increased.

However, optical characteristics of some substitute materials are inferior to conventional materials.

In addition, it is very difficult to develop substitute materials for some materials.

Scientific/ technical problems concerning optical functions performed by lead and cadmium contained in optical glass and filter glass are explained in detail in ERA Technology's report at the time of evaluation in 2004. Optical characteristics of optical materials basically comes from the composition of materials, the value of this report is considered the same in the future as well.

For most optical components of many products, existing substitute materials can be used, and most products have already used such materials, but for some optical components of various types of products, substitution is impossible.

In the optical equipment market where there are various types of products, products like cameras are desired to provide clear images, whereas special optical equipments with advanced functions/ performance, which are used at laboratories or industrial/ medical sites, are desired to support social infrastructure.

For such optical equipment products, their optical specifications/ performance are the most important characteristics, and determine the value of products.

Existence of various types/ a variety of optical materials with good optical characteristics coupled with good optical design technology and processing technology/ measuring technology for high precision optical components, which make good use of such optical materials, is the most important requirement for the achievement of advanced optical specifications/ performance.

Application of Exemption 13 to optical equipments is necessary in the future as well depending on required specifications of equipments.

Japanese optical equipment industry has promoted an activity to reduce hazardous substances of optical glasses on a voluntary basis in cooperation with the optical glass industry for many years, with complete discontinuation of the use of cadmium in the 1970s, and has achieved dramatic reduction of lead and arsenic after the 1980s until now.

We have achieved very good results by the method which is irrelevant to legal impediments, and would like this fact more appreciated.

In view of the above, we consider it appropriate to continue Exemption 13 in the future as well.