

Jan. 10 ,2003

Dear

Japan Business Council in Europe (JBCE) ¹ is the representative organization for Japanese companies , whose members identify themselves as leading multinational corporations in the world engaging with their business in Europe as well. Over the past couple of years, JBCE has taken a close interest in the adoption of the electronic waste (WEEE and RoHS) Directives. We have been able to express our views on several occasions with decision-makers, and are grateful for those opportunities of taking part in the consultation process.

In view of the recent adoption of the two Directives, JBCE would like to convey its opinion with regard to a number of issues that will play an important role in the implementation of the Directives. Furthermore, we would like to raise a few questions for consideration by the Commission and Member State expert representatives in the context of the Waste Committee.

- We are submitting a preliminary list of so-called borderline products that we believe are not covered by the scope of the directives. Clear guidance from the Commission and the Waste Committee would be very helpful to manufacturers of such products that need to decide under which circumstances they need to prepare for implementation of the provisions of the Directives.(Annex I & II)
- JBCE is of the opinion that the current exemption of servers from the RoHS lead ban is problematic because of the absence of a clear definition of what should be considered as a server. It does not seem unimaginable that the widest possible interpretation of what constitutes a server could mean the exemption in practice of anything but stand-alone personal computers.

¹ For details, including a list of its member companies, please refer to the following website: <http://www.jbce.org>

In view of the innovative and costly efforts that are being made by Japanese manufacturers to develop lead-free technology for IT equipment, a strict definition of servers is absolutely necessary.(Annex III)

- **Lead in glass is only exempt from the RoHS ban in cathode ray tubes, electronic components, and fluorescent tubes. Nevertheless, there are several other applications of leaded glass that are similarly very stable and totally harmless. It would therefore be helpful to exempt all leaded glass that is being used in EEE as “electronic components”, or alternatively list every possible specific application.(Annex IV)**

The member companies of JBCE would be pleased to provide more technical details with regard to the above-mentioned issues if this would prove helpful or necessary.

In the meantime, I remain available for further clarifications or questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Takashi Sugiyama', written in a cursive style.

**Takashi Sugiyama
Chairman, Environmental Committee
Japan Business Council in Europe**

Annex I. List of borderline products (RoHS Directive)

Jan. 10,2003 JBCE

Products	Products Description	The reason of exclusion from RoHS
Welding Machine	The machine is arc welder for industrial use. (The machine has not been used for general consumer applications.) The range of machine weight is 20 Kg – 150 Kg.	It is not clear what “large-scale stationary industrial tool” is. But we have judged that this welder would not fall in the restricted category 6 of Annex IA. of the WEEE directive since they are stationary for industrial use only.
EEE for Rolling Stock	Traction Motor Controllers* and other EEEs specially designed for Rolling Stock. (*: Apparatus controlling operation of railroad vehicles, and is carried on it.)	EEEs specially designed for Rolling Stock are not included in categories 1-7 & 10 of Annex IA of the WEEE directive.
Photovoltaic power generating systems	Photovoltaic power generating system is installed outdoors and constitutes with a solar cell unit, which generates electricity by receiving sun light, and a control-unit which is installed indoors and controls the generated electric current. A solar cell unit consists of more than one solar cell. A control-unit that is consist of power conditioner, which converts the generated current to interchange current, and a connection box which is used to connect a power conditioner and solar cell units.	These are not listed in categories 1-7 & 10 of Annex IA of the WEEE directive.
Power conditioner	This equipment changes the output of a photovoltaic cell into desired electric power, and this is used for residences or business use. (Inverter)	This device is not listed in categories 1-7 & 10 of Annex IA of the WEEE directive.
Battery charger	The battery charger is used to charge rechargeable batteries such as a Nickel Cadmium battery or a Nickel Metal-hydride battery. There are two type of chargers. One is sold with appliance as a part of appliance, the other one is sold with rechargeable batteries in the market.	When the charger is sold with appliance as a part of appliance, it is in the scope of RoHS directive if the appliance is in the scope of WEEE directive. However, the charger which is sold with rechargeable batteries is not described in

		the categories 1-7 and 10 of Annex 1A of WEEE directive
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Annex II. List of borderline products (WEEE Directive)

Jan. 10, 2003 JBCE

Products	Products Description	The reason of exclusion from WEEE
Welding Machine	The machine is arc welder for industrial use. (The machine has not been used for general consumer application) The range of machine weight is 20 Kg – 150 Kg.	It is not clear what “large-scale stationary industrial tool” is. But we have judged that this welder would not fall in the restricted category 6 of Annex IB of WEEE directive since they are stationary for industrial use only.
EEE for Rolling Stock	Traction Motor Controllers* and other EEEs specially designed for Rolling Stock. (*: Apparatus controlling operation of railroad vehicles, and is carried on it.)	EEEs specially designed for Rolling Stock are not included in Annex IB of the WEEE directive.
Car-vision system*, Car radio Car audio Car navigation system for Vehicle	*:System is integrated form following equipment. 1.Camera Equipment for viewing rear sight attached outside vehicle 2.Monitoring television Equipment for monitoring the view attached by the driver’s seat	They are installed at the car service agent or pre-attached at the car manufacturer, and will be generated together with the waste at EOL. These products do not belongs to WEEE but to ELV (End of Life Vehicle).
Commercial use air conditioners	<ul style="list-style-type: none"> • Commercial use air conditioners which are designed mainly for building use, such as offices and shops, and include medium- and large-sized split types, single packaged type and remote condenser type • Multi-split systems for building use 	Air conditioners are listed in category 1 of Annex IB ,but they are for household use. So WEEE directive is not applicable to those designed for commercial use.
Photovoltaic power generating systems	Photovoltaic power generating system is installed outdoors and constitutes with a solar cell unit, which generates electricity by receiving sun light, and a control-unit which is installed indoors and controls the generated electric current. A solar cell unit consists of more than one solar cell. A control-unit that is consist of power conditioner, which converts the generated current to interchange current, and a connection box which is used to connect a power conditioner and solar cell units.	These are not listed in any category of Annex IB. of the WEEE directive.

Power conditioner	This equipment changes the output of a photovoltaic cell into desired electric power, and this is used for residences or business use. (Inverter)	This device is not listed in any category of Annex IB.
Optical microscope	An optical instrument that uses a combination of lenses to produce magnified images of small objects. Products which magnify surface reflection image and penetration image of object from several to several thousand times, and observes it by lens optical system as daylight, ultraviolet radiation, fluorescence, and interference image.	Microscopes are not included in Medical Device Directive (CE marking), so product A is not a medical device in category 8 of Annex IB. Product A, B, and C are produced as observation instruments. None of them are included in the category of Annex B(9. Monitoring and control instruments).
	A:Observation of microorganisms, cells, and biotic tissues. B:Observation of metals, semiconductor wafers, and crystallines condition. C:Observation of manufactured goods , semiconductors shapes and a surface-roughnessis.	
Industrial Endscope	An instrument for examining the inside of a pipe or other apparatus. It is not endoscope for the medical devices. A device for examining a part of something which cannot be examined directly through an optical flexible tube combined with a optical lens system and a glass fiber or a image pickup device.	Product D, E, and F are produced as a observation instruments. None of them are included in the category of ANNEX A and in the product of B(9. Monitoring and control instruments).
	D:Observation of inside : such as a aircraft-engine, pipes, and ruins. E:Observation from where anybody can not get near to. F:Observation of inside of something which was destroyed by a disaster in order to rescue someone's.	

<p>Optical equipment for industrial use</p> <p>Example;</p> <p>IC Steppers</p> <p>Measuring and Inspection equipment</p> <p>Surveying instruments</p>	<p>These products are composed of many technical factors which include monitoring and control for several physical quantities such as auto adjusting the focus.</p>	<p>Main functions of these products are not monitoring and control but manufacturing, measuring, or inspection.</p> <p>So these products do not fall under category 9 of Annex IB(Monitoring and control instruments)</p>
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Annex III. The definition of server

Jan. 10,2003 JBCE

In the RoHS directive, lead in solders for servers, storage and storage array systems is exempted from ban until 2010.

In general, a server is defined as “a computer, which is connected many client computers by network and serve and/or receive data and/or files. In fact, Merriam-Webster Online defines a server as followings

a computer in a network that is used to provide services (as access to files or shared peripherals or the routing of E-mail) to other computers in the network

Merriam-Webster Online <http://www.m-w.com/home.htm>

Under this definition, nearly all IT equipment falls into the server category except for small stand-alone Personal Computer; Super Computers, Mainframe computers, Mini computers, high-end Personal Computers, etc. FOLDOC (Free On-Line Dictionary Of Computing in UK), furthermore defines a server as

A computer which provides some service for other computers connected to it via a network. The most common example is a [file server](#) which has a local disk and services requests from remote clients to read and write files on that disk, often using [Sun's Network File System](#) (NFS) [protocol](#) or [Novell Netware](#) on [IBM PCs](#).

FOLDOC <http://wombat.doc.ic.ac.uk/foldoc/foldoc.cgi?server>

Here they suggest IBM PC as server. All those products except for stand-alone PC are designed and used as server.

We are afraid that considerable PC manufactures may sell their products as server while only Japanese manufactures make great effort to employ lead-free technology. This will cause a heavy burden on Japanese manufactures, because of higher cost to switch their manufacturing method to lead-free alone.

Annex IV Exemption of Lead in Glass

Jan. 10,2003 JBCE

Lead is a substance that is very often used in glass. It is used in wine glasses, ornamental glass, coating glass, etc. Significant amounts of glass containing lead are produced every year without any legal restriction. Lead glass is very stable and there is no risk of lead being emitted into the air or being leaked into water. Because lead glass is soft and easy to process, many such products or products containing it are sold to households.

Nevertheless, no matter how safe and stable it is, the use of lead in glass is banned under the RoHS directive, except for “Lead in glass of cathode ray tubes, electronic components and fluorescent tubes.” But what about the lead glass lens in a projector? What about lead glass in an ornamental clock? What happens with the lead glass lens in a digital camera? And what about lead glass paste used inside Plasma Display Panels (PDP’s)?

JBCE would like to ask the Commission and the authorities of each Member State to exempt all lead glass in EEE products under the category of ‘electronic components’. If that would prove to be difficult, all the applications of lead glass should be specifically listed in the Annex: for instance a projector lens, lens for cameras, lens for microscopes, ornamental glass for clock, coating glass for covers, etc.

List of officials to be submitted

1. European Commission

(1) DG Environment

a) Ms. Marianne Klingbeil

Head of Unit, Directorate A

DG – Environment, European Commission

b) Mr. Aaron Mcloughlin

DG – Environment, unit A.2 , European Commission

(2) DG Enterprise

Ms. Fulvia Raffaelli

Administrator

Environmental Aspects of Enterprise Policy Unit

DG – Enterprise, European Commission

2. Permanent representations

(1) Austria

Seiner Exzellenz Herrn Dr. Gregor WOSCHNAGG

Ständiger Vertreter Österreichs bei der Europäischen Union

(2) Belgium

Son Excellence Monsieur Frans van DAELE

Représentant permanent de la Belgique auprès de l'Union européenne

(3) Denmark

Hans Excellence Hr. ambassadør Poul SKYTTE CHRISTOFFERSEN

Danmarks Faste Repræsentant ved den Europæiske Union

(4) Finland

Suurlähettiläs Antti SATULI

Suomen pysyvä edustaja Euroopan unionissa

(5) France

Son Excellence Monsieur Pierre VIMONT

Représentant permanent de la France auprès de l'Union européenne

(6) Germany

Seiner Exzellenz Herrn Dr. Wilhelm-Heinrich SCHÖNFELDER

Ständiger Vertreter der Bundesrepublik Deutschland bei der

Europäischen Union

(7) Greece

Son Excellence Monsieur Loucas TSILAS

Représentant permanent de la Grèce auprès de l'Union européenne

(8)Ireland

His Excellency Mr Denis O'LEARY

Permanent Representative of Ireland to the European Union

(9)Italy

SE l'Ambasciatore Luigi GUIDOBONO GAROFOLI CAVALCHINI

Rappresentante permanente d'Italia presso l'Unione Europea

(10)Luxembourg

Son Excellence Monsieur Nicolas SCHMIT

Représentant permanent du Luxembourg auprès de l'Union européenne

(11)The Netherlands

Zijne Excellentie Dr. Bernard R. BOT

Permanent Vertegenwoordiger van Nederland bij de Europese Unie

(12)Portugal

Sua Excelência Dr. Vasco VALENTE

Representante permanente de Portugal junto da União europeia

(13)Spain

Excmo. Sr. D. Francisco-Javier ELORZA

Representante permanente de España ante la Unión europea

(14)Sweden

Ambassadör Gunnar LUND

Sveriges ständige representant vid Europeiska unionen

3. United Kingdom

Dr. Mark Downs

Head, Recycling Policy, Sustainable Development Directorate

Department of Trade and Industry