

Commission Delegated Directive (EU) 2020/364 of 17 December 2019 amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of cadmium in certain radiation tolerant video camera tubes (Text with EEA relevance)

COMMISSION DELEGATED DIRECTIVE (EU) 2020/364

of 17 December 2019

amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of cadmium in certain radiation tolerant video camera tubes

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment<sup>(1)</sup>, and in particular Article 5(1)(a) thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications which are specific to medical devices and monitoring and control instruments and are listed in Annex IV to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Cadmium is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) On 3 December 2015, the Commission received an application made in accordance with Article 5(3) of Directive 2011/65/EU for an exemption to be listed in Annex IV to that Directive, for the use of cadmium in certain radiation tolerant video camera tubes ('the requested exemption').
- (5) The evaluation of the request included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU.
- (6) Cadmium in video camera tubes is necessary to achieve satisfactory radiation tolerance and optical performance of video cameras operating in environments with high radiation exposure, such as nuclear power plants and nuclear waste reprocessing facilities.

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- (7) Currently, there are no cadmium-free alternatives available on the market which would provide the necessary combination of optical performance and sufficient radiation resistance.
- (8) Due to the lack of alternatives, a substitution or elimination of cadmium is scientifically and technically impracticable for certain video camera tubes. The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>(2)</sup> and thus does not weaken the environmental and health protection afforded by it.
- (9) It is, therefore, appropriate to grant the requested exemption by including the applications covered by it in Annex IV to Directive 2011/65/EU with respect to electrical and electronic equipment of category 9.
- (10) The requested exemption should be granted for a duration of 7 years starting from 5 March 2020, in accordance with the first subparagraph of Article 5(2) of Directive 2011/65/EU. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex IV to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

*Article 2*

1 Member States shall adopt and publish, by 31 August 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 September 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.