

ESIA Feedback to the EU Commission, Public Consultation on RoHS exemption 4(f), (Mercury in other discharge lamps for special purposes) Annex III

July 7 2021

ESIA comments concern the exemption 4(f) "Mercury in other discharge lamps for special purposes not specifically mentioned in this Annex". ESIA welcomes the EU Commission decision to renew this 4(f) exemption, as this exemption is essential for the European semiconductor manufacturing industry.

ESIA would recommend that the wording of the sub-exemption 4(f)-IV should follow the currently EU commission proposed draft delegated directive wording of:

'Mercury in lamps emitting light in the ultraviolet spectrum'.

This is the wording that is outlined on page 3, section 3. Legal Elements of the Delegated Act, of the Commission proposal and in the explanatory memorandum. For both technical accuracy and clarity of the exemption wording for stakeholders, ESIA asks the Commission to correct the draft annex document and use the wording ***'Mercury in lamps emitting light in the ultraviolet spectrum'*** which 'expires 5 years after the adoption of the delegated directive'.

ESIA notes that there is an inadvertent discrepancy error between what the draft delegated directive act includes as wording for exemption 4(f)-IV and what is stated in the draft delegated act annex for the same sub-exemption:

- Draft delegated act wording: *Mercury in lamps emitting light in the ultraviolet spectrum*
- Draft delegated act Annex wording: *Mercury in high pressure sodium vapour lamps emitting light in the ultraviolet spectrum*

The European semiconductor manufacturing industry relies on this exemption for the special lamps used in the semiconductor manufacturing process as there are no alternatives. A disproportionate approach would have far reaching effects on the semiconductor industry itself in Europe and on many other sectors and technologies that depend upon semiconductors.