

Feedback to the Public Consultation on draft RoHS Exemption for the use of PVC recycling material with cd and/or pb in windows and doors with electrical functions

EuroWindowor appreciates the opportunity to give feedback to the draft Delegated Directive amending RoHS Directive 2011/65/EU as regards an exemption for cadmium and lead in plastic profiles in electrical and electronic windows and doors containing recovered rigid polyvinyl chloride (U-PVC)¹.

EuroWindowor highly supports the Delegated Directive as it aligns the requirements of RoHS with the Commission Regulation (EU) 2023/923 amending Annex XVII to REACH to comply with the circular economy targets. This is also supported by EuroWindowor in order to harmonize the overlap between different European legislations as long as complete construction products are included in the scope of RoHS. But there is an important difference in the draft delegated Act regarding the period of validity compared to the REACH derogation. While the expiry date in REACH is set to 28 May 2033 the derogation in RoHS will end on 28 May 2028.

EuroWindowor would like to point out that the regulatory process for obtaining exemption under RoHS has been excessively long and resource-intensive over the past eight years. Finally, the process had to wait for the publication of the derogation of REACH which will happen again if the different date of validity remains. Therefore, **it would make sense to align the expiry date of the RoHS exemption with the REACH derogation to 28 May 2033. As an exemption will be given for maximal 5 years according to Article 5 2. (c), the Delegated Directive shall state clearly that a renewal of the exemption needs to come into force in 2028 for keeping RoHS aligned with REACH until a new decision will follow the Commission review in 5 years.**

However, there is still the fundamental problem of double regulations for construction products like windows and doors which have to comply with both CPR and REACH with similar targets like RoHS. **EuroWindowor still believes that it would be both proportionate and appropriate to limit the scope of RoHS to the electrical device of the window/door**, something that could be done by clarifying the definition of large-scale fixed installations. Windows and doors are normally assembled and installed by professionals and will stay in the building for 40+ years whereas an electrical device itself typically will be replaced 2 to 3 times during this period. This is partly due to shorter expected life time for these components but maybe more importantly due to high innovation rate in development of new and smarter solutions that can be an integrated part of smart buildings.

The RoHS Directive 2011/65/EU does not state that the complete window or door with electrical device will become an electrical equipment but the EU Commission has written in the FAQ that construction products shall belong to category 11 ("Other EEE not covered by any of the categories"). The modification of the FAQ would be another option to prevent double regulation. A third option to provide clarity in the scope would be during the current recast of RoHS.

EuroWindowor highly recommends to include only electrical devices of construction products like windows and doors in category 11 and not the complete product as such. If the scope of RoHS will be limited to electrical devices of construction products, the Delegated Directive with the exemption would no longer be needed. This should be clarified at least before the re-evaluation of the exemption in 2028 to increase legal certainty and avoid further exhaust of resources.

¹ [Delegated Directive: Electrical equipment – lead and cadmium in recovered polyvinyl chloride in electric doors and windows \(RoHS exemption\)](#)

History of input given by EuroWindowor on RoHS implementation and review

2022-05: EuroWindowor answer to the public consultation on revision of RoHS Directive ([link](#))

2022-03: EuroWindowor Feedback on the call for evidence to review the RoHS Directive ([link](#))

2019-11: EuroWindowor Feedback on Public Consultation on the RoHS Evaluation ([link](#))

2019-01: EuroWindowor position on RoHS II for windows and doors with electrical equipment depending from route of distribution ([link](#))

2018-10: EuroWindowor Feedback on Evaluation Roadmap on RoHS review ([link](#))

2015-07: EuroWindowor position on RoHS II Directive for windows and doors ([link](#))

About EuroWindowor AISBL – EuroWindowor AISBL was founded as an international non-profit Association, in order to represent the interests of the European window, door and facade (curtain walling) sector. Our 20 national associations speak for European window, door and facade manufacturers that are in direct contact with consumers, and thereby having large insights on consumers' demands and expectations. We are at the forefront interacting with dealers, installers and consumers buying windows and doors, and the companies behind the associations cover selling all over Europe.

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