



AMERICAN PROBE & TECHNOLOGIES

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Compliance Statement for RoHS and RoHS-2, on the restriction of the use of certain hazardous substances in electrical and electronic equipment, for American Probe & Technologies products.

1. Directive 2002/95/EC Restriction of Hazardous Substances (RoHS) of the European Parliament and of the Council of the European Union on 27 January 2003 has required the restriction of the use of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB), and polybrominated diphenyl ethers (PBDE) in electrical and electronic equipment.
2. 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 (recast)

American Probe & Technologies manufactured products meet the exemption criteria for lead based on:

- Steel, stainless steel and steel alloy products contain less than .35 percent lead by weight.
- Aluminum products contain less than .4 percent lead by weight.
- 6c, Copper and Brass alloy contain less than 4 percent lead by weight.
- APT's standard finishes: phosphate coated, trivalent zinc plated, passivated products, gold and nickel plating processes are RoHS compliant.
- Products that are clearly labeled as containing lead and not to be sold in the European Parliament and of the Council of European Union where RoHS compliance is required.

No warranty or liability of indemnification is expressed or implied with this information.

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Kenneth Chabrava
President
American Probe & Technologies, Inc.



RoHS I & II

EUROPEAN UNION DIRECTIVES ON THE RESTRICTION OF HAZARDOUS SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT (RoHS I & II) – MAINTAINING THE EXEMPTION FOR COPPER ALLOYS CONTAINING LEAD UP TO 4%.

THE APPLICATION FOR RENEWAL OF EXEMPTION 6C FOR LEAD IN COPPER ALLOYS OF UP TO 4% WAS TIMELY FILED IN JANUARY 2015 AND HAS BEEN UNDER CONSIDERATION BY THE COMMISSION EVER SINCE. EXEMPTION 6C IS SET TO EXPIRE ON JULY 21, 2016. THERE HAS BEEN NO DECISION YET FROM THE EUROPEAN COMMISSION REGARDING THE PETITION. WHEN AN APPLICATION FOR RENEWAL IS TIMELY MADE, AS THE APPLICATION FOR RENEWAL OF EXEMPTION 6C WAS, “THE COMMISSION SHALL DECIDE ON AN APPLICATION FOR RENEWAL OF AN EXEMPTION NO LATER THAN 6 MONTHS BEFORE THE EXPIRY DATE OF THE EXISTING EXEMPTION....” DIRECTIVE 2011/65/EU AT ARTICLE 5, PARAGRAPH 5. ON THIS BASIS, THE DECISION WAS DUE JANUARY 21, 2016. HOWEVER, THE SENTENCE IN THE ABOVE QUOTATION ENDS WITH “...UNLESS SPECIFIC CIRCUMSTANCES JUSTIFY OTHER DEADLINES.” THIS, OF COURSE, GIVES THE COMMISSION THE LATITUDE TO RENDER THE DECISION AT ANY TIME EVEN THOUGH THE DECISION IS DUE 6 MONTHS BEFORE EXPIRY. FORTUNATELY, THE EXEMPTION STAYS IN EFFECT DURING THE PENDENCY OF THE DECISION SO EVEN IF THE DECISION IS DELAYED BEYOND THE JULY 21, 2016, EXPIRATION DATE, EXEMPTION 6C WILL STAY VALID. IF THE APPLICATION FOR RENEWAL IS ULTIMATELY REJECTED, THE EXEMPTION WILL STAY IN EFFECT FOR 12 TO 18 MONTHS AFTER THAT DECISION. WE HAVE NO WAY TO KNOW WHEN THE COMMISSION WILL MAKE ITS DECISION. WE DO KNOW THAT IT SHOULD HAVE BEEN MADE BY THE JANUARY 21 DEADLINE BUT THERE ARE NO CONSEQUENCES FOR MISSING THAT DEADLINE.

Background: RoHS and the Copper Alloy Exemption.

The original RoHS, informally referred to as RoHS I, entered into force in the European Union in 2003 under EU Directive 2002/95/EC. It set limit values for lead, cadmium, and several other chemicals in specified types of electrical and electronic equipment, including a lead maximum of 0.1%. Various exemptions were included where no satisfactory alternatives were available. Significantly, an exemption was granted for lead in copper alloys allowing up to 4% lead by weight.

The restrictions in RoHS I became effective with electrical and electronic equipment put on the market on and after July 1, 2006. The directive required that exemptions, including the 4% allowance for lead in copper alloys, be reviewed at least every four years with the aim of deleting the exemption if their elimination or substitution is technically or scientifically possible, provided that the negative environmental, health and/or consumer safety impacts caused by the substitution do not outweigh the benefits.

In 2008, the EU launched a revision of RoHS I. This process was completed in 2011 when Directive 2011/65/EU, known as RoHS 2 (recast) and informally known as RoHS II, was adopted. RoHS II became effective in January 2013 and replaced RoHS I at that time.

The exemption for copper alloys containing lead up to 4% was retained in RoHS II but with an expiration date of July 21, 2016, five years from the formal adoption of RoHS II. The exemption process in RoHS II was amended from that in RoHS I. The four-year review process of RoHS I, which was to be automatically conducted by the government, was abolished. Instead, under RoHS II, the burden was placed on parties wishing to maintain an exemption to file an application for renewal 18 months before expiration. Thus, for the exemption of copper alloys containing lead up to 4%, which expires on July 21, 2016, application for renewal must be made by January 21, 2015. The European Commission is obligated by the directive to decide on the application no later than 6 months before the expiry, or in this case by January 21, 2016.

Frequently Asked Questions (FAQ)

For a convenient one-page summary that can be used to cover this issue with interested parties, please see the following FAQ jointly prepared by The Copper Development Association and the Copper and Brass Fabricators Council