

Procedure file

Basic information		
DEA - Delegated acts procedure	2015/2651(DEA)	Procedure completed - delegated act rejected
Exemption for cadmium in illumination and display lighting applications. Corrigendum		
Supplementing 2008/0240(COD)		
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		

Key events			
24/03/2015	Non-legislative basic document published	C(2015)01926	
24/03/2015	Initial period for examining delegated act 2 month(s)		
15/04/2015	Committee referral announced in Parliament		
20/05/2015	Results of vote in Parliament		
20/05/2015	Decision by Parliament	T8-0205/2015	Summary

Technical information	
Procedure reference	2015/2651(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Legal basis	Rules of Procedure EP 111-p03
Stage reached in procedure	Procedure completed - delegated act rejected
Committee dossier	ENVI/8/03208

Documentation gateway					
Non-legislative basic document		C(2015)01926	24/03/2015	EC	
Motion for a resolution objecting delegated act		B8-0464/2015	13/05/2015	EP	
Text adopted by Parliament, single reading		T8-0205/2015	20/05/2015	EP	Summary

Exemption for cadmium in illumination and display lighting applications. Corrigendum

The European Parliament adopted by 618 votes to 33 with 28 abstentions a resolution objecting to the Commission delegated directive of 30 January 2015 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for cadmium in illumination and display lighting applications.

Delegated directive: [Directive 2011/65/EU](#) on the restriction of the use of certain hazardous substances in electrical and electronic equipment restricts inter alia the use of cadmium in electrical and electronic equipment.

Pursuant to Article 5(1) a, exemptions would be included in Annex III, provided that such inclusion did not weaken the environmental and health protection afforded by [Regulation \(EC\) No 1907/2006](#) (REACH) and where any of the following conditions was fulfilled:

- their elimination or substitution via design changes or materials and components which did not require any of the materials or substances listed in Annex II was scientifically or technically impracticable;
- the reliability of substitutes was not ensured; or the total negative environmental, health and consumer safety impacts caused by substitution were likely to outweigh the total environmental, health and consumer safety benefits.

The Commission delegated directive:

- extended exemption 39 until 30 June 2017, relabelling it exemption 39(a), and
- introduced a new more specific exemption 39(b) on Cadmium in downshifting cadmium based semiconductor nanocrystal quantum dots for use in display lighting applications (< 0.2 µg Cd per mm² of display screen area), with an expiry date of 30 June 2018.

The extension of exemption 39 and the new exemption 39(b) both concerned cadmium quantum dots, even though a specific reference to quantum dots is given only in exemption 39(b). The extension of exemption 39 concerned two different applications of cadmium quantum dots: one concerned the use in solid state illumination, while the other concerned display systems. The new exemption 39(b) only concerned displays.

Parliament's objection: Parliament objected to the delegated directive because it considered that the directive failed to comply with the conditions laid down in Article 5(1)(a) of Directive 2011/65/EU, for both exemptions it inserted in points 39(a) and 39(b) of Annex III to Directive 2011/65/EU.

It felt in particular that the justification given for the exemption in point 39(b) was based on an outdated situation with regard to the practicability of replacement of cadmium in quantum dots. It therefore called for a swift reassessment of the existing exemption in point 39 of Annex III to Directive 2011/65/EU against the conditions of Article 5(1)(a) with a view to its revocation.

The Commission was asked to submit a new delegated act which took into account the position of Parliament.