Ożarów Mazowiecki, the 22nd of February 2022 r.

Legislative regulations regarding the use of infrared detectors containing mercury cadmium telluride (MCT)

General Information

This information refers to Directive 2011/65/EU of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment hereinafter referred to as RoHS Directive, with all relevant amendments. The purpose of the RoHS Directive is to restrict the use of certain hazardous substances in electrical and electronic equipment (EEE). It regulates the use of and introduction of hazardous substances in electrical and electronic components. RoHS stands for the restriction of hazardous substances, which refers to the restriction of use of such hazardous substances as lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyl (PBB), polybrominated diphenyl ether (PBDE), bis(2-ethylhexyl) phthalate (DEHP), butyl benzyl phthalate (BBP), dibutyl phthalate (DBP) and Diisobutyl phthalate (DIBP).

Exemption Clauses

According to clause 1c of the Annex IV of the RoHS Directive infra-red light detectors containing lead, cadmium or mercury are currently exempted from the restrictions imposed by the RoHS Directive. The exemption applies to the following EEE categories:

1. **Medical devices – EEE category 8**

According to the clause Ic of the Annex IV use of mercury and cadmium in infrared detectors in medical devices and medical monitoring and control equipment is permitted until July 21, 2021, except for the in vitro diagnostic medical devices, for which the exemption applies until July 21, 2023.

2. **Monitoring and control instruments, including industrial monitoring and control instruments – EEE category 9**

The exemption clause 1c applies also to the use of mercury and cadmium in infrared detectors used in monitoring and control equipment until July 21, 2021. However, in case of industrial monitoring and control instruments (i.e. "monitoring and control instruments designed for exclusively industrial or professional use") the exemption applies until July 21, 2024. According to the official guidelines "professional use" refers to the use phase of the EEE. In order for EEE to be marketed for "professional use", its intended end user has to be a professional.

Future Extensions of Exemptions

Together with the relevant industrial associations we have applied to the European Commission to obtain a further extension of the exemptions for medical technology and monitoring and control equipment beyond the years 2021 and 2024, in accordance with the procedure set in the Annex V to the RoHS Directive.

As of the date of this declaration the European Commission has not taken the decision on the submitted applications. **The existing exemptions shall remain valid until a decision on the renewal application is taken by the Commission**. In the event that the application for renewal of an exemption is rejected or that an exemption is revoked, the exemption shall expire at the earliest 12 months, and at the latest 18 months, after the date of the decision.

Member of the Board

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