



Brussels, 7 October 2009

Dear Member State Expert,

Subject: NGO's Comments on the classification of CFLs and their mercury content (RoHS Annex review)

The European Environmental Bureau (EEB) and the Green Purchasing Institute (GPI), have provided evidence¹ and repeatedly expressed serious concerns on the EC proposal on the proposed maximum mercury content per lamp.

During the last consultation round, commenting on the EC draft proposal of 27 July 2009, quite a few Member States (MS) expressed their clear view that the mercury limits proposed by the EC (on the basis of the consultant's recommendations) were too high for what the market appears to be able to achieve. Focus was particularly drawn to the CFL category 0-50W where the EC has proposed a maximum limit of 3.5 mg. To our information among potentially others, Member states concerned were SWE, B, DK, FR, and the UK, who also submitted comments to the EC bringing once more to its attention that available market data adequately show that such a limit is too high and should be therefore reduced. Nevertheless, the EC's response to date is that these data were already 'considered' by the consultant and therefore the recommendation cannot be changed on the basis of those same data.

On the other hand it is a fact that CFLs will be increasingly used since the ban of incandescent lamps entered into force. It is therefore imperative that the maximum limit of the CFLs is reduced now and not later. Technology is already advancing towards mercury free lamps, and it will be too late before these maximum limits can be potentially revised (not before 2011-12), by which date thousands of fluorescent lamps will have already been put on the market and our houses.

Given the above mentioned dead-lock situation, and although we have shown that a maximum limit of 2mg can be set for CFLs (<50W), **since rough estimates show that around 90% of the CFLs most widely used are the ones below 25W, we would now urge Member States to at least support that the CFL category is further split as follows:**

**CFLs ≤ 25W should contain as a maximum 2mg Hg, and
CFLs > 25W should contain as a maximum 3.5 mg Hg**

A number of MS, including SWE, UK and DK, are supporting a split of the CFL category (0-50W).

Our findings (see in annex), given the limited time, and based mainly on US data and a few European ones, show that at least two companies can meet this lower limit, already now.

Philips non-integrated pin-based CFL with 5W, 7W, 9W, 13W, 16W, 20W, 26W	contain 1,4 mg Hg
Philips integrated screw in CFLS with 16W, 20W	contain 1,23 mg Hg
Osram/Sylvania integrated CFLS of 13W, 20W and 23W	contain 1.5 mg Hg
Osram/Sylvania pin based 5W-57W	contain < 2.5 mg Hg

¹ Consolidated Environmental NGOs Response to Stakeholder consultation on mercury-containing lamps (Review of Annex to the RoHS directive), 31 August 2009, http://www.zeromercury.org/EU_developments/090831NGOs-RoHS-Review-of-AnnexHg-in-lamps-Consolidated.pdf

The above limited data prove that the 2mg Hg barrier is already met by many models of at least two manufacturers; the sparse and vague EU data further underline the need to demand to the EU lamp industry to now provide mercury content data, not only for CFLs but for all lamp categories.

We would therefore like to kindly urge you to send comments to the European Commission, supporting that:

- at least the CFL category should be split, and CFLs ≤ 25W should have a maximum content of 2 mg Hg.
- the proposed mercury limits for all other categories should be reduced, and that
- limits should be set to lamp categories where none have been set, such as the metal halide ones

taking as a basis the NGO proposal as it appears in the summary table of our consolidated comments¹, based on our substantial, scientific and technical background and findings from the market.

No transition date should further apply and expiry dates should be included in the decision for the Annex.

Member States have now the opportunity to drive the market to the right direction and we hope that you can contribute to that.

Thank you in advance for addressing our concerns.

Elena-Lymeridi Settimo
Project Coordinator "Zero Mercury Campaign"
European Environmental Bureau

Annex

Manufacturer	Product Number		Description	Hg Content	Wattage	CFL Description
	US COMPACT FLUORESCENT-INTEGRATED (Self-ballasted)					
Sylvania	29727		CF13EL/MICRO/830	1.5 mg	13	Mini-twist
Sylvania	29728		CF20EL/MICRO/830	1.5 mg	20	Mini-twist
Sylvania	29729		CF23EL/MICRO/830	1.5 mg	23	Mini-twist
	US COMPACT FLUORESCENT-NON INTEGRATED (Pin-based)					
Manufacturer	Product Number	Description	Hg Content	Wattage	CFL Description	
Philips	146712	PL-S 5W827/2P/ALTO 10pk	1.4 mg	5	PL-S Short FL(2-pin)	
Philips	148684	PL-S 5W/841/2P/ALTO 10pk	1.4 mg	5	PL-S Short FL (2-pin)	
Philips	148718	PL-S 7W/827/2P/ALTO 10pk	1.4 mg	7	PL-S Short FL (2-pin)	
Philips	148726	PL-S 7W/835/2P/ALTO 10pk	1.4 mg	7	PL-S Short FL (2-pin)	
Philips	148734	PL-S 7W/841/2P/ALTO 10PK	1.4 mg	7	PL-S Short FL (2-pin)	
Philips	148742	PL-S 7W/850/2P/ALTO 10PK	1.4 mg	7	PL-S Short FL (2-pin)	
Philips	148676	PL-S 9W/827/2P ALTO 10PK	1.4 mg	9	PL-S Short FL (2-pin)	
Philips	148692	PL-S 9W/835/2P ALTO 10PK	1.4 mg	9	PL-S Short FL (2-pin)	
Philips	148700	PL-S 9W/841/2P/ALTO 10PK	1.4 mg	9	PL-S Short FL (2-pin)	
Philips	146803	PL-S 9W/850/2P ALTO 10PK	1.4 mg	9	PL-S Short FL (2-pin)	
Philips	146811	PL-S 13W/827/2P/ALTO 10PK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146829	PL-S 13W/827/2P/ALTO BULK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146837	PL-S 13W/830/2P ALTO 10PK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146845	PL-S 13W/835/2P/ALTO 10PK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146852	PL-S 13W/841/2P/ALTO 10PK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146860	PL-S 13W/841/2P/ALTO BULK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146878	PL-S 13W/850/2P ALTO 10PK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	146886	PL-S 13W/850/2P/ALTO BULK	1.4 mg	13	PL-S Short FL (2-pin)	
Philips	383141	PL-C 13W/27/ALTO 10PK	1.4 mg	13	PL-C Cluster 2-pin FL	
Philips	383109	PL-C 13W/27/USA/ALTO 10PK	1.4 mg	13	PL-C Cluster 2-pin FL	
Philips	383158	PL-C 13W/30/ALTO 10PK	1.4 mg	13	PL-C Cluster 2-pin FL	
Philips	383117	PL-C 13W/30/USA/ALTO 10PK	1.4 mg	13	PL-C Cluster 2-pin FL	
Philips	383125	PL-C 13W/35/USA/ALTO 10PK	1.4 mg	13	PL-C Cluster 2-pin FL	
Philips	383133	PL-C 13W/41/USA/ALTO 10 PK	1.4 mg	13	PL-C Cluster 2-pin FL	
Philips	383257	PL-C 13W/27/4P/ALTO 10PK	1.4 mg	13	PL-C Cluster 4-pin FL	
Philips	383265	PL-C 13W/30/4P/ALTO 10PK	1.4 mg	13	PL-C Cluster 4-pin FL	
Philips	383273	PL-C 13W/35/4P/ALTO 10PK	1.4 mg	13	PL-C Cluster 4-pin FL	
Philips	383281	PL-C 13W/41/4P/ALTO 10PK	1.4 mg	13	PL-C Cluster 4-pin FL	
Philips	383166	PL-C 18W/27/ALTO 10PK	1.4 mg	18	PL-C Cluster 2-pin FL	
Philips	383174	PL-C 18W/30/ALTO 10PK	1.4 mg	18	PL-C Cluster 2-pin FL	
Philips	383182	PL-C 18W/35/ALTO 10PK	1.4 mg	18	PL-C Cluster 2-pin FL	
Philips	383190	PL-C 18W/41/2P/ALTO 10PK	1.4 mg	18	PL-C Cluster 2-pin FL	
Philips	383299	PL-C 18W/27/4P/ALTO 10PK	1.4 mg	18	PL-C Cluster 4-pin FL	
Philips	383307	PL-C 18W/30/4P/ALTO 10PK	1.4 mg	18	PL-C Cluster 4-pin FL	
Philips	383323	PL-C 18W/35/4P/ALTO 10PK	1.4 mg	18	PL-C Cluster 4-pin FL	
Philips	383331	PL-C 18W/41/4P/ALTO 10PK	1.4 mg	18	PL-C Cluster 4-pin FL	
Philips	383216	PL-C 26W/27/ALTO 10PK	1.4 mg	26	PL-C Cluster 2-pin FL	
Philips	383224	PL-C 26W/30 ALTO 10PK	1.4 mg	26	PL-C Cluster 2-pin FL	
Philips	383232	PL-C 26W/35 ALTO 10PK	1.4 mg	26	PL-C Cluster 2-pin FL	
Philips	383240	PL-C 26W/41/ALTO 10PK	1.4 mg	26	PL-C Cluster 2-pin FL	
Philips	383349	PL-C 26W/27/4P/ALTO 10PK	1.4 mg	26	PL-C Cluster 4-pin FL	
Philips	383356	PL-C 26W/30/4P/ALTO 10PK	1.4 mg	26	PL-C Cluster 4-pin FL	
Philips	383364	PL-C 26W/35/4P/ALTO 10PK	1.4 mg	26	PL-C Cluster 4-pin FL	
Philips	383372	PL-C 26W/41/4P/ALTO 10PK	1.4 mg	26	PL-C Cluster 4-pin FL	

COMPACT FLUORESCENT INTEGRATED (SELF-BALLASTED, SCREW-BASE)					
Philips	150417	EL/A R30 Dim 16W	1.23 mg	16	Dimmable Reflector Flood
Philips	139733	A-Shape 16W Med EL/SWP ALTO 1CT	1.23 mg	16	A-Shape
Philips	137059	A-Shape 16W Med EL/SWP ALTO 1BC	1.23 mg	16	A-Shape
Philips	140665	A-Shape 16W Med EL/SWP ALTO 1CT	1.23 mg	16	A-Shape
Philips	200816	EL/ES Dim 16W	1.23 mg	16	Specialty: Dimmable
Philips	140251	A-Shape 16W Med EL/SWP ALTO 1BC	1.23 mg	16	A-Shape
Philips	145144	16W Med EL/A G30 ALTO 1CT	1.23 mg	16	Globe
Philips	139394	16W Med BR30 EL/A1	1.23 mg	16	Reflector flood
Philips	144121	16W Med BR30 1BC	1.23 mg	16	Reflector flood
Philips	128090	16W Med BR30 1BC	1.23 mg	16	Reflector flood
Philips	130708	A-Shape 16W Med EL/A mH 1BC	1.23 mg	16	A-Shape
Philips	128082	A-Shape 16W Med EL/A mH 1BC	1.23 mg	16	A-Shape
Philips	150433	EL/A PAR38 Dim 20W	1.23 mg	20	Dimmable Flood light
Philips	150425	EL/A R40 Dim 20W	1.23 mg	20	Dimmable Flood light
Philips	139758	20W Med BR40 ALTO 1BC	1.23 mg	20	Reflector flood
Philips		20W Med BR40 ALTO 1BC	1.23 mg	20	Reflector flood
Philips	139410	20W Med BR40 ALTO 1CT EL/A R40 20	1.23 mg	20	Reflector flood
Philips	139741	20W Med PAR38 ALTO 1BC	1.23 mg	20	Reflector flood
Philips	137232	20W Med PAR38 ALTO 1BC	1.23 mg	20	Reflector flood
Philips	139436	20W Med PAR38 ALTO 1CT EL/A PAR39	1.23 mg	20	Reflector flood
Philips	145151	20W Med EL/A G40 ALTO 1CT	1.23 mg	20	Globe
Philips		A-Shape 20W Med EL/SWP ALTO 1CT	1.23 mg	20	A-Shape