

**COMMISSION DELEGATED DIRECTIVE (EU) 2022/277****of 13 December 2021****amending, for the purpose of adapting to technical and scientific progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes < 30 W with a lifetime equal to or above 20 000 h****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup>, and in particular Article 5(1), point (b), thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications listed in Annex III to the Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Mercury is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Delegated Directive 2014/14/EU <sup>(2)</sup>, the Commission granted an exemption for the use of mercury, with a maximum content of 3,5 mg, in single capped (compact) fluorescent lamps for general lighting purposes < 30 W with a lifetime equal or above 20 000 h ('the exemption'), which is now listed as exemption 1(g) in Annex III to Directive 2011/65/EU. The exemption was to expire on 31 December 2017, in accordance with Annex III to Directive 2014/14/EU.
- (5) Mercury is used in single capped (compact) fluorescent lamps to produce ultraviolet light, which is then converted into visible light by the fluorescent coating on the lamp bulb.
- (6) On 28 June 2016, the Commission received an application for renewal of the exemption ('the renewal application'), that is within the time laid down in Article 5(5) of Directive 2011/65/EU, that was updated with a renewed application on 17 January 2020. In accordance with Article 5(5) of Directive 2011/65/EU, the exemption remains valid until a decision on the renewal application has been adopted.
- (7) The evaluation of the renewal application, which took into account the availability of substitutes and the socioeconomic impact of substitution, concluded that sufficiently reliable mercury-free substitutes for the lamp types covered by the exemption are available and that the substitution is scientifically and technically practicable. Furthermore, that evaluation concluded that the benefits of substitution will clearly outweigh any negative impact. The evaluation included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during these consultations were made publicly available on a dedicated website.
- (8) As the conditions set out in Article 5(1), point (a), of Directive 2011/65/EU are no longer fulfilled, the exemption should be revoked.

<sup>(1)</sup> OJ L 174, 1.7.2011, p. 88.

<sup>(2)</sup> Commission Delegated Directive 2014/14/EU of 18 October 2013 amending, for the purposes of adapting to technical progress, the Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for 3,5 mg mercury per lamp in single capped compact fluorescent lamps for general lighting purposes < 30 W with a lifetime equal to or above 20 000 h (OJ L 4, 9.1.2014, p. 71).

- (9) An expiry date for this exemption should be set in accordance with Article 5(6) of Directive 2011/65/EU. While a small share of the lamp types <sup>(3)</sup> covered by this exemption are subject to the ecodesign criteria laid down in Annex II of Commission Regulation (EU) 2019/2020 <sup>(4)</sup>, which are applicable as of 1 September 2021, and will hence not be placed on the market any longer, the vast majority of lamps covered by the current exemption are not affected by the criteria under the above-mentioned Ecodesign Regulation. Consequently, the maximum possible expiry date of 18 months following the decision should be set with regard to the entire exemption entry in order to avoid unnecessary high socio-economic costs by market participants directly linked to the substitution of the latter category.
- (10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

*Article 2*

1. Member States shall adopt and publish, by 30 September 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2022.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(3)</sup> CFL with integrated control gear (CFLi) are covered by the entry 'Other light sources in scope not mentioned above' in Table 1 of Annex II of Commission Regulation (EU) 2019/2020 from 1 September 2021.

<sup>(4)</sup> As stated in Recitals 9 and 10 of Commission Regulation (EU) 2019/2020, no specific ecodesign requirements on mercury content are to be set in that Regulation.

## ANNEX

In Annex III to Directive 2011/65/EU, entry 1(g) is replaced by the following:

	Exemption	Scope and dates of applicability
'1(g)	For general lighting purposes < 30 W with a lifetime equal or above 20 000 h: 3,5 mg	Expires on 24 August 2023'