



March 10, 2020

Re: Response to Communication Regarding “RoHS 3” (EU RoHS Directive 2011/65/EU including Commission Delegated Directive (EU) 2015/863 amending Annex II)

Dear Valued 3M Customer,

This letter is in response to your communication related to the European Union’s Commission Delegated Directive (EU) 2015/863 amending Annex II to the Restriction on Hazardous Substances (RoHS) Directive (2011/65/EU).

Please be aware that the term “RoHS 3” which was used in your communication to 3M does not accurately reflect the EU regulatory implementation of the addition of four phthalate substances to Annex II of the RoHS Directive.

In 2011 the original RoHS directive (Directive 2002/95/EC) was repealed and replaced with the new directive, Directive 2011/65/EU (commonly referred to as “RoHS 2” or “RoHS recast”). Since the time that the RoHS 2 Directive was enacted, it has been amended several times, including amendment (EU) 2015/863. This amendment added four phthalate substances (DEHP, BBP, DBP, DIBP) to Annex II (the list of restricted substances) and specified the maximum concentration values for all Annex II substances and timelines for product category phase-in for the newly added substances. Amendment (EU) 2015/863 modifies Annex II of RoHS 2 but does not repeal or replace the RoHS 2 (RoHS recast) Directive.

Therefore, references to this amendment to Annex II as “RoHS 3” is inaccurate and potentially confusing. Clear, consistent and accurate communication on this point is critical given the substantial efforts ongoing throughout the EEE supply chain essential to enact compliance verification measures to include the most recently added substances.

Accordingly, when requesting or providing responses to address the presence or absence of the four added phthalates (in addition to the original six restricted substances) in materials, please refer to the substances and maximum concentration values listed in (EU) 2015/863. Whilst, we also request to please refrain from using the inaccurate term “RoHS 3,” and forward this request to your own suppliers.

Thank you for your understanding and furthering industry-wide cooperation in accurate, clear and consistent communication on this important matter.

Please contact me at lrwright@mmm.com if there are any additional questions.

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Sincerely,



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