

Meike Altvater
☎ +49 7071 257000-0
Fax +49 7071 257000-9
altvater@krug-und-petersen.de

WOODWARD - Legal Assessment about the product scope according to the WEEE and RoHS Directives

A. Situation

Woodward is a manufacturer of electronic control products for industrial use. They asked KuP GA&C to assess Woodward's products with regard to the EU WEEE Directive (art. 2 No 1 and annex IA and B, No 3 and 9) and the EU RoHS Directive (art. 2). The assessment is based on the information KuP GA got from Woodward.

B. Legal Background

According to Woodward, they manufacture the following products:

- electronic controls
- monitoring units
- actuators
- governors
- cabinets.

This legal assessment should answer the question, if these products fall under the WEEE Directive as finished products, or do not fall under this legislation because they represent components or parts of a fixed installation.

The EU Commission document Frequently Asked Questions on WEEE and RoHS gives a detailed description of the so-called "finished product": any device, or unit of equipment that has a direct function, its own enclosure and – if applicable – ports and connections intended for end users (footnote to 2 to No. 1.3.5, EU Commission Frequently Asked Questions on WEEE and RoHS).

Consequently the Woodward products need to fulfil the following criteria:

1. they must have a direct function
2. they must have their own enclosure and ports and connections intended for end users.

Moreover the EU Commission document gives a detailed description of the so-called "fixed installation": a combination of several equipment, systems, finished products and/or components assembled and/or erected by an assembler/installer at a given place to operate together in an expected environment to perform a specific task, but not intended to be placed on the market as a single functional or commercial unit (footnote to 2 to No 1.3 5, EU Commission Frequently Asked Questions on WEEE and RoHS).

Consequently the Woodward product offering must fulfil the following criteria:

3. it must be a combination of several equipment, systems, finished products and components
4. it requires an installer to be built at a given place
5. all items installed must operate together to perform a specific task
6. the installation is not intended to be placed on the market as a single functional or commercial unit.

Furthermore this document analyzes if the Woodward products fall under the RoHS Directive.

C. Detailed Analysis on WEEE

1. The products must have a direct function

A direct function is “any function of an appliance which fulfils the intended use specified by the manufacturer in the instructions for use for an end-user. This function can be available without further adjustment or connections other than simple ones which can be performed by any person” (EU Commission Frequently Asked Questions No. 1.3.5).

Based on the information of Woodward, KuP GA assumes that the products mentioned above may not have a direct function as they have to be commissioned by specialized service engineers in order to fulfil the intended use.

If this is the case the WEEE Directive does not apply to these units.

2. The products must have an own enclosure, ports and connections intended for end-users

The Woodward products mentioned in lit. B do not have own enclosures in each case. However all of them require specific connections to other products/components to fulfil their function and only specifically trained people can use these ports and connections.

If this is the case the WEEE Directive does not apply to these units.

3. The combination of several equipment, systems, finished products and components

Based on the information from Woodward, all products listed above are supposed to be combined into an electronic system of different kinds of engines and electrical appliances.

If this is the case the WEEE Directive does not apply to these units.

4. The Woodward products require an installer to be built at a given place

According to Woodward, all their products have to be commissioned by specialized service engineers on site.

If this is the case the WEEE Directive does not apply to these units.

5. All items installed must operate together to perform a specific task

KuP GA&C assumes that all Woodward products listed above must operate together with the electronic system in which they are built in order to perform their function.

If this is the case the WEEE Directive does not apply to these units.

6. Woodward products are not intended to be placed on the market as a single functional or commercial unit

Based on the analysis of No 4 above, KuP GA assumes that there are no Woodward products which are put on the market as an end user kit to be self-installed.

If this is the case the WEEE Directive does not apply to these units.

D. Analysis on RoHS

According to Article 2 para. 1 of the RoHS Directive, the Woodward products are outside the scope of RoHS since they are built into fixed installations which do not fall within the scope (Art. 2 I WEEE Directive).

If a Woodward product was built into another product, which does fall under the scope of RoHS and therefore has to be RoHS compliant, Woodward would be forced to comply with the RoHS Directive either.