

25 November 2019

RE: EU RoHS Status of Kohler Co. Engines and Delegated Directive 2019/1846

Dear customer,

Kohler Co. continuously evaluates our products to ensure they comply with all regulations of their intended markets, including the European Union Directive 2011/65/EU, "Restriction of the use of certain hazardous substances," also known as RoHS. This Directive restricts the use of certain hazardous substances in electrical and electronic equipment. Kohler Co. engines which utilize electric currents fall into EU RoHS Category 11 (Other EEE).

On 5 November 2019, the European Union published Delegated Directive 2019/1846, amending Annex III of the EU RoHS Directive 2011/65/EU to add RoHS application exemption 44.

5.11.2019

EN

Official Journal of the European Union

L 283/43

ANNEX

In Annex III to Directive 2011/65/EU, the following entry 44 is added:

44	Lead in solder of sensors, actuators, and engine control units of combustion engines within the scope of Regulation (EU) 2016/1628 of the European Parliament and of the Council (*) , installed in equipment used at fixed positions while in operation which is designed for professionals, but also used by non-professional users	Applies to category 11 and expires on 21 July 2024.
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(*) Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53).

Some engines currently manufactured by Kohler Co. include the use of lead (Pb) solder for certain applications in the engine control units. Kohler customers who incorporate these engines into their equipment may be able to utilize the newly published exemption 44 which is dependent on the customer's equipment meeting the specifications of the exemption text.

Prior to taking delivery of these engines it is the customer's responsibility to ensure that their use of these engines is allowed under the entry of the Delegated Directive. The customer agrees to indemnify, defend and hold harmless Kohler Co. and any and all of its officers, directors, employees, and agents from any and all claims, liabilities, obligations, actions or demands of any kind, in law, equity or otherwise, arising out of, in connection with, or related to any future sale or use of this product not permitted under EU RoHS Directive 2011/65/EU.

As our products continue to move towards elimination of substances of concern, the most current status of specific products may be obtained by sending a request to:

ProductCompliance@Kohler.com

Sincerely,
Kohler Co.