

This is a statement of Fluke Corporation's current compliance status with the RoHS Recast 2011/65/EU directive. In the context of the RoHS directive<sup>1</sup> a distinction is made between Industrial/Professional Category 9 products and other Category 9 products. This concept is referred to several times in the Directive and most clearly in article 3 paragraph 24:

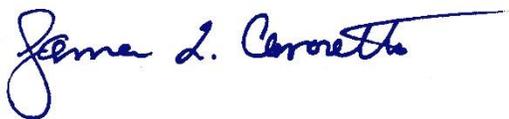
*“industrial monitoring and control instruments’ means monitoring and control instruments designed for exclusively industrial or professional use;”*

This differentiation is significant in that it determines the timing of when particular monitoring and control instruments come under the scope of the directive and be fully compliant. EN Norm EN61010:1993<sup>2</sup>, one of the safety standards used to support CE certification of industrial monitoring and control equipment explicitly includes laboratory equipment and defines it as being for industrial, professional, or educational use. The core of this definition is reference to the *design* of products, not *access* to the products.

Fluke designs and markets its portfolio of T&M products to address the needs of industrial professionals. This includes professionals with titles such as engineer, technician, electrician, plant maintenance technician, HVAC technician, power quality analyst, thermographer, and so forth. An examination of our design requirements for safety, accuracy, reliability and traceable calibrations, and our customer facing marketing materials, data sheets, and brochures clearly demonstrates that our products meet the definition of Category 9 industrial monitoring and control instruments as described in the RoHS Recast 2011/65/EU. This approach to product scope interpretation has been confirmed by the European Commission Services and by the Member States enforcement authorities. Because a consumer, defined in EU law<sup>3</sup> as anyone acting outside the scope of his trade, business, commercial, or normal professional activity might have access to such products does not change for whom the products are designed and marketed.

Given this understanding, our products must be fully compliant from July 22<sup>nd</sup> 2017 consistent with the dates stipulated in the RoHS recast 2011/65/EU for Category 9 industrial monitoring and control instruments. Fluke has been working for a number of years to achieve compliance by this date. As a consequence of this work many of our products are technically fully compliant now. If further information is required please contact Alma Miklyciute, Trade Compliance Specialist, at +31 402 675 277.

Sincerely,



James L. Cavoretto  
Chief Technology Officer

<sup>1</sup> Directive 2011/65/EU (recast); <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:174:0088:0110:en:PDF>.

<sup>2</sup> [http://www.cenelec.eu/dyn/www/f?p=104:110:2422824626919222::::FSP\\_PROJECT,FSP\\_LANG\\_ID:4339,25](http://www.cenelec.eu/dyn/www/f?p=104:110:2422824626919222::::FSP_PROJECT,FSP_LANG_ID:4339,25).

<sup>3</sup> Consumer Law compendium: Notion of consumer; [http://www.eu-consumer-law.org/consumerstudy\\_part3a\\_en.pdf](http://www.eu-consumer-law.org/consumerstudy_part3a_en.pdf).