

Position Paper

No.: EE-2012002

EuropElectro – European Electrical and Electronics Industry Position Paper on “Normative Document on Enterprise’ Declaration of Conformity on the Pollution Control of Electrical and Electronic Products (2012-07-24 exposure draft version)”

MIIT solicited public comments on the “Normative Document on Enterprise’ Declaration of Conformity on the Pollution Control of Electrical and Electronic Products (2012-07-24 exposure draft version)” (hereafter referred to as the “Normative Document”) from 24 July - 22 August 2012.

EuropElectro called for comments from all members and held discussion meetings with member company experts to analyse the Normative Document. We are aware that MIIT is considering adopting a “manufacturer self-declaration of conformity” in the China RoHS regulation. We greatly appreciate and support this consideration and believe that it will be very helpful to our industry which is struggling with the financial crisis.

Meanwhile we do realize that the “declaration of conformity” referred to in the Normative Document is not a real “manufacturer self-declaration of conformity” model of regulation and has major differences from the current general “manufacturer self-declaration of conformity” adopted in the EU Low-voltage directive: Model A (which is also the compliance model for EU RoHS2).

Our industry would like to contribute our experience and industry positions on compliance with the EU RoHS directive for reference to the China RoHS and are eager to participate in the next steps for formulating the Normative Document. In order to support the Normative Document in being more reasonable and workable, our industry has proposed five positions and raised five questions.

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EuropElectro helps to bring Europe and China closer together in technical legislation, standardization and certification for electrical and electronic products in order to facilitate the trade with these products in both directions.

In Cooperation
with:



Orgalime - The European Engineering Industries Association, Brussels
Orgalime - 欧洲工程行业协会, 布鲁塞尔



ZVEI - German Electrical and Electronic Manufacturers’ Association, Frankfurt
ZVEI - 德国电气电子行业协会, 法兰克福

I. Executive Summary

After summarizing opinions from the European electrical and electronics industry, EuropElectro is supporting MIIT in its consideration of adopting the “manufacturer self-declaration of conformity” in the China RoHS regulation.

After comparing the declaration of conformity referred to in the Normative Document to the EU CE mark model A: “manufacturer self-declaration of conformity” adopted in the EU Low-voltage directive, related ISO/IEC Guides, the mirrored China national standards and the European technical standards adopted in the EU RoHS 2 directive, we concluded that it is not a real “manufacturer self-declaration of conformity” model of regulation. There are some differences between the declaration of conformity referred in the Normative Document and in the “manufacturer self-declaration of conformity” adopted in the EU Low-voltage directive.

EuropElectro is supportive of the technical standards referred to in the declaration of conformity in the China RoHS Regulation in being identical with relevant IEC and EN standards adopted in the EU RoHS 2 directive.

II. Positions

- 1. Our industry agrees that MIIT should consider adopting the “manufacturer self-declaration of conformity” in the China RoHS regulation.**
- 2. From a content point of view, the “declaration of conformity” referred to in the Normative Document is not a real “manufacturer self-declaration of conformity” model of regulation. We will do our best to encourage them to make this Normative Document more reasonable and workable.**

Example 1: “Comply with customer requirements” is not stipulated as the manufacturer’s legal duty in the China RoHS Regulation. “Customer requirements” are agreed by individual contract as responsibilities of the contracting parties.

Relevant Articles:

In article 4 of the Normative Document, it is specified that *“Manufacturing companies perform conformity self-assessment of their products according to the maximum concentration values requirements of hazardous substances by customers”*.

Example 2: The compulsory public administration before market access is not necessary in the model of “manufacturer self-declaration of conformity”, such as “registration” in the Normative Document.

For the “Format of Declaration of Conformity” and “Accessibility” of “Compliance Requirements”, the following explanations are stated in related ISO/IEC Guides and the mirrored GB (China national standard) standards.

-“Format of declaration of conformity: The declaration of conformity may be in hardcopy, electronic media, or any other suitable medium.”

-“Accessibility: A copy of the declaration of conformity may be included in other documentation such as in a statements, catalogues, invoices, user’s instructions or websites relevant to the object of the declaration of conformity.”

Relevant Articles:

In Articles 4 and 5 of the Normative Document, compulsory public administration is required.

“Manufacturing companies register the self-assessment results with the appointed agent in the format of the ‘Declaration of Conformity on the Pollution Control of Electrical and Electronic Products’ and “Enterprises shall upload the related information for the ‘Declaration of Conformity’ on the public information service platform”.

- 3. Our industry is encouraging the declaration of conformity in the China RoHS Regulation to be as close as possible to the CE Module A: Manufacturer Self-declaration of Conformity adopted in EU Low-voltage directive (also adopted in the EU RoHS 2 directive) and the referred-to technical standards to be identical to IEC, EN standards adopted in the EU RoHS 2 directive.**

Example 1: We strongly recommend that the “supporting documents of the declaration” stated in Annex 1 shall refer to the EU Standard “EN50581:2012 - Technical Documentation for the Assessment of Electrical and Electronic Products with respect to the Restriction of Hazardous Substances”. In the EU, the EN50581:2012 is to be adopted in the EU RoHS 2 directive as the technical standard for assessment of electrical and electronic products with respect to the restriction of hazardous substances.

- 4. The declaration of conformity shall be limited in applying to the products listed in “The Catalogue of Electrical & Electronics Products with Pollution Control up to the Criteria”, for which there is a duty to conform required by the “China RoHS regulation”, but shall not extend to the general product scope mentioned in Article 1 in the Normative Document, for which there is only disclosure duty required by the most recent draft “Revision of China RoHS Regulation (2012-06-04 exposure draft version)”. “The contents of the declaration” shall only include the conformity information required by the China RoHS Regulation, and not the disclosure of hazardous substances in the products and labeling.**

According to the requirements in the current valid China RoHS Regulation (hereafter in this paragraph referred to as “regulation”) and the Revision of China RoHS Regulation (hereafter in this paragraph referred to as “revision”), for the general product scope mentioned in article 1 in the Normative Document, there is only a “Duty of Disclosure” – disclosure of information on hazardous substances contained in the products, environmentally-friendly use period and names of packing materials” and labelling for the producer in the China RoHS regulation

(please refer to Article 3 Clause 1 in the regulation or Article 3 Clause 1 in the revision). This is referred as the 1st step of China RoHS and has been implemented since 2007.

The 2nd step - the declaration of “Duty of Conformity”- conformity assessment results for the evidence of conforming to the requirements of maximum concentration values of restricted substances in the products in relevant national and industrial standards shall be limited in applying to the products listed in “The Catalogue of Electrical & Electronics Products with Pollution Control up to the Criteria”, for which there is a duty of conformity required by the “China RoHS regulation”. (Please refer to Article 20 in the regulation or Article 22 in the revision). The duties in the regulation and the revision do not extend to the general product scope.

“The contents of the declaration” (please refer to Article 2 in the Normative Document) for “The Catalogue of Electrical & Electronics Products with Pollution Control up to the Criteria” shall only include the “Duty of Conformity”- the conformity assessment results for the evidence of conforming to the requirements of maximum concentration values of restricted substances in the products in relevant national and industrial standards. The “Duty of Disclosure” – disclosure information on hazardous substances contained in the products, environment-friendly use period, and names of packing materials” and labeling in the 1st step are not required to be included in the “contents of the declaration”. Because the content of the hazardous substances in the products listed in “the Catalogue of Electrical & Electronics Products with Pollution Control up to the Criteria” shall already meet the maximum concentration values requirements in related regulations and standards and the disclosure duty has been implemented in the “1st step”, it should not be necessary to disclose it again in the content of the declarations. (Please refer to Article 21 in the regulation or Article 22 in the revision)

5. Our industry hopes that the regulators clarify the duties and titles of the market operators in the Normative Document (including the annexes) and keep them identical to the China RoHS Regulation.

III. Questions to be Clarified

Q1: The property of the Normative Document

**What is the relationship between this Normative Document and the “Conformity Assessment System for the Pollution Control of Electrical & Electronics Products” referred in Article 21 of the revision (2012-06-04 exposure draft version)?
Is the Normative Document compulsory?**

Q2: “Application Scope”

Is it compulsory that all the products covered in the application scope mentioned in article 1 should follow the procedures mentioned in the “Normative Document”? e.g. registration procedure.

It is stated in article 1 of the “Normative Document”: *“1. Application Scope: Electrical & electronics product: refers to equipment and auxiliary products dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields, and equipment designed for use with a voltage rating not exceeding 1 000 Volt for alternating current and 1 500 Volt for direct current.”*

This scope is identical with the general product scope in the revision (2012-06-04 exposure draft version), but not with “The Catalogue of Electrical & Electronics Products with Pollution Control up to the Criteria” referred in article 21 of revision (2012-06-04 exposure draft version).

Q3: The market operators and their duties in this Normative Document are unclear and confusing, e.g. who is the declarer?

Several market operators are mentioned in this document: producers, importers, manufacturing companies, enterprises, factories, manufacturers, declarers and the authorized declaration person.

Q4: Questions regarding the public administration requirements before market access in the Normative Document, e.g. “register”, “public information service platform” referred to in article 4.

In article 4: Methods of Declaration, “the appointed agent” is mentioned three times.

“this ‘Declaration of Conformity’ shall be registered with the appointed agent to obtain a registration number”, “manufacturing companies register the self-assessment results with the

appointed agent”, “Manufacturing companies shall register the contents of the ‘Declaration of Conformity’ with the appointed agent before relevant product promotions”.

“Appointed agent” has been mentioned 3 times in the document. Are they all the same agent? Who will oversee this agent? Who will finance that programme? What is the cost and timing for the registration?

In article 4: Methods of declaration, the “public information service platform” is mentioned. “Disclosures of ‘Declaration of Conformity’ will be on a public information service platform”.

Who will be responsible for the management of the platform? Who will bear the cost of this platform?

Q5: Publication schedule of this “Normative Document”

Is there any plan that indicates when this Normative Document will be published and what is the schedule?

We would be very appreciative if MIIT takes our positions into account in formulating the Normative Document and give us detailed answers to our questions.

Contact Information:

EuropElectro – European Electrical and Electronics Industry

Add: Unit 0830/08, Landmark Tower 2, Dongsanhuan Road, Chaoyang District,

100004 Beijing, China

Tel: +86 (0) 10 . 65396715

Fax: +86 (0) 10 . 65396719

E-mail: xu.wang@europeselectro.org

Website: www.europeselectro.org

Attachment:

EuropElectro’s Positions and Questions Conclusion on the “Normative Document on Enterprise’ Declaration of Conformity on the Pollution Control of Electrical and Electronic Products (2012-07-24 exposure draft version)”

ORGALIME - Speaking for European engineering, Orgalime, represents 3 industrial branches (electrical & electronic, mechanical engineering and the metal articles & metalworking) that manufacture over 28% of total EU manufacturing output and has 37 member trade federations in 22 European countries. The industry accounted for some €1,666 billion in 2011. The industry not only represents more than one quarter of the output but also a third of the exports of the EU's manufacturing industries.

ZVEI – the German Electrical and Electronics Industry Association is one of the world's largest electrical and electronics industry associations. ZVEI represents, with 26 product divisions and 1600 member companies, the German electrical and electronics industry with €178 billion turnover in 2011 and accounts for more than 840, 000 employees.