

Position Paper

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EuropElectro - European Electrical and Electronics Industry's Position Paper on the "Measures for Administration of Pollution Control of Electronic & Electrical Products (2012-06-04 exposure draft version)"

To Whom it may Concern:

On 4 June 2012 the Legislative Affairs Office of the State Council solicited public comments on the "Measures for Administration of Pollution Control of Electronic & Electrical Products (2012-06-04 exposure draft version)" (hereinafter referred to as the "The Revision of 'China RoHS' (2012-06-04 Exposure Draft Version)") which is the revision of "China RoHS" – "Measures for Administration of the Pollution Control of Electronic Information Products".

As representatives of the European Electrical and Electronics Industry, we are paying special attention to the revision of "China RoHS". In 2006 the former MII, which was the predecessor of the MIIT, published the "China RoHS" – "Measures for Administration of the Pollution Control of Electronic Information Products". This regulation requires a 2 steps process. Manufacturers are required to make self declarations on product environmental information during the first step and to pass the CCC – China Compulsory Certification in the second step. On 21 October 2010 China WTO/TBT issued a notification of a full text of "Measures for Administration of Pollution Control of Electronic & Electrical Products (WTO/TBT version)" (hereinafter referred to as the "Revision of 'China RoHS' (2010 WTO version)") which is the revision of "China RoHS" – "Measures for Administration of the Pollution Control of Electronic Information Products" and solicited public comments.

EuropElectro¹ solicited comments from our members and, for the "The Revision of 'China RoHS' (2012-06-04 Exposure Draft Version)", we hereby propose the following detailed and concrete comments and proposals.

1.

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.
Through the cooperation with ORGALIME we are the voice of our member companies from all over Europe in China.



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. General Evaluation

Recognizing the burden to industry and taking their comments into consideration, the regulator changed the following content in *“The Revision of ‘China RoHS’ (2012-06-04 Exposure Draft Version)”* from *“The Revision of ‘China RoHS’ (2010 WTO version)”*,

- China RoHS Information Label Specifications
- Conformity Assessment
- Clarifying the Requirements in the Penalty Provisions

Our industry welcomes and supports these positive changes and appreciates the regulator’s consideration.

“The Revision of ‘China RoHS’ (2012-06-04 Exposure Draft Version)” covers all electronic & electrical products and refers to “equipment and auxiliary products dependent on electric current or electromagnetic fields in order to work properly, 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 impacts the electro industry heavily - particularly the content covering the establishment of the conformity assessment system for the pollution control of electrical & electronics products mentioned in Article 21 which is currently not clear. Our industry will closely track the next further development of China RoHS Conformity Assessment System and would like to be involved in the system development.

Our industry hopes that the regulator’s follow-up actions will continue to be transparent.

II. Comments and Proposals

For the *“The Revision of ‘China RoHS’ (2012-06-04 Exposure Draft Version)”* we hereby propose the following comments and proposals on 5 topics referring to 11 articles/clauses.

Our proposal structure is as follows:

- 1. Product Scope**
- 2. Provisions on Package Specifications**
- 3. China RoHS Information Label Specifications**
- 4. Conformity Assessment**
- 5. Clarifying the Requirements in the Penalty Provisions**

Attachment to Position Paper_EuropElectro’s Comments and Proposals Conclusion on the “Revision of ‘China RoHS’ (2012-06-04 Exposure Draft Version)” – EN

1. Product Scope

Related Articles/Clauses:

Article 3 In the present measures, the following terms shall have their respective meanings as follows: (1) Electrical & electronics products refers to equipment and auxiliary products dependent on electric current or electromagnetic fields in order to work properly, 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 Volts for alternating current and 1 500 Volts for direct current.

Proposal 1: This product scope is the same as the scope for the EU RoHS directive. We suggest that MIIT issue an implementation product catalogue the same as the EU RoHS directive did. This catalogue will be very helpful to interested partners in identifying the necessary measures for their products.

Proposal 2: For Low Voltage products used for Low Voltage circuits, we would like to propose that it only covers those for household and similar purposes. This scope has been defined in national standard GB16915 (mirrored in IEC60669) Plugs and Socket-outlets for household and similar purposes series and GB2099 (mirrored in IEC60884) series for Switches for household and similar fixed-electrical installations.

Proposal for the further step: Exemptions in product scope should be taken into account, considering technology development. We suggest the exemption articles/clauses in EU-RoHS be provided as a reference, because these exemption regulations have considered the technology development.

Comments:

The scope of electronic & electrical products referring 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, with a working voltage below DC 1500V or AC 1000V is very wide. We believe that the low voltage products used for low voltage circuits which are used for industrial purposes, especially, should not be included in the regulation. It is not difficult to control the recycling and disposal of products for industrial purposes.

Related Articles/Clauses:

Article 20 Pollution control of electrical & electronics products shall adopt a catalogue management approach to limit the application of hazardous substances.

MIIT shall, in consultation with the NDRC, MOST, MOF, MEP, MOFCOM, GAC, SAIC and AQSIQ, work out and adjust the catalogue of electrical & electronics products with pollution control up to the criteria.

Proposal for the further step:

Exemptions of product scope should be taken into account, considering the technology development. We suggest the exemption articles/clauses in EU-RoHS be referred to as a reference because these exemption regulations have considered technology development.

2. Provisions on Package Specifications

Related Articles/Clauses:

Article 12 A producer and importer of electrical & electronics products shall, when manufacturing or using packages for electrical & electronics products, adopt non-toxic and innocuous materials which are easily degraded or convenient for recycling, and shall meet the national or industrial standards for pollution control of electrical & electronics products.

Article 15 A producer or importer of electrical & electronics products shall mark the name of the package material on the package of the electrical & electronics products it produces or imports; or shall, if it cannot be marked due to limited product size or exterior surface, indicate it in the product instructions.

Article 25 Whoever violates the present Measures which are included under any of the following circumstances shall be penalized in accordance with the law by customs, the administrative departments of industrial and commerce, quality inspection, etc. within the scope of their respective duties: (2) A producer or importer of electrical & electronics products violates Article 12 of the present Measures because the electrical & electronics product packages it makes or uses do not meet the national or industrial standards for the pollution control of electrical & electronics products;

Article 26 Whoever violates the present Measures and is under any of the following circumstances shall be penalized in accordance with the law by the administrative departments for industry and commerce, and quality inspection, etc. within the scope of their respective duties: (3) A producer or importer of electrical & electronics products violates Article 15 of the present Measures by failing to explicitly mark the package's material name of its electrical & electronics products.

Proposal:

We propose that the provisions on 'Package Specification' in this regulation be withdrawn.

Comments:

Provisions on limits of use of hazardous material in package specifications are essentially overall requirements for the package. They should not be regulated in this regulation which is only about electronic & electrical products.

3. China RoHS Information Label Specifications

Related Articles/Clauses:

Article 13 A producer and importer of electrical & electronics products shall mark the hazardous substances in electrical & electronics products which they put on the market, indicating information about names and contents of the hazardous substances, components contained, as well as whether they can be recycled or not, and whether they do harm to the environment and human health upon improper utilization or disposal, etc.; or shall, if such information cannot be marked on the products due to the limited product size, shape, surface material or function, indicate it in the product specifications. The marking pattern and method shall meet the national or industrial standards for pollution control of electrical & electronics products.

Article 14 The producer or importer of electrical & electronics products shall mark the environmental protection use period on the electrical & electronics products it produces or imports, or

shall, if the said use period cannot be marked on the products due to the limited product size, shape, surface material or function, indicate it in the product specifications. The pattern and way of marking the environmental protection use period shall meet the national or industrial standards for pollution control of electrical & electronics products.

Article 15 A producer or importer of electrical & electronics products shall mark the name of the package material on the package of the electrical & electronics products it produces or imports; or shall, if it cannot be marked due to the limited product size or exterior surface, indicate it in the product specifications.

Comments:

Compared to “The Revision of ‘China RoHS’ (2010 WTO version)”, in “The Revision of ‘China RoHS’ (2012-06-04 Exposure Draft Version)” there are two improvements:

- 1) China RoHS information is allowed not to mark on the products because of two additional reasons: product shape, surface material.
- 2) China RoHS information is allowed to be marked in the product specifications.

Our industry welcomes and supports the changes and considers it as positive for the industry. Along with the improvements to network technology, e-format of product specification or a database with a standardized information format could be an option for providing a solution equal to or more efficient than a paper format.

Related Articles/Clauses:

Article 13 A producer and importer of electrical & electronics products shall mark the hazardous substances in electrical & electronics products which they put on the market, indicating information about the names and contents of the hazardous substances, components contained, whether they can be recycled or not, and whether they do harm to the environment and human health upon improper utilization or disposal, etc.; or shall, if such information cannot be marked on the products due to the limited product size, shape, surface material or function, indicate it in the product instructions. The marking pattern and method shall meet the national or industrial standards for pollution control of electrical & electronics products.

Proposal: We propose that the provisions on “whether they do harm to the environment and human health upon improper utilization or disposal, etc.” in this regulation be withdrawn.

Comments:

Manufacturers and importers have no concrete way of estimating whether the substances do harm to the environment and human health upon improper utilization or disposal, etc.

4. Conformity Assessment**Related Articles/Clauses:**

Article 21 The state will establish the conformity assessment system for the pollution control of electrical & electronics products. The electrical & electronics products listed in The Catalogue of

Electrical & Electronics Products with Pollution Control up to the Criteria shall be managed according to the conformity assessment system for the pollution control of electrical & electronics products.

The conformity assessment system for the pollution control of electrical & electronics products shall be established by MIIT and CNCA.

Comments:

We aware that, compared to “*The Revision of 'China RoHS' (2010 WTO version)*” in “*The Revision of 'China RoHS' (2012-06-04 Exposure Draft Version)*”, there are two improvements:

“be certified according to the state promoted certification system for pollution control of electronic & electrical products” changed to “be managed according to the conformity assessment system for the pollution control of electrical & electronics products”

a) We supports that when “be certified” was deleted and changed to “be managed”, means that 3rd party certification will not be the only method for compliance.

b) “the state promoted certification system” was changed to “conformity assessment system”

We hope manufacturer self-declaration for compliance will be accepted in the new “conformity assessment system for the pollution control of electrical & electronics products”.

5. Clear the requirements in the penalty provisions**Related Articles/Clauses:**

Article 25 Whoever violates the present Measures and is under any of the following circumstances shall be penalized in accordance with the law by customs, the administrative departments of industry and commerce, quality inspection, etc. within the scope of their respective duties:

(3) A seller of electrical & electronics products violates Article 19 of the present Measures by selling electronic & electrical products that fail to meet the national or industrial standards for the pollution control of electronic & electrical products;

(5) An importer of electrical & electronics products violates Article 11 of the present Measures because the electrical & electronics products it imports do not meet the national or industrial standards for the pollution control of electrical & electronics products;

Comments:

The referenced article “Article 17” in the “*Revision of 'China RoHS' (2010 WTO version)*” was changed to “Article 19” in the 2012-06-04 version. “Article 17” in the “*Revision of 'China RoHS' (2010 WTO version)*” is the requirement for importers. “Article 19” in the 2012-06-04 version is the requirement for sellers.

The referenced article “Article 10” in the “*Revision of 'China RoHS' (2010 WTO version)*” was changed to “Article 11” in the 2012-06-04 version. “Article 10” in the “*Revision of 'China RoHS' (2010 WTO version)*” is the requirement for producers and manufacturers. “Article 11” in the 2012-06-04 version is the requirement for importers.

Our industry welcomes and supports the regulators in clarifying the requirements in the penalty provisions and related parties’ responsibilities.

Items to be clarified:

1. What is the scope of auxiliary products? Are auxiliary products limited to electronic & electrical products? (Article 3 Clause 1)
2. Is marking the China RoHS information in E-format, such as the internet allowed? (Article 13)

Yours sincerely,

EuropElectro

European Electrical and Electronics Industry

欧洲电气电子行业机构

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