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欧盟各国执行RoHS 最新状况

欧盟电子电气设备有害物质限用指令(RoHS Directive, 2002/95/EC)已于2006年7月1日正式实施, 迄今已超过一年, 但目前仍存在许多疑问有待理清。例如: 某类产品是否属于RoHS管制的范围? 业者应具备哪些RoHS符合性证明文件? 欧盟各国究竟如何执法?

有鉴于此, 欧盟陆续公告了以下文件, 为业者指明方向, 避免各国执法的分歧。欧盟落实RoHS强制执行的决心非常坚定, 且正全面逐步展开, 值得业者密切关注:

《RoHS执行指引》(RoHS Enforcement Guidance Document) — 英国, 2006年5月
《裁决手册》(Manual of Decision), 2007年3月

目前, 欧盟各国已相继开始执行RoHS指令, 最新进展如下:

【芬兰及瑞典】

芬兰及瑞典官方授权Intertek, 协助监控该国电子电气产品中所含的限用有害物质。

【挪威】

提出PoHS法令

挪威近期向WTO组织提出《消费性产品中有害物质限用法令》(PoHS — Prohibition on Certain Hazardous Substances in Consumer Products)。这一新法令涵盖范围比欧盟RoHS广, 涵盖了几乎所有消费产品, 而且挪威PoHS的限制物质增加为18项。

挪威的PoHS法令目前还在征询公众的意见, 征询意见结束日期为2007年9月1日。此提案预定于2007年12月15日获得通过, 于2008年1月1日生效。

【比利时】

比利时虽尚未执法, 但将锁定价格较便宜且非著名品牌的产品。值得一提的, 比利时并不接受尽职调查(due diligence)的辩解, 官员认为生产者必须为其产品是否符合RoHS负唯一的责任, 当然也必须为其供货商所提供的符合性文件的正确性负责任。

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【丹麦】

针对使用生命周期短的产品做检测，例如抛弃式照相机。

【英国】

英国目前的政策是帮助未符合RoHS指令的业者达成目标，而非单纯的查处与罚款。目前英国的执法机构正采取以下行动：(1) 随机抽测市场上的产品，利用XRF检查其符合性；(2) 依据产品类型、公司规模、市场规模或举报等信息，建立高风险物质数据库；(3) 根据市场情报或竞争对手举报的信息进行检测；(4) 近期的检测目标为于英国组装或销售的个人计算机，接下来是工业相关设备。

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EU RoHS Enforcement Updates

The European Union's RoHS (Restriction of Hazardous Substances) Directive has been effective for more than one year. But some issues related to the implementation of RoHS are still waiting to be clarified, such as whether specific electrical and electronic equipment are covered by the RoHS Directive? What are the documents needed for RoHS compliance testification? How do the EU countries implement the RoHS?

To solve these issues, EU has published the following documents providing the basis for enforcement guidelines:

RoHS Enforcement Guidance Document — UK, May 2006

Manual of Decision — EU RoHS Competent Body Network, March 2007

According to the EU RoHS Competent Body Network, EU Member States' enforcement bodies have begun to monitor compliance. The following are actions taken by some Member States:

【Finland and Sweden】

The Finnish and Swedish governments have selected Intertek as partner to help monitor and control the restricted hazardous substances in electrical and electronic devices in their markets.

【Norway】

On the 8th of June Norway notified the WTO of its intention to prohibit 18 substances from consumer goods in Norway - with a few exceptions. Called the Prohibition on Certain Hazardous Substances in Consumer Products (PoHS), the proposed regulation is much broader compared with EU RoHS, not confined to electrical and electronic equipment, nearly covering all consumer goods, and more elements and substances (18 compared to 6) are restricted.

The Norwegian proposal is scheduled to be adopted on the 15 December 2007 and come into force on January 1 2008. It is presently in the throes of public consultation which comes to an end 1st September 2007.

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【Belgium】

RoHS authorities specifically targeted cheap products without a famous brand that were often the “promotion of the week” in big retail shops. Also, Belgium doesn’t accept argument about due diligence, and the producers shall solely take the reliability on the RoHS compliance of its products, and also the correctness of the compliance document provided by their suppliers.

【Denmark】

Disposable cameras were withdrawn from a retail store for testing and the company was asked for documentation, according to the Danish Environmental Protection Agency.

【UK】

Current policy is to help producers of non-compliant products in the first instance. So far, Authorities have:

- Tested items selected at random from retail shelves, using XRF to establish compliance;
- Establish a database with risk profiles of producers based on criteria such as product type, company size, market performance, and whistleblower reports;
- Monitored the media and accepted tips from whistleblowers and/or citizens;
- Recently targeted firms assembling and selling personal computers in the UK, industrial equipment to follow.

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