



# NMO Environmental Enforcement

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WORKING WITH INDUSTRY TO ENSURE COMPLIANCE IN THE UK.



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# **RoHS Recast January 2 2013**

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# Changes

- New Scope
- New definitions
- New exclusions
- Exemptions
- CE



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# CE and DoCs

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# General

- Must be CE marked if in scope
- Must have DoC
- Language requirements
- Production Control
- Technical Documentation



# Technical Documentation

## Article 7(b)

manufacturers draw up the required technical documentation and carry out the internal production control procedure in line with module A of Annex II to Decision No 768/2008/EC or have it carried out;



# Technical Documentation

Shall include where **applicable**:

- Description of product
- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.
- descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the product,
- Harmonised standards etc applied
- Test results



# Standard

# prEN 50581





# Production Control

- Must have procedures
- Procedures and controls to ensure product being placed on the market meets requirements

# RoHS Marks



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# No More RoHS Marks



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# Regulated Entities

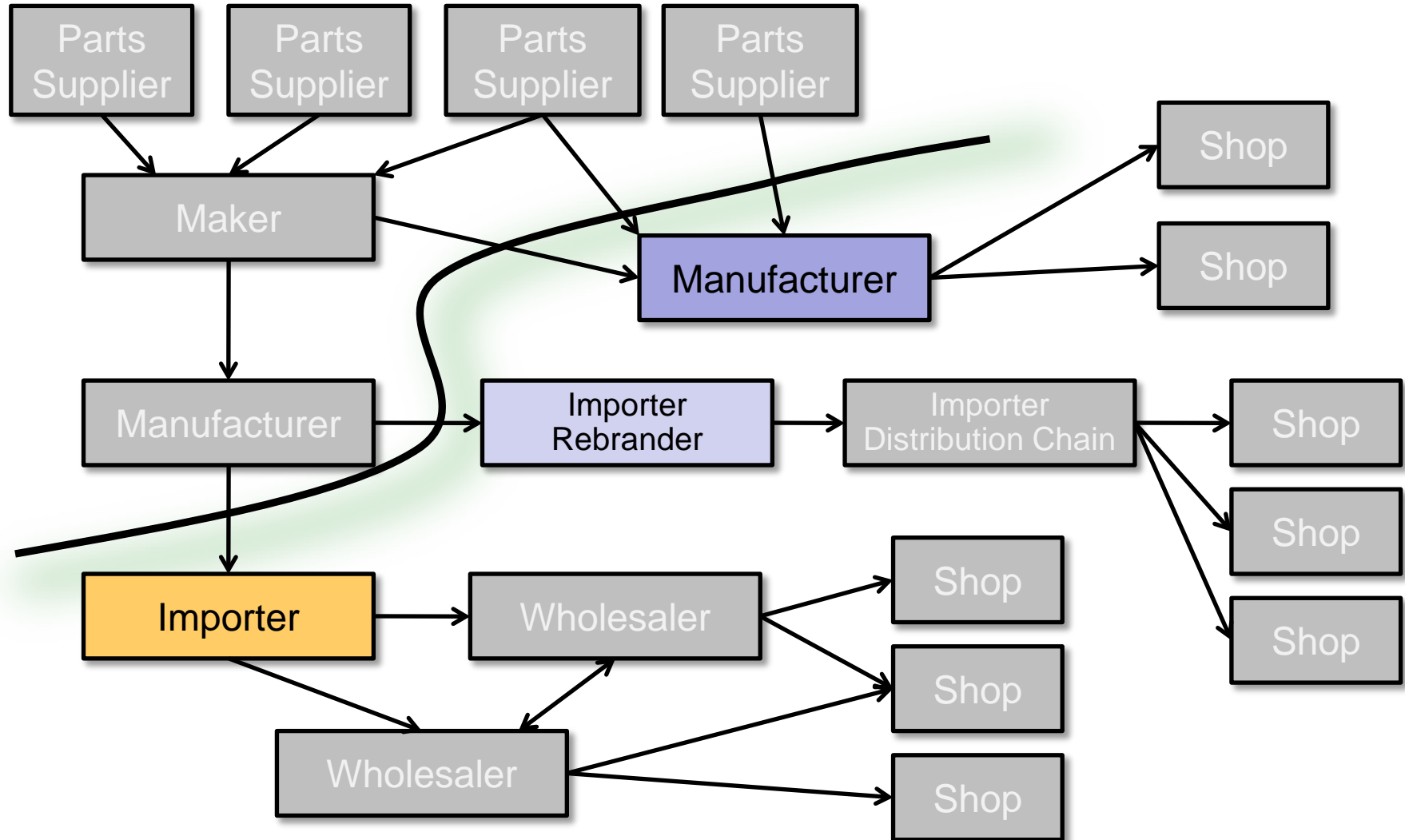
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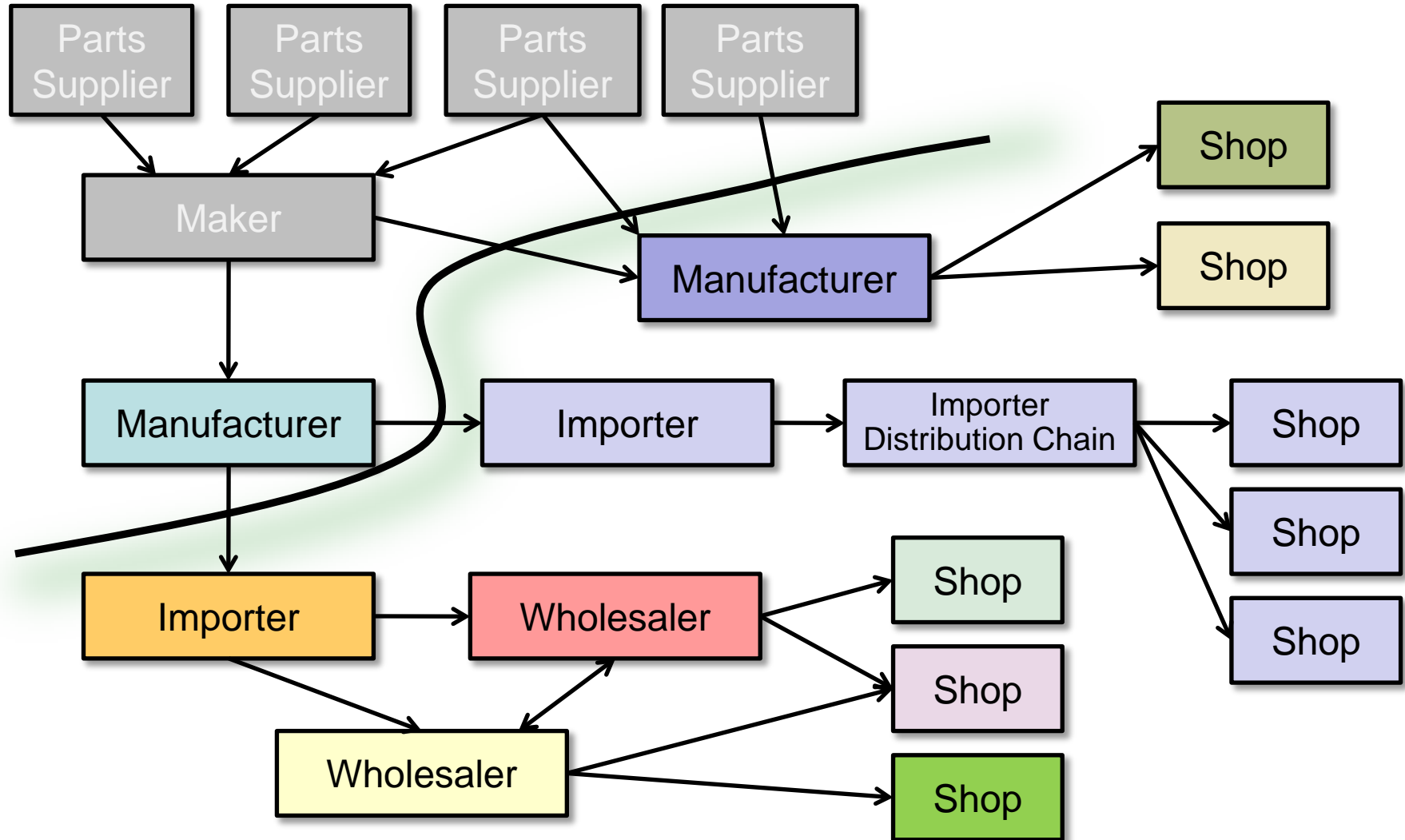
# Terminology

- Manufacturers
- Authorised Representatives
- Importers
- Distributors

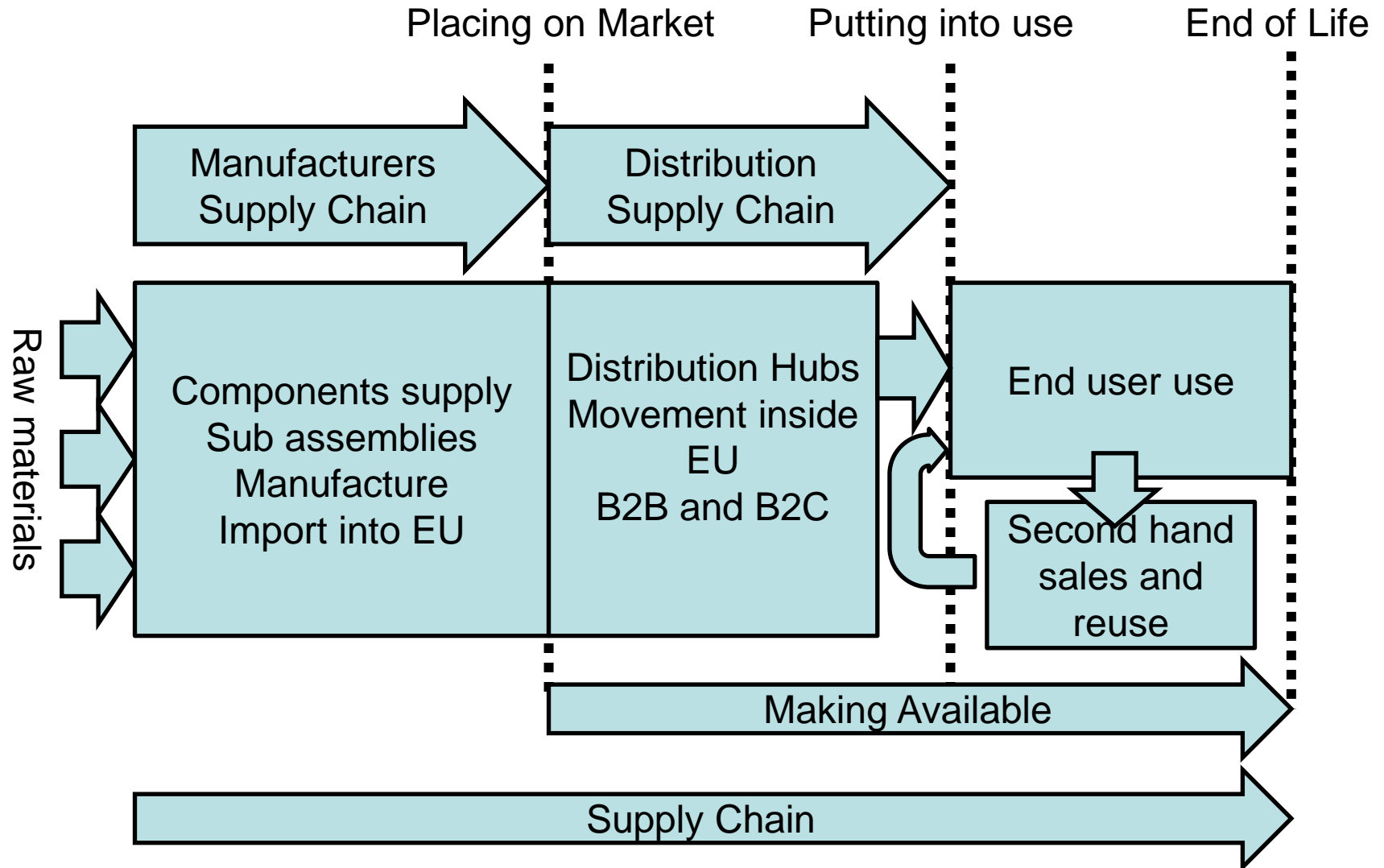
**All Economic Operators**



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## View of Article 2.2

Article 2.2 uses the term “make available” and not “place on the market”.

Non-compliant EEE on the market cannot continue to be distributed after 22 July 2019.



# RoHS 1 Offences

- Putting restricted substances in product
- Not preparing documentation showing compliance
- Not providing documentation on request
- Not keeping documentation.



# Manufacturers

- Placing non-compliant product on the market
- Failing to inform MSA and importers of NCs
- Failing to CE mark and appropriate DoC following the model in RoHS/RAMS
- Failing to have sufficient technical documentation in appropriate language
- Failing to maintain procedures for effective process control
- Failing to identify type/batch/serial number
- Failing to take appropriate action if NC detected
- Failing to maintain a register of NCs
- Failing to provide all information required to demonstrate conformity to the MSA when requested (reasoned)

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# Importers

- Placing non-compliant product on the market
- Failing to inform MSA and distributors of NCs
- Failing to ensure the product has a type/batch/serial number
- Failing to mark with Importers name/mark and address
- Failing to take appropriate action if NC detected
- Failing to ensure the manufacturer has technical documentation
- Failing to maintain a register of NCs
- Failing to maintain the DoC and ensure technical documentation can be made available for 10 years
- Failing to provide all information required to demonstrate conformity to the MSA when requested (reasoned)

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# Distributors

- Failing to ensure the product has a type/batch/serial number
- Failing to ensure the product has Importers name/mark and address
- Failing to ensure the product has Manufacturers name/mark and address
- Failing to take appropriate action if NC detected
- Failing to inform MSA of detected NCs
- Failing to provide all information required to demonstrate conformity to the MSA when requested (reasoned)



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# RoHS FAQs

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# My Role

- Represent the MSAs
- Clear wording
- Avoid loopholes
- Minimise grey areas



# RoHS2 FAQs

- Still work in progress
- We do not have all the answers
- TAC and consultation stages
- Final document may look very different from what comes out of the Working Group
- Living document





# Primary Issues

- Blue Guide and NLF
- Making Available
- EEE
- R&D
- Large Scale
- Article 2.4
- CE and DoC
- Consumables

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# Making Available

- NLF horizontal issue
- No Blue Guide help
- 2019 impact (Art 2.2)
- Second hand market



# EEE

- Secondary functions
- Impact review
- Petrol engines and similar
- Industry pressure for 'primary'
- Dependant on and not dependant on



# CE and DoCs

- Horizontal issues
- Item 1 and 4 of DoC
- What needs CE marking
- Products not already CE marked
- Identification of batches



# Research and Development

- Pressure from industry
- Differing views across Member States
- Flexible interpretation = risk of loopholes
- Software development boards



# Large Scale

- New Definition
- Aiming at indicators rather than criteria
- Industry pressure
- 'Large' used for both LSIT and LSFI
- Real world indicators



# Article 2.4c

- New definition
- Buildings
- Specifically designed



# Consumables

- Equipment
- Non-equipment
- Defining distinctions





# What does this mean?

- Wider scope
- Transitions
- WEEE scope and RoHS scope separating
- Wider range of regulated entities
- Greater expectation of assurance of compliance
- Clearer communication will be necessary
- Potential of multiple offenders for single NC
- PoM outside UK enforced at distributor level



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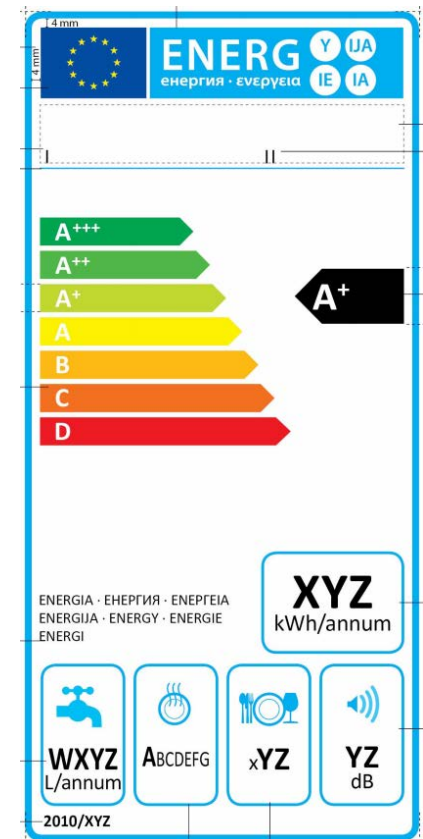
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# Eco-Design Energy Labeling

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# Labelling

- Overall scope now all energy related products
- Only specific products have implementing measures
- A-G label is now protected (Article 15)





# Labelling

- Energy class must be included in all advertising where performance or price mentioned
- Catalogue, web and other distance selling covered
- ALL environmental claims covered (Article 3.1(b))
- Manufacturers must supply labels to Distributors on request
- There will be a new horizontal measure on distance selling



# Eco-Design

- More involvement with industrial
  - Circulators
  - Motors
  - Tertiary lighting
- Tier 2 standby/power off Jan 7 2013
  - 0.5W/1W
  - Power management



# UK Enforcement

- Continue to use the outcome focused approach
- 400+ investigations
- Range of formal and informal sanctions
- Implemented civil sanctions
- One prosecution



# Working with Industry to Ensure UK Compliance

Thank you

[www.bis.gov.uk/nmo/enforcement/](http://www.bis.gov.uk/nmo/enforcement/)