

环境保护法律热点问题

环保专题系列（十三）——新 VOCs 产品质量标准下的企业合规与应对

近年来，挥发性有机物（以下简称“VOCs”）作为形成臭氧（O₃）以及细颗粒物（PM_{2.5}）的重要前体物，其治理被认为是控制大气污染的有效途径。2020年是打赢“蓝天保卫战”三年行动计划的收官之年，我国在今年已密集出台与VOCs治理相关的政策和标准。其中，多项实施在即的限制涂料、油墨、胶粘剂、清洗剂等VOCs含量的产品质量标准，将对相关行业产生重大影响。本文将结合相关法律和政策规定，提示工业企业或者存在委托加工安排的工业品零售企业特别注意若干将于今年年底或明年年初实施生效的限制产品VOCs含量的强制性国家标准。

一、VOCs产品质量标准的重要性

2020年6月24日，生态环境部发布《2020年挥发性有机物治理攻坚方案》（以下简称“《攻坚方案》”），其中明确提出要严格落实国家和地方产品VOCs含量限值标准。《攻坚方案》指出，2020年7月1日起，船舶涂料和地坪涂料生产、销售和使用应满足新颁布实施的国家产品有害物质限量标准要求。督促生产企业提前做好油墨、胶粘剂、清洗剂及木器、车辆、建筑用外墙、工业防护涂料等有害物质限量标准实施准备工作，在标准正式生效前有序完成切换，有条件的地区根据环境空气质量改善需要提前实施。

在法律层面，2018年修订的《大气污染防治法》对于产品的VOCs含量符合相关质量标准制定了明

确规定。《大气污染防治法》第四十四条规定，生产、进口、销售和使用含挥发性有机物的原材料和产品的，其挥发性有机物含量应当符合质量标准或者要求。

在法律责任方面，对于生产、销售挥发性有机物含量不符合质量标准或者要求的原材料和产品的，县级以上地方人民政府市场监督管理部门有权依据《大气污染防治法》第一百零三条规定责令改正，没收原材料、产品和违法所得，并处货值金额一倍以上三倍以下的罚款。对于进口挥发性有机物含量不符合质量标准或者要求的原材料和产品的，海关有权依据《大气污染防治法》第一百零四条规定责令改正，没收原材料、产品和违法所得，并处货值金额一倍以上三倍以下的罚款。尽管《大气污染防治法》未规定使用者的法律责任，但是使用者使用挥发性有机物含量不符合质量标准的原材料生产产品的，仍可能面临法律风险。

此外，由于目前出台的多项限制涂料、油墨、胶粘剂、清洗剂等VOCs含量的产品质量标准均为国家强制性标准，根据《标准化法》第二十五条规定，不符合强制性标准的产品、服务，不得生产、销售、进口或提供。

二、VOCs产品质量标准有哪些？

根据我们的检索和整理，目前已发布的与VOCs含量相关的产品质量标准主要如下，其归口

管理部门均为工业和信息化部。

序号	标准编号	标准名称	发布日期	实施日期
1.	GB 38464-2019	室内地坪涂料中有害物质限量	2019.12.31	2020.7.1
2.	GB 38469-2019	船舶涂料中有害物质限量		
3.	GB 18581-2020	木器涂料中有害物质限量	2020.3.4	2020.12.1
4.	GB 18582-2020	建筑用墙面涂料中有害物质限量		
5.	GB 24409-2020	车辆涂料中有害物质限量		
6.	GB 30981-2020	工业防护涂料中有害物质限量		
7.	GB 33372-2020	胶粘剂挥发性有机化合物限量		
8.	GB 38508-2020	清洗剂挥发性有机化合物限量		
9.	GB 38507-2020	油墨中可挥发性有机化合物 (VOCs) 限量		

其中，对很多工业企业或者存在委托加工安排的工业品零售企业影响较大的是将于今年年底或明年实施生效的四项标准：即《工业防护涂料中有害物质限量》（GB 30981-2020）、《胶粘剂挥发性有机化合物限量》（GB 33372-2020）、《清洗剂挥发性有机化合物限量》（GB 38508-2020）以及《油墨中可挥发性有机化合物（VOCs）限量》（GB 38507-2020）。

三、如何确保符合VOCs产品质量标准？

- 1、判断标准适用性并遵守适用标准。首先，相关企业应学习相关标准并进而判定是否适用于自身产品或原材料；如经判断适用且无法豁免的，应视行业和企业实际情况尽早考虑修改产品设计、替换供应商等方案。实践中，我们注意到企业在上述标准的适用范围、豁免要求等方面存在诸多困惑，鉴于本文篇幅有限，我们不再展开，建议企业就具体问题咨询环境律师。
- 2、加强供应商管理。供应链合规对于企业合规的

意义重大，企业应注意对供应商的相关合规审查、管理和培训，避免因供应商问题导致自身产生违规风险；同时，企业也应注意合同层面的保护，从而控制和降低因供应商违规给企业带来的风险。

- 3、跟踪新规和执法行动。企业应当密切关注市场监督管理总局、工业和信息化部、生态环境部等部门与 VOCs 相关的新配套规定和执法行动，了解监管重点，持续提升自身和供应商合规管理。

四、结语与建议

在新 VOCs 产品质量标准正式实施生效之前，企业应当就生产、进口、使用和销售的 VOCs 产品，落实产品质量标准的相关要求，加强供应商管理，做好相应的准备工作。如您有关于 VOCs 产品质量标准适用以及相关法律风险的任何具体问题，[欢迎邮件联系我们：ecoenvpro@junhe.com](mailto:ecoenvpro@junhe.com)。

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Environmental Protection

Environmental Protection Series (XIII) - New Product Quality Standards and Challenges for Enterprises regarding VOCs

In recent years, the treatment of volatile organic compounds (“VOCs”), which are important precursors for the formation of ozone (O₃) and fine particulate matter (PM_{2.5}), is considered to be an effective way to control air pollution. China has issued a series of policies and standards related to the treatment of VOCs in 2020, culminating in the final stage of a three-year action plan to fight air pollution. A number of product quality standards that will limit the VOCs content of coatings, printing inks, adhesives, cleaning agents, etc. will come into effect soon and may have a significant impact on the relevant industries. Based on the relevant laws and policies, this article aims to remind industrial enterprises and industrial product retail enterprises (especially those with toll manufacturing arrangements) to pay special attention to some of the mandatory national standards for limiting the VOCs content in products, which will come into effect at the end of this year or early next year.

I. The Importance of VOCs Product Quality Standards

On June 24, 2020, the Ministry of Ecology and Environment (“MEE”) issued the 2020 VOCs Tackling Governance Plan (the “Plan”),

which clearly stated that national and local standards of VOCs content limit for products shall be strictly implemented. The Plan pointed out that the production, sale and use of maritime coatings and floor coatings shall meet the newly published and implemented national standards of harmful substance limit for products from July 1, 2020. Manufacturing enterprises are urged to prepare for the implementation of standards for harmful substance limits for printing inks, adhesives, cleaning agents and woodenware coatings, vehicle coatings, architectural wall coatings and industrial protective coatings in advance, and complete the switch in an orderly manner before the standards come into effect. Some areas with special conditions may implement such standards in advance according to the need of improving the ambient air quality.

In respect to the law, the PRC Law on the Prevention and Control of Atmospheric Pollution (the “PCAP Law”) amended in 2018 clearly stipulates that the VOCs content of products shall meet the relevant quality standards. Article 44 of the PCAP Law provides that for the manufacturing, importation, sale and use of raw materials and products containing VOCs, the VOCs

content shall comply with the quality standards or requirements.

As to the legal liability, any manufacturing and/or sale of raw materials and products with VOCs content which do not comply with the quality standards or requirements, the administration for the market regulation of the local people’s government at or above the county level may order the violator to make correction, confiscate the raw materials, products and illegal proceeds according to Article 103 of the PCAP Law, and impose a fine of not less than one but no more than three times, the monetary value of the goods. For any importation of raw materials and products with VOCs content which do not comply with the quality standards or requirements, customs may order the violator to make a correction, confiscate the raw materials, products and illegal proceeds, and impose a fine of not less than one but no more than three times the monetary value of the goods, according to Article 104 of the PCAP Law. Although the PCAP Law does not specify the legal liability of the users, the users may indeed face potential legal risks when the users utilize raw materials with VOCs content which do not comply with the quality standards to manufacture the products.

In addition, those published product quality standards that limit the VOCs content of coatings, printing inks, adhesives, cleaning agents, etc. are all mandatory national standards. Pursuant to Article 25 of the PRC Standardization Law, products and services which do not comply with the mandatory standards shall not be manufactured, sold, imported or provided.

II. What are the VOCs Product Quality Standards?

According to our search and collation, the published product quality standards related to VOCs content are mainly as follows, and the responsible department of such standards is

the Ministry of Industry and Information Technology (“MIIT”).

No.	Standard No.	Standard Name	Release Date	Implementation Date
1.	GB 38464-2019	Limit of Harmful Substances of Interior Floor Coatings	2019.12.31	2020.7.1
2.	GB 38469-2019	Limit of Harmful Substances of Marine Coatings		
3.	GB 18581-2020	Limit of Harmful Substances of Woodenware Coatings		
4.	GB 18582-2020	Limit of Harmful Substances of Architectural Wall Coatings		
5.	GB 24409-2020	Limit of Harmful Substances of Vehicle Coatings		
6.	GB 30981-2020	Limit of Harmful Substances of Industrial Protective Coatings	2020.3.4	2020.12.1
7.	GB 33372-2020	Limit of Volatile Organic Compounds Content in Adhesive		
8.	GB 38508-2020	Limits for Volatile Organic Compounds Content in Cleaning Agents		
9.	GB 38507-2020	Limits of Volatile Organic Compounds (VOCs) in Printing Ink		2021.4.1

Among the above standards, the four standards which will come into effect at the end of this year or early next year may have a substantial impact on many industrial enterprises or industrial product retail enterprises (especially those with toll manufacturing arrangements): (i) Limit of Harmful Substances of Industrial Protective Coatings (GB 30981-2020), (ii) Limit of Volatile Organic Compounds Content in Adhesive (GB 33372-2020), (iii) Limit of Volatile Organic Compounds Content in Cleaning Agents (GB 38508-2020) and (iv) Limit of Volatile Organic Compounds Content (VOCs) in Printing Ink (GB 38507-2020).

III. How to Ensure Compliance with VOCs Product Quality Standards

1. Determine the applicability of the standards and observe the applicable standards. First of all, enterprises should learn the relevant standards and then determine whether they are applicable to their own products or raw materials. If the standards are applicable and cannot be exempted, it is necessary to consider modifying the product design or replacing suppliers as soon as possible according to the actual situation of the industries and the enterprises. In practice, we understand that enterprises may have some confusion regarding the scope of the products where such standards would be applied and the exemption requirements. Given the limited length of this article, we will not go into great detail regarding such standards and we do

suggest enterprises consult specialist environmental lawyers regarding specific issues.

2. Strengthen supplier management. Supply chain compliance is of great significance to enterprise compliance, and enterprises should pay close attention to relevant compliance reviews, as well as the management and training of suppliers, to avoid the risk of non-compliance caused by the suppliers. At the same time, enterprises should protect themselves at the contract level to control and reduce the risks brought about by the suppliers' non-compliance.

3. Follow up new regulations and enforcement actions. Enterprises should also pay close attention to the new implementation regulations issued and the enforcement actions related to VOCs taken by the Administration for Market Regulation, MIIT and MEE, etc. They should understand the key focus of regulatory supervision, and continuously improve the compliance management of both themselves and their suppliers.

IV. Conclusions and Suggestions

Before the new VOCs product quality standards come into effect, enterprises should implement the relevant requirements of product quality standards for VOCs products produced, imported, used and sold, strengthen supplier management, and make corresponding preparations. If you have any specific questions regarding the application of VOCs product quality standards and the relevant legal issues, please contact us via email: ecoenvpro@junhe.com.

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