

Management Methods for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products¹

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Section I – General Provisions

Article 1 In order to control and reduce pollution of the environment caused by electrical and electronic products upon being discarded, to promote the cleaner production of the electrical and electronic industry, resources comprehensive utilization, to encourage green consumption, and to protect the environment and human physical health, these Methods are instituted in accordance with laws, regulations, and administrative statutes such as the *Clean Production Promotion Law of the People's Republic of China* and the *Law of the People's Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Waste* and the *Regulation for the Management of the Recycling and Disposal of Waste Electrical and Electronic Products*

Article 2 These Methods are applicable to the production, sale, and import of electrical and electronic products within the territory of China.

Article 3 The meanings of the following terms in these Methods are as follows:

- (1) "Electrical and electronic products" refer to devices and accessory products with rated working electrical voltages of no more than 1500 volts direct current and 1000 volts alternating current which function by means of current or electromagnetic fields, and generate, transmit and measure such currents and electromagnetic fields. Power generation, transmission and distribution equipment is excluded [from this definition].
- (2) "Pollution from electrical and electronic products" refers to where electrical and electronic products contain hazardous substances which exceed national standards or industry standards, so as to cause destruction, damage, waste, or other adverse effects upon the environment, resources, or human physical life and health or the security of property.
- (3) "Restriction of the use of hazardous substances in electrical and electronic products" refers to the following measures taken for the purpose of reducing or eliminating pollution from electrical and electronic products:
 1. Technical measures wherein, during the course of design and production, by altering design proposals, adjusting production techniques and flow processes, replacing the materials used, and revamping production methods, the use of hazardous substances in electrical and electronic products is restricted;
 2. Measures such as indicating the names and contents of harmful substances on labels and indicating the environmental protection use period of electrical and electronic products on labels during the course of design, production, sale, and import;
 3. During the course of sales, rigorously controlling the channels of product inflow, and refraining from selling electrical and electronic products that fail to comply with national or industry standards on the restricted use of

¹ ENGLISH TRANSLATION FOR REFERENCE ONLY - (Jan 2016 Published Version - China RoHS II).Original Chinese text:

<http://www.miit.gov.cn/n1146295/n1652858/n1652930/n3757016/c4609634/content.html>

- hazardous substances in electrical and electronic products, etc.;
4. Banning the import of electrical and electronic products that fail to comply with national or industry standards on the restricted use of hazardous substances in electrical and electronic products;
 5. [Undertaking] other measures for restricted use of hazardous substances in electrical and electronic products stipulated by the State.
- (4) The catalogue of electrical and electronic products that have met the requirements for restricted use of hazardous substances (hereinafter "Compliance Management Catalogue") is drafted to implement the management of restricted use of hazardous substances, including but not limited to, the electrical and electronic product categories, the uses of restricted hazardous substance classes, the restricted use times, the exemption requirements and other content.
- (5) "Hazardous substances" refer to the following substances or elements that are found in electrical and electronic products:
1. Lead and its compounds;
 2. Mercury and its compounds;
 3. Cadmium and its compounds;
 4. Other harmful substances as regulated by the State.
 5. Hexavalent chromium compounds;
 6. Polybrominated biphenyls (PBB);
 7. Other harmful substances as regulated by the State.
- (6) The "environmental protection use period for electrical and electronic products" refers to, under normal use in accordance with the product manual, the time during which the harmful substances contained in the electrical and electronic products will not leak or mutate, and will not cause serious pollution to the environment or cause serious harm to their physical persons or property through normal use of said electrical and electronic products.

Article 4 The Ministry of Industry and Information Technology, the National Development and Reform Commission, the Ministry of Science and Technology, the Ministry of Finance, the Ministry of Environmental Protection, the Ministry of Commerce, the General Administration of Customs, the State Administration for Industry and Commerce, and the General Administration of Quality Supervision, Inspection and Quarantine will, to the extent of their respective authorities, manage and supervise the restricted use of hazardous substances in electrical and electronic products.

Article 5 The Ministry of Industry and Information Technology will institute measures facilitating the restricted use of hazardous substances in electrical and electronic products in consultation with the relevant administrative agencies in the State Council and implement regulations pertaining to the restricted use of hazardous substances in electrical and electronic products.

Article 6 The various agencies for industry and information technology, development and reform, science and technology, finance, environmental protection, commerce, customs, industry and commerce, and quality and quarantine, etc., in provinces, autonomous regions, and municipalities under the direct control of the central government will, to the extent of their respective authorities, supervise and manage the restricted use of hazardous substances in electrical and electronic products.

Additionally, the industry and information technology departments at provincial, autonomous regions, and municipalities under the direct control of the central government level shall take the lead to establish regional work coordination mechanisms for the restricted use of hazardous substances in electrical and electronic products and be responsible for coordinating and resolving major matters and issues involving the restricted use of hazardous substances in electrical and

electronic products within its administrative area.

Article 7 The State encourages and supports scientific research, technical development and international cooperation concerning the restricted use of hazardous substances in electrical and electronic products and actively promotes technologies and equipment related to the substitution or reduction of restricted hazardous substances in electrical and electronic products.

Article 8 The Ministry of Industry and Information Technology and the [other] relevant administrative agencies of the State Council may offer honors and awards to encourage relevant organizations and individuals to proactively develop, research, and create electrical and electronic products that comply with the requirements and provisions which are more strict than the ones in this regulation.

The various agencies for industry and information technology and other relevant supervision departments in provinces, autonomous regions, and municipalities under the direct control of the central government may offer honors and awards, to organizations and individuals that have achieved significant results in the restriction on use of hazardous substances in electrical and electronic products and related activities.

Section II - Restricted Use of Hazardous Substances in Electrical and electronic Products

Article 9 During the design of electrical and electronic products, designers of electrical and electronic products shall not violate any mandatory standards or laws, or standards concerning which administrative laws and regulations require implementation. Upon the satisfaction of technical requirements, the designers shall, according to national or industrial standards on the restricted use of hazardous substances in electrical and electronic products, adopt plans for non-harmful, low-harm, and easily degradable and readily recyclable and usable [solutions].

Article 10 Producers of electrical and electronic products, in producing or manufacturing electrical and electronic products, shall not violate any mandatory standards or laws, or standards concerning which administrative laws and regulations require implementation. Also, in fulfilling the requirements of national or industry standards for restricted use of hazardous substances in electrical and electronic products, producers shall adopt materials, technologies, and production techniques that have high resource utilization rates, are easy to recycle and treat, that facilitate environmental protection, and that restrict or phase out the use of hazardous substances in [electrical and electronic] products.

Producers of electrical and electronic products shall not authorize [release from the factory] or sale of manufactured electrical and electronic products which do not comply with the requirements of this regulation.

Article 11 Imported electrical and electronic products shall not violate any mandatory standards or laws, or standards concerning which administrative laws and regulations require implementation, and should conform to national or industry standards for restricted use of hazardous substance in electrical and electronic products.

Import and Export Border Control Inspection and Quarantine Agencies shall conduct import verification and inspection of imported electrical and electronic products as required by law. Customs [authorities] shall check the *Customs Clearance Bill for Imported Commodities* issued by the border control inspection and quarantine agencies and undertake relevant procedures.

Article 12 Producers and importers of electrical and electronic products, in manufacturing and using packaging for electrical and electronic products, shall not violate any mandatory standards or laws, or standards concerning which

administrative laws and regulations require implementation, and should adopt the use of materials that are non-hazardous, easily degradable, facilitate recycling and use, and comply with national or industry standards for packaging use.

Article 13 Producers and importers of electrical and electronic products shall, in accordance with the national or industry standards for labelling restricted use of hazardous substances in electrical and electronic products, indicate via labelling the hazardous substances contained in the electrical and electronic products that they bring to market, indicate the names and contents of the harmful substances, the components in which they are located, and whether or not such may be recycled and used, as well as information such as the possible impact of inappropriate utilization or disposal upon environment and human health, etc.; where labelling on the product is impossible due to limitations in the size, shape or materials of the product or the manner of its function, such must be noted in the product manual.

Article 14 Producers and importers of electrical and electronic products must, in accordance with the national or industry standards for labelling restricted use of hazardous substances in electrical and electronic products, indicate in the labelling the environmental protection use period of the electrical and electronic products that they produce or import; where labelling on the product is impossible due to limitations in the size, shape and materials of the product or the manner of its function, such must be noted in the product manuals.

Article 15 The environmental protection use periods of electrical and electronic products are to be determined by the producers or importers of the electrical and electronic products themselves. Relevant industry associations may compose guidance opinions, which include product category, certain guidance method, the specific deadline, etc., pertaining to the environmental protection use period of electrical and electronic products, based on the level of technological development.

The Ministry of Industry and Information Technology encourages the relevant industry associations to submit [their] draft guiding opinions pertaining to the environmental protection use period of electrical and electronic products to the Ministry of Industry and Information Technology.

Article 16 Sellers of electrical and electronic products not sell electrical and electronic products that violate national or industry standards for restricted use of hazardous substances in electrical and electronic products.

Article 17 The restricted use of hazardous substances in electrical and electronic products is carried out through catalog management. A Compliance Management Catalog will be composed and adjusted by the Ministry of Industry and Information Technology in consultation with the Development and Reform Commission, the Ministry of Science and Technology, the Ministry of Finance, the Ministry of Environmental Protection, the Ministry of Commerce, the General Administration of Customs, and the Administration for Quality Supervision, Inspection and Quarantine, according to the actual status of the industry development.

Article 18 The State establishes a conformity assessment system for restricted use of hazardous substances in electrical and electronic products. The electrical and electronic products that have been included in the Compliance Management Catalog shall meet the national or industry standards for limits on the use of hazardous substances in electrical and electronic products and shall be managed in accordance with the conformity assessment system for restricted use of hazardous substances in electrical and electronic products.

The Ministry of Industry and Information Technology can, based on the entire work arrangement for restricted use of hazardous substances in electrical and electronic products, recommend the conformity assessment system for restricted use of hazardous substances in electrical and electronic products to the Certification and Accreditation Administration.

The Certification and Accreditation Administration, based on its functions, along with the Ministry of Industry and Information Technology, [shall] issue and implement the conformity assessment system. The Ministry of Industry and Information Technology shall, in accordance with actual situation, and together with the Ministry of Finance [and other] departments, establish a creditable mechanism based on the result of the assessments.

Section III - Punitive Provisions

Article 19 Where one of the following circumstances exists in violation of these Methods, various agencies, such as those for commerce, customs, and quality and quarantine, are to penalize such [violations] to the extent of their respective authorities:

- (1) Where producers of electrical and electronic products have, in violation of the provisions of Article 10 herein, adopted materials, technologies, and production techniques that violate the national or industry standards for restricted use of hazardous substance in electrical and electronic products or authorize [release from the factory] or sell manufactured electrical and electronic products which do not comply with the requirements of this regulation;
- (2) Where importers of electrical and electronic products have, in violation of the provision of Article 11 herein, imported electrical and electronic products which are in violation of national or industry standards for restricted use of hazardous substances;
- (3) Where producers and importers of electrical and electronic products have, in violation of the provisions of Article 12 herein, manufactured or used electrical and electronic product packaging that fails to comply with the national or industry standards for packaging use;
- (4) Where producers or importers of electrical and electronic products have, in violation of the provisions of Article 13 herein, failed to label the names and contents of the hazardous substances in the electrical and electronic products, as well as the components in which they are located, and [have not indicated] whether or not such products may be recovered and utilized, and [have] improperly used or dealt with information which may affect, etc., the environment and human health;
- (5) Where the producers or importers of electrical and electronic products have, in violation of the provisions of Article 14 herein, failed to label the environmental protection use period of the electrical and electronic product;
- (6) Where the sellers of electrical and electronic products have, in violation of the provisions of Article 16 herein, sell any electrical and electronic products which violate national or industry standards for restricted use of hazardous substances in electrical and electronic products;
- (7) Where the producers, importers or sellers of electrical and electronic products, in violation of the provisions of Article 17 herein, from the effective date for hazardous substance restriction [for those products] included in the Compliance Management Catalogue, produce, import or sell electrical and electronic products with hazardous substance [contents] in excess of limits for hazardous substances in electrical and electronic products provided in the relevant national or industry standards.

Article 20 Where the employees of relevant administrative agencies have abused the

powers of their posts, engaged in larceny for their own benefit, abetted or covered up actions in violation of the provisions herein, or have assisted parties that have violated the provisions herein to avoid prosecution, administrative penalties shall be assessed against such in accordance with the law.

Section IV - Supplementary Provisions

Article 21 Any enterprises, social organizations and individuals are entitled to complain and report units that violate the provisions herein and the actions thereof to the relevant agencies.

Article 22 These Methods shall be interpreted by the Ministry of Industry and Information Technology, the National Development and Reform Commission, the Ministry of Commerce, the Ministry of Science and Technology, the Ministry of Environmental Protection, the General Administration of Custom, and the Administration of Quality Supervision, Inspection and Quarantine.

Article 23 These Methods shall take effect on 1st July 2016. The Management Methods for the Control of Pollution from Electronic Information Products promulgated February 28, 2006 (No 39), Order of the former Ministry of Information Industry, Development and Reform Commission, Ministry of Commerce, Administration of Customs, Industry and Commerce Administration, Quality Supervision, Inspection and Quarantine Administration and Environmental Protection Administration) shall be rendered null from the effective date of this regulation.