

Order of the Ministry of Information Industry

No. 39

The "Measures for the Administration on Pollution Control of Electronic Information Products" are hereby promulgated, and shall come into force on March 1, 2007.

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Measures for the Administration on Pollution Control of Electronic Information Products

Chapter I General Provisions

Article 1 The present Measures are formulated in accordance with the "Law of the People's Republic of China on Promoting Clean Production", the "Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes" as well as other laws and administrative regulations for the purpose of controlling and reducing the pollution caused by the wasted electronic information products to the environment, promoting the production and sale of low-pollution electronic information products, and protecting the environment and human health.

Article 2 Except for the production for export products, the control and reduction of the pollution and other public hazards caused by electronic information products to the environment during the procedure of production, sale and import of electronic information products within the territory of the People's Republic of China shall be governed by the present Measures.

Article 3 In the present Measures, the following terms shall have their respective meanings as follows:

(1) The term "electronic information products" shall refer to the products produced with electronic information technologies, including electronic radar products, electronic communication products, radio and television products, computer products, home electronic products, electronic measurement devices products, special electronic products, electronic element and component products, electronic application products, electronic material products, etc., as well as the parts and components thereof.

(2) The term "pollution of electronic information products" shall refer to the destructions, damages, wastes or other bad effects caused to the environment, resources, human body, life or health, or the property safety due to the toxic or

noxious substances or elements contained in electronic information products, or due to the toxic or noxious substances or elements contained in electronic information products which exceed the national standards or industrial standards.

(3) The term "pollution control of electronic information products" shall refer to the following measures adopted to reduce or eliminate the toxic or noxious substances or elements contained in electronic information products:

a. the technical measures of changing the research and design scheme, adjusting the technological process, replacing the materials or renovating the method of production, etc. in the process of design or production;

b. the measures of indicating the names and contents of toxic or noxious substances or elements, indicating the environmental protection use term of the electronic information products, etc. in the process of design, production, sale or import;

c. the measures such as rigidly limiting the purchasing avenues, or refusing to sell the electronic information products which do not meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products in the process of sale;

d. prohibiting the import of electronic information products which do not meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products;

e. other pollution control measures prescribed in the present Measures.

(4) The term "toxic or noxious substances or elements" shall refer to the following substances or elements contained in electronic information products:

a. lead;

b. hydrargyrum;

c. cadmium;

d. HexChrome;

e. PBB;

f. PBDE;

g. other toxic or noxious substances or elements prescribed by the state.

(5) The term "environmental protection use term of electronic information products" shall refer to the time period within which the toxic or noxious substances or elements contained in electronic information products will not leak or suddenly change, and the users of the electronic information products will not cause serious pollution to the environment or serious personal or property damages.

Article 4 The Ministry of Information Industry of the People's Republic of China (hereinafter referred to as "MII"), the State Development and Reform Commission of the People's Republic of China (hereinafter referred to as "SDRC"), the Ministry of Commerce of the People's Republic of China (hereinafter referred to as "MOC"), the General Administration of Customs of the People's Republic of China (hereinafter referred to as "the General Administration of Customs"), the State Administration for Industry and Commerce (hereinafter referred to as "SAIC"), the State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as "SAQSIQ"), and the State Environmental Protection Administration (hereinafter referred to as "SEPA") shall, within the scope of their respective duties, administer and supervise the pollution control of the electronic information products. The above relevant competent departments shall, when necessary, set up a work coordination mechanism to resolve the major matters and problems in the pollution control of electronic information products.

Article 5 MII shall, in consultation with the relevant competent department of the State Council, formulate measures favorable to the pollution control of electronic information products.

MII and the relevant competent departments of the State Council shall, within the scope of their respective duties, promote the technologies on the pollution control of electronic information products and the comprehensive utilization of resources, etc., encourage and support the scientific research, technological development and international cooperation on the pollution control of electronic information products, and ensure the implementation of the relevant provisions on the pollution control of electronic information products.

Article 6 MII may provide certain support to the organizations and individuals who actively develop, research and manufacture new environmental protection electronic information products.

Article 7 The competent departments of information industry, development and reform, commerce, customs, industry and commerce, quality inspection, environmental protection, etc. of each province, autonomous region, or municipality directly under the Central Government shall, within the scope of their respective duties, supervise and administer the control of pollution caused from production, sale and import of electronic information products, and shall, when necessary, set up a work coordination mechanism for regional control of pollution from electronic information products, uniformly coordinate their work and assume their respective responsibilities.

Article 8 The competent department of information industry of each province, autonomous region, or municipality directly under the Central Government may commend and award the organizations and individuals that have made prominent achievements in the pollution control of electronic information products and other relevant activities.

Chapter II Pollution Control of Electronic Information Products

Article 9 An electronic information product designer shall, when designing electronic information products, meet the national or industrial standards for control of toxic or noxious substances or elements of electronic information products, and shall, on the premise of satisfying the technique requirements, adopt a non-toxic and innocuous or a low-toxicity and low-noxiousness solution in which the said substances or elements are easy to be degraded or convenient for recovery and utilization.

Article 10 An producer of electronic information products shall, when producing or manufacturing electronic information products, meet the national or industrial standards for control of toxic or noxious substances or elements of electronic information products, and use the materials, technologies and techniques with high resource utilization rate, easy for recycling and treatment, and beneficial to environmental protection.

Article 11 The environmental protection use term of electronic information products shall be determined by the producer or importer of electronic information products itself. The producer or importer of electronic information products shall mark the environmental protection use term on the electronic information products it produces or imports, or shall, if the said use term cannot be labeled on the products due to the limited product size or function, indicate it in the product specification.

The labeling specimen and the way of indication, which are prescribed in the preceding paragraph, shall be uniformly prescribed by MII in consultation with the relevant competent department of the State Council. The labeling specimen and the way of indication shall meet the national or industrial standards for control of toxic or noxious substances or elements of electronic information products.

The relevant industrial organizations may, according to the technical

development level, formulate guidelines on the environmental protection use term of relevant electronic information products.

Article 12 MII encourages the relevant industrial organizations to submit their guidelines on the environmental protection use term of their electronic information products to MII.

Article 13 A producer or importer of electronic information products shall mark the toxic or noxious substances or elements contained in the electronic information products it launches to the market, indicating the name, content and the components contained of toxic or noxious substances or elements, , and whether they may be recycled for utilization, etc, or shall, if such information cannot be labeled on the products due to the limited product size or function, indicate it in the product specification.

The labeling specimen and the way of indication, which are prescribed in the preceding paragraph, shall be uniformly prescribed by MII in consultation with the relevant competent department of the State Council, and shall meet the national or industrial standards on the control of toxic or noxious substances or elements contained in electronic information products.

Article 14 A producer or importer of electronic information products shall, when making and using the packages of electronic information products, use the non-toxic and innoxious materials which are easy to be degraded or convenient for recovery and utilization by following the national or industrial standards for control of toxic or noxious substances or elements of electronic information products.

A producer or importer of electronic information products shall mark the name of the package material on the package of the electronic information products it has produced or imported; or shall, if it cannot be labeled due to the limited product size or exterior surface, indicate it in the product specification.

The labeling specimen and the way of indication, which are prescribed in the preceding paragraph, shall be uniformly prescribed by MII in consultation with the relevant competent department of the State Council, and shall meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products.

Article 15 A seller of electronic information products shall rigidly limit the purchasing channels, and shall not be permit to sell any electronic information product not meeting the national or industrial standards for control of toxic or noxious substances or elements of electronic information products.

Article 16 The imported electronic information products shall meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products.

Article 17 MII shall, in consultation with SEPA, formulate industrial standards for control of toxic or noxious substances or elements of electronic information products.

MI I shall, in consultation with the National Standardization Commission of China, draft national standards for control of toxic or noxious substances or elements of electronic information products.

Article 18 MII shall, in consultation with the SDRC, MOC, the General Administration of Customs, SAIC, SAQSIQ and SEPA, work out and adjust the catalogue subject to the key point management for pollution control of electronic information products.

The catalogue subject to the key point management for pollution control of electronic information products shall be composed of the categories of electronic information products, the kinds of toxic or noxious substances or elements

restricted to use, and the limited use term thereof, and shall be adjusted year by year in light of the actual situation and the requirement of scientific and technological development level.

Article 19 The Certification and Accreditation Administration of China shall lawfully implement compulsory product certification administration to the electronic information products included into the catalogue subject to the key point management for pollution control of electronic information products.

The entry and exit inspection and quarantine institution shall implement the port verification and arrival-based inspection on the imported electronic information products. The customs shall handle the inspection release procedures upon the strength of the "List of Customs Clearance of Inward Goods" issued by the entry and exit inspection and quarantine institution.

Article 20 The electronic information products included into the catalogue subject to the key point management for pollution control of electronic information products shall, in addition to conforming to the relevant provisions in the present Measures on the pollution control of electronic information products, meet the requirements for key point pollution control prescribed in the catalogue subject to the key point management for pollution control of electronic information products .

The electronic information products not included into the catalogue subject to the key point management for pollution control of electronic information products shall conform to other provisions in the present Measures on the pollution control of electronic information products.

Article 21 MII shall, in consultation with the SDRC, MOC, the General Administration of Customs, SAIC, SAQSIQ and SEPA, and in light of the actual situation on industrial development, promulgate the implementation time limit that the toxic or noxious substances or elements shall not be permitted to be contained in the electronic information products listed into the catalogue subject to the key point management for pollution control of electronic information products.

Chapter III Penalty Provisions

Article 22 Whoever violates the present Measures and is under any of the following circumstances shall be penalized by the customs, the administrative departments of industrial and commerce, quality inspection, environmental protection, etc. within the scope of their respective duties:

(1) A producer of electronic information products violates Article 10 of the present Measures because the materials, technologies or techniques it adopts do not meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products;

(2) A producer or importer of electronic information products violates Paragraph 1 of Article 14 of the present Measures because the electronic information product packages it makes or uses do not meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products;

(3) A seller of electronic information products violates Article 15 of the present Measures by selling electronic information products that fail to meet the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products;

(4) An importer of electronic information products violates Article 16 of the present Measures because the electronic information products it imports do not meet the national or industrial standards for the control of toxic or noxious

substances or elements of electronic information products;

(5) A producer, seller or importer of electronic information products violates Article 21 of the present Measures by still producing, selling or importing electronic information products whose content of toxic or noxious substances or elements exceeds the national or industrial standards for the control of toxic or noxious substances or elements of electronic information products as of the starting date of the implementation time limit that the toxic or noxious substances or elements shall not be permitted to be contained in the electronic information products listed into the catalogue subject to the key point management for pollution control of electronic information products ; or

(6) An importer of electronic information products violates the provisions in the present Measures on import administration to import electronic information products.

Article 23 Whoever violates the present Measures and is under any of the following circumstances shall be penalized by the administrative departments for industry and commerce, quality inspection, and environmental protection, etc. within the scope of their respective duties:

(1) A producer or importer of electronic information products violates Article 11 of the present Measures by failing to explicitly mark the environmental protection use term of its electronic information products;

(2) A producer or importer of electronic information products violates Article 13 of the present Measures by failing to explicitly mark the name, content, the components contained of the toxic or noxious substances or elements of its electronic information products, or whether they may be recycled for utilization; or

(3) A producer or importer of electronic information products violates Paragraph 2 of Article 14 of the present Measures by failing to explicitly mark the components of the materials of the packages of its electronic information products.

Article 24 Where any government functionary abuses his power, practices favoritism for himself or his relative, connives at or harbors the acts of violating the present Measures, or helps the party who violates the present Measures in avoiding investigation and punishment, he shall be given administrative sanctions in accordance with the law.

Chapter IV Supplementary Provisions

Article 25 Any organization or individual may reveal to MII or to the competent department of information industry of the local province, autonomous region, or municipality directly under the Central Government the designers, producers, importers and sellers who cause any pollution by electronic information products.

Article 26 The power and responsibility to interpret the present Measures shall remain with MII in consultation with SDRC, MOC, the General Administration of Customs, SAIC, SAQSIQ and SEPA.

Article 27 The present Measures shall come into force on March 1, 2007.