

Administration on the Control of Pollution Caused by Electronic Information Products

Chapter One General Provisions

Article 1 In order to control and reduce environmental pollution caused by discarded waste electronic information products, promote the production and sales of low-pollution electronic information products, effectuate clean production, improve the efficiency of resources utilization, protect the environment and human health, and promote the sustainable development of the electronic information industry, the *Administration on the Control of Pollution Caused by Electronic Information Products* (hereinafter referred to as the *Administration*) is hereby promulgated in accordance with the relevant provisions of the *Law of the People's Republic of China on Promotion of Clean Production*, the *Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste*, the *Law of the People's Republic of China on Products Quality* and other laws and regulations.

Article 2 This Administration shall apply to the control and reduction of the pollution and other public nuisances caused by electronic information products to the environment during the production, sales and importation processes of electronic information products within the territory of the People's Republic of China, but shall not apply to the production of export-oriented products.

Article 3 Terms used in this *Administration* are defined as follows:

(I) Electronic information products refer to electronic radar products, electronic communication products, broadcast and television products, computer products, household electronic products, electronic measurement and instrument products, electronic products for special use, electronic component products, electronic application products, electronic material products, software products and all their parts manufactured by using electronic information technologies.

(II) Pollution of electronic information products refers to the damage, harm, waste or other bad effects caused by electronic information products on the environment, resources, human life and health and the safety of property because electronic information products contain toxic and harmful substances, or elements or the toxic and harmful substances or elements contained therein exceed national standards or sectoral standards.

(III) Control of pollution of electronic information products refers to the following measures taken to reduce or remove the toxic and harmful substances or elements contained in electronic information products:

1. technical measures adopted in the design and production processes, such as modifying the design plan, adjusting the technical flow, changing the materials used, and innovating the manufacturing modes;
2. measures adopted in the design, production, importation and sales processes, such as marking the names and levels of toxic and harmful substances or elements and the safe-use life of electronic information products;
3. measures adopted in the sales process, such as controlling the purchase channels, and not selling electronic information products that contain toxic and harmful substances or elements or whose levels of toxic and harmful substances or elements exceed national standards or sectoral standards;

4. prohibiting the importation of electronic information products not meeting national or sectoral standards on toxic and harmful substances; and
5. other pollution control measures specified in this *Administration*.

(IV) Toxic and harmful substances or elements refer to the following substances or elements contained in electronic information products:

1. Lead;
2. Mercury;
3. Cadmium;
4. Hexavalent chromium;
5. Polybrominated biphenyls (PBB);
6. Polybrominated diphenyl ethers (PBDE); and
7. Other toxic and harmful substances or elements specified by the State.

(V) Safe-use life of electronic information products refers to the period of time in which the toxic and harmful substances or elements contained in electronic information products will not leak or change suddenly and the use of such electronic information products does not result in serious pollution of the environment or major damage to human life and property.

Article 4 The Ministry of Information Industry, the National Development and Reform Commission, the Ministry of Commerce, the General Administration of Customs, the State Administration for Industry and Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, and the State Environmental Protection Administration will work together in controlling the pollution caused by electronic information products within their respective competence, and establish a harmonized mechanism to solve major issues in controlling the pollution of electronic information products.

Article 5 The Ministry of Information Industry will work with relevant departments to formulate policies and measures within their respective competence to better control the pollution of electronic information products; spread technologies for controlling the pollution of electronic information products and efficient utilization of resources; encourage and support scientific research, technical development and international cooperation for controlling the pollution of electronic information products; and take charge of the fulfillment of duties for controlling the pollution of electronic information products.

Article 6 The Ministry of Information Industry may provide necessary policy support for organizations and individuals engaged in developing new eco-friendly electronic information products.

Article 7 The administrative departments of provinces, autonomous regions and municipalities related to the information industry, development and reform, commerce, customs, industry and commerce, quality inspection, and environmental protection shall, within their respective competence, supervise the pollution control during the production, importation and sales processes of electronic information products, and establish a harmonized local mechanism when necessary.

Article 8 The competent authorities on the information industry of provinces, autonomous regions and municipalities shall commend and award organizations and individuals with noticeable achievements in controlling the pollution of electronic information products and related activities.

Chapter Two Control of Pollution of Electronic Information Products

Article 9 Designers of electronic information products shall use non-toxic and harmless

substances or low-toxin, low-harm, readily degradable and recyclable materials in designing electronic information products on the precondition of meeting the technical requirements while meeting the national or sectoral standards on the control of toxic and harmful substances in electronic information products.

Article 10 Manufacturers of electronic information products shall, in producing or manufacturing electronic information products, adopt resource-efficient, recyclable and eco-friendly materials, technologies and techniques in accordance with the national or sectoral standards on the control of toxic and harmful substances in electronic information products.

Article 11 Producers and importers of electronic information products shall mark the safe-use life of, and provide detailed instructions on, the electronic information products produced or imported.

The style and mode for marking the safe-use life shall be specified by the Ministry of Information Industry and other related government departments.

The safe-use life of electronic information products may be determined by the producers and importers of electronic information products.

The relevant industry organizations may provide guidelines about the safe-use life of electronic information products based on the technological developments of the industry.

Article 12 The Ministry of Information Industry encourages the relevant industry organizations to report their guidelines about the safe-use life of electronic information products to the Ministry of Information Industry.

Article 13 Electronic information products imported by the importers shall meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products.

Electronic information products imported by the producers as supporting facilities for production shall meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products, and the producers shall mark the place of origin on the imported electronic information products. If direct marking is difficult due to restrictions of volumes and functions, the information about the place of origin shall be provided on the packages or in product instructions.

Article 14 Producers and importers of electronic information products shall mark the toxic and harmful parts of electronic information products to be put on the market, specifying the names and levels of the toxic and harmful substances and whether they are recyclable; if direct marking is difficult due to restrictions of volumes and functions, such information shall be provided on the packages or in product instructions.

The marking style and mode shall be specified and issued by the Ministry of Information Industry and other related government departments.

Article 15 Producers and importers of electronic information products shall use non-toxic, harmless, readily degradable and recyclable materials as the packaging materials for electronic information products in accordance with the national or sectoral standards on the control of toxic and harmful substances in electronic information products.

Producers and importers of electronic information products shall mark the names of materials on the packages; if direct marking is difficult due to restrictions of volumes and external surfaces, such information shall be provided in product instructions.

Article 16 Sellers of electronic information products shall control the purchase channels and

not sell any electronic information products whose levels of toxic and harmful substances exceed the national standards or sectoral standards on the control of toxic and harmful substances in electronic information products.

Article 17 The Ministry of Information Industry shall work with the State Environmental Protection Administration to formulate the sectoral standards on the control of toxic and harmful substances in electronic information products.

The Ministry of Information Industry and Standardization Administration of China shall draft national standards on the control of toxic and harmful substances in electronic information products.

Article 18 Electronic information products delivered, sold, imported or used in any other business activities shall be subject to mandatory certification by the government certification and supervision agency.

Imported electronic information products shall be subject to certification and delivery inspection by the entry-exit inspection and quarantine agency. The Customs shall inspect and let pass the products according to the cargo clearance certificates issued by the entry-exit inspection and quarantine agency.

Article 19 The Ministry of Information Industry shall work with the National Development and Reform Commission, the Ministry of Commerce, the General Administration of Customs, the State Administration for Industry and Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration to adjust the Catalogue for Pollution Control in Key Electronic Information Products (hereinafter referred to as the Catalogue).

The Catalogue consists of categories of electronic information products, types of toxic and harmful substances restricted for use and the time for restricted use, and shall be adjusted annually according to the actual conditions and the development of science and technology.

Article 20 Electronic information products listed in the Catalogue shall not only comply with the relevant regulations in this *Administration* on the pollution control of electronic information products but also meet the requirements for the pollution control of key electronic information products specified in the Catalogue.

Electronic information products not listed in the Catalogue shall comply with the relevant regulations in this *Administration* on the pollution control of electronic information products.

Article 21 According to the actual conditions of industry development, the Ministry of Information Industry shall work with the National Development and Reform Commission, the Ministry of Commerce, the General Administration of Customs, the State Administration for Industry and Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, and the State Environmental Protection Administration to issue the deadline for implementing the regulations that the electronic information products listed in the Catalogue shall not contain toxic and harmful substances.

Chapter Three Penalty Rules

Article 22 Designers, producers, sellers and importers of electronic information products who violate this *Administration* in any of the following circumstances shall be penalized by the General Administration of Customs, the State Administration for Industry and Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration and other administrative departments within their respective

competence:

(I) Designers of electronic information products violate Article 9 of this *Administration* and the design plans adopted do not meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products;

(II) Producers of electronic information products violate Article 10 of this *Administration* and the materials, technologies and techniques used do not meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products;

(III) Importers of electronic information products violate Article 13 of this *Administration* and the electronic information products imported do not meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products;

(IV) Producers and designers of electronic information products violate Paragraph 1 of Article 15 of this *Administration*, and the packaging materials made or used for the electronic information products do not meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products;

(V) Sellers of electronic information products violate Article 16 of this *Administration*, and sell electronic information products whose levels of toxic and harmful substances do not meet the national or sectoral standards on the control of toxic and harmful substances in electronic information products; and

(VI) Designers, producers, importers and sellers of electronic information products violate Article 21 of this *Administration*, and the electronic information products designed, produced, imported or sold contain toxic and harmful substances or the toxic and harmful substances contained therein exceed the national or sectoral standards on the control of toxic and harmful substances in electronic information products;

Article 23 Designers, producers, sellers and importers of electronic information products who violate this *Administration* in any of the following circumstances shall be penalized by the General Administration of Customs, the State Administration for Industry and Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration and other administrative departments within their respective competence:

(I) Producers and importers of electronic information products violate Article 11 of this *Administration* and do not mark in an easily recognizable manner the safe-use life of electronic information products;

(II) Producers or importers of electronic information products violate Article 14 of this *Administration* and do not mark in an easily recognizable manner the names and levels of the toxic and harmful substances in the electronic information products and whether they are recyclable; and

(III) Producers and importers of electronic information products violate Paragraph 2 of Article 15 of this *Administration* and do not mark in an easily recognizable manner the components of the packaging materials for the electronic information products.

Article 24 Government workers who abuse their powers, play favoritism, connive at or cover up conducts incompliant with this *Administration*, or help violators of this *Administration* escape from punishment, shall be admonished, given a demerit record or dismissed from public service; if they violate the criminal law, they shall be investigated for criminal responsibilities.

Chapter Four Supplementary Rules

Article 25 Any natural person, legal person or any other organization shall have the right to

report or prosecute any designer, producer, importer or seller causing pollution with their electronic information products to the Ministry of Information Industry or the competent authorities on the information industry of the respective province, autonomous region or municipality.

Article 26 This *Administration* shall be subject to the interpretation of the Ministry of Information Industry, the National Development and Reform Commission, the Ministry of Commerce, the General Administration of Customs, the State Administration for Industry and Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, and the State Environmental Protection Administration.

Article 27 This *Administration* will come into effect from 1 July 2006