

Administrative Measures on the Control of Pollution Caused by Electronic Information Products

Chapter 1 General Principles

Article 1 In order to control and reduce environmental pollution caused by discarded waste electronic information products, save resources and promote sustainable development of the electronic information industry, the *Administrative Measures on the Control of Pollution Caused by Electronic Information Products* (hereinafter referred to as the “Measures”) is hereby promulgated in accordance with the relevant provisions of the *Law of the People’s Republic of China on Promotion of Clean Production* (hereinafter referred to as the “Clean Production Promotion Law”), the *Law of the People’s Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste* (hereinafter referred to as the “Solid Waste Prevention and Control Law”), the *Law of the People’s Republic of China on Products Quality* (hereinafter referred to as the “Products Quality Law”) and other laws and regulations.

Article 2 These Measures shall apply to acts of controlling and reducing pollution and other public hazards to the environment caused by electronic information products in the process of producing, selling and importing electronic information products within the territory of the People’s Republic of China. These Measures do not apply to the production of products destined for export.

Article 3 Certain terms in these Measures are defined as follows:

(1) “Electronic information products” refers to products and parts made with electronic information technology, which include 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 and software products, etc.

(2) “Pollution caused by electronic information products” refers to the destruction, damage, waste or other adverse effects in the environment, resources, and safety of human life, health and property, which are caused by electronic information products containing toxic and harmful substances or elements, or the toxic and harmful substances or elements contained in electronic information products exceed the industrial or national standards.

(3) “Control of pollution caused by electronic information products” refers to the following measures taken to reduce or eliminate the toxic and harmful substances or elements contained in electronic information products:

- i. Technical measures adapted in the design and production processes with regard to altering research and design approaches, adjusting technological processes, substituting materials used, and renovating manufacturing methods, etc;
- ii. Measures taken in the design, production, import and sale processes with regard to indicating the names and contents of toxic and harmful substances and elements and the safe-use period for the electronic information products;
- iii. Measures taken during the sales process with regard to establishing rigorous procurement channels, and preventing the sale of electronic information products which contain toxic and harmful substances or elements, or which contain toxic and harmful substances or elements that do not comply with industrial or national standards for the control of pollution caused by electronic information products;
- iv. Measures taken to ban the importation of electronic information products which do not comply with industrial or national standards for the control of pollution caused by electronic information products;
- v. Other measures for controlling pollution provided in these Measures.

(4) "Toxic and harmful substances or elements" refers to the following substances and elements contained in electronic information products:

- i. Lead;
- ii. Mercury;
- iii. Cadmium;
- iv. Hexavalent chromium;
- v. Polybrominated biphenyls (PBB);
- vi. Polybrominated diphenyl ethers (PBDE); and
- vii. Other toxic and harmful substances or elements provided by the State.

(5) "Safety period of electronic information products" refers to the period during which the toxic and harmful substances or elements contained in electronic information products may not leak or mutate, so that such electronic information products may not inflict harm to the environment and such property or bodies of the users.

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, the State Environmental Protection Administration shall manage and supervise the prevention and control of pollution caused by electronic information products in their respective scope of responsibilities, and establish cooperation and collaboration mechanisms to solve important issues related to the prevention and control of pollution caused by electronic information products if necessary.

Article 5 The Ministry of Information Industry and other relevant administrative authorities shall formulate policies and methods beneficial to the prevention and control of pollution caused by electronic information products in their respective scope of responsibilities, promote technologies in connection with the prevention and control of the pollution caused by electronic information products, encourage and support the scientific research, technology development and international cooperation on the prevention and control of pollution caused by electronic information products; be responsible for implementing various tasks to prevent and control pollution caused by electronic information products.

Article 6 The Ministry of Information Industry may provide necessary policy support to the entities and individuals actively involved in the research and development of new environmentally friendly electronic information products.

Article 7 The relevant administrative authorities at various provincial, autonomous regional, and municipal levels in charge of commerce, development and reform, environmental protection, information industry, industry and commerce, quality inspection and customs shall, within their respective scope of responsibilities, perform their duties of supervision and management with regard to pollution control in the manufacturing, importation and sale processes of electronic information products, and establish regional cooperation and collaboration mechanisms if necessary.

Article 8 The administrative authorities at the provincial, autonomous regional and municipal levels in charge of the information industry may commend and reward the entities and individuals with outstanding achievements in their work on the prevention and control of pollution caused by electronic information products and other related activities.

Chapter 2 Control of Pollution Caused by Electronic Information Products

Article 9 When designing an electronic information product, the designer shall comply with industrial or national standards for prevention and control of pollution caused by electronic information products to adopt measures, subject to technological requirements, that are non-toxic and harmless, or low-toxic and less harmful, and easily degradable and recyclable.

Article 10 When producing or manufacturing electronic information products, the manufacturers shall use materials, technologies and processes which are energy efficient, easily recyclable and environmentally friendly in accordance with the industrial or national standards for prevention and control of pollution caused by electronic information products.

Article 11 Manufacturers and importers of electronic information products shall explicitly indicate the safety period of such electronic information products, and shall provide detailed explanations in that regard in product information manuals.

The styles and methods indicating the safety period shall be collectively mandated by the Ministry of Information Industry and other relevant State agencies.

The safety period of the electronic information products should be determined by the manufacturers or importers themselves.

The relevant industry organizations can provide guidance on the safety period of electronic information products based on the developments technology.

Article 12 The Ministry of Information Industry encourages relevant industry organizations to submit their guidance on the safety period of electronic information products to the Ministry of Information Industry.

Article 13 Imported electronic information products shall conform to the industrial or national standards for prevention and control of pollution caused by electronic information products. The electronic information products imported by manufacturers for manufacturing purposes shall conform to industrial or national standards for the prevention and control of pollution caused by electronic information products, and shall be marked to indicate their places of origin. If it is difficult to indicate such information on the products due to the size or functional limitations of the imported products, the places of origin shall be indicated on the packaging or in the product instruction manual.

Article 14 For the products that are released to the markets, manufacturers and importers of electronic information products shall indicate the names and contents of toxic and harmful substances contained therein and the recyclability of such products. If, due to size or functional limitations of the products, it is difficult to provide such information on the products, such indication may be provided on the packaging or in the product manual.

The styles and methods of such markings shall be made public and implemented after determined by the Ministry of Information Industry and other relevant state agencies.

Article 15 When making and using electronic information products packages, manufacturers and importers of electronic information products shall, in accordance with the industrial standards or national standards for prevention and control of pollution caused by electronic information products, use non-toxic, harmless, readily degradable and recyclable materials.

Manufacturers and importers of electronic information products shall explicitly mark the contents of materials on the packaging of their products. If it cannot be marked due to size limitation of the products, such information shall be provided in the product instruction manuals.

Article 16 Sellers of electronic information products shall have strict procurement channels and shall not sell any electronic information products in which the contents of toxic and harmful substances do not comply with the industrial or national standards on prevention and control of pollution from electronic information products.

Article 17 The Ministry of Information Industry shall, together with the State Environmental Protection Administration, formulate industrial standards on prevention and control of pollution caused by electronic information products.

The Ministry of Information Industry shall, after consultation with the State Administrative Commission on Standardization, draft national standards on prevention and control of pollution for electronic information products.

Article 18 Electronic information products that are released from factories, sold, imported or otherwise used in the business activities shall be certified by certification and accreditation authorities of the state.

Imported electronic information products shall be examined and inspected at the entry port by inspection and quarantine authorities. Custom authorities shall release such products after the products receive the certification issued by entry inspection and quarantine authorities.

Article 19 The Ministry of Information Industry shall consult with the Development and Reform Committee, the Ministry of Commerce, the General Administration of Customs, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration and the State Administration for Industry and Commerce to formulate and revise the Catalogue of Key Electronic Information Products on Pollution Prevention and Control.

The Catalogue for Pollution Prevention and Control in Key Electronic Information Products shall consist of lists of categories of electronic information products, types of toxic substances restricted for use in electronic information products and the restriction on the safety period; such Catalogue will be adjusted yearly based on the development of technology.

Article 20 The electronic information products listed in the Catalogue for Pollution Prevention and Control in Key Electronic Information Products shall satisfy the provisions in these Measures on prevention and control of pollution caused by electronic information products and conform to the key requirements for prevention and control stated in the Catalogue.

Those electronic information products not listed in the Catalogue for Pollution Prevention and Control in Key Electronic Information Products shall satisfy the provisions in these Measures on prevention and control of pollution caused by electronic information products.

Article 21 Based on the development of the industry, the Ministry of Information Industry, 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 promulgate the implementing timeline for the ban of toxic substances in electronic information products in the Catalogue for Pollution Prevention and Control in Key Electronic Information Products.

Chapter 3 Penalty Provisions

Article 22 Designers, manufacturers, importers and sellers of electronic information products who violate these Measures in one of the following manners 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 and the State Environmental Protection Administration in their respective scope of responsibilities:

(1) designers of electronic information products, who in violation of Article 9 of these Measures, adopt a design plan that does not conform to the industrial or national standards for prevention and control of pollution caused by electronic information products;

(2) manufacturers of electronic information products, who in violation of Article 10 of these Measures, use materials, technologies and processes that do not conform to the industrial or national standards for prevention and control of pollution caused by electronic information products;

(3) importers of electronic information products, who in violation of Article 13 of these Measures, import electronic information products that do not conform to industrial or national standards for prevention and control of pollution caused by electronic information products;

(4) manufacturers and importers of electronic information products, who in violation of Section 1 of Article 15 of these Measures, manufacture or use packaging for electronic information products that do not conform to industrial or national standards for prevention and control of pollution caused by electronic information products;

(5) sellers of electronic information products, who in violation of Article 16 of these Measures, sell electronic information products which contain toxic and harmful substance which do not conform to industrial or national standards for prevention and control of pollution caused by electronic information products;

(6) designers, manufacturers, importers and sellers of electronic information products, who in violation of Article 21 of these Measures, design, manufacture, import or sell electronic information products which contain toxic and harmful substances or elements, or which contain toxic and harmful substances that exceed industrial or national standards for prevention and control of pollution caused by electronic information products.

Article 23 Designers, manufacturers, importers and sellers of electronic information products who violate these Measures in one of the following manners 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 and the State Environmental Protection Administration in their respective scope of responsibilities:

(1) manufacturers or importers of electronic information products, who in violation of Article 11 of these Measures, do not explicitly indicate the safety period of the electronic information products;

(2) manufacturers or importers of electronic information products, who in violation of Article 14 of these Measures, do not explicitly indicate the names and contents of toxic and harmful substances contained in their products and the recyclability of their products;

(3) manufacturers or importers of electronic information products, who in violation of section 2 of Article 15 of these Measures, do not explicitly indicate the contents of packaging materials for their electronic information products.

Article 24 Government employees who abuse their authority, commit fraud for personal gain, conspire or conceal violations defined in these Measures, or assist parties in violation of these Measures to escape from investigation, will be subject to administrative penalties including warnings, recording demerits and termination from office; those who violate the criminal law shall be prosecuted pursuant to criminal penalties.

Chapter 4 Supplementary Provisions

Article 25 Any individual, legal person or other organization shall have the right to report and/or bring claims against a designer, manufacturer, importer and seller who causes pollution from electronic information products with the Ministry of Information Industry or the administrative authorities in charge of the information industry in the provinces, autonomous regions and municipalities.

Article 26 These Measures shall be interpreted by the Ministry of Information Industry, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration, the National Development and Reform Commission, the Ministry of Commerce, the General Administration of Customs and the State Administration for and Industry of Commerce.

Article 27 These Measures shall take effect as of 1 July 2006.

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