

# Management Methods on the Prevention and Control of Pollution Caused by Electronic Information Products

(Draft for Co-sign)

## Chapter 1 General Principles

**Article 1** In order to prevent, control and reduce pollution and other public hazards to the environment in the process of using and discarding electronic information products, to realize clean production of products, to raise efficiency of resource utilization, to safeguard human life, health and property, and to promote the sustainable development of the [electronic] industry, these Methods are 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") and other laws and regulations.

**Article 2** These Methods shall apply to acts of preventing, controlling and reducing pollution and other public hazards caused by electronic information products to the environment in the process of producing, selling and importing electronic information products within the territory of the People's Republic of China.

**Article 3** The following terms in these Methods are defined as follows:

- (1) "Electronic information products" refers to products and their parts made by using electronic information technology, which include electronic radar products, electronic communication products, broadcast & 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 destruction, damage, waste or other adverse effects caused by electronic information products to the environment, resources, and safety of human life, health and property due to the following reasons:
  - i. Electronic information products contain toxic and harmful substances or elements, or the toxic and harmful substances or elements contained in electronic information products exceed industrial or national standards;
  - ii. Other reasons provided by law, administrative rules or agency regulations.
- (3) "Prevention and 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 taken in the process of design and production to alter research and design approaches, to adjust technological processes, to substitute materials used, and to renovate manufacturing models, etc;
  - ii. Measures taken in the process of design, production, import and sale, such as 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, such as establishing rigorous sales channels for outsourcing goods, 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 prevention and control of pollution caused by electronic information products;
  - iv. Measures taken to recycle, treat and reuse discarded electronic information products, etc;
  - v. Other measures for preventing and controlling pollution provided in these Methods.
- (4) "Toxic and harmful substances or elements" refer 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) "Safe-use 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 break, so that the electronic information products may not seriously pollute the environment and the property or lives of the users may not suffer grave harm.
- (6) "Discarded electronic information products" refer to electronic information products:
- i. for which the safe-use periods expire;
  - ii. which have been phased out or discarded by their users even though the safe-use periods have not expired.

**Article 4** The Ministry of Information Industry shall, pursuant to the provisions of the Clean Production Promotion Law, the Solid Waste Prevention Law and other laws and regulations, undertake the following responsibilities:

- (1) Formulate policy measures beneficial to the prevention and control of pollution caused by electronic information products;
- (2) Encourage and support scientific research, technological development and international cooperation on the prevention and control of pollution caused by electronic information products;

- (3) Organize promotion and popularization of knowledge on the prevention and control of pollution caused by electronic information products, and raise environmental protection awareness throughout the entire [electronic] industry;
- (4) Promote technologies in connection with the prevention and control of pollution caused by electronic information products, the comprehensive use of resources, and the protection and improvement of the environment.

**Article 5** The administrative authorities in charge of the information industry of the provinces, autonomous regions and municipalities directly under the Central Government shall integrate the management of prevention and control of pollution caused by electronic information products into their scope of responsibilities.

For the purpose of implementing the relevant provisions of these Methods, the administrative authorities in charge of the information industry of the provinces, autonomous regions and municipalities directly under the Central Government may conduct site inspections at [the places of business of] designers, manufacturers, importers and sellers of electronic information products. [These administrative authorities] may also do so in cooperation with the administrative authorities [in charge of] environmental protection, industry and commercial administration, quality inspection, etc., as necessary.

The relevant administrative authorities at various levels in charge of commerce, environmental protection, industry and commerce, quality inspection and customs shall, in accordance with these Methods and within their respective scope of responsibilities, perform their duties of supervision and management in the manufacture, import and sale of electronic information products in consultation with the administrative authorities in charge of the information industry.

**Article 6** The administrative authorities in charge of the information industry of provinces, autonomous regions and municipalities directly under the Central Government 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.

**Article 7** The Ministry of Information Industry may provide necessary policy support to the entities that actively develop and carry out research on new electronic information products which [demonstrate] environmental-protection benefits.

## **Chapter 2            Prevention and Control of Pollution Caused by Electronic Information Products**

**Article 8** 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 and shall adopt approaches that are non-toxic and harmless, or low-toxic and less harmful, and easily degradable and recyclable, provided that industry-process requirements can be met.

**Article 9** When producing or manufacturing electronic information products, the producers shall use materials, technologies and processes which are resource efficient, easily recyclable and [demonstrate] environmental-protection benefits in accordance with the industrial or national standards for prevention and control of pollution caused by electronic information products.

**Article 10** Producers of electronic information products shall clearly indicate the safe-use period of the electronic information products they produce, and shall provide detailed explanations [of the safe-use period] in product manuals.

The samples and methods of the marks indicating the safe-use period shall be uniformly specified by the Ministry of Information Industry or by the Ministry of Information Industry in conjunction with other relevant State agencies.

**Article 11** When finalizing a [new] product design, producers of electronic information products shall submit the safe-use periods of these electronic information products to the Ministry of Information Industry in a timely manner.

The Ministry of Information Industry shall periodically promulgate lists of electronic information products with safe-use periods submitted by the producers of electronic information products.

**Article 12** Producers, sellers, importers and users of electronic information products shall undertake the relevant responsibilities for recycling, treating and reusing their discarded products after the expiration of the safe-use periods thereof.

The administrative procedures for recycling, treating and reusing discarded electronic information products will be separately formulated by relevant agencies.

**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 producers for the purpose of assembly 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, due to size or functional limitations of the products, it is difficult to indicate such information on the products, the places of origin may be indicated on the packaging or in the product manual.

**Article 14** Producers and importers of electronic information products shall indicate the names and contents of toxic and harmful substances contained therein and the recyclability of these products on their products they release to the market. If, due to size or functional limitations of the products, it is difficult to make such indication such information on the products, [the information] may be provided on the [product] packaging or in the product manual.

There are three types of recyclability marks: [marks indicating that the product is] fully recyclable, partially recyclable and non-recyclable. The samples and methods of such marking will be uniformly specified and issued for enforcement by the Ministry of Information Industry or by the Ministry of Information Industry in consultation with other relevant state agencies.

**Article 15** When making and using packaging for electronic information products, producers 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.

Producers and importers of electronic information products shall clearly mark the contents of materials on the packaging of their products; if, due to size limitation of the products, they are impossible to mark, [this information] may be provided in the product manuals.

**Article 16** Sellers of electronic information products shall have strict outsourcing 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 formulate industrial standards on prevention and control of pollution caused by electronic information products.

The Ministry of Information Industry shall formulate national standards on prevention and control of pollution for electronic information products after consultation with the Standardization Administration of China.

**Article 18** After consultation with the Ministry of Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration and the State Administration for Industry and Commerce, the Ministry of Information Industry shall formulate the Catalogue of Key Electronic Information Products on Pollution Prevention and Control .

The Catalogue for Pollution Prevention and Control in Key Electronic Information Products consists of [a list of] electronic information products and [a list of] of pollutants in electronic information products, and follows the formulation principle of annual additions [to the Catalogue].

**Article 19** The electronic information products listed in the Catalogue for Pollution Prevention and Control in Key Electronic Information Products shall not only satisfy the provisions in these Methods on prevention and control of pollution caused by electronic information products, but also conform to the strict 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 Methods on prevention and control of pollution caused by electronic information products.

According to the need for development of electronic information industry, the Ministry of Information Industry shall adjust and issue the Catalogue for Pollution Prevention and Control in Key Electronic Information Products in a timely manner and undertake management of the prevention and control of pollution caused by electronic information products based on the Catalogue.

**Article 20** From July 1, 2006, the electronic information products listed in Catalogue for Pollution Prevention and Control in Key Electronic Information Products shall not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB), polybrominated diphenyl ethers (PBDE) and other toxic and harmful substances [,if regulated by the State]; for products in which these toxic and harmful substances cannot be completely replaced, the contents of such toxic and harmful substances shall not exceed [the levels] provided in relevant industrial or national standards for prevention and control of pollution caused by electronic information products.

The deadline for the elimination of toxic and harmful substances in electronic information products listed in Catalogues for Pollution Prevention and Control in Key Electronic Information Products that are issued after 1 July 2006 will be promulgated together with the [updated] Catalogue for Pollution Prevention and Control in Key Electronic Information Products by the Ministry of Information Industry after consultation with the Ministry of Commerce, the General Administration of Quality Supervision, Inspection and Quarantine, the State Environmental Protection Administration and the State Administration for Industry and Commerce.

### Chapter 3 Penalty Provisions

**Article 21** Designers, producers, importers and sellers of electronic information products who violate these Methods in one of the following manners will be punished by the Ministry of Information Industry or the administrative authorities in charge of the information industry of provinces, autonomous regions and municipalities directly under the Central Government after consulting with other agencies such as [the agency for] quality inspection, according to Article 38 of the Clean Production Promotion Law:

- (1) designers of electronic information products, who in violation of Article 8 of these Methods, adopt a design plan that does not conform to industrial or national standards for prevention and control of pollution caused by electronic information products;
- (2) producers of electronic information products, who in violation of Article 9 of these Methods, adopt materials, technologies and processes that do not conform to 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 Methods, 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) producers and importers of electronic information products, who in violation of the first section of Article 15 of these Methods, 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 Methods, sell electronic information products the toxic and harmful substance content of which does not conform to industrial or national standards for prevention and control of pollution caused by electronic information products;
- (6) designers, producers, importers and sellers of electronic information products, who in violation of Article 20 of these Methods, design, produce, import or sell electronic information products which contain toxic and harmful substances or elements, or which contain toxic and harmful substances [in levels] that exceed industrial or national standards for prevention and control of pollution caused by electronic information products.

**Article 22** Designers, producers, importers and sellers of electronic information products who violate these Methods in one of the following manners will be punished by the Ministry of Information Industry or the administrative authorities in charge of the information industry of province, autonomous region and municipality directly under the Central Government after consulting with [the agency for] quality inspection and other departments, according to Article 37 of the Clean Production Promotion Law:

- (1) producers of electronic information products, who in violation of Article 10 of these Methods, do not clearly indicate the safe-use period of the electronic information products;
- (2) producers or importers of electronic information products, who in violation of Article 14 of these Methods, do not clearly indicate the names and contents of toxic and harmful substances contained [in their products] and the [product] recyclability;
- (3) producers or importers of electronic information products, who in violation of section 2 of Article 15 of these Methods, do not clearly indicate the contents of packaging materials for their electronic information products.

**Article 23** Producers of electronic information products, who in violation of Article 11 of these Methods fail to submit the safe-use periods for their electronic information products to the Ministry of Information Industry in a timely manner, will be ordered to correct [this failure] within a [specific] time limit, [will be] warned, and [will have this violation] publicized by the Ministry of Information Industry or the administrative authorities in charge of the information industry of province, autonomous region and municipality directly under the Central Government.

**Article 24** Producers of electronic information products, who in violation of Article 12 of these Methods do not recycle their electronic information products, will be punished by the Ministry of Information Industry or the administrative authorities in charge of the information industry of provinces, autonomous regions and municipalities directly under the Central Government after consulting with other agencies such as the commerce agency, according to Article 39 of the Clean Production Promotion Law.

**Article 25** If an importer of electronic information products violates these Methods in one of the following manners, where such violation is investigated and found to be true, [the violator's] import application shall not be approved by administrative authorities for commerce if such approval is required pursuant to law; and the customs [authorities] shall not examine and release such imported goods.

- (1) [importers], who in violation of Article 13 of these Methods, import electronic information products that do not conform to industrial or national standards for prevention and control of pollution caused by electronic information products, or that do not clearly indicate the places of origin of the electronic information products;
- (2) [importers], who in violation of Article 14 of these Methods, import electronic information products that do not clearly indicate the names and contents of toxic and harmful substances contained in the products and the recyclability of the products;
- (3) [importers], who in violation of Article 15 of these Methods, import electronic information products that have packaging materials that do not conform to industrial or national standards for prevention and control of pollution caused by electronic information products, or import electronic information products that do not clearly indicate the packaging material contents.

**Article 26** Government employees who abuse their authority, commit fraud for personal gain, conspire [to conduct] or conceal violations defined in these Methods, or help violators of these Methods escape investigation and punishment, will be subject to administrative punishments including warnings, recording demerits and termination from office; those who violate criminal law shall be prosecuted pursuant to criminal penalties.

#### **Chapter 4    Supplementary Provisions**

**Article 27** Any natural person, legal person or other organization shall have the right to accuse and bring a designer, producer, importer and seller who causes pollution from electronic information products to the attention of the Ministry of Information Industry or the administrative authorities in charge of the information industry in the provinces, autonomous regions and municipalities directly under the Central Government.

**Article 28** The Ministry of Information Industry shall be responsible for the interpretation of these Methods.

**Article 29** These Methods shall be effective as of 1 July 2005.