

**Management Methods for the Prevention and Control of Pollutions from Production of Electronic Information Products
(Draft for Comments)**

Chapter 1 General Principles

Article 1

Pursuant to relevant regulations promulgated in the *Law of P.R.C on Environmental Protection* (hereinafter referred to as *Law of Environmental Protection*) and the *Law of P.R.C. on Promotion of Cleaner Production Promotion* (hereinafter referred to as *Law of Promotion of Cleaner Production Promotion*), in order to strengthen the prevention and control of pollutions from production of electronic information products from the source, minimize the environmental pollution and public hazard from the disposal of the these products, realize cleaner production and sustainable development in the industry, safeguard human health, and improve the resources utilization efficiency, this regulation is drafted.

Article 2

The electronic information products as referred to herein include products such as, and relevant materials for, radar and the accessories, telecommunication equipment, broadcasting & television equipment, computer and the accessories, household appliances, electronic equipment for special purpose, instrument, electronic components and special materials.

Article 3

This regulation is applicable to all of the producers of electronic information products within the territory of the P. R. C.

The Ministry of Information Industry shall publish the catalogue of electronic information products applicable under this regulation in a timely fashion when necessary.

Article 4

The Ministry of Information Industry shall, based on laws and regulations promulgated in the *Law of Environmental Protection* and the *Law of Cleaner Production Promotion*, make beneficial policies and regulations for the prevention and control of pollutions from production of electronic information products, encourage and support the scientific research, technological development, and international cooperation on the prevention and control of pollutions from production of electronic information products, organize the publicizing and popularizing of the knowledge of the prevention and control of pollutions from production of electronic information products, increase the environmental protection awareness of the entire industry, spread the technology on the prevention and control of pollutions from production of electronic information products, comprehensively utilize resources, and protect and improve the environment.

Article 5

The administrative authorities in charge of information industry at every level shall integrate the responsibility on the prevention and control of pollutions from production of electronic information products into their overall responsibilities.

English translation for information only

Within their respective scope of responsibility, the administrative authorities in charge of economic trade, environmental protection, industry and commerce administrative management, quality and technology supervision, inspection, and quarantine at every level shall assume the responsibility of supervision and management.

Article 6

The administrative authorities in charge of information industry at every level may appraise and reward the organizations and individuals with outstanding achievements in the prevention and control of pollutions from production of electronic information products and related activities.

Article 7

The Ministry of Information Industry may provide production and development funds for organizations that actively research and develop new environmentally friendly electronic information products.

Chapter 2

Pollution Prevention and Control in the Production of Electronic Information Products

Article 8

Electronic information products designs should take into consideration of the products' impact on the environment and human health, and use non-toxic, non-harmful, easily decomposed and recyclable materials as much as possible, provided that the design requirements can be met.

Article 9

Producers of electronic information products (hereinafter referred to as producers) should use materials, technologies, and processes that are resource efficient, easily recyclable, and environmentally friendly in the production process.

Article 10

Packages of electronic information products should be made of non-toxic, non-harmful, easily decomposed and recyclable materials, and the material compositions of the packages should be labelled on the packages.

Article 11

Producers should start to reduce the usage of the toxic and harmful materials from 1 July, 2003. From 1 January, 2006, Products that enter into market after January 1st, 2006 and are on the catalogue of national key electronic information products should not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE).

Ministry of Information Industry, or together with other relevant state authorities, shall uniformly draft and issue the catalogue of national key electronic information products.

Ministry of Information Industry and the administrative departments of quality and technology supervision, inspection, and quarantine shall uniformly make, issue, and implement the specific testing standards for products listed on the catalogue of national key electronic information products.

English translation for information only

Article 12

Producers must mark on their produced electronic information products the names, content levels, and symbols of recyclability of toxic and harmful materials. Under exceptional circumstances due to volume or functional limitations, the aforementioned information may be stated on the product packages or product manuals.

Symbols of recyclability consist of three categories: fully recyclable, partially recyclable, and non-recyclable. The appearances and forms of the symbols shall be uniformly determined by the Ministry of Information Industry, or together with other relevant state authorities.

Article 13

Producers must mark on their produced electronic information products the product safety periods, and provide detailed explanations in the product manuals.

The appearances and forms of the product safety periods shall be uniformly determined by the Ministry of Information Industry, or together with other relevant state authorities.

Article 14

Producers should timely submit indexes of their products' safety periods to the Ministry of Information Industry for recordkeeping when the product designs are finalized.

The Ministry of Information Industry shall uniformly publish the recorded indexes to the public.

Article 15

Producers should make corresponding recycling contracts with state-approved discarded and used electronic information products recyclers and entrust the recyclers to recover products that exceed their safety periods.

Article 16

Producers should assume corresponding costs of recovery and disposal of discarded and used electronic information products. The specific forms and amounts of costs shall be determined by the Ministry of Information Industry and other relevant state authorities.

Article 17

Producers that import electronic information products for integrative productions (including processing businesses) should require the suppliers to mark on the imported electronic information products the names of the country of origin and to provide evidentiary documents by state approved domestic recyclers agreeing to recover and dispose of the imported products. Otherwise, the rules of Article 16 shall apply.

For the importation of electronic information products for other purposes, the preceding article applies.

Chapter 3 Supervision and Management

Article 18

The administrative authorities in charge of information industry at every level may coordinate with authorities of environmental protection, industry and commerce administrative management, quality and technology supervision, inspection, and quarantine to inspect electronic information products and producers for compliance with this regulation.

Article 19

Entities and individuals have the right to report or complain about entities or individuals that caused pollutions from production of electronic information products.

Article 20

Producers who failed to mark, or falsely marked, on their produced electronic information products the names, content levels, or symbols of recyclability, in violation of Article 12 and 13 of this regulation, shall be ordered to make corrections within certain time limits by the Ministry of Information Industry and administrative authorities in charge of quality and technology supervision, inspection, and quarantine; offenders who refuse to make aforementioned corrections shall be warned, or have their identities circulated, or have their electronic information products production permit revoked and their identities publicized, depending on the severity of the violations.

Article 21

Imported products for integrative productions without marks of their country of origin, or imported products for integrative productions without evidentiary documents on their recovery and disposal, in violation of Article 17 of this regulation, shall not be allowed to enter customs.

Article 22

Entities in violation of rules contained in Chapter 2 of this regulation shall be denied their applications for development funds for three years.

Article 23

Government employees who abused their authorities and caused serious consequences, or who acquiesced or connived at violations of this regulation for personal considerations or embezzlements, or who assisted violators of this regulation to escape penalties, shall be warned, given disciplinary sanction, or expelled from government positions. Actions sufficient to become crimes shall be pursued and investigated, and criminal liabilities shall be imposed according to the law.

Chapter 4 Supplementary Provisions

Article 24

The Ministry of Information Industry is responsible for the interpretation of this regulation.

Article 25

This regulation takes effect as of yy/mm/dd.