

ENGLISH TRANSLATION FOR REFERENCE ONLY

Link to Original Chinese Announcement and Text:

<http://www.miit.gov.cn/n1146295/n1652858/n1653018/c4609435/content.html>

Chinese character inserts in the translation are for clarity concerning certain specialized terminology used in this Regulation.



Explanation of the Management Methods for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products [Background Information Issued with RoHS 2]

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Explanation of the Management Methods for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products

On January 6, 2016, the Ministry of Industry and Information Technology, the National Development and Reform Commission, the Ministry of Science and Technology, the Ministry of Finance, the Ministry of Environmental Protection, the Ministry of Commerce, the General Administration of Customs, and the General Administration of Quality Supervision, Inspection and Quarantine jointly finalized the Management Methods for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products (Order No. 32, hereinafter “Methods”). In order to better understand and implement the Methods, the responsible officers of the Ministry of Industry and Information Technology interpret the Methods as follows.

Q: Under what situation have these Methods been drafted?

A: In February 2006, the former Ministry of Information Industry along with another seven ministries jointly issued the Management Methods for the Restriction of the Use of Hazardous Substances in Electronic Information Products (Order No. 39, hereinafter “Order No. 39”). Since the implementation of Order No. 39, the electronic information product pollution control work has been promoted effectively.

In recent years, with the development of the electrical and electronics industry, the limitations of Order No. 39 have been gradually realized and the revision of [Order No. 39] has been [recognized as an] urgent need. On the one hand, the applicable scope [of Order No. 39] required broadening. For other countries, legislation pertaining to the restriction of the use of hazardous substances generally covers electronic information products and other products, including household appliances, etc. We are an electrical and electronic product manufacturing country; however, Order No. 39 only regulates pollution control of electronic information products, excluding refrigerators, washing machines and a large number of other electrical and



electronic products, which has a negative impact on the comprehensive protection of the environment and human health. At the same time, [this approach to pollution control of electronic information products] “encouraged” some enterprises to adopt two sets of standards for their production, i.e., restriction of the use of the hazardous substances for products destined for export and no appropriate measures for products subject to domestic sales. According to the actual development of the electrical and electronics industry and the practices of other countries, we needed to broaden the applicable scope of the Methods. On the other hand, management methods should be improved. Order No. 39 set out a mandatory certification mechanism for electronic information products subject to Catalogue of Electronic Information Products Subject to Key Pollution Control Management. However, different products should be managed differently and electrical and electronic products are upgraded pursuant to a very short cycle, [with] the phase-out period for some products being [as low as] only two or three months. [Therefore,] full implementation of a mandatory certification program would delay product introduction to market and adversely affect product innovation and industrial development. Hence, adjustments of the management methodology in Order No. 39 and establishment of a [“conformity assessment system”] would complete the management mechanism.

Q: What was the process for revision of the Methods?

A: In April 2010, the Ministry of Industry and Information Technology launched the revision of Order No. 39. In the revision process, we mainly carried out the following work. First, organizing research institutes to undertake in-depth study of the main systems, e.g., applicable scope, hazardous substance categories and contents, and conformity assessment. Second, soliciting the written opinions of local industry [members] and information technology departments, and [conducting] in-person discussions with local industry and information technology departments and related electrical and electronic industry enterprises. Third, seeking the opinions of the National Development and Reform Commission, Ministry of Science and Technology and other departments and relevant trade associations and coordinating with the



National Development and Reform Commission, Ministry of Commerce, Administration for Quality Supervision, Inspection and Quarantine and other departments. Fourth, notifying the World Trade Organization [of the proposed rulemaking]. Fifth, soliciting public comments twice through the "China Legislative Information Network" and the website of the Ministry and completing the revision of the Methods by combining relevant observations and recommendations. Sixth, submitting to the ministerial meeting for approval. Based on the abovementioned work, on January 6, 2016, the Ministry of Industry and Information Technology, the National Development and Reform Commission and other ministries jointly issued the Methods.

Q: What are the main contents of the revised Methods?

A: The main revisions include the following:

1. Expanding the applicable scope of the Methods and modifying the name of the Methods. The Methods expand the subjects [of regulation] from “electric information products” to “electrical and electronic products” and change the name [of the law] to “Management Methods for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products.” At the same time, the Methods provide a definition of “electrical and electronic products”.
2. Expanding the scope of hazardous substances subject to the restriction. By adopting EU RoHS Directive and common practice of other countries, these Methods add the hazardous substances subject to the restriction, modify “lead”, “mercury”, “cadmium” to “lead and its compounds,” “mercury and its compounds,” and “cadmium and its compounds,” and change “hexavalent chromium” to “hexavalent chromium compounds.”
3. Adding scientific and financial support policies. These Methods provide that the State encourages and supports scientific research, technical development and international cooperation concerning the restricted use of hazardous substances in electrical and electronic products and actively promotes technologies and equipment related to the substitution or reduction of restricted hazardous substances in electrical and electronic products.



4. Completing the management methodologies for the use of restricted hazardous substances in the products. The use of restricted hazardous substances in electrical and electronic products will adopt a catalogue management method. The Ministry of Industry and Information Technology and other ministries will draft a “Compliance Management Catalogue” [“达标管理目录”] rather than a “Key [Pollution Control] Management Catalogue”. Also a conformity assessment system [合格评定制度] will be established. Any electrical and electronic products included in the Compliance Management Catalogue shall be managed by the conformity assessment system. Based on suggestions from the Ministry of Industry and Information Technology, the Certification and Accreditation Administration [(CNCA)], along with the Ministry of Industry and Information Technology, will draft the conformity assessment system [documents]. The Ministry of Industry and Information Technology shall, in accordance with actual situation, and together with the Ministry of Finance [and other] departments, establish a creditable mechanism based on the result of the [conformity] assessments.

Q: What are other work concerns and next steps for the implementation of these Methods?

A: Based on the opinions of the enterprises and relevant work situations, these Methods provide a [compliance] grace period for enterprises, with the effective date being July 1, 2016. Within this period, our Ministry will work on implementation of these Methods, and further answer the enterprise questions by providing interpretation materials or Q&A checklists so as to facilitate enterprise understanding and implementation of these Methods.