

CHINA:
**Summary of new Waste Electronic and
Electrical Equipment (WEEE) Law**
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Proprietary Summary – edited by Ee Lin Wan
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In line with the Waste Electronic and Electrical Equipment (hereby known as WEEE) that will be adopted by manufacturers and retailers, the following are guidelines of the WEEE in China.

Manufacturers, retailers, local government councils and consumers should note the following stipulations.

- 1) All electrical and electronic items must be designed with due consideration to the environment. In addition, certain guidelines (Appendix I) should be adhered to.
- 2) All components used in manufacturing the electrical or electronic item, should, as much as possible, be recyclable.
- 3) Consumers should be charged a refundable deposit when purchasing electrical or electronic product. The deposit must be returnable when the consumer returns an end-of-life product to the relevant manufacturer, retailer, government or another appointed agency. The deposit can be returned in the form of a rebate or in cash.
- 4) Manufacturers and retailers must clearly state which components of a certain product is recyclable, and which are considered waste. This will apply to all products manufactured after 13 August 2005. In addition, regulations and deadlines listed in the later part of this document must be followed.
- 5) Under the WEEE, the manufacturer, retailer, government agency and consumer have clearly defined responsibilities. Penalties for failing to adhere to these responsibilities must commensurate with the degree of violation. Such penalties must be finalized and must be announced to all countries (especially the European Union countries) by 13 August 2004.

Specific responsibilities of manufacturers and retailers (hereby categorized as “producers”) include:

- 1) Specifying which components are recyclable and which are non-recyclable. The recyclable components should be maximized.
- 2) Reduce usage of components which cause harm to the environment.

- 3) Ensure consumers or collection agencies have a proper place to deposit end-of-life products, and such products will be efficiently separated, recycled or disposed.
- 4) Incineration of recyclable products will not be tolerated.
- 5) Six hazardous products; hexavalent chromium, cadmium, mercury, lead and the bromine-containing flame retardants PBB and PBDE must not be used in making the electrical or electronic product.
- 6) Manufacturers are responsible for the implementation of proper recycling and disposal of all electrical and electronic products produced after 13 August 2005. In addition, all products manufactured after this date must have proper “i/v” labels stating the size, measurements (dimensions) and a description of the product. The labels must be affixed to the package, manual and warranty card.
- 7) Products made between 2004 and 13 August 2005 will be the joint responsibility of the producers, consumers and local government council.

Restriction of the use Of certain Hazardous Substances in electrical and electronic equipment (RoHS)

- 1) The list of electrical and electronic products under the Restriction of use of certain Hazardous Substances is as listed in Appendix I.
- 2) The “definition” of producer under this list includes companies and individuals participating in the production, sales and import of any electrical and electronic products within the People’s Republic of China.
- 3) Items excluded are items produced in the People’s Republic of China for the sole purpose of export.
- 4) The Ministry of Information Industry is empowered to act against producers who fail to adhere to these regulations under the Law of Cleaner Production Promotion and the Law of Solid Waste Prevention.
- 5) The local government should be the primary administrator on the prevention and control of the production of electrical and electronic items.
- 6) The Ministry of Information Industry will be announcing production and development funds for producers to organize research in the RoHS field.
- 7) Producers of electronic and electrical products should use non-toxic, or low-toxic, easily decomposed and recyclable materials as much as possible.

- 8) Packaging for the electrical and electronic items is also subjected to the RoHS regulations.
- 9) Items produced after July 2004 should restrict the use of the following six hazardous substances: hexavalent chromium, cadmium, mercury, lead and the bromine-containing flame retardants PBB and PBDE. Products made after 13 August 2005 should not contain these banned substances.
- 10) Electrical and electronic items must bear the names and content levels of other hazardous substances not banned in number (9). Under very exceptional circumstances (item is too small for label to fit, etc), the labels can be slated on the product packaging, operations manual or warranty card.
- 11) Symbols for three different categories of products; fully-recyclable, partly-recyclable or non-recyclable must be affixed to specific components. The uniformed symbols will be released by the Ministry of Information Industry at a later date.
- 12) Producers who fail to adhere to the above regulations shall, at the discretion of the Ministry of Information Industry or its appointed representative, be penalized by:
 - a) be given a warning
 - b) have their products banned
 - c) have their production/import permits revoked
- 13) Government officials or representatives involved in this regulation who abuse their positions by accepting bribes or assisting violators to escape penalties can be given disciplinary sanction, expelled from the position and charged in court.
- 14) Different parts of the law will take place as of the deadline listed in this document.
- 15) The Ministry of Information Industry may review and change different portions of this regulation at their discretion.

Appendix 1

The items listed below must be designed so that the power required to operate the equipment is less than 1000 V (DC) or 1500 V (AC):

- 1) Large household electrical or electronic items (refrigerator, microwave, washing machine, freezer, furnace)
- 2) Small household electrical or electronic items (vacuum cleaner, iron, clock, electronic toothbrush, hair dryer, coffee maker)
- 3) Telecommunication items (computers, fax machines, telephones, typewriters)

- 4) Television, radio and entertainment units
- 5) All types of household lights
- 6) Miscellaneous household products such as sewing machines, lawn mowers, chain saws
- 7) Toys and video games and related peripherals
- 8) Medical equipment including radiation equipment, life support machines and equipments used for in-vitro fertilization
- 9) Supervision and control items such as house alarms, fire alarms and thermostats
- 10) Cash registration machines