Overview of Legal System for Managing WEEE in China

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August 1, 2014
# Table of Contents

## Overview of Legal System for Managing WEEE in China

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview</td>
<td>3</td>
</tr>
<tr>
<td>Introduction - China WEEE</td>
<td>3</td>
</tr>
<tr>
<td>Definitions</td>
<td>4</td>
</tr>
<tr>
<td>Products Covered</td>
<td>5</td>
</tr>
<tr>
<td>Requirements for Manufacturers and Importers</td>
<td>6</td>
</tr>
<tr>
<td>Requirements for Processing Enterprises</td>
<td>7</td>
</tr>
<tr>
<td>Take-back of WEEE under the Home Appliance Trade-in Policy</td>
<td>8</td>
</tr>
<tr>
<td>Second Hand Goods</td>
<td>9</td>
</tr>
<tr>
<td>Financing of WEEE</td>
<td>9</td>
</tr>
<tr>
<td>Sanctions</td>
<td>10</td>
</tr>
<tr>
<td>Comparison Table of Alignment between Main Provisions of China WEEE and EU WEEE Recast Directive</td>
<td>11</td>
</tr>
<tr>
<td>References</td>
<td>20</td>
</tr>
</tbody>
</table>
Overview

This White Paper takes a look at the regulatory framework for regulating e-waste or waste electrical and electronic equipment (WEEE) in China. The report looks at key definitions, the types of electrical and electronic equipment (EEE) regulated, requirements for manufacturer and importers, requirements for processing enterprises, take-back of WEEE under the "Home Appliance Trade-in Policy", dealing with second-hand goods that are not waste, financing requirements and sanctions.

It also provides a comparison table looking at how the European model under the EU WEEE Recast Directive 2012/19/EU and the Chinese model for managing WEEE are aligned from a regulatory standpoint.

Introduction - China WEEE

On September 27, 2007, the State Environmental Protection Administration (SEPA) published Administrative Measures for the Prevention of Environmental Pollution by Electronic Waste (SEPA Order No. 40, 2007). These measures are enacted in accordance with the Law on the Prevention and Control of Environmental Pollution by Solid Waste 1995 and provide high level requirements for the management and prevention of environmental pollution caused by electronic waste. The measures apply to pollution prevention in the course of the storage, production, dismantling, utilization and disposal of electronic waste.

On February 25, 2009, the State Council promulgated Order No. 551, on the "Regulations on Recovery Processing of Waste Electrical and Electronic Equipment" (WEEE Regulations), which entered into force on January 1, 2011. These regulations are published in accordance with provisions of the Cleaner Production Promotion Law 2002, and the Prevention and Control of Environmental Pollution by Solid Waste Law 1995. Although there is some overlap with the provisions of SEPA Order No. 40, 2007, the WEEE Regulations are the main regulations for managing e-waste in China.

The scope of the WEEE Regulations, in accordance with Article 1, is to “standardize the recovery processing activities of WEEE to promote comprehensive utilization of resources and circular economic development, and to protect the environment and safeguard people’s health”.

The WEEE Regulations are implemented through a number of pieces of secondary legislation, guidelines and standards. To understand how the system in China works, the WEEE Regulations, guidelines, announcements, notices and standards must be read together as one package of regulatory measures.

Chapter 1 of the WEEE Regulations sets out general provisions that apply to the State. These include the establishment of a system of multi-channel recovery and centralized processing of WEEE, a system of licensing for recovery of WEEE and the setting up of a State WEEE Treatment Fund to finance the cost of recovery processing of waste electrical and electronic products. Similar to the EU model, manufacturers and importers are required to contribute to the cost of processing WEEE from their products.

The Ministry of Environmental Protection (MEP) notified Guidelines (Notice No. 82, 2010) on November 15, 2010 on the creation of a “WEEE Recovery Processing Development Plan”. This provides a guide to help provincial environmental departments to plan the setting up of this system of recovery and centralized WEEE processing. However neither the WEEE Regulations nor the Guidelines set any specific targets for recovery or recycling of WEEE.

The WEEE Regulations apply to the products that are listed in the Catalog for Disposal of Waste Electrical and Electronic Products (see products covered section of this report).

Chapter 2 of the WEEE Regulations set out the specific requirements for manufacturers, importers and processing enterprises. The supervision and management of WEEE is set out in Chapter 3, and Chapter 4 sets out the sanctions that may be applied for non-compliance.
Definitions

The WEEE Regulations only have one clear definition in the text. The term "recovery processing activities" of WEEE is defined in Article 2 as "activities to extract substances for raw materials or fuel by dismantling waste electrical and electronic products, to reduce the number of waste electrical and electronic products or reduce or eliminate the hazardous components by changing their physical and chemical properties, and to treat them in such ways as to deliver them finally to landfill sites that conform to the environmental protection requirements."

However, Mandatory Standard HJ 527-2010 on "Technical specifications of pollution control for processing waste electrical and electronic equipment" contains definitions of some of the key terms. Section 3.1 of the standard defines WEEE as "electrical and electronic products that are no longer used by the owner and are thrown away (including parts, components, and materials), as well as defective products, scrapped products and expired products from manufacture, transportation, or sale." Other key definitions provided in the text of the standard include disassembly, collection, treatment, reuse, recovery, recycling, treatment and disposal and can be found in Section 3 of the standard.

The term "electronic waste" is also defined in SEPA Order No. 40, 2007 as referring to "discarded electronic & electrical products or electronic & electrical equipment, the discarded parts and components thereof, as well as the articles and substances that are subject to the management of electronic waste as prescribed by SEPA together with other relevant departments; and includes the obsolete products or equipment generated in the industrial production, the obsolete semi-finished products and residues, the obsolete products generated in the repair, renovation and reproduction of products or equipment, the products or equipment discarded in the daily life or in the activities of providing services for daily life, as well as the products or equipment that is prohibited to be produced or imported by any law or regulation."

A draft GB/T Standard on the “Terminology of Waste Electrical and Electronic Products Recovery”, was proposed in 2010, and contains definitions for key terms such as WEEE, EEE, take-back, recovery, recovery-rate, disposal, treatment etc. However this standard has yet to be finalized.

The other relevant standard is Standard GB/T 20861-2007 on “Terminology of waste product recovery”. This standard contains definitions such as second-hand product, collection, storage, disassembly, treatment and disposal. However this standard is voluntary in nature.
Products Covered

The WEEE Regulations apply to the products that are listed in the Catalog for Disposal of Waste Electrical and Electronic Products (WEEE Catalogue). The WEEE Catalogue was jointly notified (Notice No. 24, 2010) by the National Development and Reform Commission (NDRC), MEP and the Ministry of Industry and Information Technology (MIIT) on September 8, 2010 and entered into force on January 1, 2011.

The catalogue currently contains only 5 product categories namely: televisions, refrigeration equipment, washing machines, air conditioners and microcomputers. Unlike the European model, the WEEE Catalogue only lists products that the WEEE Regulations apply to and does not list any exemptions.

The HS Codes for the product categories were announced by the NDRC, together with the MEP, MIIT and General Administration of Customs (GAC) on December 21, 2010 (“Announcement No. 35, 2010”) in the “Directory for the Treatment of Electrical and Electronic Product Waste Subject to Disposal for the 2010 Customs Tariff Codes”. This directory sets the HS tariff codes and descriptions for the five product categories in the WEEE Catalogue and is effective from January 1, 2011.

On December 25, 2013, a draft amendment to the WEEE Catalogue was proposed by the NDRC. The proposal is to expand the WEEE Catalogue to include a total of 28 product categories. If enacted this would mark a major development in the management of WEEE in China. The proposal lists the following product groups to be included in the catalogue:

- Refrigerators
- Room air conditioners
- Household electric water heaters
- Water dispensers
- Televisions
- Monitoring equipment
- Computer monitors
- Fluorescent lamps
- Lead-acid storage batteries
- Lithium-ion batteries
- Microcomputers
- Printers
- Printer supplies
- Copiers
- Scanners
- Mobile communication devices
- Telephones
- Fax machines
- Washing machines
- Electric fans
- Kitchen ventilators
- Rice cookers
- Electric pressure cookers
- Microwaves
- Soy bean milk machines
- Juicers
- Household gas water heaters
Requirements for Manufacturers and Importers

In China, the WEEE Regulations place a number of requirements on manufacturers and importers of EEE that are contained in the WEEE Catalogue. Some of the basic requirements placed on manufacturers and importers are as follows:

Manufacturers are required to adopt a design plan looking at resource utilization of their products, and adopt less harmful manufacturing processes in the production of their products. Article 10 requires that non-toxic and non-hazardous or very low toxic and hazardous materials are used and that EEE are manufactured in order to allow easy recycling at their end of life.

Manufacturers must provide information on the contents of toxic and harmful substances and on the recycling processing of WEEE to consumers. This information can be either marked on the product itself or contained in the product’s user manual.

Article 14 of the SEPA Order No. 40, 2007 contains a similar provision which requires producers, importers and sellers of EEE to provide information on the lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB), polybrominated diphenyl ether (PBDE) and other toxic and harmful substances in their products. Information about the impact of improper utilization or disposal of toxic and harmful substances on the environment and human health, as well the methods for utilizing or disposing of WEEE in an environmentally friendly manner must also be provided. Although, this requirement bears more similarity to the EU Restriction of Hazardous Substances (RoHS) Directive rather than the EU WEEE Directive. The main legislation for regulating RoHS in China is found in Order No. 39, 2006 approving the “Management Methods for Controlling Pollution by Electronic Information Products”.

Article 9 of the WEEE Regulations prohibits the import of products that are defined as banned waste electrical and electronic products. The list of WEEE prohibited from import can be found in the “Catalogue of Solid Waste Forbidden to Import in China”. On July 3, 2009, the MEP, NDRC, Ministry of Commerce, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and the GAC jointly announced (Announcement No. 36, 2009) amendments to this catalogue to prohibit the import of WEEE. Some of the prohibited categories of WEEE include waste household appliances (refrigerators, washing machines, dishwashers, etc.), waste information technology and telecommunication equipment, waste products for recording or reproducing sound or images, waste lighting equipment, and waste data processing machines (computers, printers etc.).

The WEEE Regulations encourage manufacturers themselves or through third parties (for example distributors, maintenance organization, after-sale service units) to recycle their products. This implies that manufacturers or through distributors, etc. should set up their own compliance schemes to treat their own WEEE. Article 11 requires that information on this recycling must be clearly marked at the site where the recycling is taking place.

Long-term partnerships between processing enterprises and manufactures to recover WEEE are also encouraged under the WEEE Regulations.

Both manufacturers and importers must pay fees into a State WEEE Treatment Fund for processing the WEEE from their products they produce or import. (Please see financing section of this report)
Requirements for Processing Enterprises

The WEEE Regulations require that processing enterprises must obtain proper permits for the processing of WEEE and must adhere to measures on environmental protection, labor safety, and the protection of human health. The "Regulations for Management of Permits for Treatment of WEEE" were enacted by the MEP under Decree No. 13, 2010. These regulations also entered into force on January 1, 2011 and contain the licensing application, and license approval procedure for processing enterprises.

On December 9, 2010, MEP notified Guidelines (Notice No. 90, 2010) containing the qualification and the licensing guide for processing enterprises. It sets out the conditions required to qualify for a processing license, including how the facility’s site is set up for storing and processing WEEE, basic requirements for handing and sorting WEEE, setting up a WEEE data management system, technical qualification of employees, and pollution control measures.

The use of any prohibited technologies or techniques in the processing of WEEE is specifically banned under the WEEE Regulations. The types of prohibited technologies can be found in the “Catalogue of Manufacture Methods, Technologies, and Products to be Eliminated” which was published in three batches (Groups 1, 2 & 3).

The WEEE Regulations also require that a daily environmental monitoring system for processing of waste electrical and electronic products must be established along with a WEEE data information management system. This data information system will be used to report WEEE basic data and relevant information on processing of waste electrical and electronic products to the MEP or its district divisions. The basic WEEE processing data records must be kept for at least 3 years.

The Guidelines on the Creation of Waste Electrical and Electronic Equipment (WEEE) Data Information Management System were notified by the MEP (Notice No. 84, 2010) on November 16, 2010 and entered into force on January 1, 2011. These guidelines lay out the basic requirements for processing enterprises to set up the WEEE data information management system including the basic content of the data required and how the information is recorded and reported.

On January 4, 2010, the MEP published mandatory standard HJ 527-2010 on “Technical specifications of pollution control for processing WEEE” which entered into force on April 1, 2010. This is the supporting standard to the SEPA Order No. 40, 2007. It contains the technical requirements for the prevention and control of pollution during the collection, transportation, storage, dismantling, treatment and disposal of WEEE. General technical specifications on the recovery of WEEE can also be found in voluntary Standard GB/T 23685-2009. Also safety specifications for the transportation of electronic waste are published in voluntary Standard YS/T 765-2011.

Guidelines for the auditing of WEEE processing enterprises by local authorities were notified by the MEP (Notice No. 84, 2010) on November 16, 2010 and entered into force on January 1, 2011. This auditing procedure can include checks of records and daily reports of WEEE, proof of materials processed, employee qualifications, etc.

On December 18, 2012, the Chinese Ministry of Commerce published a draft Notice containing Administrative Measures for WEEE Recycling. The draft measures regulate activities for enterprises conducting WEEE recycling in China. It proposes that China will set up a recording system for regulating WEEE recycling. Recycling bodies are encouraged to apply to the competent authorities to be included in the record system. Also, the recycling bodies must establish a transfer recording system for the collection-delivery process of WEEE. The records will be kept for at least 3 years for the purpose of inspection. An annual reporting obligation on March 31 to the competent authority on recycling related activities is also proposed. This draft proposal has yet to be enacted.

In November 2013, the AQSIQ together with the Standardization Administration (SAC) published a series of draft standards on the treatment and disassembly of certain WEEE. The draft standards cover LCD televisions and monitors, plasma televisions and monitors, CRT televisions and monitors, printers, copiers, laptops, and desktop computers. The draft standards contain provisions on waste disposal, work procedures, pollution control, safety and sanitation conditions, and requirements on documentation and records. These standards have yet to be finalized.

In summary, the basic requirements for processing enterprises to be met are that they must:
a) obtain the necessary license in accordance with the Regulations for Management of Permits for Treatment of WEEE, Decree No. 13, 2010,
b) abide by the “Guidelines containing the Qualification and the Licensing Guide for Processing Enterprises, Notice No. 90, 2010” on how to set up the facility, sort and handle WEEE and correctly qualify for licensing,
c) not use any prohibited technologies or techniques in the processing of WEEE,
d) set up a daily environmental monitoring system for processing of WEEE,
e) set up a data information management system for reporting WEEE in accordance with “Guidelines on the Creation of WEEE Data Information Management System, Notice No. 84, 2010” and keep records for at least 3 years,
f) comply with mandatory HJ 527-2010 on “Technical specifications of pollution control for processing WEEE”,
g) comply with any audits performed by local authorities in accordance with the “Guidelines for the Auditing of WEEE processing enterprises by local authorities, Notice No. 83 2010”.

Also once finalized and enacted, recycling enterprises will need to comply with the “Administrative Measures for WEEE Recycling”. However as mentioned earlier, this is currently still a draft proposal.

**Take-back of WEEE under the Home Appliance Trade-in Policy**

China operates a “Home Appliance Trade-in Policy” (Old-for-New Scheme) for the collection of WEEE. This scheme allows consumers to get up to a 10% discount when purchasing new electrical appliances in exchange for “trading-in” their old appliance.

In accordance with the WEEE Regulations, the State Council introduced the scheme on June 1, 2009 under Notice No. 44, 2009. To start, the scheme was piloted in the provinces of Beijing, Tianjin, Shanghai, Jiangsu, Zhejiang, Shandong, Guangdong, Fuzhou, and Changsha in 2009 and later expanded to the entire country in 2011. To guide the implementation of the pilot, the Ministry of Environment (MEP) notified (Notice No. 73, 2009) detailed “Guidelines for the Implementation of the Old-for-New Scheme” on July 1, 2009.

The scheme is available for the electrical products contained in the WEEE Catalogue and also for certain automobiles.

There are two procedures available to consumers to use the scheme. Firstly, the consumer must fill out an application form and provide a proper ID Card before purchasing electrical appliances from their retailer in order to apply for the discount. Alternatively, the consumer can make an appointment with the collection company who will offer them door-to-door collection and a trade-in voucher for their electrical product.

To improve the management and supervision of the scheme, the Ministry of Commerce, Ministry of Finance, and MEP jointly notified Notice No. 210 on April 12, 2011 detailing further regulatory requirements to be met. For example, it provides that retailers must stamp their sales invoices stating that the product has availed of the scheme in order to avoid the situation where consumers apply for the scheme discount numerous times.
Second Hand Goods

Article 12 of the WEEE Regulations require that recovered EEE that is repaired to be sold again must meet technical requirements and is marked with a symbol distinguishing it as second-hand goods.

The technical requirements are regulated by the "Administrative Measures on Circulation of Second-Hand Electrical and Electronic Products" which were published by the Ministry of Commerce on March 15, 2013 and entered into force on May 1, 2013.

The relevant standards, both voluntary, for second-hand goods are the following:
1. Standard SB/T 10398.1-2005 Second-hand goods quality appraisal - Part 1: General Rules; and

The label for second-hand goods mentioned in Article 12 of the WEEE Regulations is also referred to in Part 7 of the voluntary Standard SB/T 10398.1-2005 which states that in order for second-hand goods to pass inspection they shall bear a label to distinguish them from new products. However, neither the standard nor the WEEE Regulations provide a sample of this label.

Financing of WEEE

The WEEE Regulations require that manufacturers and importers pay into a State WEEE Treatment Fund in order to manage the cost of disposal and treatment of WEEE from their products.

On May 20, 2012, to enforce this requirement, the MEP, together with the GAC, NDRC, MIIT, Ministry of Finance and the State Administration of Taxation jointly notified (Notice No. 34, 2012) the "Administrative Measures for the Waste Electrical and Electronic Equipment Treatment Fund", which entered into force on July 1, 2012.

The measures apply to producers and importers (consignees or their agents) of EEE. Producers of EEE are referred to in the measures as including both independent brand and "optical equipment manufacturing" enterprises.

Producers of EEE must submit quarterly fees to the WEEE Treatment fund based on quantities of products produced. However reduced fees are available to producers of EEE that have designed and manufactured their products in an environmentally friendly manner that encourages recycling of their products.

Importers of EEE are also required to pay into the fund for their imported products which is payable at the time of making the import declaration. However exporters are specifically excluded from paying into the fund for exported EEE.

The measures do not contain any provision prohibiting or permitting manufacturers to charge these costs back to consumers and/or show the costs on their sales invoices similar to the “visible fee” provisions in the EU model. However, Article 11 permits both manufacturers and importers to deduct the cost of payment into the fund from their operating costs in the calculation of their income tax.

The State Administration of Taxation is responsible for the collection of fees from producers, whereas the General Administration of Customs (GAC) is responsible for the collection of fees from importers.

The fees only apply to the products that are covered by the WEEE Catalogue which are currently televisions, refrigerator equipment, air conditioners, washing machines and microcomputers. On October 15, 2012, the Ministry of Finance and the State Administration of Taxation jointly notified Notice No. 80, 2012, which gives some further clarification on the types of products that are contained in each of the five product groups that are currently covered by the WEEE Treatment Fund.

The fund is also established to subsidize the WEEE processing enterprises for dismantling or treating WEEE. The measures contain the requirement for these companies to apply to the WEEE Treatment fund for subsidies. Processing
enterprises are required to report on the quantities of WEEE that they are dealing with in order to calculate the subsidies available. The subsidies are RMB35 per unit for washing machines and air conditioners, RMB80 per unit for refrigerators, and RMB85 per unit for televisions and computers.

Article 31 of the measures also require the MEP, Ministry of Finance, NDRC and MIIT to establish a national system (E-System) for monitoring the recycling and the production of WEEE. Processing enterprises, should establish a database containing information of WEEE, which needs to connect with this E-system. Producers should also establish a database containing information of EEE (sales, production etc.), which should connect to this official E-system.

As mentioned earlier, Guidelines to help processing enterprises to create a Waste Electrical and Electronic Equipment (WEEE) Data Information Management System were already notified by the MEP (Notice No. 84, 2010) on November 16, 2010 and entered into force on January 1, 2011.

However it does not appear that the Chinese Government has yet set up the national E-System for monitoring WEEE.

Sanctions

In cases of non-compliance with the WEEE Regulations the following sanctions will be imposed.

An order for rectification and a fine up to RMB 50,000 for:

1. Failure to appropriately mark EEE
2. Failure to provide information on EEE or in product manuals about toxic or harmful substances
3. Failure to provide information on EEE or in product manual about processing of WEEE
4. Failure to report properly
5. Failure to put in place a daily monitoring system

The failure to obtain the proper permits for processing of WEEE will be punished in accordance with the "Measures for Punishing and Banning Business Operation with a License". This may also result in an order for closure of the facility, forfeiture of any illegal gains and a fine between RMB 50,000 and RMB 500,000.

An order for rectification of the non-compliance, or the temporary suspension or cancellation of the operational license will result in cases where individuals or enterprises have used prohibited technology or techniques in the processing of WEEE.

Finally, those working in the relevant administrative government departments can be held criminally responsible in cases of abuse of authority, neglecting their duties, or malpractice resulting in personal gain. Despite these enforcement provisions being in place, no evidence was found during this research of this White Paper to indicate that these sanctions are actively being enforced by the authorities.
## Comparison Table of Alignment between Main Provisions of China WEEE and EU WEEE Recast Directive

<table>
<thead>
<tr>
<th><strong>EU WEEE</strong></th>
<th><strong>China WEEE</strong></th>
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<tbody>
<tr>
<td><strong>Main Legislation (in force)</strong></td>
<td><strong>Regulations on Recovery Processing of Waste Electrical and Electronic Products</strong>&lt;br&gt;<strong>Catalog for Disposal of Waste Electrical and Electronic Products</strong></td>
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<tr>
<td><strong>EU WEEE Recast Directive 2012/19/EU</strong></td>
<td>Law on the Prevention and Control of Environmental Pollution by Solid Waste, 1995</td>
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<td>Cleaner Production Promotion Law 2002</td>
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<td>China: Guidelines on the Creation of a “WEEE Recovery Processing Development Plan”, Notice No. 82, 2010</td>
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<td>China: Standard HJ 527-2010 on “Technical specifications of pollution control for processing waste electrical and electronic equipment”</td>
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<td>China: Directory for the Treatment of Electrical and Electronic Product Waste Subject to Disposal for the 2010 Customs Tariff Codes, Announcement No. 35, 2010</td>
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<td>China: Regulations for Management of Permits for Treatment of WEEE, Decree No. 13, 2010</td>
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<td>China: Guidelines containing qualification and the licensing guide for processing enterprises, Notice No. 90, 2010</td>
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<td></td>
<td>China: Guidelines on the Creation of Waste Electrical and Electronic Equipment (WEEE) Data Information Management System, Notice No. 84, 2010</td>
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<td>China: Guidelines for the Auditing of WEEE processing enterprises by local authorities, Notice No. 83 2010</td>
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<td></td>
<td>China: Administrative Measures on Circulation of Second Hand Electrical and Electronic Products”, 2013</td>
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<td></td>
<td>China: Further clarification on the types of products that are contained in each of the five product groups, Notice No. 80, 2012</td>
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<td>China: Approval of Old for New Trade-In Scheme for</td>
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<tr>
<td>Scope</td>
<td>Art. 1</td>
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<td>Measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of WEEE and by reducing overall impacts of resource use and improving the efficiency of such use thereby contributing to sustainable development.</td>
<td>To standardize the recovery processing activities of WEEE to promote comprehensive utilization of resources and circular economic development, and to protect the environment and safeguard people's health.</td>
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<tr>
<th>Products in Scope</th>
<th>Art. 2</th>
<th>Catalog for Disposal of Waste Electrical and Electronic Product</th>
</tr>
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</table>

*Also see* Directory for the Treatment of Electrical and Electronic Product Waste Subject to Disposal for the 2010 Customs Tariff Codes, Announcement No. 35, 2010
6. Small IT and telecommunication equipment

(Note: Recital 9 states this Directive should cover all EEE used by consumers and EEE intended for professional use)

**Products Not in Scope**

- **Art. 2**
  - Military equipment;
  - Equipment specifically designed and installed as part of another equipment excluded from scope of Directive which can fulfill its function only if it is part of that equipment;
  - Filament bulb

From August 15, 2018

(a) equipment designed to be sent into space;
(b) large-scale stationary industrial tools;

(c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;

(d) means of transport (except electric two-wheel vehicles which are not type-approved);

(e) non-road mobile machinery made available exclusively for professional use;

(f) equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;

(g) medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.

**No exemptions. Only listed products in Catalogue are covered.**

**Major**

- **Art. 3**

Only one definition provided in WEEE Regulations for
### Definitions

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<th>'electrical and electronic equipment' or 'EEE'</th>
<th>“recovery processing activities”</th>
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<td>means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current</td>
<td>Definition for “electronic waste” found in SEPA Order No. 40, 2007</td>
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<td>producer' means any natural or legal person who, irrespective of the selling technique used, including distance communication ....</td>
<td>Mandatory Standard HJ 527-2010 on “Technical specifications of pollution control for processing waste electrical and electronic equipment” contains definitions of key terms.</td>
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<td>(i) is established in a Member State (MS) and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within the territory of that MS;</td>
<td>Also see: Standard GB/T 20861-2007 on “Terminology of waste product recovery” (Note: voluntary standard)</td>
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<td>(ii) is established in a MS and resells within the territory of that MS, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the ‘producer’ if the brand of the producer appears on the equipment, as provided for in point (i);</td>
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<td>(iii) is established in a Member State and places on the market of that Member State, on a professional basis, EEE from a third country or from another Member State; or</td>
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<td>(iv) sells EEE by means of distance communication directly to private households or to users other than private households in a Member State, and is established in another Member State or in a third country.</td>
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<td>Whoever exclusively provides financing under or pursuant to any finance agreement shall not be</td>
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<td><strong>Basic Principles of Legislation</strong></td>
<td><strong>Recital 2 &amp; 23, Art. 7</strong></td>
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<td><strong>Producer Responsibility</strong></td>
<td><em>Art. 7</em> Each Member State shall ensure the implementation of the 'producer responsibility' principle and, on that basis, that a minimum collection rate is achieved annually.</td>
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<tr>
<td><strong>Polluter Pay Principle</strong></td>
<td>In order to give maximum effect to the concept of producer responsibility, each producer should be responsible for financing the management of the waste from his own products.</td>
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<th><strong>Product Design</strong></th>
<th><strong>Art. 4</strong></th>
<th><strong>Art. 5</strong></th>
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<td>Member States must encourage cooperation between producers and recyclers and measures to promote the design and production of EEE, notably in view of facilitating re-use, dismantling and recovery of WEEE, its components and materials. (Refers to EU Ecodesign Directive 2009/125/EC)</td>
<td>Manufacturers should adopt a design plan looking at resource utilization, and processing design and use nontoxic and non-hazardous or very low toxic and hazardous materials in their products that are easy to recycle. Producers of EEE that have designed and manufacturers their products in an environmentally friendly manner that encourages recycling can get reduced fees for contributing to the State WEEE Treatment Fund. (Administrative Measures for the Waste Electrical and Electronic Equipment Treatment Fund, Notice No. 34, 2012)</td>
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<tr>
<th><strong>Separate Collection</strong></th>
<th><strong>Art. 6</strong></th>
<th><strong>Please see:</strong> China: Guidelines on Creation of Waste Electrical and Electronic Equipment (WEEE) Recovery Processing Development Plan, Notice No. 82, 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEE from private households</td>
<td><em>Art. 6</em></td>
<td><strong>Also see:</strong> Home Appliance Trade-In Policy China: Approval of Old for New Trade-In Scheme for Household WEEE and Vehicles, State Council Notice No. 44, 2009</td>
</tr>
<tr>
<td>2 systems to be put in place to accept WEEE free of charge:</td>
<td></td>
<td>China: Guidelines for Implementation of Old for New Trade-In Scheme for WEEE, MEP Notice No. 73, 2009.</td>
</tr>
<tr>
<td>- Take-back of WEEE on one-to-one basis when purchasing new products of equivalent type and has fulfilled the same functions as the supplied equipment</td>
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</tr>
<tr>
<td>Art. 7 Collection rates to be achieved by MS</td>
<td>No specific targets found.</td>
<td></td>
</tr>
<tr>
<td>Collection Rate</td>
<td>Art. 7</td>
<td>Information on separate collection of WEEE must be provided regarding WEEE: (a) received by collection and treatment facilities; (b) received by distributors; (c) separately collected by producers or third parties acting on their behalf.</td>
</tr>
<tr>
<td>Provision of Information</td>
<td>Art. 8, Annex VII</td>
<td>All WEEE separately collected must be properly treated.</td>
</tr>
<tr>
<td>Proper Treatment</td>
<td>Art. 8 Annex VIII</td>
<td>Use of any prohibited technologies of techniques in the processing of WEEE is specifically banned from use under the WEEE Regulations. The types of prohibited technologies can be found in the Catalogue of Manufacture Methods, Technologies, and Products to be Eliminated which was published in three batches (Groups 1, 2 &amp; 3). Also see: Guidelines containing qualification and the licensing guide for processing enterprises, Notice No. 90, 2010 and Standard HJ 527-2010</td>
</tr>
<tr>
<td>and Storage Sites</td>
<td>Technical requirements for treatment and storage sites</td>
<td>licensing guide for processing enterprises, Notice No. 90, 2010</td>
</tr>
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</tr>
<tr>
<td>Permits</td>
<td><strong>Art. 9</strong></td>
<td><strong>Art. 11 WEEE Regulations</strong></td>
</tr>
<tr>
<td></td>
<td>Treatment facilities must obtain necessary permits in accordance with Waste Directive 2008/98/EC.</td>
<td>Recycled WEEE shall be treated by treatment facilities that have obtained necessary permits.</td>
</tr>
<tr>
<td></td>
<td><strong>Art 12, WEEE Regulations</strong></td>
<td><strong>Please see:</strong> Regulations for Management of Permits for Treatment of WEEE, Decree No. 13, 2010</td>
</tr>
<tr>
<td></td>
<td>Recyclers must obtain necessary permits for processing WEEE.</td>
<td><strong>Also see:</strong> Guidelines containing qualification and the licensing guide for processing enterprises, Notice No. 90, 2010</td>
</tr>
<tr>
<td>Shipment of WEEE</td>
<td><strong>Art. 10, Annex VI</strong></td>
<td><strong>Art. 9 WEEE Regulations</strong></td>
</tr>
<tr>
<td></td>
<td>Treatment of WEEE can take place outside of the EU (or Member State) provided the shipment complies Regulations (EC) No 1013/2006 and (EC) No 1418/2007</td>
<td>Products that are defined as prohibited WEEE must not be imported. The list of WEEE prohibited from import can be found in the “Catalogue of Solid Waste Forbidden to Import in China”.</td>
</tr>
<tr>
<td></td>
<td><strong>Also see:</strong> Standard YS/T 765/2011 Safety Specifications for transportation of electronic waste (Note: this standard is voluntary)</td>
<td></td>
</tr>
<tr>
<td>Take-back / Recovery Targets</td>
<td><strong>Art. 11</strong></td>
<td>No specific recovery targets found.</td>
</tr>
<tr>
<td></td>
<td>4kg per head collection target; from 2016, 45% collection target; from 2019, 65% collection target</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>See Annex V</strong> for specific targets depending on WEEE product category</td>
<td></td>
</tr>
<tr>
<td>Financing Cost of WEEE</td>
<td><strong>Art. 12 &amp; 13</strong></td>
<td>Both manufacturers and importers must pay fees into a State WEEE Treatment Fund for processing the WEEE from the products they produce or import. <strong>Please see:</strong> Administrative Measures for the Waste Electrical and Electronic Equipment Treatment Fund (Notice No. 34, 2012)</td>
</tr>
<tr>
<td></td>
<td>Member States must ensure producers must finance cost of collection, treatment, recovery and environmentally sound disposal of WEEE placed on market after 13 August 2005.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For WEEE from private households the producer may do so individually or by joining a collective scheme. Producer must provide a guarantee by participation by in appropriate schemes, a recycling insurance or a</td>
<td></td>
</tr>
</tbody>
</table>
**WEEE in China**

**Information to Users**

**Art. 14**
EEE must contain Information on:
(a) the requirement not to dispose of WEEE as unsorted municipal waste and to collect such WEEE separately;
(b) the return and collection systems available to them, encouraging the coordination of information on the available collection points irrespective of the producers or other operators which have set them up;
(c) their role in contributing to re-use, recycling and other forms of recovery of WEEE;
(d) the potential effects on the environment and human health as a result of the presence of hazardous substances in EEE;
(e) the meaning of crossed out wheeled symbol.

**Art. 10 WEEE Regulations**
Manufacturers must provide information on the contents of toxic and harmful substances and on the recycling processing of WEEE to consumers. This information can be either marked on the product itself or contained in the product’s user manual.

**Art. 14 SEPA Order No 40, 2007**
Producers, importers and sellers of EEE must provide information on the lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB), polybrominated diphenyl ether (PBDE) and other toxic and harmful substances in their products. Information about the impact of improper utilization or disposal of toxic and harmful substances on the environment and human health, as well the methods for utilizing or disposing of WEEE in an environmentally friendly manner must also be provided.

**Visible Fee**

**Art. 14**
Member States may require producers to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal in an environmentally sound way. The costs mentioned shall not exceed the best estimate of the actual costs incurred.

No similar provision found in “Administrative Measures for the Waste Electrical and Electronic Equipment Treatment Fund”.

**Information for treatment facilities**

**Art. 15**
Member States shall take necessary measures to ensure producers provide information (free of charge) about preparation for reuse and treatment in respect of each type of new EEE placed for the first time on the EU market within one year after the equipment is placed on the market.

**Please see**: Guidelines on the Creation of Waste Electrical and Electronic Equipment (WEEE) Data Information Management System, Notice No. 84, 2010

**Also See**: Administrative Measures for the Waste Electrical and Electronic Equipment Treatment Fund (Notice No. 34, 2012)

**Second Hand Goods/Repair**

Recital 12: The establishment of producer responsibility is one of the means of encouraging design and production of EEE which take into full account and facilitate its repair...

Annex VI (Shipment) deals with distinguishing between shipment of EEE and WEEE. Part 2 deals with

**Art. 12**
Recovered EEE that is repaired to be sold again must meet technical requirements and be marked as second-hand goods.
<table>
<thead>
<tr>
<th><strong>Registration and Reporting</strong></th>
<th><strong>Inspection and Monitoring</strong></th>
<th><strong>Labelling</strong></th>
<th><strong>Mandatory Standard</strong></th>
</tr>
</thead>
</table>
| **Art. 16, 17 and Annex X**  
Producers, (including producers  
supplying EEE by means of distance  
communication) or through their  
authorized representative must  
register and provide certain  
information.  

Please see: Art. 31 Administrative Measures for the Waste Electrical and Electronic Equipment Treatment Fund (Notice No. 34, 2012) require the MEP, Ministry of Finance, NDRC and MIIT to establish a national system (E-System) for monitoring the recycling and the production of WEEE. Processing enterprises, should establish a database containing information of WEEE, which needs to connect with this E-system. Producers should also establish a database containing information of EEE (sales, production etc.), which should connect to this official E-system.  

(Please note National E-System does not appear to be set up yet)  

**Art. 23**  
Member States shall carry out appropriate inspections and monitoring to verify the proper implementation of this Directive.  

Please see: Guidelines for the Auditing of WEEE processing enterprises by local authorities, Notice No. 83 2010  

**Annex IX**  
Crossed out wheeled symbol (preferably in accordance with the European Standard EN 50419)  

No specific symbol.  

WEEE Regulations  
Provision of certain information is required to be marked on EEE or provided in product manual.  

**Marking of EEE should comply with European Standard EN 50419**  

Standard HJ 527-2010 on “Technical specifications of pollution control for processing waste electrical and electronic equipment. This standard contains the technical requirements for the prevention and control of pollution during the collection, transportation, storage, dismantling, treatment and disposal of WEEE.
References


4. China: Cleaner Production Promotion Law 2002


11. China: Draft amendment to the WEEE Catalogue, 25 December 2013,


13. China: Guidelines containing qualification and the licensing guide for processing enterprises, Notice No. 90, 2010

14. China: Catalogue of Manufacture Methods, Technologies, and Products to be Eliminated, 1999 (Group 1), 2000 (Group 2) and 2002 (Group 3)


17. Standard YS/T 765-2011 Safety specifications for the transportation of electronic waste

18. China: Guidelines for the Auditing of WEEE processing enterprises by local authorities, Notice No. 83 2010


33. China: Further clarification on the types of products that are contained in each of the five product groups, Notice No. 80, 2012

34. EU: WEEE Recast Directive 2012/19/EU


38. European Standard EN 50419 Marking of electrical and electronic equipment


40. EU Restriction of Hazardous Substances (RoHS) Directive 2011/65/EU.

42. China: Measures for Punishing and Banning Business Operation with a License, Order No. 370, 2003

43. EU Ecodesign Directive 2009/125/EC

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