



Title: Implementation rules on China RoHS regulation published

Date: 17 May 2016

Abstract: The Administrative Measures for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products (also known as China RoHS, hereinafter referred to as “Measures”) was published on 6 January 2016 and will apply on 1 July 2016. To facilitate the understanding of the requirements set forth in the Measures and guarantee its implementation in an effective manner, Energy-saving and Comprehensive Utilisation Office under Chinese Ministry of Industry and Information Technology has officially published guidance on frequently asked questions (FAQs) about the Measures on 16 May

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Here is our summary of questions that attracting widely concern among businesses:

1. Scope

Text: Article 2 This Measures applies to electrical and electronic products manufactured or sold in China, and those imported to China.

a) Definition: Electrical and electronic products refer to the devices and accessory products with rated working electrical voltages that do not exceed 1500V direct current and do not exceed 1000V alternating current and function by means of current or electromagnetic fields and generate, transmit and measure such currents and electromagnetic fields. Except to the equipment involved for electric power generation, transmission and distribution. Accessory equipment products hereof refer to components/parts and materials.

b) Electrical and electronic products hereof include but not limited to the 10 categories of equipment and accessory products as follows:

- ✓ Communications equipment
- ✓ Broadcast & TV equipment
- ✓ Computers and other office equipment
- ✓ Household appliances

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- ✓ Electronic instrumentation
- ✓ Electrical and electronic equipment for industrial use
- ✓ Electrical and electronic tools
- ✓ Medical devices
- ✓ Lighting equipment
- ✓ Electronic products for cultural, educational, art, sports and recreational use

c) **Application Scenarios:** The Measures is not applicable in Hong Kong, Macau and Taiwan of China. However, the electrical and electronic products intended for sale in mainland China shall meet the requirements hereof. In addition, electrical and electronic products, raw materials or spare parts intended for export are not bound by the Measures. Such products intended for export shall comply with restrictions in the use of hazardous substances. It is noted that the Measures does not apply to the second-hand products as well.

d) The Measures does **not** apply to electrical and electronic products and accessory products specifically or tailored for such products as follows:

- Electrical and electronic products involved for electric power generation, transmission and distribution, including systems or equipment used for power plants, power transmission and distribution stations, and power supply and distribution for buildings;
- Electrical and electronic products for military use;
- Electrical and electronic products under special or extreme environment;
- Electrical and electronic products intended for export;
- Electrical and electronic products for temporary import or entry for maintenance but not offered for sale
- Equipment for the purposes of research and development or test.
- Samples and showpieces for trade fairs and exhibitions but not offered for sale.

2. Implementation Date

Products falling under the applicable scope hereof shall be subject to their production dates for the fulfillment of the Measures. In other words, parties concerned shall ensure their products meet the requirements of the Measures since 1 July 2016. The requirements imposed on imported products are consistent with those for products manufactured in China. The implementation date shall also be subject to the production dates no matter when the products complete customs clearance or are placed on the market.

The production date refers to the day when products are inspected and packed as finished articles to be offered for sale on the market after all procedures in the production chain

3. Applicability of Standards

The national and industry standards concerning restriction on the use of hazardous substances under the Measures refer to

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the following (including List to the Standard Amendments):

- a) Labelling Requirements for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products (SJ/T 11364-2014);
- b) The Requirements for Concentration Limits for Certain Restricted Substances In Electronic and Electrical Products (GB/T 26572-2011);
- c) Standards concerning test methods of hazardous substances: Electrical and Electronic Products—Determination of Six Regulated Substances (Lead, Mercury, Cadmium, Hexavalent Chromium, Polybrominated Biphenyls, Polybrominated Diphenyl Ethers) (GB/T 26125-2011, IDT IEC 62321:2008); Determination of Chromium(VI) in Electrical and Electronic Products—Atomic Fluorescence Spectrometry (GB/T 29783-2013).

Formulated for the implementation of the Measures, the above standards should be enforced. Businesses can only meet the requirements of the Measures when enforcing the standards adopted hereunder.

4. Conformity of SJ/T 11364-2014 and declaration of hazardous substances in products

Party concerned, based on their regulation and risk management on hazardous substances, shall collect and summarise information of hazardous substances in electrical and electronic products, and label the related information as per SJ/T 11364-2014 through (but not limited to) the following methods:

- a) Require upstream suppliers to provide self-declaration and technical documents for support;
- b) Test or entrust a third-party to test hazardous substances in the products based on existing test reports (which are authentic and valid) from any party;
- c) Valid third-party certification.

5. Legal Entities

Upon effectiveness of the Measures, who should be held liable provided a final product is detected not complying with China RoHS despite of green supply chain management system? Manufacturers of final products or related upstream suppliers? Pursuant to the Measures, the producers of final products shall be held liable in such case even if the non-conformity is caused by upstream suppliers. Meanwhile, the producers shall trace the liabilities of their upstream suppliers on their own. Therefore C&K Testing reminds businesses should lay emphasis on regulating hazardous substances in raw materials throughout the supply chain to avoid losses.

Further information

[FAQs about Implementation Rules on China RoHS \(in Chinese\)](#)

[China RoHS regulation on electrical and electronic products published--News from C&K Testing in Jan.](#)

[中文阅读](#)

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