

The information contained in this document includes excerpts from "China RoHS" implementing standards and Frequently Asked Questions (FAQ) documents published by China's Ministry of Information Industry (MII) as of December 1, 2006, and compiled by the AeA- Advancing the Business of Technology. The information offered in this Q&A document does not constitute legal advice. Rather, this document represents an informational summary of available "China RoHS" information from MII. The documents referenced herein include a significant number of ambiguous provisions. Additionally, these documents are subject to additional updates or interpretations from MII. Furthermore, this document contains translations of excerpts from the original Chinese implementing standards and FAQ documents. Readers should note that these translations are for reference purposes only. In situations where there are conflicts between the English translations and Chinese original text, the Chinese original text is the only version recognized by the Chinese government as controlling. Interpretations and clarifications should be obtained directly from MII.

**Questions and Answers
From October 26, 2006 AeA China RoHS Conference**

On October 26, 2006 AeA hosted a program on China RoHS with several speakers from the Chinese Ministry of Information Industry. At this program there was not sufficient time to address all the questions submitted by the participants.

AeA is pleased to announce that over 80 of these questions from the program have been addressed in this document which we have also shared with MII for their comments.

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Commonly referenced documents include AeA translations of the following documents:

1. “Administrative Measures on the Control of Pollution Caused by Electronic Information Products” (herein referred to as “China RoHS” (also translatable as "Management Methods" or "Management Measures"))
2. “Requirements for Concentration Limits for Certain Hazardous Substances in Electronic Information Products” SJ/T 11363-2006, herein referred to as “MCV standard”;
3. “Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006, herein referred to as “Labeling standard”
4. “Testing Methods for Regulated Substances in Electronic Information Products” SJ/T 11365-2006, herein referred to as “Testing standard”.
5. Draft “General Principles for Environmental Use Terms for Electronic Information Products (EFUP)”
6. Explanation of Electronic Information Product Classification (“Explanation of Classification”)
7. December 2006 Ministry of Information Industry (MII) published Frequently Asked Questions (FAQ) for the Electronic Information Product Pollution Control (“China RoHS”) Regulation, herein referred to as “December 2006 FAQ Regulation”
8. December 2006 Ministry of Information Industry (MII) published Frequently Asked Questions (FAQ) for the Electronic Information Product Pollution Control (“China RoHS”) Standards herein referred to as “December 2006 FAQ Standards”
9. Packaging Recycling Marks Standard GB 18455-2001 (issued September 18, 2001)

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| Scope / Applicability | |
|---|---|
| 1 Q. Does the scope include products manufactured within China for use in China? How does China RoHS apply to domestically produced products that will not be sold in China but elsewhere? | <p>The February 28, 2006 promulgated version of China RoHS, Article 2, specifies: "These [rules] shall apply to control and reduction of pollution and other public hazards to the environment caused during the <u>production</u>, sale and import of electronic information products <u>in the People's Republic of China</u>."</p> <p>The February 28, 2006 promulgated version of China RoHS, Article 2, also states: "[T]hese [rules] <u>shall not apply to the production of products destined for export</u>."</p> <p>*Underscoring added by AeA and is not part of the original text.*</p> |
| 2 Q. Are components, parts, and materials shipped to manufacturing plants in China, considered "sales in Chinese markets" and covered by China RoHS? | <p>See response to Question 6, below.</p> |
| 3 Q. Will equipment transfers for internal manufacturing to China be subject to China RoHS documentation requirements? | <p>December 2006 FAQ Standards Q/A #4 which states, in pertinent part: "<i>Based on the regulations in this clause, labels may be displayed only on the end product, but label information must cover all component parts of the product; upstream suppliers have the responsibility and the duty to provide the manufacturer of the end product with all the information it requires for labeling.</i>"</p> <p>See also, e.g., December 2006 FAQ Regulation Q/A #46 which states: "<i>If parent companies abroad sell products to Chinese companies that are separate legal entities, they must satisfy the requirements of '[China RoHS]'; if parent companies abroad sell products to Chinese companies that are part of the same legal entity, it is an internal transfer of assets, and does not constitute product "being placed on the market". Therefore, there is no need to comply with the requirements of '[China RoHS].'</i>"</p> <p>See also response to Question 6, below.</p> |
| 4 Q. How does a company identify and label chips or components that they send to their contract manufactures in China to incorporate into their products? | <p>See response to Question 6, below.</p> |
| 5 Q. If components are shipped to a Chinese contract manufacturer, do all of those components fall under the China RoHS Legislation. Are they required to be complaint? | <p>"Marking for the Control of Pollution Caused by Electronic Information Products" SJ/T11364-2006 Article 4 states: "<i>With respect to the electronic information products that are purchased for manufacturing. Suppliers need not provide the aforementioned marking, but shall supply to the purchaser all necessary information required for marking. Correspondingly, the purchasers [in this case] shall mark the electronic information</i></p> |

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products they manufacture and the scope of marking shall include that for the electronic information products purchased for manufacturing.”

December 2006 FAQ Regulation Q/A #33 states: “Broadly speaking, processing or assembly of supplied materials means to process raw materials or parts supplied from abroad into a finished product or assemble them into a complete machine for export. Products for export and raw materials and parts imported for subsequent exportation do not come under '[China RoHS].’ Processing of imported materials means to process raw materials or parts supplied from abroad into a finished product or assemble into a complete machine for subsequent sale. If the product is exported, it does not fall under '[China RoHS]’; if the product is sold on the domestic market, it must satisfy the requirements of '[China RoHS].’”

December 2006 FAQ Standards Q/A #5 states: “All electronic information products sold on the Chinese market must comply with the requirements of the '[China RoHS].’ In the case of components or raw materials purchased abroad for completing the production, in principle, labeling with related environmental information is required. However, if the component or raw material supplier has an agreement with the downstream producer, it may not label the components or raw materials, but pass the relevant environmental information to the downstream producer.”

6 Q. When a product type is not explicitly listed in the EIP list, is the product out of scope?

Products listed in the EIP Classifications and Explanations explanatory note are subject to “China RoHS” regulation provisions. The Ministry of Information Industry (MII) provided the “Explanation of Electronic Information Product Classification (“Explanation of Classification”) is essentially a guidance document that specifies products defined as “electronic information products” in Art. 3(1) of the “China RoHS” regulation. The “Explanation of Classification” is based on the classification catalogue for the electronic information industry that has been verified by the National Bureau of Statistics.

December 2006 FAQ Regulation Q/A #27 states, in pertinent part:
“During the current phase, products that are not explicitly listed in the “Explanation of Classification” are not considered.”

Chinese Version of “Explanation of Classification” is available at
http://www.mii.gov.cn/art/2006/03/16/art_1221_8441.html

AeA “unofficial” English translation is available at:
<http://www.aeanet.org/chinarohs>

7 Q. Are EU RoHS Categories 8& 9 Test & Measurement Equipment and Medical Devices subject to China RoHS? Does scope of EIP include infrastructure products?

The scope of products subject to “China RoHS” is outlined and defined in the MII provided “Explanation of Electronic Information Product Classification (“Explanation of Classification”)” explanatory note which is essentially a guidance document that specifies products defined as “electronic information products” in Art. 3(1) of the “China RoHS” regulation. Certain test and measurement, medical device products and

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infrastructure products are included in the “Explanation of Classification” and therefore subject to “China RoHS” requirements.

8 Q. Is the “explanatory note” list of products something separate from the Catalogue?

Yes. The MII provided “Explanation of Electronic Information Product Classification (“Explanation of Classification”) explanatory note is **not** the “Catalogue for Priority Prevention of Pollution from Electronic Information Products” indicated in the “China RoHS” regulation. The MII provided “Explanation of Electronic Information Product Classification (“Explanation of Classification”) explanatory note essentially is the guidance document that specifies products defined as “electronic information products” in Art. 3(1) of the “China RoHS” regulation.

9 Q. How is Hong Kong treated? Is it for this purpose considered part of Mainland China or separate?

The Hong Kong Special Administrative Region (Hong Kong SAR) is a separate legal system until 2047. Until that time, when the merger or coordination of legal systems is scheduled to occur, the Hong Kong SAR operates independently where laws are concerned. In this situation, EIP manufactured or sold within Hong Kong SAR are not covered by “China RoHS”.

10 Q. If we ship from Hong Kong into China is it considered importation?

Products imported into mainland China from anywhere considered a legal system separate from that of mainland China, including Hong Kong SAR, after the March 1, 2007 effective date, or other effective dates for “China RoHS”, would be treated as "imports" into China for China RoHS compliance purposes.

11 Q. Is Taiwan [covered by] the China RoHS requirements?

No; Taiwan is a separate legal system. EIP manufactured and sold in Taiwan are governed by the laws of Taiwan government. However, products imported into mainland China from Taiwan after the March 1, 2007 effective date, or other effective dates for “China RoHS”, would be treated as "imports" into China for China RoHS compliance purposes.

12 Q. Are there separate key Catalogues for CCC program and China RoHS program?

There are currently separate Catalogues of products subject to China Compulsory Certification (CCC) system and those subject to “China RoHS” requirements. As MII and the other relevant agencies that will develop policy on “China RoHS” compliance certification have not yet finalized procedures or related measures for such certification, it has yet to be determined whether or how the existing CCC catalogues will be modified to take into account “China RoHS” catalogue products.

To learn more about the 19 product groups encompassing 132 product categories subject to the China Compulsory Certification System please see, e.g., the US Department of Commerce maintained site: <http://www.mac.doc.gov/China/Docs/BusinessGuides/cccguid2.htm>

The Catalogue of products subject to “China RoHS” will be drafted by Ministry of Information Industry (MII) officials. “China RoHS” regulation Article 18 states: *“The Ministry of Information Industry shall prepare and revise the Catalogue for Priority Control of Pollution from Electronic Information Products in consultation*

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*with the National Development and Reform Commission, the Ministry of Commerce, the General Administration of Customs, the State Administration of Industry and Commerce, the State Administration for Quality Supervision, Inspection and Quarantine, and the State Environmental Protection Administration. The Catalogue for Priority Control of Pollution from Electronic Information Products shall consist of categories of electronic information products, the category of toxic and hazardous substances or elements restricted for use, and the timeline for the restriction. The Catalogue shall be amended annually according to actual conditions and the demands made by levels of technological development.” *Underlined text added for emphasis by AeA and not included in regulation.**

December 2006 FAQ Regulation Q/A #3 states, in pertinent part: "[China RoHS]' sets forth a "Catalogue for Priority Prevention of Pollution from Electronic Information Products.' This list was originally empty, but as time goes on, products 'for which technologies are mature, for which [control is] economically feasible,' and for which replacement has been made for toxic and hazardous substances or which have complied with concentration limits are added to the list. A product not being placed on the list means that it is temporarily 'exempted.' Consequently, '[China RoHS]' does not require and has not set forth any clauses concerning exemption."

The "Catalogue" above is the "list" of products that will, when the Catalogue is finalized, impose substance restriction requirements on the products listed therein.

13 Q. LCD displays are in the EIP list. Can the writers of the Catalogue please differentiate between: LCD's without Hg-bulbs, LCD's with Hg-bulbs ($\leq 5\text{mg}^*$ per bulb), LCD's with Hg-bulbs ($> 5\text{mg}^*$ per bulb) (* 5 is not a "magical number" so could be 7, 8, or 10mg.)

The MII provided "Explanation of Electronic Information Product Classification ("Explanation of Classification") explanatory note is **not** the "Catalogue for Priority Prevention of Pollution from Electronic Information Products" indicated in the "China RoHS" regulation. The MII provided "Explanation of Electronic Information Product Classification ("Explanation of Classification") explanatory note essentially is the guidance document that specifies products defined as "electronic information products" in Art. 3(1) of the "China RoHS" regulation

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14 Q. If we shipped a beta (test) unit to China for demonstration would it need to be certified for compliance? With the plan that the unit would be returned at the end of demonstration.

December 2006 FAQ regulation Q/A #34 states: *“Test machines, prototypes and models used for research and development, labs, testing and display that are not to be sold or to ‘enter into the market,’ therefore they need not be labeled with environmental information.”*

At this time the “China RoHS” certification requirements have not been finalized, therefore are not applicable. Products listed in the MII provided “Explanation of Electronic Information Product Classification (“Explanation of Classification”) explanatory note must meet marking and labeling requirements March 1, 2007 if the product is to be sold in China.

If the unit is not sold in China then “China RoHS” marking and labeling requirements are not applicable as stated in “Marking for Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006 Article 1, which states: *“This standard specifies names and contents of the toxic or hazardous substances or elements contained in electronic information products, the environmental protection use period, recyclability and marking of names of packaging materials.*

This standard applies to the electronic information products sold in the People’s Republic of China.”

15 Q. How will high temperature solder for semiconductor die attach be addressed? Technology currently does not allow any other method.

If there is no alternative, based on the criteria referenced in the FAQ (where Catalogue listing is concerned), these devices are not likely to be included in the Catalogue. It is unlikely but possible that MII might use a specific exemption; however current information indicates that they will not be placed in the Catalogue. However, as the listing criteria for the Catalogue and the Catalogue itself are not finalized (see responses to questions involving the Catalogue below, this issue requires continued monitoring.

16 Q. Who can we contact to determine if a particular product is within the scope of EIP?

The Ministry of Information Industry (MII) provided the “Explanation of Electronic Information Product Classification (“Explanation of Classification”) (dated March 16, 2006) as a guidance document that specifies products defined as “electronic information products” in Art. 3(1) of the “China RoHS” regulation. Companies are encouraged to review the “Explanation of Electronic Information Product Classification (“Explanation of Classification”) and determine whether their products are subject to “China RoHS” requirements. At this time there is no publicly stated contact point within the Ministry of Information Industry (MII) to seek clarification on this specific point, although MII has indicated a general contact point for questions at: chinarohs@mii.gov.cn .

Chinese Version of “Explanation of Electronic Information Product Classification (“Explanation of Classification”) is available at:

http://www.mii.gov.cn/art/2006/03/16/art_1221_8441.html

AeA “unofficial” English translation is available at:

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| Labeling | |
|---|---|
| 17 Q. If all RoHS elements are below the Chinese threshold levels, is logo 1 (indicating compliance with MCVs) required or optional? | <p>“China RoHS” regulation Article 5.5.1 Marking Requirements states: “When logo 1 is used for marking, the pollution control logos for electronic information products may be marked directly on the products through molding, painting, pasting or printing, or be specified in the product instructions.”</p> |
| 18 Q. What is the minimum size allowable for Logo 1? | <p>“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006 Section 5.4.2 states: “Producers or importers shall choose suitable specifications for logos according to the sizes of the electronic information products and components. However, [these] shall not be smaller than 5mm×5mm.</p> |
| 19 Q. If a product is larger than $5 \times 10^3 \text{mm}^2$, is it mandatory to place Logo 1 on the product or it can be printed on the product manual? | <p>“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006, Section 5.5.1 states: “When logo 1 is used for marking, the pollution control logos for electronic information products may be marked directly on the products through molding, painting, pasting or printing, or be specified in the product instructions.”</p> <p>“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006; Article 5.5.2 states: “When logo 2 is used for marking, for the electronic information products with a regular shape and a maximum surface area equal to or larger than $5 \times 10^3 \text{mm}^2$, the pollution control logos for electronic information products shall be marked directly on the products through molding, painting, pasting or printing; for the electronic information products with an irregular shape or a maximum surface area less than $5 \times 10^3 \text{mm}^2$, the pollution control logos may not be marked directly on the products, but must be specified in the product instructions. Note: Irregularly shaped products may be those with a large surface area but which are very narrow and long, such as a cable.”</p> |
| 20 Q. Does the label need to provide concentration values of the six RoHS substances or 'X' & 'O' is okay? | <p>“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006; Section 6.2.2 Marking Requirements states “Producers and importers who manufacture or import electronic information products that contain toxic or hazardous substances or element shall specify in product instructions the names and contents of toxic or hazardous substances or element and mark them on the parts where they are contained in by following the styles specified in Clause 6.2.1 of this standard. The first row in Table 1 is the head. The first column is the part name. Other columns are contents of the toxic or hazardous substances or elements. The last row shall be used entirely for meanings of the logos and explanation for other related matters.</p> <p>If certain toxic or hazardous substances or elements do not exist in this part, namely this toxic or hazardous substance or element contained in all of the homogeneous materials for this part is below the limit requirement in SJ/T11363-2006, then mark “O” for the corresponding column. If certain toxic or hazardous substance or element is contained in this part, namely this toxic or hazardous substance or element contained</p> |

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in at least one of the homogeneous materials used for this part is above the limit requirement in SJ/T11363-2006, then mark “X” for the corresponding column.

The height of Chinese characters and logos used in the marking shall not be smaller than 1.8 mm.”

21 Q. If logos are in EIP insert/manual, is black an acceptable color?

December 2006 FAQ Standards Q/A #7 states: *“The label colors given in the “Labeling Standard” are suggested colors. Producers or importers may select different colors for labels based on their actual needs and the requirements of the standard. However, the colors must be striking to consumers and users.”*

22 Q. Regarding packaging labeling should companies label the product or package (crate etc.) or both?

“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006; Section 9. Names and Marking of Packaging Materials: *“Electronic Information products producers or importers shall follow GB 18455-2001 to label the codes for packaging materials on the packaging of the products they manufacture or import. If the maximum surface area of the packaging is smaller than $5 \times 10^3 \text{ mm}^2$, it may not be marked directly on the packages, but rather shall be explained in the product instructions.”*

See also, e.g., response to Question 28, below.

23 Q. For products that were on the market in China prior to March 1, 2007, than get repaired outside of China and returned to China after March 1, 2007 what are the labeling requirements? If any?

December 2006 FAQ Regulation Q/A #16 states: *“Parts used for maintenance or upgrades for after-sales service are not included under ‘[China RoHS]’. However, if such products are sold individually, then they do come under ‘[China RoHS]’.*

December FAQ Regulation Q/A #32 states: *“Generally speaking, the time that a product is “being put on the market” is understood to be the “production date” of the product, meaning the date when the product comes off the production line. Electronic information products with production dates on or after the effective date of ‘[China RoHS]’ (March 1, 2007) must comply with all requirements in ‘[China RoHS]’.*

24 Q. Are there exemptions for packaging material/product materials that are hard to mark (for example, urethanes)?

Refer to GB18455-2001 for specific packaging requirement information. At present, MII has not officially specified any exemptions specifically addressing materials that are difficult to mark.

25 Q. China Packaging Recycling Labeling standard GB 18455 is similar to the German DIN Standard, while the European Union requirements are harmonized with the United States SPI Codes. If a company uses the SPI Codes, is this considered to be in compliance with China GB 18455?

December 2006 FAQ Standards Q/A # 28 states: *“For products sold on the domestic market in China, if a compulsory State standard already exists, they must satisfy this standard. As a result, when international standards and State standards are at odds with one another, precedence must be given to the latter. If the State standards are set by applying international standards, then implementation of the State standard is equivalent to ‘accepting and recognizing’ the equivalent international standard.”*

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26 Q. Will product currently in the Chinese market be grandfathered in for labeling purposes or will EIP [existing in the Chinese market prior to the effective date] have to be labeled?

The FAQ Regulation Q/A 32 states: “Generally speaking, the time that a product is “being put on the market” is understood to be the “production date” of the product, meaning the date when the product comes off the production line. Electronic information products with production dates on or after the effective date of ‘[China RoHS]’ (March 1, 2007) must comply with all requirements in ‘[China RoHS]’.

27 Q. Is the material identified required only on the outer product packaging? In other words, is the material identification NOT required on the transportation packaging?

December 2006 FAQ Standards Q/A # 27 states: “Article 6.2 of GB 18455-2001 states, ‘Each packed item generally needs to bear only one label’. Here, “packed item” means the unit comprised of the product and the packaging materials that are combined together for sale or shipping. Based on this definition, companies only need to provide recycling symbols on the outermost layer of the packed item in order to give the name of the packing material. Labeling of packaging belts, transparent tapes, filler materials, protectors, small plastic bags used as dividers and other items used to aid packing is encouraged but not compulsory.”

December 2006 FAQ Standards Q/A # 30 states: “Yes [here in response to the question of whether unified marking can be performed on the external packaging for the product packaging material contained inside]. However, the recycling indicia are intended to facilitate sorting and recycling of the packaging materials. If the packaging materials inside may not use the same recycling system as the outer box, this type of labeling becomes meaningless. Therefore, we encourage that packing material recycling information be put on each package material. Naturally, compared with only labeling the outermost box with no labels whatsoever for packaging materials for products inside, this is a positive approach.”

28 Q. Is clip-art, reproducible artwork available for marking logos? Color standards?

The artwork is available on MII’s website and referenced for convenience at the AeA website.

http://www.mii.gov.cn/art/2006/12/04/art_1221_27273.html

<http://www.aeanet.org/chinarohs>

29 Q. Must the logo be on the body of a product or can it be on a removable piece such as a cell phone battery door (on inside)?

December 2006 FAQ Standard Q/A #11 states: “The ‘Labeling Standard’ specifies a minimum requirement for label positions. Labels must be in a location easily visible to the consumer or user of the product. Cell phone battery compartments are visible to consumers or users, therefore, labels for cell phones may be placed inside the battery compartment.”

“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006; Section 5.5.3 Marking Requirements states: “If the pollution control logos for electronic products are to be marked on the products, they normally shall be marked at a prominent location on the electronic information products, such as the front of the product, side or back where function keys are located. If restricted by functions and appearances so that it is not possible to mark the pollution control logos in prominent locations, they shall be located at other visible places easily detected by consumers.”

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30 Q. Do repair or refurbished products sold before March 1, 2007 require labeling?

December 2006 FAQ Regulation Q/A #16 states: *“Parts used for maintenance or upgrades for after-sales service are not included under ‘[China RoHS]’. However, if such products are sold individually, then they do come under ‘[China RoHS]’.”*

December 2006 FAQ Regulation Q/A #32 states: *“Generally speaking, the time that a product is “being put on the market” is understood to be the “production date” of the product, meaning the date when the product comes off the production line. Electronic information products with production dates on or after the effective date of ‘[China RoHS]’ (March 1, 2007) must comply with all requirements in ‘[China RoHS]’.*

31 Q. Is EFUP based on manufacture date?

December 2006 FAQ Standards Q/A #22 states: *“[China RoHS] and the ‘Labeling Standard’ do not contain regulations requiring that products be labeled with their date of production. However, ‘[China RoHS]’ introduces the concept of the environmental protection use period, namely an environmental use time frame. In reality, this places a requirement for a ‘limit of use time’ for electronic information products containing toxic or hazardous substances or elements. Article 27, Clause 4 of the Product Quality Law of the People’s Republic of China (hereinafter, the ‘Product Quality Law’) dictates that ‘Products with a limited period of use must be labeled in a prominent location with the date of production and safe use period or expiration date’. Based on this provision and relevant requirements of the ‘[China RoHS]’, electronic information products that contain toxic or hazardous substances or elements must mark their environmental protection use period (equivalent to the ‘safe use period’ in the ‘Product Quality Law’) and indicate the date of production. Further, based on the relevant provisions of the ‘Regulations on Product Marking and Labeling’, Articles 5 and 15, the production date must be printed on the product or the package in a way that complies with national standards or uses the ‘year, month, day’ format.”*

32 Q. What are the criteria or guidance being used to determine the specific "environmentally friendly use period"?

“Draft ‘General Guidelines of Environmentally Friendly Use Periods for Electronic Information Products’. Per the MII December 2006 FAQ Standards at Q/A # 23, this technical reference document is expected to be finalized before March 1, 2007. The EFUP guidance document will consist of examples of “Average Environment-Friendly Use Period of Common EIP” which companies can use as guidelines)

33 Q. What is supplier responsibility as far as EFUP number for its product?

Suppliers selling EIP which will be sold in China are subject to the relevant labeling requirements as outlined in the “Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006 including the draft ‘General Guidelines of Environmentally Friendly Use Periods for Electronic Information Products’. See also, e.g., response to question 43, below.

34 Q. Must products be taken out of service after the EFUP expires?

At this time AeA is unable to offer a conclusive answer to this question. AeA is monitoring the development of this technical reference document for determination of this use period, as well as Chinese evolving government policy on products that exceed this use period.

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35 Qs. How is EFUP determined?

EFUP, alternatively translated as EPUP or “environmental protection use period” is determined by the manufacture using the technical reference document tentatively entitled ‘General Guidelines of Environmentally Friendly Use Periods for Electronic Information Products’. This technical reference document is still being drafted within the MII Standards Working Group and is expected to be finalized before March 1, 2007.

December 2006 FAQ Standards Q/A #23 states: *“The Work Group on Standards for the Control of Pollution from Electronic Information Products has organized a new subgroup with the goal of researching and establishing general requirements for setting product environmental use time frames. This subgroup is currently working on the “General Principles for Environmental Use Terms of Electronic Information Products”, which will be a guiding technical document provided to companies as a reference only for setting environmental use time frames for products. This document is slated for completion prior to March 1, 2007, the implementation date of the ‘[China RoHS]’.”*

36 Q. Has any decision been reached at the proper reporting level [for the table], i.e. component? Sub-assembly? Other?

December 2006 FAQ Standards Q/A #17 states: *“A product is composed of multiple parts and components with relatively independent functionalities. There are many different types of electronic information products, so it is impossible to list all of the parts here. Specific means of dividing a product into parts are determined by the company. As long as the method is consistent with the industry practices, it is acceptable. Based on the relevant measures contained in the ‘Labeling Standards’, products need only ‘mark the names and content of the toxic or hazardous substances or elements for parts that contain them’. For parts not containing toxic or hazardous substances or elements (that is, parts for which the content of the toxic or hazardous substances in the [disclosure] form are all “0”), there is no need to follow the format of Table 1 of the ‘Labeling Standard’ in the manual.”*

“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006; Section 6.2.2 “Marking Requirements” states: *“Producers and importers who manufacture or import electronic information products that contain toxic or hazardous substances or element shall specify in product instructions the names and contents of toxic or hazardous substances or element and mark them on the parts where they are contained in by following the styles specified in Clause 6.2.1 of this standard. The first row in Table 1 is the head. The first column is the part name. Other columns are contents of the toxic or hazardous substances or elements. The last row shall be used entirely for meanings of the logos and explanation for other related matters.*

If certain toxic or hazardous substances or elements do not exist in this part, namely this toxic or hazardous substance or element contained in all of the homogeneous materials for this part is below the limit requirement in SJ/T11363-2006, then mark “O” for the corresponding column. If certain toxic or hazardous substance or element is contained in this part, namely this toxic or hazardous substance or element contained in at least one of the homogeneous materials used for this part is above the limit requirement in SJ/T11363-2006, then mark “X” for the corresponding column.

The height of Chinese characters and logos used in the marking shall not be smaller than 1.8 mm.”

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37 Q. Does the disclosure table have to be in Chinese? Can it be provided in English as an alternative?

The disclosure table must be in Chinese, as displayed in the Chinese standards (with exception of the "X" and "O" markings). According to MII, English can be indicated in addition, but not as a substitution.

38 Q. What is meant by "Product Literature"? Is a catalogue sufficient? Web Site? Technical Sheets? Does this Literature have to ship with the product?

Several allowances are included in the December 2006 FAQ Standards Q/A including Q/A #13 and Q/A #14 which state, in pertinent parts:

December 2006 FAQ Standards Q/A # 13 states *“Electronic manuals (burned onto CDs) are one type of product manual. If the product does not come with a paper manual, the electronic manual may be used as a carrier for the information regarding toxic and hazardous substances or elements.”*

December 2006 FAQ Standards Q/A #14 states: *“Since at present Internet popularity is not high in China, providing relevant information on a company’s web site does not help the average consumer or user to recycle discarded products or recyclers to reuse the products when they need the information. Based on the relevant regulations contained in the ‘[China RoHS]’ and the ‘Labeling Standards’, apart from product packaging material name labels, all environmentally-related information for a product may be carried only on the product itself or in its manual. Providing relevant information on a company web site can serve only as a supplementary or secondary means. However, for electronic information products that will not be distributed to locations without Internet access, such as electronic components and materials, relevant environmental information may be made only on the company's web site. In this case, companies must inform users of the correct URL for the web site, and ensure that users can access the information. In the case of disputes with consumers who were unable to obtain relevant environmental information that was provided only on the Internet, the company must bear full legal responsibility.”*

39 Q. For equipment including multiple plug-in-cords, do all the plug-in-cords have to be marked?

Cords listed in the Explanation of Electronic Information Product Classification (“Explanation of Classification”) are subject to relevant “China RoHS” labeling requirements for “irregularly” shaped electronic information products. See, e.g., China RoHS Labeling standard at section 5.5.2.

40 Q. Do sub-assemblies used to repair products need to meet the labeling standard? Concern that it is not always known when shipping if the sub-assembly will be used for manufacturing.

December 2006 FAQ Regulation Q/A #16 states: *“Parts used for maintenance or upgrades for after-sales service are not included under ‘[China RoHS]’. However, if such products are sold individually, then they do come under ‘[China RoHS]’.”*

41 Q. If a component (such as a resistor, capacitor, etc.) is being sold to a product OEM (to be built in to another product), must it still follow the labeling and product matrix requirements, or does the labeling/matrix requirement apply only to the finished product?

Article 4. General Rules of the “Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006 (herein referred to as “Labeling standard”) states: *“With respect to the electronic information products that are purchased for manufacturing suppliers need not provide the aforementioned*

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marking, but shall supply to the purchaser all necessary information required for marking. Correspondingly, the purchasers [in this case] shall mark the electronic information products they manufacture and the scope of marking shall include that for the electronic information products purchased for manufacturing.”

December 2006 FAQ Regulation Q/A #33 states: “Broadly speaking, processing or assembly of supplied materials means to process raw materials or parts supplied from abroad into a finished product or assemble them into a complete machine for export. Products for export and raw materials and parts imported for subsequent exportation do not come under ‘[China RoHS]’.

Processing of imported materials means to process raw materials or parts supplied from abroad into a finished product or assemble into a complete machine for subsequent sale. If the product is exported, it does not fall under ‘[China RoHS]’; if the product is sold on the domestic market, it must satisfy the requirements of ‘[China RoHS]’.”

December 2006 FAQ Standard Q/A #5 states: “All electronic information products sold on the Chinese market must comply with the requirements of the ‘[China RoHS]’. In the case of components or raw materials purchased abroad for completing the production, in principle labeling with related environmental information is required. However, if the component or raw material supplier has an agreement with the downstream producer, it may not label the components or raw materials, but pass the relevant environmental information to the downstream producer.”

42 Q. What will be the labeling requirements for EIP parts sold for repair or upgrade of EIP after March 1, 2007?

December 2006 FAQ Regulation Q/A #16 states: “Parts used for maintenance or upgrades for after-sales service are not included under ‘[China RoHS]’. However, if such products are sold individually, then they do come under ‘[China RoHS]’.”

43 Q. Is the definition of "EIP" firmly in place and available on the MII Website? (translated in English)

The scope of products subject to “China RoHS” is outlined and defined via the Explanation of Electronic Information Product Classification (Explanation of Classification), provided by the Ministry of Information Industry (MII) March 16, 2006. The “Explanation of Classification” is essentially a guidance document that specifies products defined as “electronic information products” in Art. 3(1) of the “China RoHS” regulation.

From the preamble of the Explanation of Classification “Electronic information products are defined [at Article 3(1)] of the Management Methods for Control of Pollution Caused by Electronic Information Products (hereinafter “Management Methods”). The defined electronic information products are grouped into ten major categories, within the definition of the scope of application of ‘[China RoHS]’. In order to help those concerned about the ‘[China RoHS]’ to understand the definitions and implications of electronic information products, these electronic information products being applicable to ‘[China RoHS]’ are sorted and annotated based on the Electronic Information Industry Classification used for electronic information economy index statistic”

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| | Effective Date |
|--|---|
| 44 Q. Director Huang said they are currently publicizing RoHS. Could they extend the transition for the labeling requirements beyond March 1, 2007 while they continue to publicize it? | MII is reportedly not presently supporting a postponement of the labeling requirement for any particular product category. |
| 45 Q. Is there any room for postponement of the labeling requirement for EIP's not included in the key catalogue (Medical Devices) to allow industry more time to comply? | MII is reportedly not presently supporting a postponement of the labeling requirement for any particular product categories, including medical devices. Additionally, MII reportedly has not made any official decisions on whether to include, or not include, specific products in the Catalogue for substance restriction purposes. |
| 46 Q. What allowances are there to enable manufacturers of laboratory equipment (which are not in the scope of EU RoHS) who want to comply with China RoHS, but need more time to gather the substance data from their suppliers? | The Explanation of Electronic Information Product Classification ("Explanation of Classification") explanatory note includes several products outside of the scope of the European Union's Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment ("EU RoHS") Directive and at this time, according to information from MII, no additional time allowances are granted for products outside EU RoHS but included in the EIP list. |
| 47 Q. On March 1, 2007 do EIPs require the proper mark and disclosure to get through customs, or at the point of sale? | <p>The fact that "China RoHS" requirements are essentially "divided into two regulatory steps"—labeling/information disclosure and substance restriction/compulsory certification complicates understanding and creates confusion in the inspection and enforcement area.</p> <p>The fact is that inspection and some sort of to-be-determined certification upon import is something that would be compulsory for imports of items that will be on the to-be-drafted Catalogue. As described by MII during their visit to the United States and subsequently, inspections of electronic information products imported on March 1, 2007 or after may be subject to spot checks on import (routine inspections) or once inside China. The spot inspections, depending on whether they occur at the ports of entry or in the China market, likely would be conducted by local counterparts of the national Administration for Quality Supervision, Inspection and Quarantine or the State Administration for Industry and Commerce.</p> |
| 48 Q. Does the China-RoHS effective date March 1, 2007 apply to product manufacturing date or the date a product is imported into China? | December 2006 FAQ Regulation Q/A #32 states: "Generally speaking, the time that a product is "being put on the market" is understood to be the "production date" of the product, meaning the date when the product comes off the production line. Electronic information products with production dates on or after the effective date of '[China RoHS]' (March 1, 2007) must comply with all requirements in '[China RoHS]'." |

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| Restriction of Substances / Catalogue | |
|---|---|
| 49 Q. When will the Catalogue be available publicly? | Once finalized, the Catalogue will reportedly be published on the website of the Ministry of Information Industry (MII). AeA will likely offer an “unofficial” English translation as was done with the China RoHS regulation, as well as key supporting standards and guidance documents, where resources allow. At this time there is no publicly stated specific target date for publication on the MII website or release of the document to the public via an alternative means. |
| 50 Q. What is the anticipated effective date for phase out of restricted substances? How much time will be provided for implementation | According to MII, once the Catalogue is published there will likely be a set transition period enabling items listed in the Catalogue to comply. The substance restriction implementation date is not included in the “China RoHS” regulation. At this time there is no publicly stated specific target date for publication or implementation of the substance restrictions. |
| 51 Q. What will be the process for developing the Catalogue? How is it determined which products will be entered into the Catalogue? | <p>The Ministry of Information Industry (MII) officials will be the principal agency for purposes of determining which products will be included in the Catalogue. MII officials are currently developing a process for Catalogue development. The general understanding, reflected in the FAQ excerpt below, is that products that are mature and can achieve the substance restrictions will be placed in the Catalogue.</p> <p>December 2006 FAQ Regulation Q/A #4 states, in pertinent part: <i>“When it is confirmed that one class of products has been replaced or has had the toxic or hazardous substances in it replaced, or that replacement is not practical but the product can meet the concentration limits for the toxic or hazardous substance content, and it is “technologically mature and economically feasible”, this class of product is listed on the 'Catalogue.' The process of compiling the 'Catalogue' will be gradual, and will be according to a set procedure. For example, opinions from related enterprises will be obtained, so will expert assessments, etc. At present, the Ministry of Information Industry has already drafted ‘the Measure on the Compilation of the Catalogue for Priority Prevention of Pollution from Electronic Information Products’, and hopes that the process of compiling this list will be systematic and regulated. Once the process for compiling the list is set, researches will be carried out to determine which products will be placed on the 'Catalogue' in the first batch and at what time they will be added to the 'Catalogue.’”</i></p> <p>December 2006 FAQ Regulation Q/A #5 states: <i>“After the Ministry of Information Industry completes ‘the Measure on the Compilation of the Catalogue for Priority Prevention of Pollution from Electronic Information Products’, it will begin to work on preparations for compiling the “Catalogue.” The Ministry of Information Industry will systematize and regularize the process for compiling the list based on “[China RoHS]” and make the process transparent. The process of compiling the “Catalogue” will include broad calls for opinions from enterprises, industry associations, experts, related government agencies and others, to ensure that the work of compiling the “Catalogue” is done in a scientific and accurate manner.”</i></p> |

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52 Q Will companies be stakeholders in the Catalogue development process?

According to the December 2006 FAQ Regulation Q/A #5, MII will conduct an open development process with industry involvement.

December 2006 FAQ Regulation Q/A #5 states: “After the Ministry of Information Industry completes ‘the Measure on the Compilation of the Catalogue for Priority Prevention of Pollution from Electronic Information Products’, it will begin to work on preparations for compiling the “Catalogue.” The Ministry of Information Industry will systematize and regularize the process for compiling the list based on “[China RoHS]” and make the process transparent. The process of compiling the “Catalogue” will include broad calls for opinions from enterprises, industry associations, experts, related government agencies and others, to ensure that the work of compiling the “Catalogue” is done in a scientific and accurate manner.”

Testing (including disassembly)

53 Q. When will the General Disassembly Requirements for Testing Hazardous Substances in Electrical and Electronic Products standard be finalized, and when will it be published officially?

SJ/T 11365-2006: Testing standard was finalized November 6, 2006 and released to the public/published December 4, 2006. This standard addresses disassembly for testing. An unofficial English translation will be available at: <http://www.aeanet.org/chinarohs>

54 Q. If ‘certification’ testing has already been completed at a qualified laboratory outside of China, can that be used for certification for products used in China?

MI I will reportedly accept such data for products not in the Catalogue. The final rules for implementation of the Certification process are not yet in place. However, MII has stated that testing must be done by certified Chinese labs.

Concentration Limits

55 Q. When will maximum concentration value (MCV) requirements standard become final and be published?

“Requirements for Concentration Limits for Certain Hazardous Substances in Electronic Information Products“ SJ/T 11363-2006 was signed on November 6, 2006 and released to the public/published on December 4, 2006. An unofficial English translation is available at: <http://www.aeanet.org/chinarohs>

56 Q. Can you please elaborate on the difference between part/unit categories “EIP-A” and “EIP-C”?

According to the “[MCV standards]“SJ/T 11363-2006 Section 4. Requirements, Table 1

“Table 1 Classification of materials (unit) in EIP

Classification of Materials (Unit) Definition of Materials (Unit)

EIP-A Each homogeneous material constituting EIP

EIP-B Metal coating of each part in EIP

EIP-C Small parts or materials that cannot be disassembled further under existing conditions in EIP. These generally refer to products of equal to or less than 4 mm³ in size.

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57 Q. For semiconductor components that are $> 4\text{mm}^3$, but cannot be easily disassembled, which EIP category does it belong to for testing? EIP-C or EIP-A?

December 2006 FAQ Standards Q/A #42 states: *“There are a large number of small parts inside electronic information products, which are often composed of many homogeneous materials (that is, EIP-A). In most situations, it is hard to mechanically separate these small parts to yield homogeneous materials. Making them basic units is primarily to help with problems that might be encountered in practical operations (supervision and inspection). Based on the result consistency under EIP-A testing and a lot of theoretical analyses and laboratory testing, 4mm^3 was determined to be the threshold number. The major reasons are: 1) volume is the key factor impacting separation; in terms of the part’s mass or area, if it is too small or too little, multiple samples can be used together; 2) Further separating the part until it gets to the point of homogeneous material yields the same results (in terms of passing or not, in which case the precise content is really not important) as not separating it. To give an example, let us assume that a capacitor lead is plated with 37% Pb solder. Based on the requirements of the regulations, this is clearly not in compliance. But it is not possible to separate the plating for testing. If the capacitor is tested without separating the plating, its lead content will be actually reduced because the other parts of the capacitor do not contain lead. But if it is not below 0.1%, the capacitor still does not pass the test. Therefore, taking 4mm^3 or less as the threshold value for small parts not only avoids unnecessary and impossible separation and saves time and money, but also makes it possible to obtain the same test results as separating them to homogeneous materials.”*

58 Q. Regarding EIP-B category – What does the term “Intentionally Added” mean? What types of materials fall into this category (EIP-B)?

December 2006 FAQ Standards Q/A #40 states: *“There is already a clear definition for “intentional addition” in the “MCV standard.” The concept of “intentional addition” is brought in to resolve the problem that it is difficult to test and judge metal plating as a homogeneous material. However, since in actual situations it is impossible to judge whether something is done “intentionally” or “unintentionally,” the “Testing standards” are used as an objective basis for judgment. Under most circumstances, if there was no intentional use or addition, the hazardous substance in the plating layer will not exceed the standard. To avoid a small number of people using “it was unintentional” as an excuse, if it is discovered that the hazardous substances exceed the standard, a penalty must be imposed.”*

59 Q. The requirements for concentration limits only apply to those EIP listed explicitly in the catalogue?

Yes, requirements for meeting maximum concentration limits only apply to those EIP listed explicitly in the yet-to-be drafted Catalogue.

60 Q Do the marking requirements apply to all EIP?

Yes, with exceptions specified in China RoHS, the Labeling standard and the FAQ documents, the marking requirements apply to products included in the Explanation of Electronic Information Product Classification (“Explanation of Classification”) explanatory note dated March 16, 2006.

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Enforcement/Inspection and Related Compliance Certification

61 Q. Who/How will certify compliance? When will enforcement begin?

The fact that “China RoHS” requirements are essentially “divided into two regulatory steps”— labeling/information disclosure and substance restriction/compulsory certification complicates understanding and creates confusion in the inspection and enforcement area.

The fact is that inspection and some sort of to-be-determined certification upon import is something that would be compulsory for imports of items that will be on the to-be-drafted Catalogue. As described by MII during their visit to the United States and subsequently, inspections of electronic information products imported on March 1, 2007 or after may be subject to spot checks on import (routine inspections) or once inside China. The spot inspections, if they occur inside China, would be conducted by the local entry-exit inspection and quarantine bureaus (often referred to as “CIQs”). Compliance with labeling and information disclosure requirements, would likely occur via the spot check process (market surveillance, essentially).

Based on available information, enforcement of substance restrictions imposed on products in the to-be-drafted Catalogue, however, would be imposed via the CCC process.

Enforcement/inspection will be conducted via authorities at the national level and their local counterparts, most specifically including the Administration for Quality Supervision, Inspection and Quarantine (AQSIQ) and the State Administration for Industry and Commerce.

62 Q. Does China have Mutually Recognized Agreements (MRA) with other countries for product testing/CCC? Or will all product testing have to be performed in China by Chinese test facilities?

At this time, it is anticipated that all product testing will have to be performed by specific Chinese lab facilities certified to conduct “China RoHS” testing and compliance.

December 2006 FAQ Regulation Q/A # 37 states, in pertinent part: “[China RoHS]’ promotes a ‘two-step’ means of implementing controls on pollution from electronic information products. After ‘[China RoHS]’ enters into effect, the ‘first step’ merely requires companies to label via ‘self-statement’ the name and content of toxic or hazardous substances or elements contained in the products, the environmental protection use period, and whether or not the product can be recycled. Here, quite a number of companies will hire testing firms and certification organizations to test and certify their products in order to do well on their “self-statements.” The voluntary, non-compulsory nature of this testing and certification cannot be recognized mutually between nations. However, during “step two”, when compulsory CCC certification is required, it will involve governmental supervision, in which case it may be recognized mutually between nations. However, mutual recognition of testing and certification is not a unilateral issue among nations. It requires bilateral discussion as a guarantee. In reality, if a certain nation’s government signs an agreement with the government of China to mutually recognize testing and certification done in either country, the Chinese government will acknowledge the certification issued by that nation’s certifying organization. Otherwise, no [mutual] recognition will be granted.”

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63 Q. For the compulsory testing requirement, will test data from non-Chinese labs be acceptable?

No, based on current understanding, it is likely only certified Chinese test-lab produced data will be accepted. AeA is continuing to monitor MII policy in this area.

64 Q. In particular, would test data from a Non-China-based lab which is ISO certified and follows IEC test procedures and China RoHS procedures be accepted?

No, based on current understanding, it is likely only certified Chinese test-lab produced data will be accepted. AeA is continuing to monitor MII policy in this area.

65 Q. Does all testing for the 6 hazardous substances certification have to be done by the approved Chinese testing labs?

Yes, based on current understanding it is likely only certified Chinese test lab produced data will be accepted.

December 2006 FAQ Regulation Q/A #6 states *“The control of toxic and hazardous substances in electronic information products set forth in the ‘[China RoHS]’ is actually divided into “two steps.” “The first step” is when the “[China RoHS]” is first implemented (enters into effect). All electronic information products going on the market that contain toxic or hazardous substances are only required to “make a declaration” (a self-statement), which can be done by adding a label or some text in the manual giving the user or consumer environmental protection-related information such as the names and content of the toxic or hazardous substances or elements contained in the product, the environmental protection use period, and whether or not they can be recycled, as well as the names of the packaging materials. For “the first step” in the control of toxic and hazardous substances in electronic information products, there is no requirement for “replacement” or “concentration limit.” During “the second step” when a certain type of product is placed on the “Catalogue,” it means that the product either has had the toxic and hazardous substances or elements replaced, or has limited the concentrations of the toxic and hazardous substances or elements and met the standards. The product must obtain CCC certification prior to going on the market.”*

To learn more about the 19 product groups encompassing 132 product categories subject to the China Compulsory Certification System please see the U.S. Department of Commerce maintained site:

<http://www.mac.doc.gov/China/Docs/BusinessGuides/cccguid2.htm>

66 Q. If so, how do we get product to those labs in China (samples) and what would be the work product/report/certificate of compliance from those labs?

The samples would be sent to the lab. The specific work product/report/certificate of compliance has yet to be determined.

67 Q. What are the tools and techniques that will be used to perform pre-market testing?

The tools and techniques used by certified Chinese test labs for “China RoHS” testing have yet to be determined. However, it is likely that the CCC certification system will incorporate the processes as outlined in the SJ/T 11365 “Testing Methods for Regulated Substances in Electronic Information Products”.

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68 Q. What is the lead-time permitted between a product being added to the Catalogue & CCC certifications being required (certification obtained)?

The phase in period will be specified in yet-to-be drafted Catalogue.

December 2006 FAQ Regulation Q/A #7 states, in pertinent part *“Only products included on the “Catalogue” need to have CCC certification. As a result, when “[China RoHS]” goes into effect and are implemented, products not included on the “Catalogue” do not need to go through the CCC certification. Product inclusion on the “Catalogue” is a gradual process, and will guarantee that companies have **sufficient time** to make related preparations. Without a doubt, doing CCC certification will add to the manufacturing cost for products included on the “List.” This is the price that we must pay for environmental protection. This is the same for all companies, regardless of whether a company is Chinese or foreign, manufacturer or importer.”*

bold and underscored text added by AeA

69 Q. How often will Catalogue be updated?

Article 18 of the “China RoHS” regulation states, *“The Catalogue shall be amended annually according to actual conditions and the demands made by levels of technological development.”*

70 Q. If a component manufacturer has the component certified with CCC, does that certification automatically flow to end product manufacturers so they do not have to re-certify the component within the end product.

At this time information to adequately answer this question is not available.

71 Q. How does a product manufactured outside of China obtain certification (i.e. bypass customs for certification testing?)

The certification process has not yet been agreed to and there is no compulsory certification testing required for products until they are listed in the yet-to-be drafted Catalogue. Therefore, at this time, there is no definite answer on the process for securing certification. AeA expects additional information on this point in the next 12 to 18 months.

Law Development and Publication/Industry Involvement/International Standardization

72 Q. When will the China RoHS [implementing] standards be published?

The following standards were finalized November 6, 2006 and released to the public/published December 4, 2006

“Requirements for Concentration Limits for Certain Hazardous Substances in Electronic Information Products“ SJ/T 11363-2006, “MCV standard“;

“Marking for the Control of Pollution Caused by Electronic Information Products” SJ/T11364-2006, “Labeling standard”

“Testing Methods for Regulated Substances in Electronic Information Products” SJ/T 11365-2006, “Testing standard”.

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Unofficial English translations of key China RoHS implementing standards are available at:

<http://www.aeanet.org/chinarohs>

73 Q. Director Huang, Ministry of Information Industry, encouraged industry to participate in the formulation of the Catalogue. How can industry participate?

The “China RoHS” Standards Working Group will likely advise on the development of the Catalogue, although the MII law drafters themselves, in consultation with other relevant government agencies, will lead the drafting process. Enterprises registered as “legal persons” in China are invited to apply for membership in the “China RoHS” Standards Working Group.

December 2006 FAQ Regulation Q/A #9 states, in pertinent part: *“First, the process for setting standards for the control of pollution from electronic information products is extremely “standardized” and regulatory. In order to strictly adhere to a procedure for setting standards, a standards group was set up and bylaws established. Second, the process is open and transparent, and is open to all enterprises. When the standards group was first established, only twenty-odd companies and units participated; today, there are over one hundred involved. Third, the standard-setting embodies the principle of adopting international practices and striving to “make them equivalent.” Since there are not yet any international standards, we are tracking, participating and understanding information, doing our best to make our industry standards “start high and remain abreast of international standards” so that in the future they may be transformed smoothly into national standards that are equivalent to international standards.”*

December 2006 FAQ Regulation Q/A #4 states, in pertinent part: *“The process of compiling the ‘Catalogue’ will be gradual, and will be according to a set procedure. For example, opinions from related enterprises will be obtained, so will expert assessments, etc. At present, the Ministry of Information Industry has already drafted ‘The Measures on the Compilation of the Catalogue for Priority Prevention of Pollution from Electronic Information Products’, and hopes that the process of compiling this list will be systematic and standardized. Once the process for compiling the list is set, researches will be carried out to determine which products will be placed on the ‘Catalogue’ in the first batch and at what time they will be added to the ‘Catalogue.’”*

Companies are invited to send specific inquiries to chinarohs@mii.gov.cn

74 Q. Does MII plan to use the results of IEC (TC111) T562476 “Guidance for assessing compliance of finished goods” for China RoHS?

The “China RoHS” certification process is not yet defined. AeA expects to learn additional information on this process in the next 12 to 18 months.

75 Q. Will MII adopt the IPC 1752 (Declaration) standards?

At this time, AeA does not anticipate that MII will adopt IPC 1752.

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| <p>76 Q. Is the IPC-1752 standard being considered as the preferred data model for China RoHS? The preferred data model in China appears to be pre-market certification through testing. AeA expects to learn additional information on this process in the next 12 to 18 months.</p> |
| <p>77 Q. Will the MII delegation support/endorse IPC-1752 as the global material declaration management standard via IEC TC111 WG1? At this time MII has not endorsed any self-declaration certification models relating to “China RoHS”. AeA will continue to advocate for this outcome. However, at this time, it appears unlikely.</p> |
| <p style="text-align: center;">Other/General</p> |
| <p>78 Q. Is the MII “Note for Classification of Electronic Information Products” available in English? MII does not issue official foreign-language translations of documents. For all Chinese laws, the Chinese government considers Chinese as the binding language where differences between the original Chinese and a translated version arise. This is no different from the approach for agency laws in other countries, such as the United States.</p> <p>AeA will continue to translate key “China RoHS” FINAL materials and standards for industry education, where resources allow. Unofficial English translations of key documents will be made available at AeA’s website: http://www.aeanet.org/chinarohs.</p> |
| <p>79 Q. What about manufacturing process (1) soldering a profile (HIGH TEMP) 260’C? There are several “China RoHS” Standards Working Group subgroups established to study Lead-free soldering processes. Until the first batch of electronic information products are placed into the Catalogue – the substances restrictions in China RoHS do not apply to any electronic information products.</p> |
| <p>80 Q. Is there an opportunity to provide information to MII regarding issues that pertain to a particular product? If so, what is the proper way to do this? Since Chinese government authorities have indicated to AeA member companies that coordinated industry and government communications on “China RoHS” are the preferred form of communication, companies are invited to work through active industry groups (such as AeA) to provide information pertaining to a particular product. In addition companies are encouraged to become active participants in the MII-established “China RoHS” Standards Working Group Companies are also invited to send specific inquiries to chinarohs@mii.gov.cn</p> |
| <p>81 Q. Where can companies access an English translation of GB 18455-2001? AeA will continue to translate relevant “China RoHS” final promulgated materials and standards for industry education. Unofficial English translation will be made available at AeA’s website: http://www.aeanet.org/chinarohs.</p> |

Information in this Q&A Document does not constitute legal advice.

English translations are for informational purposes only. Where discrepancies between the English translation and Chinese original text of referenced documents exist, note that the Chinese original text is the controlling version.

82 Q. Why does China not publish the Legislation, Standards, and Catalogue in English (universal language), as well as Chinese? This would help the industry greatly.

The national language of China is Mandarin Chinese. All agencies/government authorities therefore publish their rules in Chinese. Further, while we understand that it would be convenient for stakeholders if our rules were translated into multiple languages, China's limited resources for rulemaking efforts are focused on creating the rules in Chinese, and the Chinese government considers Chinese as the binding language where differences between the original Chinese and a translated version arise. This is no different from the approach for agency laws in other countries, such as the United States.

AeA will continue to translate key "China RoHS" FINAL materials and standards for industry education where resources allow. Unofficial English translation will be made available at AeA's website:
<http://www.aeanet.org/chinarohs>.

83 Q. What documentation is needed for unlabelled sub-assemblies need to go through customs? (Declaration that they are for manufacturing?)

At this time, MII has not issued guidance on what documentation is required for unlabeled subassemblies to clear customs/port inspection.