



SEMI Regulatory Alert on “China RoHS” for producers in China or importers into China of semiconductor and flat panel display manufacturing equipment, components and materials

Recommended Action: Check products you sell in China against the list of “electronic information products.” If your product is on the list, then you should act to assess exposure to “China RoHS”.

From March 1, 2007, much front and back-end semiconductor and allied manufacturing equipment—new and second-hand, as well as some spare parts, components and materials used in semiconductor equipment and in semiconductor manufacturing—that is sold in China for domestic use **will have to comply** with administrative requirements of “China RoHS.” Primarily, they **will need environmental labels and supporting self-declared information in Chinese** related to the presence of six hazardous substances. Requirements apply to their packaging materials as well.

These requirements are outlined in a Chinese law, “Management Methods for Controlling Pollution by Electronic Information Products,” commonly called “China RoHS,” that was promulgated by the Ministry of Information Industry (MII) on February 28, 2006. Details for implementation of this law are being developed in eight supporting standards which will be published soon. This law is **unlike the European Union’s Restriction on Hazardous Substances (RoHS) Directive** in numerous key details—do **not** assume your compliance with, or exclusion from, EU RoHS will result in compliance with or exclusion from “China RoHS.”

The administrative requirements apply to **all** “electronic information products (EIP),” and the MII published an explanatory note dated March 16, 2006 that lists over 1,800 specific products, parts, components, and materials that are regarded as EIP. Products similar to those on this list may also be considered EIP.

The administrative requirements are only the **first stage** of this law, which is designed to control and reduce pollution to the environment caused by disposal of electronic information products.

In the **second stage**, a growing subset of products drawn from the MII’s EIP list will be included in a Catalog, whose drafting has only recently commenced. Cataloged products will be subject to a) restriction of the same six substances, at the same concentrations, covered in the EU RoHS Directive, and b) associated pre-market certification by authorized labs in China (and possibly some foreign labs in countries with which China has a mutual recognition agreement). No dates have yet been set for the release of the initial version of the Catalog or for when compliance will be required for products in the initial Catalog. The MII has said not to expect exemptions from the Catalog, unlike those included in the EU RoHS. Therefore the MII is keen to work with industry to avoid listing any product which should not be catalogued for technical or economic reasons.

The MII also provides opportunity for China-based representatives of companies to join the MII standards working group to advise them on the standards that support “China RoHS” as well as formation of the Catalog. SEMI encourages its members to participate with the MII, and can provide information on contacting the MII to join their standards working group.

Key document links are provided on the SEMI web site (go to www.semi.org/ehs and click on the China RoHS link). Note that English translations of the legislation, standards, and other supporting documents are all unofficial. In case of disagreement between an English translation and the official Chinese document, the latter prevails.

SEMI offers its members opportunities to collaborate in understanding and influencing the impact of this legislation:

- Asian RoHS Working Group, chaired by Brian Claes of Lam Research, that meets regularly by teleconference.
- China-based “China-RoHS” Working Group that is organized by SEMI China.

To receive updates, as well as future English translations of the key standards and other MII documents contact Rick Row at rrow@semi.org or Ping Liu at pliu@semi.org.

DISCLAIMER: SEMI provides this alert as general information and background only, not for decision making. Each company should seek a qualified advisor on their own specific situation.

3 Oct 2006