

State Council Decree of the People's Republic of China

No. 551

Regulations on Recovery Processing of Waste Electrical and Electronic Products was passed at the 23rd executive meeting of the State Council on Aug. 20, 2008 and is hereby released for implementation from Jan. 1, 2011.

Premier: Wen Jiabao
Feb. 25, 2009

Regulations on Recovery Processing of Waste Electrical and Electronic Products

Chapter One General Provision

Article 1 To standardize the recovery processing activities of waste electrical and electronic products, to promote comprehensive utilization of resources and circular economic development, and to protect the environment and safeguard people's health, the *Regulations* is hereby enacted in accordance with relevant requirements in *Law of the Peoples Republic of China on Promotion of Cleaner Production* and *Law of the People's Republic of China on Prevention and Control of Environmental Pollution by Solid Waste*.

Article 2 The recovery processing activities of waste electrical and electronic products concerned in this document refer to the 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 site that conform to the environmental protection requirements. The recovery processing activities do not cover product maintenance and rebuilding activities which aim to sell such products as secondhand goods after maintenance and rebuilding.

Article 3 The *Regulations* is applicable to the recovery processing of waste electrical and electronic products in the *Catalog for Disposal of Waste Electrical and Electronic Products* (hereinafter referred to as *Catalog* for short) and relevant activities.

The Department of State Council in charge of comprehensive utilization of resources and departments of environmental protection and industry and information technology of State Council will jointly draw up the *Catalog* which will be implemented after being submitted to and approved by State Council.

Article 4 The environmental protection department of State Council, department of State Council in charge of comprehensive utilization of resources, and industry and information technology department of State Council are responsible for drafting policies and measures for recovery processing of waste electrical and electronic products and shall coordinate the implementation. The three departments shall take charge of supervision and management over recovery processing of waste electrical and electronic products. Commerce department of State Council shall answer for the management of recovery

processing of waste electrical and electronic products. The finance, commerce and industry, quality inspection, tax, and customs departments of State Council shall be in charge of relevant aspects in accordance with their authority scopes.

Article 5 The nation practices the system of multi-channel recovery and centralized processing for waste electrical and electronic products.

Article 6 The nation implements the system of licensing for recovery processing of waste electrical and electronic products. The environmental protection department of the municipal People's Government, with district division, is authorized to examine and approve qualification of enterprises (hereinafter referred to as *processing enterprise*) in the line of recovery processing of electrical and electronic products.

Article 7 The nation sets up a fund for recovery processing of waste electrical and electronic products which will be used to subsidize recovery processing of waste electrical and electronic products. Manufacturers of electrical and electronic products, and consignees or agents of imported electrical and electronic products shall perform their duty in making contribution to fund for recovery processing of electrical and electronic products in accordance with relevant rules.

Fund of recovery processing of waste electrical and electronic products must be brought into budget management. The specific methods for its collection, utilization and management shall be jointly worked out by the finance department of State Council together with the environmental protection, comprehensive utilization of resources, industry and information technology departments of State Council and be implemented after being submitted to and approved by State Council.

The opinions from manufacturers, recovery processing enterprises, and experts from electrical and electronic products associations shall be asked for when determining the standards for collecting funds and distributing subsidy for recovery processing of electrical and electronic products.

Article 8 The nation encourages and supports scientific research, technology development, study on relevant technical standard as well as the demonstration and popularization and application of new technology, process and equipment for recovery processing of waste electrical and electronic products.

Article 9 Products which are defined as banned waste electrical and electronic products shall not be imported.

Chapter Two Responsibilities of Relevant Parties

Article 10 Manufacturers of electrical and electronic products and consignees or agents of imported electrical and electronic products must comply with related national regulations on pollution control of electrical and electronic products when they manufacture and import such products. A design plan which is helpful to comprehensive utilization of resources and innocuous treatment shall be adopted and materials which are nontoxic and harmless or with low toxic or harmful content and are easy to recycle shall be used.

Electrical and electronic products or their user manuals shall contain information on contents of toxic and harmful substances and recycling processing.

Article 11 The nation encourages the manufacturer of electrical and electronic products by itself or its distributor, maintenance organization, after-sale service unit, waste electrical and electronic products recycling operator by trust to recycle such products. Distributor, maintenance organization and after-sale service unit shall mark the appropriate sign for recycling processing of waste electrical and electronic products in their operating sites.

Recycled waste electrical and electronic products shall be treated by a processing enterprise which has obtained qualification for processing waste electrical and electronic products.

Article 12 Waste electrical and electronic product recycling operators shall adopt various measures to provide convenient and fast recovery service to users of such products.

Waste electrical and electronic product recycling operators which plan to process recovered waste products must obtain qualification for processing waste electrical and electronic products beforehand in accordance with the *Regulations*. Operators which have not obtained processing qualification shall hand over recovered waste electrical and electronic products to a processing enterprise with qualification for processing.

Recovered electrical and electronic products which are repaired to be sold again shall meet the compulsory requirements of relevant national technical specifications to guarantee personal health and ensure safety of person and property, and they shall be marked at appropriate place with a secondhand sign. The specific management method shall be drafted by the commerce department of State Council.

Article 13 Government organizations, public organizations, enterprises and institutions shall hand over waste electrical and electronic products to processing enterprises with qualification for processing and verify and write-off assets in accordance with relevant national regulation.

The processing of waste electrical and electronic products which contain state secrets shall be conducted according to relevant state confidential rules.

Article 14 The nation encourages processing enterprises to establish long-term partnerships with relevant electrical and electronic products manufacturers, distributors, and waste electrical and electronic product recycling operators to recover such waste products.

Article 15 Processing of waste electrical and electronic products shall meet relevant requirements on comprehensive utilization of resources, environmental protection, labor safety, and human health made by the nation.

Technologies and processes which are eliminated by the nation through formal decree are banned from being used in processing waste electrical and electronic products.

Article 16 Processing enterprises shall establish a daily environmental monitoring system for processing of waste electrical and electronic products.

Article 17 Processing enterprises shall maintain a data information management system for waste electrical and electronic products and report basic data and relevant information of processing of waste electrical and electronic products to the environmental protection department of the municipal people's government, district division. Basic waste electrical and electronic product processing data shall be kept for at least three years.

Article 18 Processing enterprises shall be entitled to tax preference for processing waste electrical and electronic products.

Article 19 Units or persons engaged in recovery, storage, transportation and processing of waste electrical and electronic products shall comply with relevant national regulations on environmental protection and sanitation.

Chapter Three Supervision and Management

Article 20 The departments of comprehensive utilization of resources, quality inspection, environmental protection, and industrial information technology of State Council shall formulate relevant policies and technical specifications on processing of waste electrical and electronic products within specified authority scopes.

Article 21 The environmental protection department of provincial People's Government shall jointly compile a regional development plan for processing waste electrical and electronic products with departments of the same level of comprehensive utilization of resources, commerce, and industrial information technology. The development plan shall be filed with the environmental protection department in State Council.

Local people's government shall include infrastructure for recovery processing of waste electrical and electronic products into urban and rural planning.

Article 22 An enterprise which has obtained qualification for processing waste electrical and electronic products, registered in accordance with *Regulations on Corporate Registration of the People's Republic of China*, and clearly marked processing of waste electrical and electronic products in its business scope can engage in processing activities of waste electrical and electronic products. Other than the situation in article 34 of the *Regulations*, units and persons who have not obtained qualification for processing waste electrical and electronic products are prohibited to process such waste products.

Article 23 The following conditions shall be met in applying for qualification for processing waste electrical and electronic products:

- (1) Have complete and sound facilities for processing waste electrical and electronic products;
- (2) Have a solution for proper use or disposal of waste electrical and electronic products which cannot be fully processed;
- (3) Have sorting, packing, and other equipment which match with electrical and electronic products to be processed;

(4) Have relevant professional safety, quality and environmental protection technicians.

Article 24 With regard to application for qualification of processing waste electrical and electronic products, the applicant shall submit a written application together with relevant supporting materials to the environmental protection department of municipal People's Government, district division. The environmental protection department shall finish an investigation and determine to approve or reject the application within 60 days from receiving the complete application materials.

Article 25 The environmental protection department of local people's government above county level shall enhance supervision and inspection on processing activities of waste electrical and electronic products through written document verification and on-site inspection.

Article 26 Any unit and individual has the right to report to relevant department for breach of the *Regulations*. The department receiving report shall keep anonymity for the report person and will handle the case according to law in a timely manner.

Chapter Four Legal Liabilities

Article 27 When manufacturers of electrical and electronic products, consignees or agents of imported electrical and electronic products fail to mark on its manufactured or imported electrical and electronic products or in their user manuals the contents of toxic and harmful substances and prompting information for recovery processing in accordance with the *Regulations*, quality inspection department of local People's Government above county level will order a period for rectification and impose a fine up to RMB 50000.

Article 28 If Enterprises or individuals who have not obtained qualification for processing waste electrical and electronic products go against the *Regulations* and engage in activities of processing waste electrical and electronic products, it will be punished by industry and commerce administrative authority according to *Punishing and Banning Business Operation with a License*.

If such activity is discovered by environmental protection department, environmental protection department of People's Government above county level shall order a shutdown, forfeit illegal gains and impose a fine over RMB 50,000 and below RMB 500,000.

Article 29 When enterprises or individuals who go against the *Regulations* and adopt technology or technique which have been eliminated by formal decree issued by the nation in processing waste electrical and electronic products, the environmental protection department of People's Government above county level shall order a period for rectification. If the violation is severe, the environmental protection department of municipal People's Government, with district division, shall temporarily suspend or even cancel its qualification for processing waste electrical and electronic products in accordance with relevant laws.

Article 30 As for environmental pollution caused by processing waste electrical and electronic products, the environmental protection department of People's Government above county level will impose punishment in accordance with prevention of environmental pollution caused by solid waste.

Article 31 When a processing enterprise goes against the *Regulations* and fails to establish a data information management system of waste electrical and electronic products, or does not report basic data and relevant information, or sends false basic data and relevant information, or does not keep the basic data for the specified period according to the *Regulations*, the environmental protection department of relevant municipal People's Government, with district division, shall order a period for rectification and impose a fine up to RMB 50000.

Article 32 When a processing enterprise goes against the *Regulations* and fails to establish a daily environmental monitoring system and conduct daily environmental monitoring, the environmental protection department of People's Government above county level shall impose a fine up to RMB 50000.

Article 33 Those from relevant administrative departments who goes against the *Regulations* and abuses authority, neglects duties, conducts malpractice out of personal consideration and constitutes a crime shall be held liable for criminal responsibility. Minor offense shall be punished according to laws.

Chapter Five Supplementary Provision

Article 34 A centralized processing yard for waste electrical and electronic products can be arranged with permission from provincial People's Government. A centralized processing yard for waste electrical and electronic products shall have complete and sound equipment for centralized processing of pollutants and be able to meet the pollutant discharge standard and technical standard for environmental pollution prevention caused by solid waste issued by the national or local government. Centralized processing yard for waste electrical and electronic products shall comply with arrangement plan of industrial zone defined by the national or local government, while coordinating with local land use planning and urban and rural planning, and as well as speeding up the upgrade of industries.

Article 35 The *Regulations* shall take effect Jan. 1, 2011.

Based on original text at http://www.gov.cn/zwgk/2009-03/04/content_1250419.htm