



II. The Regulations for the Administration of the Recovery and Disposal of Waste Electric and Electronic Products

Order of the State Council of the People's Republic of China No. 551

The Regulations for the Administration of the Recovery and Disposal of Waste Electric and Electronic Products, adopted at the 23rd Executive Meeting of the State Council on August 20, 2008, are hereby promulgated and will be effective as of January 1, 2011.

Premier Wen Jiabao

February 25, 2009

Contents

- Chapter I General Provisions
- Chapter II Responsibilities of Parties Concerned
- Chapter III Supervision and Administration
- Chapter IV Legal Liabilities
- Chapter V Supplementary Provisions





Chapter I General Provisions

Article 1 The Regulations for the Administration of the Recovery and Disposal of Waste Electric and Electronic Products (hereinafter the “Regulations”) are formulated in accordance with the relevant provisions of the Law of the People’s Republic of China on the Promotion of Clean Production and the Law of the People’s Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes, for the purposes of regulating the recovery and disposal of waste electric and electronic products, improving the comprehensive utilization of resources and circular economy, protecting the environment, and safeguarding people’s health.

Article 2 For the purpose of the Regulations, the disposal of waste electric and electronic products refers to the disassembly of waste electric and electronic products to extract substances to be used as raw materials or fuel therefrom, and to reduce the amount of the existing electric and electronic products by using methods to change their physical and chemical properties, and to reduce or eliminate their hazardous elements and the activities of disposing of them in landfill sites, in compliance with the requirements for environmental protection, excluding the repair or reconditioning of products and reutilization of such products after repair or reconditioning.

Article 3 The Regulations shall apply to the recovery, disposal and other relevant activities of waste electric and electronic products included in the Catalogue of Waste Electric and Electronic Products for Disposal (hereinafter the “Catalogue”).

The competent authority of the State Council in charge of comprehensive utilization of resources shall, in concert with the departments of the State Council in charge of environmental protection and industry





and information technology, prepare and adjust the Catalogue and shall report the same to the State Council for approval prior to implementation.

Article 4 The competent authority of environmental protection of the State Council shall, in concert with the competent authorities of the State Council in charge of comprehensive utilization of resources and industry and information technology, be responsible for drafting the policies and measures for the recovery and disposal of waste electric and electronic products and coordinating the implementation thereof, and be responsible for supervising and administering the disposal of the same. The competent commerce authority of the State Council shall be responsible for the administration over the recovery of waste electric and electronic products. Such competent authorities of the State Council as finance, industry and commerce, quality supervision, taxation, and customs shall be liable for the administration within their respective terms of reference.

Article 5 The State adopts a system of multi-channel recovery and centralized disposal for waste electric and electronic products.

Article 6 The State implements a qualification permission system for the disposal of waste electric and electronic products. The qualification of the enterprises disposing waste electric and electronic products (hereinafter the “Disposing Enterprises”) shall be subject to the examination and approval by the competent authorities of environmental protection of the people’s governments at city level with districts.

Article 7 The State will establish a fund for disposing of waste electric and electronic products, which shall be used as subsidy for the recovery and disposal expenses for the same. The manufacturers of electric and electronic products, consignees of imported electric and electronic products or their agents shall fulfill the obligation to pay the fund for dis-





posing of waste electric and electronic products as stipulated.

The fund for disposing waste electric and electronic products shall be incorporated into budget management, and the specific measures for its collection, utilization and management shall be prepared by the financial departments of the State Council together with such competent authorities of the State Council as environmental protection, comprehensive utilization of resources, and industry and information technology, and shall be submitted to the State Council for approval prior to implementation.

To prepare standards for the collection and subsidy of the fund for the disposal of waste electric and electronic products, the opinions of the manufacturers of electric and electrical products, Disposing Enterprises, associations of related industries and experts shall be taken into account.

Article 8 The State encourages and supports the scientific research, technological development, study of related technology standards, and the demonstration, promotion and application of new technologies, new processes, and new equipment, with respect to the disposal of waste electric and electronic products.

Article 9 Any waste electric and electronic products which are prohibited from import by the State may not be imported.

Chapter II Responsibilities of Parties Concerned

Article 10 The electric and electrical products produced or imported by the manufacturers, consignees, or their agents shall be in conformity with the national provisions on the pollution control of electric and electrical products. Design schemes conducive to the comprehensive utilization of resources and non-toxic disposal, as well as non-toxic,





non-harmful or low toxic and low harmful materials that are easy to be recovered and utilized shall be adopted.

Electric and electrical products or their manuals shall indicate such information as the content of toxic and hazardous substance, and the methods for recovery and disposal as stipulated.

Article 11 The State encourages manufacturers of electric and electronic products to recover such products by themselves, or through their distributors, repair agencies, after-sale agencies, or operators engaged in recovering waste electric and electronic products. Distributors, repair agencies, and after-sale agencies of electric and electronic products shall place indicative information on the recovery of the waste electric and electronic products in prominent positions of on their business premises.

The recovered waste electric and electronic products shall be disposed of by the Disposing Enterprises with the qualification for disposing of waste electric and electronic products.

Article 12 The operators engaged in recovering waste electric and electronic products shall, by various means, provide convenient and quick recovery services to the users of electric and electrical products.

To dispose of recovered waste electric and electronic products, the operators engaged in recovering waste electric and electronic products shall have the qualification to do so in accordance with the Regulations; those without the qualification shall transfer waste electric and electronic products to Disposing Enterprises with the said qualification.

Any recovered electric and electronic products that are sold after repair shall be in conformity with the compulsory requirements specified in the national technical specifications with respect to the protection of people’s health and personal and property safety, and shall be marked as used goods on prominent positions. Specific administrative measures will be





formulated by the competent commerce authority of the State Council.

Article 13 Any government agency, social organization, enterprise or institution that transfers waste electric and electronic products to the Disposing Enterprises with corresponding qualification shall go through the formalities for asset write-off in accordance with relevant national provisions.

Disposal of waste electric and electronic products that involve state secrets shall be handled in accordance with the confidentiality provisions stipulated by the State.

Article 14 The State encourages Disposing Enterprises to establish long-term cooperation with manufacturers, and distributors of relevant electric and electronic products, and operators engaged in recovering waste electric and electronic products, with respect to the recovery and disposal thereof.

Article 15 The disposal of waste electric and electronic products shall be subject to the requirements stipulated by the State in respect of comprehensive utilization of resources, environmental protection, labor safety and protection of people's health.

It is prohibited to dispose of waste electric and electronic products with the technologies and processes that have been pronounced obsolete by the State.

Article 16 Disposing Enterprises shall establish a regular environment monitoring system for the disposal of waste electric and electronic products.

Article 17 Disposing Enterprises shall establish a data information management system for waste electric and electronic products, and submit the basic data and relevant information on the disposal of waste electric and electronic products to the competent environmental protection





authorities of the people’s governments at city level with districts where such enterprises are located. The basic data about the disposal of waste electric and electronic products shall be preserved for a period of no less than three years.

Article 18 Disposing Enterprises engage in disposing of waste electric and electronic products will be entitled to the preferential tax treatment in accordance with relevant state provisions.

Article 19 Any entity or individual that recovers, stores, transports and disposes of waste electric and electronic products shall abide by state provisions on environmental protection and environmental hygiene administration.

Chapter III Supervision and Administration

Article 20 Such competent authorities of the State Council as comprehensive utilization of resources, quality supervision, environmental protection, and industry and information technology shall formulate policies and technical specifications concerning the disposal of waste electric and electronic products within their respective terms of reference as required.

Article 21 The competent environmental protection authorities of the people’s governments at the provincial level will, in concert with such competent authorities as comprehensive utilization of resources, commerce, and industry and information technology at the same level, prepare the development plans for the disposal of waste electric and electronic products within their respective regions, and submit the same to the competent authority of environmental protection of the State Council for record-filing.

Local people’s governments shall include the infrastructure con-





struction for the disposal of waste electric and electronic products into their urban and rural planning.

Article 22 No enterprise may engage in the disposal of waste electric and electronic products, unless it has obtained the qualification for doing so, is registered in accordance with the Regulations of the People's Republic of China for the Administration of Company Registration, and has indicated the disposal of waste electric and electronic products in its business scope.

Unless as specified in Article 34 hereof, no entity or individual that has not obtained the qualification to dispose of waste electric and electronic products may do so.

Article 23 Applicants for the qualification of disposing of waste electric and electronic products shall have the following conditions:

1. Having sound facilities for disposing of waste electric and electronic products;
2. Having plans for proper use or disposal of waste electric and electronic products that are unable to be disposed of completely;
3. Having sorting, packaging and other equipment commensurate with the waste electric and electronic products to be disposed of; and
4. Having relevant professionals familiar with safety, quality and environmental protection.

Article 24 Applicants for the qualification of disposing of waste electric and electronic products shall submit a written application and provide relevant supporting materials to the competent environmental protection authority of the people's government at the city level with districts where the applicant is located. The competent environmental protection authority receiving such applications shall complete examination





and make a decision on whether to grant or not to grant the permission within 60 days upon the receipt of complete application materials.

Article 25 The competent environmental protection authorities of local people’s governments above the county level shall intensify the supervision and inspection on the disposal of waste electric and electronic products by written verification and on-site inspection as well as other methods.

Article 26 Any entity and individual shall have the right to report any violation of the Regulations hereof to relevant departments. Such departments shall maintain the anonymity of the informant, and handle the reported cases in a timely fashion in accordance with the law.

Chapter IV Legal Liabilities

Article 27 Any manufacturer of electric and electronic products, consignee of imported electric and electronic products, or agent thereof, who fails to provide the information with respect to the contents of toxic and hazardous substances and information on the recovery of the manufactured or imported electric and electronic products on these products or in the manuals, as required of the Regulations, shall be ordered to rectify within a specified term and fined of no more than RMB50,000 by the product quality supervision authorities of the local people’s governments above the county level.

Article 28 Any enterprise or individual who, in violation of the Regulations, engages in the disposal of waste electric and electronic products without permission and without the qualification of disposing waste electric and electronic products will be punished by the administration for industry and commerce in accordance with the Measures for Investigating and Closing Unlicensed Businesses.





For enterprises or persons who are proven in violation of the Regulations by the competent environmental protection authorities, they will be ordered to suspend or close their businesses, confiscated of unlawful incomes, and fined between RMB50,000 and RMB500,000 by the competent environmental protection authorities of the people's governments above the county level.

Article 29 Those who dispose of waste electric and electronic products in violation of the Regulations by adopting the technologies and processes that are pronounced obsolete by the State via explicit orders shall be ordered by the competent environmental protection authority of the people's governments above the county level to rectify within a specified period; if the case is serious, the competent environmental protection authorities of the people's governments at the city level with districts may suspend or revoke their qualification for disposing of waste electric and electronic products in accordance with the law.

Article 30 Those who pollute the environment in disposing of waste electric and electronic products shall be punished by the competent environmental protection authorities of the people's governments above the county level in accordance with relevant provisions on the prevention and control of environmental pollution by solid wastes.

Article 31 For Disposing Enterprises that fail to establish a data information management system for waste electric and electronic products, fail to report the basic data and relevant information as required, or report false basic data and relevant information, or fail to preserve the basic data for a specified period according to the Regulations, the competent environmental protection authorities of the people's governments at the city level with districts where they are located will order them to make rectification within a specified period, and may impose a fine of no more than RMB50,000.





Article 32 Any Disposing Enterprise that fails to establish a daily environment monitoring system, or fails to carry out daily environment monitoring according to the Regulations, shall be ordered by the competent environmental protection authorities of the people’s governments above the county level to make rectifications within a specified period and may be fined of no more than RMB50,000.

Article 33 Any personnel of relevant administrative departments who abuse their authority, neglect their duties, practice favoritism, or commit irregularities, in violation of these Regulations, shall be prosecuted for criminal liability where a crime is constituted, or disciplined where no crime is constituted.

Chapter V Supplementary Provisions

Article 34 A centralized disposing facility for waste electric and electronic products may be set up with the approval by the people’s governments at the provincial level. Such facility shall have sound centralized disposing facilities for wastes and shall ensure compliance with the pollutant discharge standards and technical standards for preventing and controlling environment pollution by solid wastes formulated by state or local governments; and shall abide by relevant provisions of the Regulations.

Such facility shall be commensurate with the planning of the national and local industrial zones, shall be coordinated with local planning for land use and urban and rural planning, and shall be able to accelerate the upgrading of industries.

Article 35 The Regulations will come into force as of January 1, 2011.

