

No. 12 Order of Ministry of Environmental Protection  
Ministry of Commerce,  
National Development and Reform Commission,  
General Administration of Customs  
General Administration of Quality Supervision, Inspection and Quarantine

## **Measures on the Administration of Import of Solid Waste**

The Measures on the Administration of Import of Solid Waste is developed according to the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste, relevant laws and administrative regulations, hereby promulgated and shall go into effect as of August 1, 2011.

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## **Measures on the Administration of Import of Solid Waste**

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### **Chapter I General Provisions**

**Article 1** The current Measures are formulated to standardize the environmental management of import of solid waste and prevent environmental pollution by imported solid waste in accordance with the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste, relevant laws

and administrative regulations.

**Article 2** Solid waste mentioned in the current Measures refers to substance in solid, semi-solid state and gaseous substances in containers that have lost the original value of utilization or have not lost the value of utilization but have been abandoned or that has been abandoned coming from production, life and other activities and the substances and materials that have been bring into the administration of solid waste as prescribed by laws and administrative rules and regulations.

Import of solid waste mentioned in the current Measures refers to the activity that moves overseas solid waste into the territory of the People's Republic of China.

**Article 3** The current Measures are applicable to the import of solid waste in any form.

Solid waste shipped into the territory of the People's Republic of China by means such as donation, exported goods shipped back to China and provision of samples, solid waste resulting from repair of solid waste entry to China but not re-shipped out of, and solid waste resulting from outward processing and shipped back to China, shall also apply the current Measures unless it is stipulated otherwise.

**Article 4** Transfer of Relevant License for Import of Solid Waste shall be banned.

The transfer of Relevant License for Import of Solid Waste mentioned in the current Measures refers to:

- (1) Sale, leasing or lending Relevant License for Import of Solid Waste;
- (2) Import of solid waste by using bought, leased or borrowed Relevant License for Import of Solid Waste;
- (3) Transfer of all or part of the imported solid waste to the units or individuals other than the units or individuals indicated in Relevant License for Import of Solid Waste.

**Article 5** Dumping, storage and disposal of any imported solid waste shall be banned within the territory of the People's Republic of China.

Transit trade of solid waste shall be banned.

Solid waste imported without having obtained Relevant License for Import of Solid Waste shall not be stored in venues under supervision of customs, including zones under special customs supervision such as bonded areas, export processing zones, bonded logistic parks, bonded port areas and customs bonded supervision areas such as bonded logistic centers (A/B type), bonded warehouses (hereinafter refers to as "venues under special supervision of customs").

Customs transit procedures shall not be dealt with for imported solid waste (except waste paper) unless it is stipulated otherwise.

**Article 6** The competent department of environmental protection administration of the State Council shall carry out unified supervision on environmental management of import of solid waste across the country. The competent department of commerce administration and department of economic comprehensive macro-control of the State Council, General Administration of Customs and department of quality supervision, inspection and quarantine of the State Council shall be responsible for relevant management of import of solid waste

within their respective responsibilities.

Local competent departments of environmental protection administration at or above county level shall implement supervision and administration of environmental management of import of solid waste within its administrative region. Competent departments of commerce administration, departments of economic comprehensive macro-control, customs, and departments of entry and exit inspection and quarantine at all levels shall implement supervision and administration of the import of solid waste within their respective responsibilities.

The competent department of environmental protection administration of the State Council, the competent department of commerce administration of the State Council, the department of economic comprehensive macro-control of the State Council, the General Administration of Customs and the department of quality supervision, inspection and quarantine of the State Council shall establish a coordination mechanism for management of import of solid waste, share information about management of import of solid waste, coordinate and handle important matters of supervision on import and operation of solid waste.

**Article 7** Any units and individuals have the right to report to competent departments of environmental protection administration, competent departments of commerce administration, departments of economic comprehensive macro-control, customs and departments of entry and exit inspection and quarantine at all levels against supervision procedures of import of solid waste and pollutions by import of solid waste.

## **Chapter II Basic Provisions**

**Article 8** Import of hazard waste shall be banned. Transboundary movement of hazardous waste via the People's Republic of China shall be banned.

The import of solid waste for recycling of heat energy shall be banned.

The import of solid waste that cannot be used as raw materials or cannot be utilized in an environment-friendly way shall be banned.

The import of solid waste with large generation amount or stockpile volume within China that has not been fully utilized shall be banned.

The import of solid waste without applicable national environmental protection control standards or compulsory requirements such as relevant technical specifications shall be banned.

Undertaking the transportation of solid waste into the territory of the People's Republic of China in the form of delivery to order shall be banned.

**Article 9** The solid waste that can make up the shortage of domestic resources and serve as raw materials in environmentally friendly manners based on national economic and technical conditions, shall be imposed of the administration of import restriction and of automatically licensed import according to the emission intensities during processing and utilization process.

**Article 10** The competent department of environmental protection administration of the State Council shall work with competent department of commerce administration of the State Council, department of economic comprehensive macro-control of the State Council, General Administration of

Customs and department of quality supervision, inspection and quarantine of the State Council to develop, adjust and announce The Catalogue of Solid Waste Prohibited for Import, The Catalogue of Solid Waste Restricted for Import and The Catalogue of Solid Waste Automatically Licensed for Import.

**Article 11** The import of solid waste listed in The Catalogue of Solid Waste Prohibited for Import shall be banned.

The solid waste listed in The Catalogue of Solid Waste Restricted or Automatically Licensed for Import must obtain the Relevant License for Import of Solid Waste.

**Article 12** In the process of importing solid waste, measures shall be taken to prevent it from spread, seepage and leakage or other measures to prevent pollution of environment.

**Article 13** The shipment and notification of importing solid waste shall meet the requirements of General Administration of Customs. Relevant requirements shall be developed otherwise by General Administration of Customs.

**Article 14** The imported solid waste shall meet the requirements of environmental protection control criteria for imported solid waste used as raw material or compulsory requirements of relevant technical norms. Any solid waste failing to meet the requirements of environmental protection control criteria for imported solid waste used as raw material or compulsory requirements of relevant technical norms identified in testing or quarantine shall not be imported.

**Article 15** The application, review and approval of import of solid waste shall be declared at “nearby port” according to the risk minimization principle.

**Article 16** The State implements registration system for overseas suppliers of solid waste that is imported to China used as raw materials. Overseas suppliers that export solid waste used as raw materials to China shall obtain the registration certificate issued by department of quality supervision, inspection and quarantine of the State Council.

The State implements registration system for domestic consignees that import solid waste used as raw materials. Before signing foreign trade contracts, domestic consignee that import solid waste used as raw materials shall obtain the registration certificate issued by department of quality supervision, inspection and quarantine of the State Council.

**Article 17** The competent department of environmental protection administration of the State Council shall implement administration of the qualification of designated enterprises specialized in processing and utilization of imported solid waste with relatively higher environment risks such as imported waste metal and electrical appliance scraps, waste wires and cables, and waste electric motors. The administrative measures shall be developed by the competent department of environmental protection administration of the State Council.

**Article 18** The State encourages the processing and utilization of imported solid waste restricted for import in the designed “Enclosed Management” zones for imported waste.

“Enclosed management” of imported waste shall meet the requirements of laws, regulations and national standards. The construction standards and

requirements for “Enclosed management” zones for imported waste shall be developed by the competent department of environmental protection administration of the State Council and competent department of commerce administration of the State Council, department of economic comprehensive macro-control of the State Council, General Administration of Customs and department of quality supervision, inspection and quarantine of the State Council.

**Article 19** For the enterprises making use of import solid waste located in export processing zones that import solid waste through the processing trade, the relevant license for import of solid waste shall be held.

For the enterprises making use of import solid waste outside export processing zones that import solid waste through processing trade, the effective Approval Certificate on Processing Trade Services signed by competent department of commerce administration and effective processing trade manuals (account book) released by customs and relevant license for import of solid waste shall be held.

For solid waste imported through processing trade or finished products failing to be exported due to unforeseen circumstances and in need of domestic sales, there is no need for processing trade enterprise to reapply for Relevant License for Import of Solid Waste. The unprocessed original imported solid waste shall only be used by the current enterprise itself.

### **Chapter III Management of Import License for Solid Waste**

**Article 20** The import of solid waste listed in the Catalogue of Solid Waste Restricted for Import shall be subject to review and approval of the competent department of environmental protection administration of the State Council in cooperation with the competent department of foreign trade of the State Council. The import of solid waste listed in the Catalogue of solid Waste Automatically Licensed for Import shall go through automatic import procedures according to law.

**Article 21** Relevant License for Import of Solid Waste is valid in the current year.

Relevant License for Import of Solid Waste shall be used within the valid period and automatically invalid at the expiration date whether or not it finishes its use.

If Relevant License for Import of Solid Waste has not finished its use within the valid period due to unforeseen circumstances, the enterprise holding the license shall make an extension application to the license-issuing agency 30 days before the expiration date. After deducting the used amount, the license-issuing agency shall reissue the license for import of solid waste with the endorsement, and “prolonged service life” and the number of the original certificate shall be indicated in the remark column.

Relevant License for Import of Solid Waste shall be extended only once with maximum of 60 days.

**Article 22** “One license for one customs” shall be implemented for Relevant License for Import of Solid Waste. Under normal circumstances, Relevant License for Import of Solid Waste shall follow the “non-one-batch-one-license” practice. If there is the need for “one-batch-one-license”, the word of “one-batch-one-license” shall be printed at the same time in the remark column of Relevant License for Import of

Solid Waste.

“One license for one customs” refers to that Relevant License for Import of Solid Waste could only be declared at one customs. “One-batch-one–license” refers to one-time use of Relevant License for Import of Solid Waste for customs declaration within the valid period. “Non-one-batch-one–license” refers to that Relevant License for Import of Solid Waste may be used several times for customs declaration within the valid period. The customs would check and reduce the import amount batch by batch with endorsement. When last batch of import occurs, the allowed upper limit of over shipment shall be 3% of actual balance specified in Relevant License for Import of Solid Waste, the customs will keep the original for file after endorsement whether it still has any balance or not.

**Article 23** In case of any change of the items specified in Relevant License for Import of Solid Waste, the enterprise using solid waste shall reapply for Relevant License for Import of Solid Waste according to the application procedures.

After accepting the application, the issuing agency shall cancel the original license and make public the number of the cancelled license.

**Article 24** The cost incurred during the administrative review, approval of import of solid waste shall be executed according to relevant provisions of the state.

#### **Chapter IV Inspection, Quarantine and Customs Procedures**

**Article 25** When accepting the transportation of solid waste, the carrier of import of solid waste shall require the freight consignor to provide the following certificates:

- (1) Relevant License for Import of Solid Waste;
- (2) Registration certificate of domestic consignee of the imported solid waste used as raw materials;
- (3) Registration certificate of foreign supplier of the imported solid waste used as raw materials;
- (4) Certificate for pre-shipment inspection of imported solid waste used as raw materials.

**Article 26** Pre-shipment inspection agency designated by the quality inspection and quarantine department of the State Council shall carry out pre-shipment inspection on imported solid waste and issue a certificate for pre-shipment inspection if it is qualified.

Upon the arrival of imported solid waste to the port specified in Relevant License for Import of Solid Waste, the domestic consignee shall submit the form of Relevant License for Import of Solid Waste on inspection and quarantine, certificate for pre-shipment inspection and other necessary documents to the entry and exit inspection and quarantine agency at the port for examination.

After inspection and quarantine, the entry and exit inspection and quarantine agency shall issue the Customs Clearance Form of Entry of Goods to the imported solid waste meeting national environmental protection standards or compulsory requirements of relevant technical norms, and remark “primary inspection and quarantine do not find any substance failing to meet the requirements of national environmental protection standards”. For the imported solid waste failing to meet

national environmental protection standards or compulsory requirements of relevant technical norms, the entry and exit inspection and quarantine agency shall issue the Inspection and Quarantine Notice, and inform in time the port customs and the competent department of environmental protection administration of the province, autonomous region or municipality where the port is located.

Upon receipt of the notification indicating that the imported solid waste fails to pass inspection and quarantine examination, the competent department of environmental protection administration of the province, autonomous region or municipality where the port is located shall inform in time the competent department of environmental protection administration of the province, autonomous region or municipality where the utilization enterprise is located and the competent department of environmental protection administration of the State Council.

If the applicant refuses to accept the examination result, he shall apply for re-examination according to relevant requirements of re-examination of import and export goods. The department of quality supervision, inspection and quarantine of the State Council or entry and exit inspection and quarantine agency may work with competent department of environmental protection administration at the same level to carry out joint examination based on actual situation of inspection.

**Article 27** Importer of solid waste restricted for import or automatically licensed for import that can be used as raw materials shall hold the documents such as Relevant License for Import of Solid Waste and the Customs Clearance Form of Entry of Goods presented by entry and exit inspection and quarantine agency to go through customs procedures for import unless it is specified otherwise.

**Article 28** If the importer has any objection against the decision that customs subsume the imported goods into administrative scope of solid waste, he can apply for administrative reconsideration according to law, or file an administrative litigation to the people's court.

If customs suspect the imported goods declared by the consignee of imported goods being solid waste, it may require the consignee to send it to inspection and quarantine department of the port for attribute test of solid waste. Customs may directly send it to port inspection and quarantine department to carry out attribute test of solid waste if necessary and handle the case based on testing results.

Inspection and quarantine department of the port shall issue the testing results and give a clear indication whether it belongs to solid waste or not.

If the customs or consignee has any objection to the inspection conclusion of the inspection and quarantine department of the area where the port is located, the competent department of environmental protection administration of the State Council, General Administration of Customs and quality supervision, department of inspection and quarantine of the State Council shall designate a specialized identification agency to identify if the imported goods or articles belong to solid waste and the category of solid waste.

The Guideline for Identification of Solid Waste and relevant identification procedures and methods shall be developed by the competent department of environmental protection administration of the State Council in cooperation with

General Administration of Customs and department of quality supervision, inspection and quarantine of the State Council.

Customs shall not accept the application of the enterprise for security clearance during examination or identification period. The consignee of imported goods shall cover relevant cost and loss on his own occurred during the inspection or identification of the goods.

The identification of imported solid waste mentioned in current article shall be conducted according to the Guideline for Identification of Solid Waste.

**Article 29** Where the solid waste from foreign countries are imported for dumping, storage and disposal within the territory of the People's Republic of China, or where solid waste prohibited from importation are imported or solid waste are imported without permission, as well as where imported solid waste fail to pass inspection, the port customs shall order the importer or carrier according to law to return the solid waste to the original exporting country in original form within the given period of time, importer or carrier shall shoulder corresponding responsibility and cost without exemption of its obligation for going through customs procedures; importer or carrier shall not abandon relevant solid waste.

For the imported solid waste whose consignee cannot be confirmed, the carrier shall submit application to customs for returning the waste or the customs may order according to law the carrier to return the solid waste. The carrier shall shoulder relevant responsibility and cover the cost and not be exempt from its obligation for going through customs procedures.

**Article 30** For the solid waste that the party concerned refuses to return or not being shipped back out of Chinese territory over 3 months, port customs in cooperation with entry and exit inspection and quarantine agency of the port and the competent department of environmental protection administration of the area where the port is located shall take compulsory measures to the importer or carrier and return the solid waste.

**Article 31** For the solid waste failing to be re-shipped back out of Chinese territory or of not being returned subject to customs' decision, upon the receipt of application from the importer(the carrier or the third person with responsibility for joint and several obligation shall make the application if the importer is not known), the customs shall in auction or entrust approach hand over to the units with the capacity in environment-friendly utilization or disposal certified by the competent department of environmental protection administration of the province, autonomous region or municipality where the import port is located for comprehensive utilization or environment-friendly disposal based on the principle of proximity . Relevant demurrage charge and disposal cost shall be covered by the importer; or the carrier if the importer is not known.

The economic benefits resulting from entrusted comprehensive use or environment-friendly disposal of imported solid waste after deducting the treatment cost, shall be handed over by the unit with capacity in environment-friendly utilization or disposal to the customs that shall turn it over to the State Treasury. Customs at all levels shall not auction any solid waste prohibited for import by the State without approval. The specific management methods shall be developed



otherwise by General Administration of Customs in cooperation with the competent department of environmental protection administration of the State Council.

**Article 32** Customs shall inform the follow-up treatment including return of the solid waste to the entry and exit inspection and quarantine agency and the competent department of environmental protection administration of the province, autonomous region or municipality where the import port is located.

The competent department of environmental protection administration of the province, autonomous region or municipality where the import port is located shall inform the competent department of environmental protection administration of the province, autonomous region or municipality where the enterprise making use of imported solid waste is located and the competent department of environmental protection administration of the State Council.

Entry and exit inspection and quarantine agency and the competent department of environmental protection administration shall deal with relevant units based on specific situation.

## **Chapter V Supervision and Management**

**Article 33** All imported solid waste shall be used by the enterprises identified in relevant licenses for import of solid waste as raw materials.

**Article 34** Enterprises making use of imported solid waste shall process and utilize imported solid waste in environment-friendly manners.

The units that use or dispose imported solid waste that is handed over by customs in the form of auction or entrustment shall carry out comprehensive utilization or environment-friendly disposal of all imported solid waste undertaken by it.

**Article 35** Enterprises that use imported solid waste shall establish business record books to record the source, type, weight or amount, destination of each batch of imported solid waste; time of receipt, dismantlement, utilization and storage; name and contact of the unit undertaking shipping business; type, weight or amount, destination of the post-processing residues of imported solid waste based on the real situation. The original certificates such as business record books, relevant documents and image materials shall be kept for at least 5 years.

Enterprises that use imported solid waste shall conduct routine regular monitoring on the emissions of pollutants. The monitoring report shall be kept for at least 5 years.

Enterprises that use imported solid waste shall regularly report the operation of imported solid waste and its environmental monitoring to the competent department of environmental protection administration of the province, autonomous region or municipality where the enterprises are located according to the requirements of competent department of environmental protection administration of the State Council. The competent department of environmental protection administration of the province, autonomous region or municipality shall summarize those information and reports to the competent department of environmental protection administration of the State Council.

Other business units such as importer, agent or carrier of solid waste shall

record the information such as the source, type, weight or amount and destination of the imported solid waste and receive the supervision and inspection by relevant departments. The original certificates such as records, relevant documents and image materials shall be kept for at least 3 years.

**Article 36** The competent department of environmental protection administration of province, autonomous region or municipality shall organize site inspection and supervisory monitoring on the enterprises that use imported solid waste and shall report to the competent department of environmental protection administration of the State Council within 5 working days if one of the following circumstances is found:

(1) Concealing relevant situation or providing false information to apply for relevant license for import of solid waste or transferring relevant license for import of solid waste;

(2) Discharging pollutants that exceed national or local pollution emission standards or total amount control limits;

(3) Failing to conduct environment-friendly use or disposal of the post-processing residues of imported solid waste;

(4) Failing to report the operation of imported solid waste and environmental monitoring information according to relevant requirements or making fraud in the report.

The competent department of environmental protection administration of the State Council and the competent department of environmental protection administration of province, autonomous region or municipality shall record relevant situation and put it on file, which shall be served as the base for review and approval of Relevant License for Import of Solid Waste.

The competent departments of environmental protection administration, competent departments of commerce, departments of comprehensive economic macro-control, customs, departments of entry and exit inspection and quarantine at all levels have the right to supervise and inspect the units relevant to import of solid waste based on their respective duties.

The unit being inspected shall truthfully report the situation and provide necessary information. The inspection institution shall keep technical and business secrets for the units under inspection.

When carrying out site inspection, inspection agency may take measures such as site monitoring, collecting samples, looking up or copying relevant information.

Inspectors shall produce their certificate when they carry out site inspection.

## **Chapter VI Special Provisions for Areas and Sites under Special Customs Supervision**

**Article 37** When overseas solid waste enters the areas and sites under special customs supervision, relevant unit shall apply for Relevant License for Import of Solid Waste and apply for inspection and quarantine on the waste. In case that the solid waste is imported from the areas and sites under special customs supervision to the outside (within boundaries of the People's Republic of China) or enters and exits among the areas and sites under special customs supervision, there is no need

for applying for Relevant License for Import of Solid Waste.

**Article 38** Any unit in the areas and sites under special customs supervision shall not store imported solid waste in the name of transit goods.

**Article 39** With regard to defect ware, waste, leftover materials and goods subject to disasters generated in any unit within the areas and sites under special customs supervision failing to be re-shipped out of Chinese territory, if they belong to solid waste restricted for import or automatically licensed for import, their import and export between the areas within the borders of the People's Republic of China and the areas and sites under special customs supervision, or import and export among the areas and sites under special customs supervision shall be exempt from submission of Relevant License for Import of Solid Waste. Entry and exit inspection and quarantine agency shall not inspect on the solid waste.

**Article 40** With regard to defect ware, waste, leftover materials and goods subject to disasters generated in any unit within the areas and sites under special customs supervision failing to be exported overseas, if they belong to the solid waste prohibited for import and are in need of utilization or disposal outside the areas and sites under special customs supervision, the generating or collecting units shall present applications to the administrative department of the area where the areas and sites under special customs supervision are located and the competent department of environmental protection administration of the city (with administrative districts) where the areas and sites under special customs supervision is located and submit the following application documents:

- (1) Application for moving the solid waste out of the area under customs supervision;
- (2) Contract signed by the applicant and receiver;
- (3) Qualified business license of the receiver that has passed annual check;
- (4) Generation process and technology, composition analysis report and registration form on physical and chemical property of solid waste in the areas and sites under special customs supervision which is going to be transferred;
- (5) Explanation of the means of utilization or disposal of waste by receiver, including the information of the location, type and treatment capacity of waste utilization or disposal facilities as well as the methods for treating waste gas, waste water and slag resulting from utilizing or disposing process;
- (6) Documents that demonstrate the receiving unit able to utilize or dispose the solid waste within the areas and sites under special customs supervision in an environment-friendly way. If the waste moving out of the area is hazardous waste, a copy of License for Operation of Hazardous Waste with the stamp of the receiver shall be provided.

**Article 41** Upon the acceptance of application for moving out the solid waste by the administrative departments of areas and sites under special customs supervision and the competent department of environmental protection administration of the city (with administrative districts) where the areas and sites under special customs supervision are located, they shall make the decision on approving or disapproving the application. The valid period of the approval document is one year.

Entry and exit inspection and quarantine agency shall issue customs clearance form based on the approval documents of the administrative department of areas and sites under special customs supervision and the competent department of environmental protection administration of the city (with administrative districts) where the areas and sites under special customs supervision are located, and shall exempt the solid waste from inspection. The customs shall go through relevant procedures based on the approval documents of the administrative department of areas and sites under special customs supervision and the competent department of environmental protection administration of the city (with administrative districts) where the areas and sites under special customs supervision are located.

**Article 42** If the solid waste generated in the units within the areas and sites under special customs supervision is transferred, stored or disposed outside the areas and sites under special customs supervision and in another province, the unit shall submit an application to the competent department of environmental protection administration of relevant province, autonomous region or municipality according to the requirement of Article 23 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste.

If the solid waste generated in the units within the areas and sites under special customs supervision belongs to hazardous waste or waste electrical appliances, it shall comply with relevant regulations on management of hazardous waste or regulations on management of waste electric and electronic products according to law when it is transferred out of the areas and sites under special customs supervision.

## **Chapter VII Penal Provisions**

**Article 43** In violation of current Measures, if any one dumps, stores or disposes solid waste from foreign countries within the territory of the People's Republic of China, or imports solid waste prohibited for import or imports solid waste restricted for import without permission, or imports solid waste which actually cannot be used as raw materials in the name of raw materials utilization, the customs shall investigate his legal responsibility according to Article 78 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste. The issuing authority shall cancel his Relevant License for Import of Solid Waste.

In violation of current Measures, if any one transfers hazardous waste via the territory of the People's Republic of China in the name of importing solid waste, customs shall investigate and prosecute his legal responsibility according to Article 79 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste. The issuing authority shall cancel its Relevant License for Import of Solid Waste.

In violation of current Measures, if any one imports solid waste by smuggling, customs shall impose sanctions according to relevant laws and administrative regulations. If it constitutes a crime, criminal responsibility shall be investigated and prosecuted according to law.

**Article 44** With regard to the solid waste that have been illegally imported to

the territory of the People's Republic of China, the requirements of Article 80 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste shall apply.

**Article 45** In violation of current Measures, if any one transfers Relevant License for Import of Solid Waste, the issuing agency shall cancel Relevant License for Import of Solid Waste. If it constitutes a crime, criminal responsibility shall be investigated and prosecuted according to law.

**Article 46** If any one obtains Relevant License for Import of Solid Waste by improper means such as fraud and bribery, the issuing agency shall cancel his Relevant License for Import of Solid Waste according to the requirements of the Law of the People's Republic of China on Administrative License. If it constitutes a crime, the criminal responsibility shall be investigated and prosecuted according to law.

**Article 47** In violation of current Measures, if any one fails to carry out environment-friendly utilization or disposal of the residue resulting from post-processing of imported solid waste, the competent department of environmental protection administration at or above county level of the place where it is located shall order him to stop the violation in accordance with paragraph 2 of Article 68 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste, make corrections within a given period of time and impose a fine not less than 10,000 yuan but not more than 100,000 yuan. If he fails to make corrections within the given period of time, the issuing agency may cancel his Relevant License for Import of Solid Waste. If it causes environmental pollution accident, Article 82 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste shall apply.

**Article 48** In violation of current Measures, if any one fails to carry out business record book system, routine environmental monitoring or fails to report the operation and environmental monitoring of imported solid waste in line with regulations, the competent department of environmental protection administration at or above the county level shall order him to make corrections within a given period of time and may impose a fine not more than 30,000 yuan. If it fails to make corrections within the given period of time, the issuing agency may cancel the Relevant License for Import of Solid Waste.

**Article 49** If any one imports solid waste in violation of relevant regulations on inspection and quarantine, he shall be punished according to the requirements of the Law of the People's Republic of China on Import and Export Commodity Inspection and Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection.

If anyone imports solid waste in violation of relevant regulations of customs, he shall be punished according to the requirements of Customs Law of the People's Republic of China and Regulations of the People's Republic of China on the Implementation of Customs Administrative Punishment.

If anyone without permission imports solid waste prohibited for import, failing to comply with national environmental protection standards or compulsory requirements of relevant technical norms, customs shall order him to return the solid waste to the source country. If it fails to fulfill the return obligation within 3 months,

the customs shall punish him according to the provisions of the Regulation of the People's Republic of China on the Implementation of Customs Administrative Punishment.

**Article 50** If any person engaged in supervision and administration of import of solid waste has bribery and corruption, neglects his duty, practices irregularities for personal gain or abuses his power, he will be subject to administrative sanction according to law. If it constitutes a crime, the criminal responsibility shall be investigated and prosecuted according to law.

#### **Chapter VIII Supplementary Provisions**

**Article 51** The supervision responsibility of the competent department of environmental protection administration of a city with administrative districts mentioned in the current Measures shall be performed by the competent department of environmental protection administration of the province, autonomous region or municipality directly under the State Council within the administrative region of municipality directly under the State Council and county-level administrative regions directly under the government of the province or autonomous region.

**Article 52** When solid waste is arrived at a port, it is regarded as import.

**Article 53** Enterprises making use of imported solid waste refer to the enterprises that are actually engaged in dismantling, processing and utilizing imported solid waste.

**Article 54** The management of import of solid waste from Hong Kong Special Administrative Region, Macao Special Administrative Region and Taiwan shall comply with the current Measures.

**Article 55** The current Measures shall go into effect as of August 1, 2011.

If relevant regulations and circular in relation to the management of import of solid waste released by the competent department of environmental protection administration of the State Council, competent department of commerce administration and department of comprehensive economic macro-control of the State Council, General Administration of Customs, department of quality supervision, inspection and quarantine of the State Council in accordance with their respective responsibilities prior to the implementation of the current Measures go against the current Measures, the current Measures shall prevail.