

【Title】 Administrative Measures for Eligibility License for Disposal of Waste and Discarded Electrical and Electronic Products [Effective]

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The Administrative Measures for Eligibility License for Disposal of Waste and Discarded Electrical and Electronic Products, which were deliberated and adopted at the 2nd executive meeting of the Ministry of Environmental Protection on November 5, 2010, are hereby promulgated and shall come into force as of January 1, 2010.

Minister of Ministry of Environment Protection Zhou Shengxian

December 15, 2010

Administrative Measures for Eligibility License for Disposal of Waste and Discarded Electrical and Electronic Products

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Chapter I General Provisions

Article 1 To regulate the eligibility license for disposal of waste and discarded electrical and electronic products and prevent environmental pollution as a result of disposing of waste electrical and electronic products, these Measures are formulated in accordance with the Administrative License Law of the People's Republic of China, Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes and Regulation on the Administration of Recovery and Disposal of Waste and Discarded Electrical and Electronic Products.

Article 2 These Measures shall apply to applications for eligibility license for the disposal of waste and discarded electrical and electronic products, examination and approval of the said applications, and relevant supervisory and administrative activities.

The term “waste and discarded electrical and electronic products” as used in these Measures refers to the products included in the Catalogue of Waste and Discarded Electrical and Electronic Products for Disposal as announced by the National Development and Reform Commission, the Ministry of Environmental Protection and the Ministry of Industry and Information Technology.

Article 3 The state shall adopt a centralized disposal system for waste and discarded electrical and electronic products and encourage the large-scale, industrial and professional disposal of waste and discarded electrical and electronic products.

The environmental protection department of a provincial people's government shall, jointly with the relevant departments of the people's government at the same level, work out a plan on promoting the disposal of waste and discarded electrical and electronic products within its own region, and submit it to the Ministry of Environmental Protection for records.

The plan on promoting the disposal of waste and discarded electrical and electronic products shall, under the requirement for centralized disposal shall includes reasonable distribution of enterprises to dispose of waste and discarded electrical and electronic products.

The plan on promoting the disposal of waste and discarded electrical and electronic products shall be revised once every five years on the basis of the local economic and social development level, industrial structure, changes of disposal enterprises and other relevant information.

Article 4 The disposal of waste and discarded electrical and electronic products shall meet the relevant requirements of the state for comprehensive utilization of resources, environmental protection, work safety and ensuring the human health.

It is forbidden to employ those technologies and techniques which the state has expressly ordered to eliminate to dispose of waste and discarded electrical and electronic products.

Article 5 The environment protection administrative department of the people's government at the level of districted city shall, under these Measures, be responsible for the eligibility license for disposal of waste and discarded electrical and electronic products.

Article 6 The environmental protection administrative department of the people's government at or above the county level shall, under the Regulation on the Administration of Recovery and Disposal of Waste and Discarded Electrical and Electronic Products and these Measures, be responsible for the supervision and administration of disposal of waste and discarded electrical and electronic products.

Chapter II Licensing Requirements and Procedures

Article 7 An enterprise applying for the eligibility for disposing of waste and discarded electrical and electronic products shall be an enterprise that has been established according to law, meet the requirements in the local plan on promoting the disposal of waste and discarded electrical and electronic products, be a corporate enterprise with the status of a general taxpayer of value added tax and satisfy the following requirements:

1. having waste electrical and electronic product disposal workshops and premises, storage premises, dismantlement and treatment equipment and supporting data information management system,

pollution prevention and control facilities, etc. which are commensurate with the disposal capacity it applies for;

2. having sorting and packing equipment and transport vehicles, haulage equipment, compression equipment, specialized containers and central monitoring equipment, measurement equipment, accident and emergency aid and handling equipment, etc.;

3. having sound environmental management rules and measures, including a plan on the proper utilization or dealing with waste and discarded electrical and electronic products that cannot be completely disposed of, measures for preventing environment emergencies, an emergency response plan, etc.; and

4. having professional technicians in safety, quality and environmental protection.

Article 8 To apply for the eligibility for disposing of waste and discarded electrical and electronic products, an enterprise shall submit a written application and relevant certification materials to the environmental protection administrative department of the people's government at the level of districted city where the facilities for disposing of waste and discarded electrical and electronic products are located.

Article 9 The environmental protection administrative department of the people's government at the level of districted city shall, within 3 working days as of the date of acceptance of an application, make an announcement of the relevant information so as to solicit the opinions of the general public. The time period of announcement shall not be less than 10 working days.

The environmental protection administrative department which accepts an application shall verify the opinions of the general public.

Article 10 The environmental protection administrative department of the people's government at the level of districted city shall, within 60 working days as of the date of acceptance of an application, examine the materials submitted by the enterprise and organize an on-site inspection. If the relevant requirements are met, it shall issue to the applicant enterprise an eligibility license for the disposal of waste and discarded electrical and electronic products. If relevant requirements are not met, it shall notify the applicant enterprise in writing and make an explanation.

Article 11 An eligibility license for disposing of waste and discarded electrical and electronic products shall include the following main contents:

1. corporate name, name of the legal representative and address;
2. address of the disposal facilities;
3. categories of waste and discarded electrical and electronic products to be disposed of;
4. main disposal facilities or equipment and operating parameters thereof;
5. disposal capacity;
6. valid term; and
7. date of issuance and license number.

The format of the eligibility license for disposing of waste and discarded electrical and electronic products shall be uniformly prescribed by the Ministry of Environmental Protection.

Article 12 Where an enterprise that disposes of waste and discarded electrical and electronic products changes its corporate name, legal representative or address, it shall, within 15 working days as of the change of registration at the department for administration of industry and commerce, apply to the original license issuing authority for changing its eligibility for the disposal of waste and discarded electrical and electronic products.

Article 13 Under any of the following circumstances, a waste and discarded electrical and electronic product disposal enterprise shall, under the original application procedures, reapply for eligibility for disposing of waste and discarded electrical and electronic products:

1. to increase the categories of waste and discarded electrical and electronic products to be disposed of;
2. to build new disposal facilities;
3. to renovate or expand the existing disposal facilities;
4. to dispose of waste and discarded electrical and electronic products in excess of 20% of the disposal capacity determined in the eligibility license.

Article 14 After the plan on promoting the disposal of waste and discarded electrical and electronic products is revised, the original license issuing authority shall, by taking into consideration the local economic and social development, changes in the waste and discarded electrical and electronic product disposal market and other relevant information, examine the enterprises which plan to continue the disposal of waste and discarded electrical and electronic products, and shall replace the waste and discarded electrical and electronic product disposal eligibility licenses of those enterprises which meet the relevant requirements with new ones.

Article 15 Where a waste and discarded electrical and electronic product disposal enterprise is to terminate its disposal activities, it shall take pollution prevention and control measures for the business operation facilities and premises, properly handle the waste and discarded electrical and electronic products which have not been disposed of, and file a cancellation application to the original license issuing authority within 20 days as of the date on which it takes the aforesaid measures. The original license issuing authority shall cancel its eligibility for disposing of waste and discarded electrical and electronic products after it passes the on-site inspection.

An enterprise which has terminated the activities of disposal of waste and discarded electrical and electronic products shall conduct an environmental investigation and make a risk assessment of its business operation facilities and premises. If it needs control and restoration upon assessment, the enterprise shall be responsible for the control and restoration according to law.

Article 16 It is forbidden to dispose of waste and discarded electrical and electronic products without an eligibility license for the disposal of waste and discarded electrical and electronic products or without complying with the provisions of the eligibility license for disposing of waste and discarded electrical and electronic products.

It is forbidden to supply waste and discarded electrical and electronic products to any entity or individual without an eligibility license for the disposal of waste and discarded electrical and electronic products or authorize any entity or individual without an eligibility license for disposing of waste and discarded electrical and electronic products to engage in disposal activities.

It is forbidden to forge, alter or transfer the eligibility license for the disposal of waste and discarded electrical and electronic products.

Chapter III Supervision and Administration

Article 17 The environmental protection administrative department of the people's government at the level of districted city shall, prior to March 31 every year, report to the environmental protection administrative department of the provincial department for records the eligibility licenses for the disposal of waste and discarded electrical and electronic products issued during the immediately previous year.

The environmental protection administrative department of the people's government at or above the provincial level shall strengthen the supervision and inspection of the examination and approval and issuance of eligibility licenses for the disposal of waste and discarded electrical and electronic products by the environmental protection administrative departments at the level of districted city, and timely rectify the violations of law, if any.

Article 18 The environmental protection administrative department of the local people's government at or above the county level shall, by way of written inspection, on-site inspection or otherwise, strengthen the supervision and inspection of disposal of waste and discarded electrical and electronic products, prepare records for the supervision and inspection as well as the handling results and archive the said records after having them signed by the inspectors.

The general public may apply to the environmental protection administrative department of the local people's government at or above the county level for disclosing the handling result of supervision and inspection.

Article 19 A waste and discarded electrical and electronic product disposal enterprise shall work out an annual monitoring plan and conduct routine monitors of the discharge of pollutants. The monitor reports shall be preserved for at least 3 years.

The environmental protection administrative department of the local people's government at or above the county level shall intensify the supervisory monitoring of the pollutants discharged by waste and discarded electrical and electronic product disposal enterprises. The supervisory monitoring shall be conducted at least once every half year.

Article 20 A waste and discarded electrical and electronic product disposal enterprise shall establish a data information management system, regularly submit to the license issuance authority the basic data and other relevant information about the disposal of waste and discarded electrical and electronic products, and make announcements to the general public. The relevant requirements shall be formulated separately by the Ministry of Environmental Protection.

Chapter IV. Legal Liabilities

Article 21 Where a waste and discarded electrical and electronic disposal enterprise commits either of the following conducts, the environmental protection administrative department of the local people's government at or above the county level shall order it to stop the violation of law and make a correction within a time limit, and fine it not more than 30, 000 yuan; if the enterprise fails to make a correction within the time limit, the license issuing authority shall take back the eligibility license for disposal of waste and discarded electronic and electrical products:

1. failing to dispose of waste and discarded electrical and electronic products under the provisions of the eligibility license for the disposal of waste and discarded electrical and electronic products; or
2. failing to go through the formalities for changing the license of or cancelling the eligibility for disposing of waste and discarded electrical and electronic products.

Article 22 Where a waste and discarded electrical and electronic disposal enterprise commits either of the following conducts, it shall be punished under the relevant laws and regulations and its eligibility license for the disposal of waste and discarded electrical and electronic products shall be taken back by the license issuing authority:

1. closing down, leaving idle, dismantling or abnormally using pollution prevention and control facilities or premise without approval, and failing to make a correction within the time limit as ordered by the environmental protection administrative department of the people's government at or above the county level; or
2. causing any serious environmental emergency.

Article 23 Where a waste and discarded electrical and electronic product disposal enterprise supplies waste and discarded electrical and electronic products to any entity or individual without an eligibility

license for disposing of waste and discarded electrical and electronic products or authorizes any entity or individual without an eligibility license for disposing of waste and discarded electrical and electronic products engage in disposal activities, the environmental protection administrative department of the local people's government at or above the county level shall order it to stop the violation and make a correction within a time limit, and fine it not more than 30, 000 yuan. If the circumstance is serious, the license issuing authority shall take back its eligibility license.

Article 24 Where an entity or individual forges or alters eligibility licenses for the disposal of waste and discarded electrical and electronic products, the environmental protection administrative department of the local people's government at or above the county level shall seize the forged and altered eligibility licenses, and fine it or him not more than 30, 000 yuan. If any violation of public security administration is constituted, it or he shall be transferred to the public security authority for punishment based on public security administration. If any crime is constituted, it or he shall be transferred to the judicial authority for criminal liabilities according to law.

Where an enterprise illegally transfers the eligibility license for disposing of waste and discarded electrical and electronic products by way of selling, lease, lending or otherwise, the environmental protection administrative department of the local people's government at or above the county level shall order it to stop the violation and make a correction within a time limit, and fine it not more than 30, 000 yuan. If the circumstance is serious, the license issuing authority shall take back its eligibility license for the disposal of waste and discarded electrical and electronic products. If any crime is constituted, it or he shall be transferred to the judicial authority for criminal liabilities according to law.

Article 25 A violator of other provisions of these Measures shall be punished under the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes, the Regulation on the Administration of Recovery and Disposal of Waste and Discarded Electrical and Electronic Products and other relevant laws and regulations.

Chapter V Supplementary Provisions

Article 26 An enterprise which has already been engaged in the disposal of waste and discarded electrical and electronic products prior to these Measures' entry into force shall, within 60 days as of the day when these Measures enter into force, submit an application for the eligibility of disposal of

waste and discarded electrical and electronic products to the environmental protection administrative department of the people's government at the city level where the facilities of disposal of waste and discarded electrical and electronic products are located. If it fails to file an application within the time limit, it shall not continue disposing of waste and discarded electrical and electronic products.

Article 27 These Measures shall come into force as of January 1, 2011.