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(No. 12)

Administrative Measures for the Import of Solid Waste

The Administrative Measures for the Import of Solid Waste, as formulated in accordance with the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste and the relevant laws and administrative regulations, are hereby issued, and shall come into force on August 1, 2011.

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Chapter I General Principles

Article 1 To regulate the environmental administration of the import of solid waste and prevent environmental pollution caused by imported solid waste, these Measures are formulated in accordance with the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste and other relevant laws and administrative regulations.

Article 2 The term “solid waste” as mentioned in these Measures refers to the articles and substances in solid, semi-solid or liquid state or in gas state stored in containers that arise in production, living and other activities and have lost their original use value or have been discarded or abandoned though not having lost their use value, as well as articles and substances that are included in the administration of solid waste as prescribed by laws and administrative regulations.

The term “import of solid waste” as mentioned in these Measures refers to the activities of transporting solid waste from outside the territory of the People's Republic of China into the territory of the People's Republic of China.

Article 3 These Measures shall apply to the import of solid waste in any manner.

Unless it is otherwise provided for, these Measures shall also apply to the solid waste transported into the territory of the People's Republic of China in such forms as donation, return from export and provision of samples, solid waste arising from repair within China and not having been transported out of China, and solid waste arising from repair outside China or outward processing and having been transported into China.

Article 4 Transfer of the relevant license for the import of solid waste shall be prohibited.

The “transfer of the relevant license for the import of solid waste” as mentioned in these Measures refers to:

1. selling, leasing or lending the relevant license for the import of solid waste;
2. using a purchased, leased or borrowed license for the import of solid waste to import solid waste; or
3. transferring all or part of the imported solid waste to any entity or individual other than the utilization enterprise stated in the license for the import of solid waste.

Article 5 It shall be prohibited to import solid waste from outside the territory of the People's Republic of China for the purpose of dumping, stacking or disposal.

The entrepot trade of solid waste shall be prohibited.

Solid waste imported without the relevant license for the import of solid waste shall not be stored in a place under customs supervision, including bonded areas, export processing zones, bonded logistics parks, bonded ports and other zones under special customs supervision as well as bonded logistics centers (type A/B), bonded warehouses and other bonded places under customs supervision (hereinafter referred to as the “zones and places under special customs supervision”).

Unless it is otherwise provided for, customs transit formalities shall not be handled for the import of solid waste (excluding waste paper).

Article 6 The environmental protection administrative department of the State Council shall uniformly supervise the national environmental administration of the import of solid waste. The competent commerce department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council shall be responsible for the relevant administration of the import of solid waste within their respective functions.

The local environmental protection administrative department at or above the county level shall supervise the environmental administration of the import of solid waste within its administrative region. The competent commerce departments, economic comprehensive macro-control departments, customs and entry-exit inspection and quarantine departments at various levels shall administer the import of solid waste within their respective functions.

The environmental protection administrative department of the State Council shall, in conjunction with the competent commerce department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, establish a work coordination mechanism for the administration of import of solid waste, share information on the administration of import of solid waste, and coordinate and handle important matters on the supervision and administration of import of solid waste and related business activities.

Article 7 All entities and individuals shall be entitled to report violations of the supervision and administrative procedures for the import of solid waste and pollutions caused by the import of solid waste to the environmental protection administrative departments, competent commerce departments, economic comprehensive macro-control departments, customs and entry-exit inspection and quarantine departments at various levels.

Chapter II General Provisions

Article 8 It shall be prohibited to import dangerous waste. The transit of dangerous waste through the territory of the People's Republic of China shall be prohibited.

It shall be prohibited to import solid waste for the purpose of heat recovery.

It shall be prohibited to import solid waste that cannot be used as raw materials or cannot be utilized through harmless treatment.

It shall be prohibited to import solid waste which is mass-produced or stored and has not been fully utilized in China.

It shall be prohibited to import solid waste for which there are no applicable compulsory requirements, such as national environmental protection and control standards or relevant technical specifications.

It shall be prohibited to transport solid waste into China in the way of delivery to order.

Article 9 Solid waste which can make up the shortage of domestic resources and can be utilized through harmless treatment and used as raw materials according to the national economic and technical conditions shall be subject to the classified restricted import and automatic licensed import management according to the pollutant discharge intensity in the process of processing and utilization.

Article 10 The environmental protection administrative department of the State Council shall, in conjunction with the competent commerce department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, formulate, adjust and publish a catalogue of solid waste prohibited or restricted from import or eligible for automatic licensed import.

Article 11 It shall be prohibited to import any solid waste included in the catalogue of solid waste prohibited from import.

The relevant license for the import of solid waste must be obtained for the import of any solid waste included in the catalogue of solid waste restricted from import or eligible for automatic licensed import.

Article 12 For the import of solid waste, measures shall be taken to prevent diffusion, loss, seepage and other environmental pollutions.

Article 13 The shipping and declaration of imported solid waste shall meet the provisions of the customs, and the relevant provisions shall be separately formulated by the General Administration of Customs.

Article 14 The imported solid waste must meet the environmental protection and control standards, the relevant technical specifications or other compulsory requirements for imported solid waste that can be used as raw materials. After inspection and quarantine, solid waste that does not meet the environmental protection and control standards, the relevant technical specifications or other compulsory requirements for imported solid waste that can be used as raw materials shall not be imported.

Article 15 Customs declaration at the “nearest port” under the principle of minimum risk shall be adopted for the application for and the examination and approval of the import of solid waste.

Article 16 The state shall apply a registration system to the overseas suppliers of imported solid waste that can be used as raw materials. An overseas supplier which exports to China solid waste that can be used as raw materials shall obtain a registration certificate issued by the quality supervision, inspection and quarantine department of the State Council.

The state shall apply a registration system to the domestic consignees of imported solid waste that can be used as raw materials. A domestic consignee importing solid waste that can be used as raw materials shall, before signing a foreign trade contract, obtain a registration certificate issued by the quality supervision, inspection and quarantine department of the State Council.

Article 17 The environmental protection administrative department of the State Council shall apply the designated enterprise accreditation management to the enterprises which process and utilize waste hardware and electrical equipment, waste electrical wires and cables, waste electric machinery and other solid waste with greater environmental risk. The relevant administrative measures shall be formulated by the environmental protection administrative department of the State Council.

Article 18 The state shall encourage the processing and utilization of solid waste restricted from import within the established parks under “enclosed management” of imported waste.

The “enclosed management” of imported waste shall meet the requirements of laws, regulations and national standards. The standards and requirements for the construction of parks under “enclosed management” of imported waste shall be formulated by the environmental protection administrative department of the State Council in conjunction with the competent commerce department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council.

Article 19 To import solid waste in the way of processing trade, an enterprise utilizing imported solid waste in an export processing zone must hold the relevant license for the import of solid waste.

To import solid waste in the way of processing trade, an enterprise utilizing imported solid waste outside an export processing zone must hold a valid Approval Certificate for Processing Trade Business issued by the competent commerce department, a valid processing trade manual (account books) verified and issued by the customs and the relevant license for the import of solid waste.

Where the solid waste imported in the way of processing trade or the finished products cannot be exported and must be sold within China for some reason, the enterprise in processing trade need not reapply for the relevant license for the import of solid waste; and the unprocessed imported solid waste may only be utilized by the enterprise itself.

Chapter III Administration of the License for the Import of Solid Waste

Article 20 The import of solid waste included in the catalogue of solid waste restricted from import shall be subject to the examination and licensing by the environmental protection administrative department of the State Council in conjunction with the foreign trade administrative department of the State Council. For the import of solid waste included in the catalogue of automatic licensed import, the automatic license formalities shall be handled according to law.

Article 21 The relevant license for the import of solid waste shall be valid in the current year only.

The relevant license for the import of solid waste may only be used within the term of validity, and shall be automatically invalidated after the term of validity expires, whether it is fully used or not.

Where the relevant license for the import of solid waste is not fully used within the term of validity for some reason, the utilization enterprise shall apply for extension to the license-issuing organ 30 days before the term of validity expires. The license-issuing organ shall reissue the relevant license for the import of solid waste after deducting the used amount, and indicate “extension” and the serial number of the original license in the remarks column.

Only one extension of the relevant license for the import of solid waste may be granted, and the extension shall not exceed 60 days.

Article 22 The relevant license for the import of solid waste shall be subject to the “one license for one customs” management. Normally, the relevant license for the import of solid waste shall be subject to the system of “non-one batch, one license;” however, if the system of “one batch, one license” is adopted, the words “one batch, one license” shall be printed in the remarks column of the license for the import of solid waste.

The term “one license for one customs” means that a relevant license for the import of solid waste may only be used for declaration at one customs; the term “one batch, one license” means that a relevant license for the import of solid waste may be used for customs declaration once within the term of validity; and the term “non-one batch, one license” means that a relevant license for the import of solid waste may be used for customs declaration many times within the term of validity, the customs shall endorse it to reduce the import quantities batch by batch, the permitted upper limit of overload shall be 3% of the actual balance in the relevant license for the import of solid waste when the final batch is imported, and whether there is any balance in the license, the customs shall endorse it and keep the original for archiving.

Article 23 Where there is any change to the matters stated in the relevant license for the import of solid waste, the utilization enterprise shall reapply for the relevant license for the import of solid waste under the application procedures.

The license-issuing organ shall, after accepting the reapplication, revoke the original license and announce the serial number of the revoked license.

Article 24 The expenses necessary for the examination, approval and administration of import of solid waste shall be governed by the relevant provisions of the state.

Chapter IV Inspection, Quarantine and Customs Formalities

Article 25 When accepting a freight business, the carrier of imported solid waste shall require the consignor to provide the following certification materials:

1. the relevant license for the import of solid waste;
2. the registration certificate of the domestic consignee of the imported solid waste that can be used as raw materials;
3. the registration certificate of the overseas supplier of the imported solid waste that can be used as raw materials; and
4. the pre-shipping inspection certificate of the imported solid waste that can be used as raw materials.

Article 26 Any imported solid waste shall be subject to the pre-shipping inspection conducted by the pre-shipping inspection institution designated by the quality supervision, inspection and quarantine department of the State Council; and a pre-shipping inspection certificate shall be issued if the inspection is passed.

After the imported solid waste is transported to the port listed in the relevant license for the import of solid waste, the domestic consignee shall apply to the entry-exit inspection and quarantine institution

at the port for inspection, on the basis of the inspection and quarantine page of the relevant license for the import of solid waste, the pre-shipment inspection certificate and other necessary documents.

The entry-exit inspection and quarantine institution shall, upon inspection and quarantine, issue a Customs Clearance Certificate for Imported Goods for the imported solid waste meeting the national environmental protection and control standards, the relevant technical specifications or other compulsory requirements, and give an indication in the column of remarks that: "Upon preliminary inspection and quarantine, no substance failing to meet the environmental protection and control standards is found"; or for the imported waste failing to meet the national environmental protection and control standards, the relevant technical specifications or other compulsory requirements, issue an Inspection and Quarantine Treatment Notice, and timely notify the customs at the port and the environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government where the port is located.

The environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government where the port is located shall, after receiving a notice on the imported solid waste's failure to pass inspection and quarantine, timely notify the environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government where the utilization enterprise is located and the environmental protection administrative department of the State Council.

Against the inspection result, the applicant shall apply for re-inspection according to the relevant provisions on the re-inspection of imported and exported commodities. The quality supervision, inspection and quarantine department of the State Council or the entry-exit inspection and quarantine institution may, according to the actualities of inspection work, conduct re-inspection jointly with the environmental protection administrative department at the same level.

Article 27 Unless it is otherwise provided for, for solid waste that can be used as raw materials in the category of restriction from import or automatic licensed import, the import examination and release formalities shall be handled at the customs on the basis of the relevant license for the import of solid waste, the Customs Clearance Certificate for Imported Goods issued by the entry-exit inspection and quarantine institution and other relevant documents.

Article 28 Against the inclusion of its imported goods in the scope of solid waste management by the customs, an importer may apply for administrative reconsideration according to law or file an administrative lawsuit with the people's court.

Where the customs suspects that the imported goods declared by the consignee of the imported goods are solid waste, it may require the consignee to deliver such goods to the inspection and quarantine department at the port for inspection on solid waste properties, and when necessary, may directly send such goods to the inspection and quarantine department at the port for inspection on solid waste properties, and deal with such goods according to the inspection result.

The inspection and quarantine department at the port shall issue an inspection result, stating whether the imported goods are solid waste.

Where the customs or the consignee raises any objection to the inspection conclusion of the inspection and quarantine department at the port, the environmental protection administrative department of the State Council shall, in conjunction with the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, designate a special identification institution to identify whether the imported goods or articles are solid waste as well as their categories.

The Guiding Rules for Identifying Solid Waste and the relevant procedures and methods for identification shall be formulated by the environmental protection administrative department of the State Council in conjunction with the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council.

During inspection or identification, the customs shall not accept an enterprise's application for secured release. The relevant expenses and losses occurring during the period of inspection or identification of goods shall be solely assumed by the consignee of the imported goods.

The identification of imported solid waste as mentioned in this Article shall be based on the Guiding Rules for Identifying Solid Waste.

Article 29 For the solid waste imported for the purpose of dumping, stacking or disposal, the import of solid waste prohibited from import, the import of solid waste without license, or the imported solid waste which fails the inspection, the customs at the port shall, according to law, order the importer or the carrier to return such solid waste in its original state to the exporting country within the prescribed time limit, the importer or the carrier shall assume the corresponding liability and expenses, without exemption from its obligation of handling customs formalities, and the importer or the carrier shall not abandon the relevant solid waste.

Where the consignee of the imported solid waste cannot be confirmed, the carrier shall apply to the customs for returning the waste, or the customs may order according to law the carrier to return the waste. The carrier shall assume the corresponding liability and expenses, without exemption from its obligation of handling customs formalities.

Article 30 For the solid waste which the party concerned refuses to return or which are still not returned abroad after three months, the customs at the port shall, in conjunction with the entry-exit inspection and quarantine institution at the port or the environmental protection administrative department at the place where the port is located, take compulsory measures against the importer or the carrier to return the waste.

Article 31 Upon application of the importer (or the carrier or the third party bearing the joint and several liability if the importer is unclear) to the customs at the port, the solid waste that cannot be returned abroad or is not returned as decided by the customs shall, by reference to the principle of proximity, be delivered by the customs in the way of auction or commission to an entity capable of harmless utilization or treatment as determined by the environmental protection administrative department of the relevant province, autonomous region or municipality directly under the Central Government, and the relevant demurrage and treatment expenses shall be assumed by the importer or the carrier if the importer is unclear.

The income from commissioned comprehensive utilization or harmless treatment after deduction of the disposal expenses shall be turned over by the entity capable of harmless utilization or treatment to the customs which shall then turn over the income to the state treasury. Without approval, the customs at any level shall not auction solid waste prohibited by the state from import. The specific administrative measures shall be separately formulated by the General Administration of Customs in conjunction with the environmental protection administrative department of the State Council.

Article 32 The customs shall notify the entry-exit inspection and quarantine institution and the environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government where the port is located of the return and other subsequent handling of solid waste.

The environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government where the port is located shall notify the environmental protection administrative department of the province, autonomous region or

municipality directly under the Central Government where the enterprise utilizing imported solid waste is located and the environmental protection administrative department of the State Council.

The entry-exit inspection and quarantine institution and the environmental protection administrative department shall deal with the relevant entities as the case may be.

Chapter V Supervision and Administration

Article 33 All imported solid waste must be utilized as raw materials by the utilization enterprise stated in the relevant license for the import of solid waste.

Article 34 An enterprise utilizing imported solid waste shall process and utilize imported solid waste in an environmentally friendly way.

An entity utilizing or disposing of imported solid waste as delivered by the customs for disposal in the form of auction or commission must comprehensively utilize or conduct harmless treatment of all the imported solid waste delivered to it.

Article 35 An enterprise utilizing imported solid waste shall maintain business records to faithfully record the source, category, weight or quantity, and whereabouts of each batch of imported solid waste, the time of receipt, dismantlement, utilization and storage, the name and contact information of the transporter, the category, weight or quantity, and whereabouts of residues after the processing and utilization of imported solid waste, etc. The business records, the relevant documents and video materials and other original certificates shall be kept for at least five years.

An enterprise utilizing imported solid waste shall, on a regular basis, conduct routine monitoring of the discharge of pollutants, and the monitoring reports shall be kept for at least five years.

An enterprise utilizing imported solid waste shall, according to the provisions of the environmental protection administrative department of the State Council, regularly report its business operations on

the imported solid waste and its environmental monitoring to the environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government where it is located. The environmental protection administrative department of the province, autonomous region or municipality directly under the Central Government shall, after summarization, report to the environmental protection administrative department of the State Council.

The importer, agent, carrier and other entities engaging in the solid waste business shall record the source, category, weight or quantity, and whereabouts of the solid waste imported on behalf of others, and accept the supervision and inspection by the relevant department. The records, the relevant documents and video materials, and other original certificates shall be kept for at least three years.

Article 36 The environmental protection administrative department of a province, autonomous region or municipality directly under the Central Government shall organize the on-site inspection and the supervisory monitoring of enterprises utilizing imported solid waste, and if finding any of the following circumstances, report it to the environmental protection administrative department of the State Council within five workdays.

1. concealing the relevant information or providing false materials in applying for the relevant license for the import of solid waste, or transferring the relevant license for the import of solid waste;
2. discharging pollutants by exceeding the national or local pollutant discharge standards or exceeding the overall control indicators;
3. failing to conduct harmless utilization or treatment of the residues from the processing and utilization of imported solid waste; or
4. failing to report business operations on imported solid waste and environmental monitoring as required, or making falsification in report.

The environmental protection administrative department of the State Council and the environmental protection administrative department of a province, autonomous region or municipality directly under the Central Government shall record the relevant information for archiving, as evidence for examining and approving the relevant license for the import of solid waste.

The environmental protection administrative departments, competent commerce departments, economic comprehensive macro-control departments, customs and entry-exit inspection and quarantine departments at all levels shall have the authority to supervise and inspect the entities related to the import of solid waste according to their respective functions.

The entities under inspection shall truthfully report the relevant information, and provide necessary materials. The inspection organ shall keep the technical secrets and business secrets of the entities under inspection.

During an on-site inspection, the inspection organ may conduct on-site monitoring, collect samples, consult or copy the relevant materials, and take other measures.

The inspectors shall show their certificates when making an on-site inspection.

Chapter VI Special Provisions on Zones and Places under Special Customs Supervision

Article 37 When solid waste is transported from abroad into a zone or place under special customs supervision, the relevant entity shall apply for the relevant license for the import of solid waste, as well as inspection and quarantine. The relevant license for the import of solid waste is not necessary if solid waste is imported to a location within China outside of the zones and places under special customs supervision or transported between the zones and places under special customs supervision.

Article 38 No entity in a zone or place under special customs supervision shall store imported solid waste in the name of entrepot goods.

Article 39 Where the defective products, waste, leftovers or disaster-ridden goods produced by an entity in a zone or place under special customs supervision are not transported out of China, if they are solid waste restricted from import or eligible for automatic licensed import, the relevant license for the import of solid waste is not required when they are transported between a location within China and the zone or place under special customs supervision or between the zones and places under special customs supervision. No inspection by the entry-exit inspection and quarantine institution is required.

Article 40 Where the defective products, waste, leftovers or disaster-ridden goods produced by an entity in a zone or place under special customs supervision are not transported out of China, if they are solid waste prohibited from import and need to be utilized or disposed of outside the zone or place, the production or collection entity shall apply to the administrative department of the zone or place under special customs supervision and the local environmental protection administrative department at the level of a districted city by submitting the following application materials:

1. a written application for transferring solid waste out of the zone or place;
2. a contract signed between the applicant and the receiving entity;
3. the business license of the receiving entity which has passed the annual inspection;
4. the production process and techniques, the component analysis reports, and the registration form of physical and chemical properties of the solid waste within the zone or place to be transferred;
5. a statement on the way of utilization or disposing of waste by the receiving entity, including the location, type and processing capacity of the facilities for utilizing or disposing of waste, the methods for treatment of the waste gas, waste water and waste residue produced during the disposal and other introductory information; and
6. materials proving that the receiving entity is able to utilize or dispose of the solid waste in the zone in an environmentally friendly manner; if the waste leaving the zone is dangerous, a photocopy of the Dangerous Solid Waste Business Permit held by the receiving entity shall be provided, to which the seal of the receiving entity shall be affixed.

Article 41 The administrative department of a zone or place under special customs supervision and the local environmental protection administrative department at the level of a districted city shall, after accepting an application for transfer out of the zone, make a decision on approval or disapproval, and the approval document shall be valid for one year.

The entry-exit inspection and quarantine institution shall, on the basis of the approval documents of the administrative department of the zone or place under special customs supervision and the local environmental protection administrative department at the level of a districted city, issue a customs clearance certificate, and exempt the solid waste from inspection. The customs shall handle the relevant formalities on the basis of the approval documents of the administrative department of the zone or place under special customs supervision and the local environmental protection administrative department at the level of a districted city.

Article 42 Where the solid waste produced by an entity in a zone or place under special customs supervision is transferred, stored or disposed of outside the zone or place in another province, an application shall be filed with the environmental protection administrative department of the relevant province, autonomous region or municipality directly under the Central Government in accordance with Article 23 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste.

Where the solid waste produced by an entity in a zone or place under special customs supervision is dangerous or is discarded electrical or electronic products, the relevant rules on the administration of dangerous waste or discarded electrical and electronic products shall be legally implemented when the solid waste leaves the zone or place.

Chapter VII Punishment Provisions

Article 43 Where, in violation of these Measures, solid waste is imported from outside the territory of the People's Republic of China for the purpose of dumping, stacking or disposition within China, solid waste prohibited from import is imported, solid waste restricted from import is imported without license, or solid waste that cannot be utilized as raw materials is imported in the name of utilization as raw materials, the customs shall hold the relevant parties legally liable 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, and the license-issuing organ may revoke the relevant license for the import of solid waste.

Where, in violation of these Measures, dangerous waste is transferred through the territory of the People's Republic of China in the name of import of solid waste, the customs shall hold the relevant parties legally liable 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, and the license-issuing organ may revoke the relevant license for the import of solid waste.

Where, in violation of these Measures, solid waste is imported by smuggling, it shall be punished by the customs according to the provisions of the relevant laws and administrative regulations; and if any crime is constituted, the violator shall be subject to criminal liability according to law.

Article 44 Solid waste that has already been illegally imported shall be dealt with according to Article 80 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste.

Article 45 Where, in violation of these Measures, the relevant license for the import of solid waste is transferred, the license-issuing organ shall revoke the relevant license for the import of solid waste; and if any crime is constituted, the violator shall be subject to criminal liability according to law.

Article 46 Where the relevant license for the import of solid waste is obtained by fraud, bribery or any other illegal means, the relevant license for the import of solid waste shall be revoked by the license-issuing organ in accordance with the Administrative License Law of the People's Republic of China; and if any crime is constituted, the violator shall be subject to criminal liability according to law.

Article 47 Where, in violation of these Measures, the harmless utilization or treatment of the residues from the processing and utilization of imported solid waste is not conducted, the local environmental protection administrative department at or above the county level shall order cessation of the illegal act and correction within a prescribed time limit, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the violator according to item (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; and if the violator fails to make correction within the prescribed time limit, the license-issuing organ may revoke the relevant license for the import of solid waste. If any environmental pollution accident is caused, it shall be dealt with in accordance with Article 82 of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste.

Article 48 Where, in violation of these Measures, the business record system is not implemented, the routine environmental monitoring is not conducted, or the solid waste import business and environmental monitoring is not reported as required, the local environmental protection

administrative department at or above the county level shall order correction within a prescribed time limit, and may impose a fine of not more than 30,000 yuan on the violator; and if the violator fails to make correction within the prescribed time limit, the license-issuing organ may revoke its relevant license for the import of solid waste.

Article 49 Where solid waste is imported in violation of the relevant provisions on inspection and quarantine, it shall be punished in accordance with the Law of the People's Republic of China on Import and Export Commodity Inspection, the Regulation on the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection and other provisions.

Where solid waste is imported in violation of the relevant provisions of the customs, it shall be punished in accordance with the Customs Law of the People's Republic of China, the Regulation on the Implementation of Administrative Punishments by the Customs of the People's Republic of China and other provisions.

Where solid waste prohibited from import is imported without approval or solid waste not meeting the compulsory requirements of national environmental protection and control standards or relevant technical specifications is imported, and the obligation of returning the solid waste has not been performed three months after the customs issues an order of return, it shall be punished by the customs in accordance with the Regulation of the Customs of the People's Republic of China on the Implementation of Administrative Punishments.

Article 50 Where any staff member for the supervision and administration of imported solid waste commits embezzlement, takes bribes, neglects duties, practices favoritism, makes falsification or abuses powers, he or she shall be subject to administrative disciplinary actions according to law; and if any crime is constituted, he or she shall be subject to criminal liability according to law.

Chapter VIII Supplementary Provisions

Article 51 Within the administrative region of a municipality directly under the Central Government or the administrative region of a county directly under a province or autonomous region, the supervisory and administrative functions performed by the environmental protection administrative department at the level of a districted city as mentioned in these Measures shall be performed by the environmental

protection administrative department of the province, autonomous region or municipality directly under the Central Government.

Article 52 Import shall be deemed to have occurred when solid waste is transported into the customs territory.

Article 53 An enterprise utilizing imported solid waste refers to an enterprise which is actually engaged in the dismantling, processing and utilization of imported solid waste.

Article 54 The import of solid waste from the Hong Kong and Macao special administration zones and Taiwan region shall be administered according to these Measures.

Article 55 These Measures shall come into force on August 1, 2011.

For discrepancies between these Measures and the relevant provisions and notices on the administration of imported solid waste issued by the environmental protection administrative department of the State Council, the competent commerce department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council according to their respective functions before these Measures come into force, these Measures shall prevail.