

**Circular of the General Office of State Environmental Protection Administration on Some Issues Concerning the Approval Administration of Wastes Restricted from Import**

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Department: STATE ENVIRONMENTAL PROTECTION ADMINISTRATION

Subject: IMPORT & EXPORT LICENSING & ADMINISTRATION

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Circular of the General Office of State Environmental Protection Administration on Some Issues Concerning the Approval Administration of Wastes Restricted from Import

(No. 61 [2003] of the State Administration of Environmental Protection)

Sino-Japanese Friendship Environmental Protection Centers of the Environmental Protection Administration of all provinces, autonomous regions, and municipalities directly under the Central Government,

In order to regulate the approval work of the wastes restricted from import used as raw material (hereinafter referred to as "imported wastes") and the administration of Certificate of Approval for the import of wastes, and in light of the "Circular on Relevant Issues Concerning the Environmental Administration of Wastes Restricted from Import"(No.69 [2003] of the State Administration of Environmental Protection) and "Circular on Relevant Issues Concerning the Authorization to the Sino-Japanese Friendship Environmental Protection Centers to Examine and Approve Imported Wastes " (No.138[2003] of the State Administration of Environmental Protection), this Circular on relevant issues is hereby issued to you,

I. Acceptance of applications for the import of wastes

1. The Registration Administration Center for Imported Wastes in Sino-Japanese Friendship Environmental Protection Center (hereinafter referred to as "Registration Center for Wastes Import") is responsible for the specific administrative work for the examination and approval of import of wastes.

2. The entities utilizing the wastes should provide the following materials when applying for the import of wastes:

(1)An application (see attachment) for wastes restricted from import to be used as raw materials, bearing the seal of the applicant entity;

(2)Report on the evaluation of the environmental risks for import of wastes;

(3)The photocopy of the original or the duplicate of the business license of the entity utilizing the wastes that has passed the annual inspection; and

(4)Other materials as required.

3. Application materials for the import of wastes should be sent by mail or by any other means to the Registration Center for Import of Wastes together with the checklist made by the competent administrative departments of environmental protection at the provincial level after passing the initial examination of the environmental protection bureau on the prefecture level of the place where the entity is located and obtaining the consent of the provincial administration (department) of environmental protection.

In special circumstances when the application materials are sent by the very entity that utilizes the wastes, they must be stamped and sealed by the competent administrative departments of environmental protection at the provincial level. And the Imported Wastes Registration Center should accept the application upon receiving the recommendations from the competent administrative departments of environmental protection at the provincial level where the entity that utilizes the wastes is located.

## II. Examination and Approval of Import of Wastes

1. The Registration Center for Imports of Wastes should check the total amount of the approval of each entity processing and utilizing the wastes and the number of Certificates issued each year upon the suggestion of the competent administrative departments of environmental protection at the provincial level, and issue all the Certificates of Approval for Imports of Wastes at one time or at different times in light of the specific circumstances.

2. In the examination and approval of the port for the import of wastes, the principle of examination and approval by the closest authority available shall be adhered to, and for each Certificate of Approval for import of wastes, there shall not be any more than three ports.

3. For any application that meets the requirements, the Registration Center for Import of Wastes should issue the Certificate of Approval for Import of Wastes within 10 working days from the date of receiving the application. In case of special circumstances, it shall issue the Certificate within no more than 20 working days.

4. No Certificate of Approval for Import of Wastes can be issued in any of the following situations:

- (1) Enterprises shutdown and closed by the government publicly;
- (2) Enterprises with outdated production techniques or outmoded equipment, and causing serious pollutions;
- (3) Enterprises illegally transferring, buying or selling Certificate of Approval for Imports of Wastes;
- (4) Enterprises illegally transferring or buying and selling imported wastes;
- (5) Enterprises with falsified application materials or other deceptive behaviors;
- (6) Enterprises violating any of the laws, regulations or policies of the state; and
- (7) Other situations forbidden to import of wastes as provided by the State Environmental Protection Administration.

## III. Administration of the Certificate of Approval for Import of Wastes

1. Certificates of Approval for Import of Wastes should be endorsed by the Customs in the registration form of Certificates of Approval for Imports of Wastes, and then the Customs should check and decrease the amount of wastes imported for each batch. For Certificates of Approval for Import of Wastes issued after July 1, 2003, so long as the Import Registration Form has been filled in, the Certificates of Approval for Import of Wastes would be invalidated automatically, regardless of the full amount of wastes having been imported.

2. The Certificate of Approval for Import of Wastes shall be valid for a term of one year, calculating from the date of approval.

The Certificate of Approval for Import of Wastes could be extended, within its term of validity, for once only for a term of not more than six months.

3. For the Certificate of Approval for Import of Wastes issued at different times, the entities that utilize the wastes could apply directly to the provincial administration of environmental protection for the Certificate of Approval for the next batch of wastes to be imported. The provincial administration of environmental protection should report to the Registration Center for Import of Wastes to check and issue the Certificate of Approval for Import of Wastes for the next batch of wastes import after granting approval thereto.

4. In case any Certificate of Approval for Import of Wastes needs to be prolonged or altered for any reason, the entities utilizing the imported wastes could apply directly to the provincial administration for environmental protection within the valid term of the Certificate of Approval for Imports of Wastes, who will report to the Registration Center for Import of Wastes to check and issue the Certificate of Approval for Imports of Wastes after granting approval.

The Registration Center for Import of Wastes should reissue the Certificate of Approval for Imports of Wastes after taking back the former Certificate and deducting the amount used. Where the Certificate is altered, the valid term thereof shall not be changed.

5. In case any Certificate of Approval for Import of Wastes gets lost and needs to be reissued, the entity utilizing wastes could apply directly to the Registration Center for Import of Wastes for reissuing Certificate of Approval for Import of Wastes within the valid term. The following materials should be submitted to the Registration Center when filing an application:

- (1) Proof of case report brought forth by the public security organs;
- (2) The copy of newspaper report stating the cancellation of the Certificate of Approval for Import of Wastes in a national comprehensive or economic newspapers;
- (3) Proof on the use of the former Certificate of Approval for Import of Wastes produced by the Customs.

Registration Center for Import of Wastes shall, after verification upon examination, deduct the amount already used in the original Certificate of Approval for Import of Wastes, issue a new Certificate, and inform us of the cancellation of the Certificate.

#### IV. Stipulations on the approval of import of waste electrical equipment, waste electrical wires and cable and waste electric machinery

1. The entities processing and utilizing the imported waste electrical equipment, waste electrical wires and cable and waste electric machinery, must be the fixed processing and utilizing entities approved by the State Environmental Protection Administration.

2. Certificates of Approval for import of waste electrical equipment, waste electrical wires and cable and waste electric machinery should be effective for the year of approval. In case any special situation arises, which causes the entity to use the Certificate in the next year or to apply for extension, with the valid term not exceeding March 31 of the next year.

3. Certificate of Approval for import of waste electrical equipment, waste electrical wires and cable and waste electric machinery should be issued by the Registration Center for Import of Wastes at different times. The total amount of wastes import approved for at each issue should not exceed 50% of the total amount approved to the entities that process and utilize the wastes of that year, unless it is otherwise provided by the Sate Environmental Protection Administration.

4. The entities processing and utilizing the imported waste electrical equipment, waste electrical wire and cable and waste electric machinery in Beijing, Tianjin, Northeastern and Northern China, can not import wastes from Guangdong port; other entities outside Guangdong province can only import wastes from the key ports supervised by relevant departments of the State in case that they need to import wastes from Guangdong for special purposes.

5. The entities processing and utilizing imported waste electrical equipment, waste electrical wire and cable and waste electric machinery, should elaborate on the use of all kinds of components of the imported wastes in the application materials and attach the checking and approval opinions of the competent administrative departments of environmental protection at the provincial level when applying for the Certificate of Approval for Import of wastes for the next batch, or applying for prolonging, altering or reissuing Certificate of Approval for import of wastes.

Attachment: Application for the restricted list of import of wastes used as raw material(Omitted)

July 7, 2003