

# Decree No.8, 2007 of Ministry of Commerce on Promulgating Measures for Administration of Renewable Resources

No.8

The Measures for Administration of Renewable Resources have been deliberated and approved at the 5th ministerial meeting of Ministry of Commerce on May 17, 2006, and ratified by National Development and Reform Commission, Ministry of Public Security, Ministry of Construction, State Administration for Industry and Commerce and State Environmental Protection Administration. They are hereby announced and shall enter into force as of May 1, 2007.

**Minister: Bo Xilai**

**Director: Ma Kai**

**Minister: Zhou Yongkang**

**Minister: Wang Guangtao**

**Director: Zhou Bohua**

**Director: Zhou Shengxian**

**Mar 27, 2007**

## Measures for Administration of Renewable Resources

### Chapter 1 General Rules

**Article 1** For purposes of promoting recovery of renewable resources, regulating development of renewable resources recovery industry, economizing resources, protecting environment and realizing economic and social sustainable development, these Measures are formulated under the Law of Clean Production Promotion of the People's Republic of China and Law on the Prevention and Control of Environmental Pollution by Solid Wastes and other relevant laws and regulations.

**Article 2** The renewable resources as mentioned in these Measures refer to all kinds of wastes that are generated in social production and living and consumption, and that have lost all or part of their use value, but can regain use value through recovery and processing.

Renewable resources include metallic scrap, discarded electronic products, mechanical and electric equipments and parts, waste paper making materials (such as waste paper and cotton), waste materials for light chemical industry (such as rubber, plastics, packing of pesticide, animal bones and hairs) and waste glass as well.

**Article 3** Enterprises and owners of self-employed businesses who undertake business of renewable resources recovery within the territory of the People's Republic of China (hereinafter referred to as "business operator of renewable resources recovery") shall comply with these Measures.

Where it is otherwise provided in other laws and regulations in terms of the administration on recovery of imported solid wastes, hazard wastes and discarded automobiles, such provisions shall prevail.

**Article 4** The state encourages people from all circles as well as urban and rural areas to accumulate and sell renewable resources.

**Article 5** The state encourages renewable resources recovery and disposal of innocuity. Relevant scientific research, technical development and promotion are also encouraged.

### Chapter 2 Operation Rules

**Article 6** To engage in renewable resources recovery business, an enterprise must meet the registration requirements of industrial and commercial administration. It can start business only after getting business licenses.

**Article 7** Operators engaging in renewable resources recovery business shall be filed with departments of commercial administration or authorized institutions thereof which shall be the same level with the departments of industrial and commercial administration where they are registered in line with the principal of dependency administration within 30 days after obtaining business license.

In case of any alteration, operators of renewable resources recovery business shall go through formalities of alteration with departments of commercial administration within 30 days as of the alteration (those belonged to industrial and commercial registration shall be filed in 30 days since the alteration of industrial and commercial registration).

**Article 8** Enterprises engaging in recovery of producing waste metals and operators of non-producing waste metals shall register with public security organs of the people's government of the county level within 15 days after obtaining business in addition to registration with departments of commercial administration in accordance with article 7 of these Measures.

In case of any alteration of registered items, operators of renewable resources as mentioned in the preceding paragraph shall go through alteration formalities with public security organs of the people's government of the county level within 15 days as of the alteration (where an item falls within the industrial and commercial registration, it shall be dealt with within 15 days as of the alteration of industrial and commercial registration).

**Article 9** A producing enterprise and an enterprise of renewable resources recovery shall trade the producing waste metals by means of contract of purchase, in which Such matters as the name, quantity, specifications, recovery terms, and settlement of producing waste metal shall be specified.

**Article 10** When reclaiming producing waste metals, an enterprise of renewable resources recovery shall according to the facts, conduct registration of the name, quantity, specifications as well as the aging degree. As regards an entity seller, the certification issued thereby shall be checked, and record the name of the entity and the name, address and ID card number of the preparer shall be registered according to the facts; as regards an individual seller, the name, address and ID card number thereof shall be registered according to the facts. The registration materials shall be kept for at least 2 years.

**Article 11** If any stolen goods or suspected stolen goods wanted by public security organs are found in business activity, enterprises of renewable resources recovery shall report to public security organs immediately.

The public security organs shall seize stolen goods or suspected stolen goods found in business operation of renewable resources recovery in accordance with law and list the seized goods. If the suspected stolen goods are proved of no stolen goods, they shall be returned in time; those proven to be stolen goods shall be dealt with in line with the state regulations.

**Article 12** The whole process of collecting, storage, transportation and disposal of renewable resources shall be carried out in accordance with the relevant pollution prevention standards, technical policies and the state specifications.

**Article 13** Business operators of renewable resources shall comply with relevant regulations of second hand goods circulation to undertaking business of second-hand goods purchase, sales, storage and transportation.

**Article 14** The recovery of the renewable resources may be carried out by means of door-to-door recovery, itinerant recovery and recovery at certain places.

Business operator of recovery of the renewable resources may contact residents and enterprises by means of phone and internet so as to provide convenient and quick recovery.

## Chapter 3 Supervision and Administration

**Article 15** Departments of commercial administration are in charge of the industry of renewable resources recovery, and responsible for stipulation and implementation of industrial policies of renewable resources recovery, recovery standards and program of recovery industry development as well.

Departments of development and commission are responsible for research and putting forward policies to promote development of renewable resources, organize to adopt new technologies, promote application of new facilities and carry out industrialization demonstration.

Public security organs are in charge of management of public security of renewable resources recovery.

Departments of industrial and commercial administration are responsible for registration administration on business operators of renewable resources recovery, and supervision and administration on trade market of renewable resources.

Departments of environmental protection are responsible for supervision and administration on work of environmental pollution prevention during process of recovery.

Departments of construction and town and country planning are in charge of bringing renewable resources recovery net into the city planning, as well as examining and rectifying violations of relevant regulations on city planning and construction administration.

**Article 16** Ministry of Commerce is responsible for stipulation and implementation of industrial policies of renewable resources recovery, recovery standards and program of recovery industry development as well.

Departments of commercial administration above county-level are responsible for stipulation and implementation of specific industrial development program and other measures in the region of administration.

Departments of commercial administration above county-level shall set up authorities in charge of the administration of renewable resources recovery industry and assign the relevant personnel.

**Article 17** Departments of commercial administration above county-level shall, in collaboration with department of development and reform (economic and trade), public security, industry and commerce, environmental protection, construction, rural and urban planning, formulate program of renewable resources recovery net in line with specific status of development level of local economy, population density, environment and resource as well according to principals of overall planning and rational distribution.

Renewable resources recovery nets include all kinds of places where the renewable resources are reclaimed, transferred, distributed and processed.

**Article 18** When trans-regional transferring is needed for storage and disposal, administrative license shall be dealt with in accordance with Article 23 of Law on the Prevention and Control of Environmental Pollution by Solid Wastes.

**Article 19** An association of renewable resources recovery industry is an industrial self-discipline organization, which shall perform the following duties:

- (1) to feedback suggestions and requirements of enterprises and safeguard industrial interest;
- (2) to formulate criterions of self-discipline and supervise the implementation;
- (3) to carry out industrial statistics, survey if authorized by laws and regulations or administrative department, and release industrial information; and

(4) to cooperate administrative departments to carry out research and stipulate industrial development program, policies and recovery standard.

Associations of renewable resources recovery industry shall follow instructions of the relevant administrative departments.

## Chapter 4 Penalty Rules

**Article 20** Enterprises or individuals undertake renewable resources recovery without business license shall be punished by department of industrial and commercial administration in accordance with Measures on Investigating, Punishing and Stamping out Operation without Business License.

If an enterprise engages in what are beyond the business scope approved by industrial and commercial departments, it shall be imposed upon a punishment according to the relevant regulations.

**Article 21** Those who violate regulations of Article 7 of these Measures should be warned by departments of commercial administration and ordered to correct in definite time period; those who refuse to correct shall be fined no less than 500 yuan and no more than yuan according to specific conditions. Departments of commercial administration may also announce the violation to the public.

**Article 22** Those who violate regulations of Article 8 of these Measures should be warned by public security organs and ordered to correct in definite time period; those who refuse to correct shall be fined no less than 500 yuan and no more than yuan according to specific conditions. Public security organs may also announce the violation to the public.

**Article 23** Public security organs shall punish enterprises of renewable resources recovery that go against Paragraph 1 and Paragraph 2 of Article 10 of these Measures and fail to register the true information when producing waste metals in line with relevant regulations of Measures for Administration on Public Security of Waste Metal Purchasing Industry.

**Article 24** Those who go against Paragraph 3 of Article 10 of these Measures shall be ordered by public security organs to correct and be fined no less than 500 yuan and no more than 1000 yuan.

**Article 25** Those who go against Article 11 of these Measures and fail to report to public security organs after finding stolen goods or suspected stolen goods shall be warned and imposed upon a fine of no less than 500 yuan and no more than 1000yuan; those who cause serious consequences or refuse to mend their ways despite repeated admonitions shall be imposed upon a fine of no less than 1000 yuan and no more than 5000 yuan.

**Article 26** In case of graft or serious dereliction of duty, abuse of power, practicing favouritism and taking bribes on the part of any personnel of administrative departments harming interests of business operators of renewable resources, the relevant departments shall impose administrative punishment upon the said personnel in line with specific situations. Where a crime is constituted, the said personnel shall be subject to criminal liabilities under law.

## Chapter 5 Supplementary Rules

**Article 27** The term "producing waste metal" as mentioned in these Measures refers to metal materials and metals products that are used in construction, railway, communication, electric power, water conservancy, oil field, public utilities and other fields, and now lose all or part of use value.

**Article 28** These Measures are subject to the interpretation of Ministry of Commerce, National Development and Reform Commission, Ministry of Public Security, State Administration for Industry and Commerce, State Environmental Protection Administration and Ministry of Construction.

Departments of commercial administration above county-level shall, together with department of development and reform (economic and trade), public security, industry and commerce, environmental protection, construction, rural and urban planning of all provinces, autonomous regions and municipalities may, pursuant to these Measures, formulate detailed rules for implementation with reference to real situation of local economic development.

**Article 29** These Measures shall enter into force as of May 1, 2007.

