

【Title】 Regulation on the Administration of the Recovery and Disposal of Waste Electrical and Electronic Products^[现行有效]

【法规标题】 废弃电器电子产品回收处理管理条例 [Effective]

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(No. 551)

The Regulation on the Administration of the Recovery and Disposal of Waste Electrical and Electronic Products, which was adopted at the 23 executive meeting of the State Council on August 20, 2008, is hereby promulgated and shall come into force on January 1, 2011.

Premier Wen Jiabao

February 25, 2009

Regulation on the Administration of the Recovery and Disposal of Waste Electrical and Electronic Products

中华人民共和国国务院令
(第 551 号)

(相关资料: [行政法规 1 篇](#) [部门规章 8 篇](#) [地方法规 4 篇](#))

《废弃电器电子产品回收处理管理条例》已经 2008 年 8 月 20 日国务院第 23 次常务会议通过, 现予公布, 自 2011 年 1 月 1 日起施行。

总 理 温家宝
二〇〇九年二月二十五日

废弃电器电子产品回收处理管理条例

Chapter I General Provisions

Article 1 For purposes of regulating the recovery and disposal of waste electrical and electronic products, promoting the comprehensive resource utilization and the development of circular economy, protecting the environment, and safeguarding the human health, this Regulation is formulated according to the relevant provisions of [the Law of the People's Republic of China on Promoting Clean Production](#) and [the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes](#).

Article 2 The term "disposal of waste electrical and electronic products" as mentioned in this Regulation refers to such activities as disassembling waste electrical and electronic products, extracting substances therefrom as raw materials or fuel, reducing the quantity of existing waste electrical and electronic products by means of changing the physical or chemical properties of such products, reducing or eliminating their hazardous elements, and finally putting them at the landfills meeting the requirements for environmental protection, but excludes such activities as

第一章 总则

第一条 为了规范废弃电器电子产品的回收处理活动, 促进资源综合利用和循环经济发展, 保护环境, 保障人体健康, 根据《[中华人民共和国清洁生产促进法](#)》和《[中华人民共和国固体废物污染环境防治法](#)》的有关规定, 制定本条例。

第二条 本条例所称废弃电器电子产品的处理活动, 是指将废弃电器电子产品进行拆解, 从中提取物质作为原材料或者燃料, 用改变废弃电器电子产品物理、化学特性的方法减少已产生的废弃电器电子产品数量, 减少或者消除其危害成分, 以及将其最终置于符合环境保护要求的填埋场的活动, 不包括产品维修、

product repair and refurbishment and reuse of such repaired or refurbished products as secondhand goods.

Article 3 This Regulation shall apply to the recovery, disposal and other relevant activities of waste electrical and electronic products listed in the Catalogue of Waste Electrical and Electronic Products for Disposal (hereinafter referred to as the "Catalogue").

The competent department of comprehensive resource utilization of the State Council shall, in conjunction with the competent departments of environmental protection, industry and information technology, etc. of the state council, formulate and adjust the Catalogue, report it to the State council for approval, and implement it after it is approved by the State Council.

Article 4 The competent department of environmental protection of the State Council shall, in conjunction with the competent departments of comprehensive resource utilization and industry and information technology of the State Council, take charge of working out the policies and measures for the recovery and disposal of waste electrical and electronic products and coordinating the implementation thereof, and take charge of supervising and administering the disposal of waste electrical and electronic products. The competent department of commerce of the State Council shall take charge of administering the recovery of waste electrical and electronic products. The competent departments of public finance, industry and commerce, quality supervision, taxation, customs, etc. of the State Council shall take charge of the relevant administrative work within their respective functions.

Article 5 The state shall adopt a system of multi-channel recovery and centralized disposal of waste electrical and electronic products.

Article 6 The state shall adopt a qualification approval system for the disposal of waste electrical and electronic products. The competent department of environmental protection of the people's government of a districted city shall take charge of examining and approving the qualifications of the enterprises disposing of waste electrical and electronic products (hereinafter referred to as the "disposing enterprises").

Article 7 The state shall establish a fund for the disposal of waste electrical and electronic products to provide subsidies for the expenses for recovering and disposing of waste electrical and electronic products. The producers of electrical and electronic products, the consignees of imported electrical and electronic products and their agents shall, according to the relevant provisions, perform their obligation of payment to the fund for the disposal of waste electrical and electronic products. The fund for the disposal of waste electrical and electronic products shall

翻新以及经维修、翻新后作为旧货再使用的活动。

第三条 列入《废弃电器电子产品处理目录》（以下简称《目录》）的废弃电器电子产品的回收处理及相关活动，适用本条例。

国务院资源综合利用主管部门会同国务院环境保护、工业信息产业等主管部门制订和调整《目录》，报国务院批准后实施。

第四条 国务院环境保护主管部门会同国务院资源综合利用、工业信息产业主管部门负责组织拟订废弃电器电子产品回收处理的政策措施并协调实施，负责废弃电器电子产品处理的监督管理工作。国务院商务主管部门负责废弃电器电子产品回收的管理工作。国务院财政、工商、质量监督、税务、海关等主管部门在各自职责范围内负责相关管理工作。

第五条 国家对废弃电器电子产品实行多渠道回收和集中处理制度。

第六条 国家对废弃电器电子产品处理实行资格许可制度。设区的市级人民政府环境保护主管部门审批废弃电器电子产品处理企业（以下简称处理企业）资格。

第七条 国家建立废弃电器电子产品处理基金，用于废弃电器电子产品回收处理费用的补贴。电器电子产品生产者、进口电器电子产品的收货人或者其代理人应当按照规定履行废弃电器电子产品处理基金的缴纳义务。

废弃电器电子产品处理基金应当纳入预算管理，其征收、使用、管理的具体办

be brought into the budget management. The specific measures for its levy, use and management shall be formulated by the department of public finance of the State Council in conjunction with the competent departments of environmental protection, comprehensive resource utilization, and industry and information technology of the State Council, and be implemented after being reported to and approved by the State Council.

During the formulation of the standards for the levy of the fund for the disposal of waste electrical and electronic products and the subsidy standards, the opinions of the enterprises producing electrical and electronic products, the disposing enterprises, the relevant industrial associations and experts shall be fully heeded.

Article 8 The state shall encourage and support the scientific research, the technological development, the research on relevant technical standards, and the demonstration, popularization and application of new technologies, new processes and new equipment, with respect to the disposal of waste electrical and electronic products.

Article 9 The waste electrical and electronic products prohibited by the state from being imported shall not be imported.

Chapter II Responsibilities of Related Parties

Article 10 The producers of electrical and electronic products, the consignees of imported electrical and electronic products or their agents shall produce or import electrical and electronic products which conform to the relevant provisions of the state on the pollution control of electrical and electronic products, adopt designing plans favorable to the comprehensive resource utilization and innocuous disposal, and use non-toxic, non-hazardous, lowly toxic or lowly hazardous materials which can be conveniently recycled.

Such information as content of relevant toxic or hazardous substances and prompt on recovery and disposal shall be stated on the electrical and electronic products or in the product instructions according to the relevant provisions.

Article 11 The state shall encourage the producers of electrical and electronic products to recover waste electrical and electronic products by themselves or by entrusting distributors, repair institutions, after-sales service institutions or operators dealing in the recovery of waste electrical and electronic products. The distributors, repair institutions and after-sales service institutions of electrical and electronic products shall set up prompts on the recovery and disposal of waste electrical and electronic products in the conspicuous positions of their business premises. The recovered waste electrical and electronic products shall be disposed

法由国务院财政部门会同国务院环境保护、资源综合利用、工业信息产业主管部门制订，报国务院批准后施行。

制订废弃电器电子产品处理基金的征收标准和补贴标准，应当充分听取电器电子产品生产企业、处理企业、有关行业协会及专家的意见。

第八条 国家鼓励和支持废弃电器电子产品处理的科学研究、技术开发、相关技术标准的研究以及新技术、新工艺、新设备的示范、推广和应用。

第九条 属于国家禁止进口的废弃电器电子产品，不得进口。

第二章 相关方责任

第十条 电器电子产品生产者、进口电器电子产品的收货人或者其代理人生产、进口的电器电子产品应当符合国家有关电器电子产品污染控制的规定，采用有利于资源综合利用和无害化处理的设计方案，使用无毒无害或者低毒低害以及便于回收利用的材料。

电器电子产品上或者产品说明书中应当按照规定提供有关有毒有害物质含量、回收处理提示性说明等信息。

第十一条 国家鼓励电器电子产品生产者自行或者委托销售者、维修机构、售后服务机构、废弃电器电子产品回收经营者回收废弃电器电子产品。电器电子产品销售者、维修机构、售后服务机构应当在其营业场所显著位置标注废弃电器电子产品回收处理提示性信息。回收的废弃电器电子产品应当由有废弃电器电子产品处理资格的处理企业处

of by the disposing enterprises with the qualifications for disposing of waste electrical and electronic products.

Article 12 The operators dealing in the recovery of waste electrical and electronic products shall provide the users of electrical and electronic products with convenient and rapid recovery services in various ways. To dispose of the recovered waste electrical and electronic products, an operator dealing in the recovery of waste electrical and electronic products shall obtain the qualification for disposing of waste electrical and electronic products according to this Regulation; if it fails to obtain the qualification for disposal, it shall deliver the recovered waste electrical and electronic products to a disposing enterprise with the qualification for disposing of waste electrical and electronic products for disposal. The recovered electrical and electronic products which are sold after repair must meet such mandatory requirements of the national technical specifications as protecting the human health and personal and property safety, and be marked as secondhand goods in conspicuous positions. The specific measures for the administration thereof shall be formulated by the competent department of commerce of the State Council.

Article 13 Organs, groups, enterprises and public institutions which deliver waste electrical and electronic products to the disposing enterprises with the qualification for disposing of waste electrical and electronic products for disposal shall handle the formalities for asset write-off according to the relevant provisions of the state. The disposal of waste electrical and electronic products involving state secrets shall be subject to the confidentiality provisions of the state.

Article 14 The state shall encourage the disposing enterprises to form long-term relationships with the relevant producers and distributors of electrical and electronic products, operators dealing in the recovery of waste electrical and electronic products, etc. for the recovery and disposal of waste electrical and electronic products.

Article 15 The disposal of waste electrical and electronic products shall meet the relevant requirements of the state for the comprehensive resource utilization, environmental protection, labor safety and protection of human health. It shall be prohibited to dispose of waste electrical and electronic products by technologies and processes which have been expressly eliminated by the state.

Article 16 The disposing enterprises shall establish a daily environment monitoring system for the disposal of waste electrical and electronic products.

理。

第十二条 废弃电器电子产品回收经营者应当采取多种方式为电器电子产品使用者提供方便、快捷的回收服务。废弃电器电子产品回收经营者对回收的废弃电器电子产品进行处理，应当依照本条例规定取得废弃电器电子产品处理资格；未取得处理资格的，应当将回收的废弃电器电子产品交有废弃电器电子产品处理资格的处理企业处理。回收的电器电子产品经过修复后销售的，必须符合保障人体健康和人身、财产安全等国家技术规范的强制性要求，并在显著位置标识为旧货。具体管理办法由国务院商务主管部门制定。

第十三条 机关、团体、企事业单位将废弃电器电子产品交有废弃电器电子产品处理资格的处理企业处理的，依照国家有关规定办理资产核销手续。处理涉及国家秘密的废弃电器电子产品，依照国家保密规定办理。

第十四条 国家鼓励处理企业与相关电器电子产品生产者、销售者以及废弃电器电子产品回收经营者等建立长期合作关系，回收处理废弃电器电子产品。

第十五条 处理废弃电器电子产品，应当符合国家有关资源综合利用、环境保护、劳动安全和保障人体健康的要求。禁止采用国家明令淘汰的技术和工艺处理废弃电器电子产品。

第十六条 处理企业应当建立废弃电器电子产品处理的日常环境监测制度。

Article 17 A disposing enterprise shall establish an information management system for data on waste electrical and electronic products, and report the basic data and relevant information on the disposal of waste electrical and electronic products to the competent department of environmental protection of the people's government of a districted city where it is located. The basic data on the disposal of waste electrical and electronic products shall be kept for a period of not less than three years.

Article 18 The disposing enterprises shall, according to relevant provisions of the state, enjoy tax preferential treatments when disposing waste electrical and electronic products.

Article 19 Entities and individuals which recover, store, transport or dispose of waste electrical and electronic products shall comply with the provisions of the state on environmental protection and environmental hygiene.

Chapter III Supervision and Administration

Article 20 The competent departments of comprehensive resource utilization, quality supervision, environmental protection, industry and information technology, etc. of the State Council shall, according to their prescribed functions, formulate the relevant policies and technical specifications for the disposal of waste electrical and electronic products.

Article 21 The competent department of environmental protection of the people's government at the provincial level shall, in conjunction with the competent departments of comprehensive resource utilization, commerce and industry and information technology at the same level, make the local development planning for the disposal of waste electrical and electronic products, and file it with the competent department of environmental protection of the State Council.

The local people's government shall bring the infrastructure construction for the recovery and disposal of waste electrical and electronic products into its urban and rural planning.

Article 22 No enterprise may engage in the disposal of waste electrical and electronic products unless it has obtained the qualification for disposing of waste electrical and electronic products, made registration according to [the Regulation of the People's Republic of China on the Administration of Company Registration](#) and other provisions, and expressly stated the disposal of waste electrical and electronic products in its business scope.

Except as provided for in Article 34 of this Regulation, no entity or individual which has not obtained the qualification for disposing of waste electrical and electronic products may dispose of waste electrical and

第十七条 处理企业应当建立废弃电器电子产品的数据信息管理系统，向所在地的设区的市级人民政府环境保护主管部门报送废弃电器电子产品处理的基本数据和有关情况。废弃电器电子产品处理的基本数据的保存期限不得少于 3 年。

第十八条 处理企业处理废弃电器电子产品，依照国家有关规定享受税收优惠。

第十九条 回收、储存、运输、处理废弃电器电子产品的单位和个人，应当遵守国家有关环境保护和环境卫生管理的规定。

第三章 监督管理

第二十条 国务院资源综合利用、质量监督、环境保护、工业信息产业等主管部门，依照规定的职责制定废弃电器电子产品处理的相关政策和技术规范。

第二十一条 省级人民政府环境保护主管部门会同同级资源综合利用、商务、工业信息产业主管部门编制本地区废弃电器电子产品处理发展规划，报国务院环境保护主管部门备案。
地方人民政府应当将废弃电器电子产品回收处理基础设施建设纳入城乡规划。

第二十二条 取得废弃电器电子产品处理资格，依照《[中华人民共和国公司登记管理条例](#)》等规定办理登记并在其经营范围中注明废弃电器电子产品处理的企业，方可从事废弃电器电子产品处理活动。

除本条例第三十四条规定外，禁止未取得废弃电器电子产品处理资格的单位和个人处理废弃电器电子产品。

electronic products.

Article 23 To apply for the qualification for disposing of waste electrical and electronic products, an applicant shall meet the following conditions:

- (1) Having sound facilities for the disposal of waste electrical and electronic products;
- (2) Having a plan for the proper use or disposal of waste electrical and electronic products which cannot be fully disposed of;
- (3) Having the sorting, packing and other equipment appropriate for the waste electrical and electronic products to be disposed of; and
- (4) Having the relevant technical professionals on safety, quality and environmental protection.

Article 24 To apply for the qualification for disposing of waste electrical and electronic products, an applicant shall submit a written application to the competent department of environmental protection of the people's government of a districted city where it is located, and provide relevant certification materials. The competent department of environmental protection accepting the application shall complete the examination and make a decision on approval or disapproval within 60 days from the receipt of complete application materials.

Article 25 The competent departments of environmental protection of the local people's governments at and above the county level shall strengthen the supervisory inspection of the disposal of waste electrical and electronic products in such manners as documentary examination and field inspection.

Article 26 Any entity or individual shall have the right to report a violation of this Regulation to the relevant department. The relevant department shall keep the informant confidential and timely handle the reported violation according to law.

Chapter IV Legal Liabilities

Article 27 Where, in violation of this Regulation, a producer of electrical and electronic products, a consignee of imported electrical and electronic products, or an agent thereof fails to state such information as content of toxic or hazardous substances and prompts on recovery and disposal on the produced or imported electrical and electronic products or in the product instructions according to the relevant provisions, the product quality supervision department of the local people's government at or above the county level shall order it to correct within a prescribed time limit and impose a fine of not more than 50,000 yuan on it.

Article 28 Whoever, in violation of this Regulation, engages in the disposal of waste electrical and electronic products without obtaining the

第二十三条 申请废弃电器电子产品处理资格，应当具备下列条件：

- （一）具备完善的废弃电器电子产品处理设施；
- （二）具有对不能完全处理的废弃电器电子产品的妥善利用或者处置方案；
- （三）具有与所处理的废弃电器电子产品相适应的分拣、包装以及其他设备；
- （四）具有相关安全、质量和环境保护的专业技术人员。

第二十四条 申请废弃电器电子产品处理资格，应当向所在地的设区的市级人民政府环境保护主管部门提交书面申请，并提供相关证明材料。受理申请的环境保护主管部门应当自收到完整的申请材料之日起 60 日内完成审查，作出准予许可或者不予许可的决定。

第二十五条 县级以上地方人民政府环境保护主管部门应当通过书面核查和实地检查等方式，加强对废弃电器电子产品处理活动的监督检查。

第二十六条 任何单位和个人都有权对违反本条例规定的行为向有关部门检举。有关部门应当为检举人保密，并依法及时处理。

第四章 法律责任

第二十七条 违反本条例规定，电器电子产品生产者、进口电器电子产品的收货人或者其代理人生产、进口的电器电子产品上或者产品说明书中未按照规定提供有关有毒有害物质含量、回收处理提示性说明等信息的，由县级以上地方人民政府产品质量监督部门责令限期改正，处 5 万元以下的罚款。

第二十八条 违反本条例规定，未取得废弃电器电子产品处理资格擅自从事废弃

qualification for disposing of waste electrical and electronic products shall be punished by the administrative organ for industry and commerce according to [the Measures for Investigating, Punishing and Banning Unlicensed Business Operations](#).

Where the said violator is found by the competent department of environmental protection, the competent department of environmental protection of the people's government at or above the county level shall order it to cease or close business, confiscate its illegal gains, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan on it.

Article 29 Where anyone, in violation of this Regulation, disposes of waste electrical and electronic products by technologies and processes which have been expressly eliminated by the state, the competent department of environmental protection of the people's government at or above the county level shall order it to correct within a prescribed time limit; if the circumstances are serious, the competent department of environmental protection of the people's government of a districted city shall, according to law, suspend or even revoke its qualification for disposing of waste electrical and electronic products.

Article 30 Whoever causes environmental pollution due to the disposal of waste electrical and electronic products shall be punished by the competent department of environmental protection of the people's government at or above the county level according to the relevant provisions on the prevention and control of environmental pollution by solid wastes.

Article 31 Where, in violation of this Regulation, a disposing enterprise fails to establish an information management system for data on waste electrical and electronic products, fails to report the basic data and relevant information according to the relevant provisions, reports false basic data or relevant information, or fails to keep the basic data according to the prescribed period, the competent department of environmental protection of the people's government of a districted city where it is located shall order it to correct within a prescribed time limit, and may impose a fine of not more than 50,000 yuan on it.

Article 32 Where, in violation of this Regulation, a disposing enterprise fails to establish a daily environment monitoring system, or fails to carry out daily environment monitoring, the competent department of environmental protection of the people's government at or above the county level shall order it to correct within a prescribed time limit, and may impose a fine of not more than 50,000 yuan on it.

Article 33 Where, in violation of this Regulation, any staff member of a relevant competent administrative department abuses power, neglects

电器电子产品处理活动的, 由工商行政管理机关依照《[无照经营查处取缔办法](#)》的规定予以处罚。

环境保护主管部门查出的, 由县级以上人民政府环境保护主管部门责令停业、关闭, 没收违法所得, 并处 5 万元以上 50 万元以下的罚款。

第二十九条 违反本条例规定, 采用国家明令淘汰的技术和工艺处理废弃电器电子产品的, 由县级以上人民政府环境保护主管部门责令限期改正; 情节严重的, 由设区的市级人民政府环境保护主管部门依法暂停直至撤销其废弃电器电子产品处理资格。

第三十条 处理废弃电器电子产品造成环境污染的, 由县级以上人民政府环境保护主管部门按照固体废物污染环境防治的有关规定予以处罚。

第三十一条 违反本条例规定, 处理企业未建立废弃电器电子产品数据信息管理系统, 未按规定报送基本数据和有关情况或者报送基本数据、有关情况不真实, 或者未按规定期限保存基本数据的, 由所在地的设区的市级人民政府环境保护主管部门责令限期改正, 可以处 5 万元以下的罚款。

第三十二条 违反本条例规定, 处理企业未建立日常环境监测制度或者未开展日常环境监测的, 由县级以上人民政府环境保护主管部门责令限期改正, 可以处 5 万元以下的罚款。

第三十三条 违反本条例规定, 有关行政主管部门的工作人员滥用职权、玩忽职

duties, or practices favoritism, which constitutes a crime, the staff member shall be subject to criminal liability; or which does not constitute a crime, the staff member shall be subject to administrative sanctions according to law.

Chapter V Supplementary Provisions

Article 34 Upon the approval of the people's government at the provincial level, a ground for the centralized disposal of waste electrical and electronic products may be established. The ground for the centralized disposal of waste electrical and electronic products shall have sound facilities for the centralized disposal of pollutants, ensure its conformity with the pollutant emission standards and the technical standards for the prevention and control of environment pollution by solid wastes as formulated by the state or local governments, and comply with the relevant provisions of this Regulation.

The ground for the centralized disposal of waste electrical and electronic products shall conform to the national and local industrial park planning, be coordinated with the local planning for land use and urban and rural planning, and speed up the realization of industrial upgrade.

Article 35 This Regulation shall come into force on January 1, 2011.

守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

第五章 附则

第三十四条 经省级人民政府批准，可以设立废弃电器电子产品集中处理场。废弃电器电子产品集中处理场应当具有完善的污染物集中处理设施，确保符合国家或者地方制定的污染物排放标准和固体废物污染环境防治技术标准，并应当遵守本条例的有关规定。

废弃电器电子产品集中处理场应当符合国家和当地工业区设置规划，与当地土地利用规划和城乡规划相协调，并应当加快实现产业升级。

第三十五条 本条例自 2011 年 1 月 1 日起施行。