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《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。

The Regulations for the Administration of the Recovery and Disposal of Waste Electric and Electronic Products have been adopted at the Executive Meeting of the State on August 20, 2008. The Regulations are hereby promulgated and will be effective as of January 1, 2011.

总　理　温家宝

Premier　Wen Jiabao

二○○九年二月二十五日

February, 25, 2009

废弃电器电子产品回收处理管理条例

REGULATIONS FOR THE ADMINISTRATION OF THE RECOVERY AND DISPOSAL OF WASTE ELECTRIC AND ELECTRONIC PRODUCTS

第一章　总　　则

Chapter I　General Provisions

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。

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Article 1 These Regulations are enacted pursuant to the Law of the People's Republic of China on Clean Production Promotion and the Law on the Prevention and Control of Environmental Pollution by Solid Wastes, for the purposes of regulating the recovery and disposal of waste electric and electronic products, facilitating comprehensive utilization of resources and circular economy development, protecting the environment and safeguarding human health.

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、翻新以及经维修、翻新后作为旧货再使用的活动。

Article 2 The term "disposal of waste electric and electronic products" as mentioned herein shall mean such activities as disassembling waste electric and electronic products, extracting there from substances to be used as raw materials or fuel, reducing the quantity of existing waste electric and electronic products through changing their physical and chemical properties, reducing or eliminating their hazardous elements, and disposing of them in landfills that are in compliance with environmental protection requirements, excluding activities of product maintenance or reconditioning and use of such products after reconditioning.

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。

Article 3 The recovery and disposal of and any activities in relation to the waste electric and electronic products listed in the Catalogue of Waste Electric and Electronic Products for Disposal (hereinafter the "Catalogue") shall be governed by these Regulations.

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。

The department of the State Council in charge of comprehensive resource utilization will, in cooperation with the departments of the State Council in charge of environmental protection and industry and information technology, formulate and revise the Catalogue, and will submit the same to the State Council for approval before implementation.

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。

Article 4 The department of the State Council in charge of environmental protection will, in cooperation with the departments of the State Council in charge of comprehensive resource utilization and industry and information technology, be responsible for organizing the drafting of policies and measures for the recovery and disposal of waste electric and electronic products and coordinating the implementation thereof, and be responsible for the supervision and administration of the disposal of waste electric and electronic products. The department of the State Council in charge of commerce will be responsible for the administration of the recovery of waste electric and electronic products. The departments of the State Council in charge of public finance, industry and commerce, quality supervision, taxation, and customs will be responsible for administration to the extent of their functions.

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。

Article 5 The State implements a system of recovery by multiple channels and centralized disposal with respect to waste electric and electronic products.

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。

Article 6 The State implements a qualification permit system for the disposal of waste electric and electronic products. The departments of the people's governments of municipalities divided into districts shall be responsible for approving the qualifications of enterprises that engage in the disposal of waste electric and electronic products (hereinafter the "Disposing Enterprises")

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。

Article 7 The State will establish a fund for the disposal of waste electric and electronic products to be used as allowance for the recovery and disposal of electric and electronic products. The manufacturers of electric and electronic products, consignees of import electric and electronic products or their agents shall, as required, perform their obligations of contributing to the fund for waste electric and electronic product disposal.

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。

The fund for the disposal of waste electric and electronic products shall be covered in the budget, and the specific rules of its collection, use and administration will be formulated by the department of the State Council in charge of public finance, in cooperation with the departments of the State Council in charge of environmental protection, comprehensive resource utilization and industry and information technology, and shall be submitted to the State Council for approval before implementation.

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。

In formulating the standards for the collection of the fund for the disposal of waste electric and electronic products, and the allowance standards in connection therewith, opinions shall be solicited from electric and electronic product manufacturers, Disposing Enterprises, relevant industrial associations and experts.

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。

Article 8 The State encourages and supports the scientific research, technological development, 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 electric and electronic products.

第九条 属于国家禁止进口的废弃电器电子产品，不得进口。

Article 9 Any waste electric and electronic products that are prohibited from import by the State may not be imported.

第二章 相关方责任

Chapter II Responsibilities of Parties Concerned

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。

Article 10 Manufacturers of electric and electronic products, consignees of imported electric and electronic products or their agents shall manufacture or import electric and electronic products that comply with State regulations on electric and electronic product pollution control, apply design plans that are conducive to comprehensive resource utilization and harmless recovery treatment, and utilize materials that are nontoxic, non-hazardous or of low toxicity or low hazard or that are convenient for recovery.

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。

Information concerning toxic or hazardous substance content, appropriate methods with respect to recovery and disposal, etc shall be stated on electric and electronic products or product manuals.

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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。

Article 11 The State encourages electric and electronic product manufacturers to recover waste electric and electronic products independently or through their distributors, repair organs, after-sale service organs, or entities that engage in waste electric and electronic product recovery. Electric and electronic product distributors, repair organs and after-sale service organs shall set forth information that indicates electric and electronic product recovery in prominent locations on their premises.

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理。

Any waste electric and electronic product recovered shall be disposed of by Disposing Enterprises that are qualified for disposal of waste electric and electronic products.

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。

Article 12 Operators that engage in recovery of waste electric and electronic products shall, by multiple means, provide convenient and efficient recovery services to users of electric and electronic products.

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。

If operators that engage in recovery of waste electric and electronic products intend to engage in disposal of waste electric and electronic products, they shall obtain the qualification for waste electric and electronic product disposal as required hereunder. Those that fail to obtain the qualifications for disposal shall deliver the waste electric and electronic products recovered to Disposing Enterprises that are qualified for disposal of waste electric and electronic products for disposal.

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。

Any recovered electric and electronic products that are sold after repair or restoration shall comply with such mandatory requirements as national technical specifications with respect to human health and personal and property safety, and the term “second-hand goods” shall be

stated on prominent positions. Specific administrative measures will be formulated by the department of the State Council in charge of commerce.

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。

Article 13 Where government agencies, social organizations, enterprises and institutions deliver waste electric and electronic products to Disposing Enterprises that are qualified for disposal of waste electric and electronic products for disposal, formalities for asset write-off shall be carried out as required by the State.

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。

Disposal of waste electric and electronic products that involve State secrets shall be conducted in accordance with State confidentiality regulations.

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。

Article 14 The State encourages Disposing Enterprises to establish long-term cooperative relationships with relevant manufacturers and distributors of electric and electronic products and operators that engage in recovery of waste electric and electronic products in the process of recovery and disposal of waste electric and electronic products.

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。

Article 15 Any disposal of waste electric and electronic products shall comply with State requirements for comprehensive resource utilization, environmental protection, labor safety and human health safeguard.

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。

No technology or process that has been pronounced obsolete by the State may be applied to dispose of waste electric and electronic products.

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 16 Disposing Enterprises shall establish a regular environment monitoring system with respect to disposal of waste electric and electronic products.

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。

Article 17 Disposing Enterprises shall establish an information data management system with respect to waste electric and electronic products, and submit basic data and relevant information on the disposal of electric and electronic products to the departments in charge of environmental protection of the people's governments of municipalities divided into districts where they are located. The basic data on waste electric and electronic product disposal shall be preserved for a period of no less than 3 years.

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。

Article 18 In disposing of waste electric and electronic products, Disposing Enterprises shall be entitled to preferential tax treatments in accordance with relevant State rules.

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。

Article 19 Entities and individuals that engage in the recovery, storage, transportation and disposal of waste electric and electronic products shall comply with State rules on environmental protection and environmental hygiene administration.

第三章 监督管理

Article III Supervision and Administration

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。

Article 20 Departments of the State Council in charge of comprehensive resource utilization, quality supervision, environmental protection and industry and information technology shall formulate relevant policies and technical specifications with respect to the disposal of waste electric and electronic products as required.

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。

Article 21 Departments of provincial people's governments in charge of environmental protection shall, in cooperation with the departments of the same level in charge of comprehensive resource utilization, commerce and industry and information technology, develop programs for the disposal of waste electric and electronic products for their local regions, and submit the same to the department of the State Council in charge of environmental protection for record filing.

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。

Local people's governments shall include in their town and country planning the infrastructure construction for disposal of waste electric and electronic products.

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。

Article 22 Enterprises may engage in the disposal of waste electric and electronic products only after they have obtained the qualifications for waste electric and electronic product disposal, carry out registration formalities and state the words "waste electric and electronic product disposal" in their business scope pursuant to the Regulations for the Administration of Company Registration.

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。

Unless as specified under Article 34 hereof, any entity or individual that has not obtained the qualifications for disposal of waste electric and electronic products shall be prohibited from disposing of waste electric and electronic products.

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：

Article 23 Applicants for the qualifications for disposal of waste electric and electronic products shall meet the following conditions:

（一）具备完善的废弃电器电子产品处理设施；

(1) Have sound facilities for waste electric and electronic product disposal;

（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；

(2) Have plans for proper use or disposal of waste electric and electronic products that are unable to be fully disposed of;

（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；

(3) Have sorting, packaging and other equipment appropriate for the waste electric and electronic products to be disposed of; and

（四）具有相关安全、质量和环境保护的专业技术人员。

(4) Have professional technical personnel in relation to safety, quality and environmental protection.

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。

Article 24 Applicants for qualifications for waste electric and electronic product disposal shall file a written application and provide supporting materials to the department in charge of environmental protection of the people's governments of municipalities divided into districts. The competent environmental protection departments that accept such applications shall complete examination and render a decision on whether to grant or not to grant the permit within 60 days from the date of receipt of full application materials.

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。

Article 25 The environmental protection departments of local people's governments at or above the county level shall strengthen supervision and inspection of waste electric and electronic product disposal through written verification and examination and on-the-spot examination.

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。

Article 26 Any entity or individual shall have the right to report any act in violation of these Regulations to competent departments. The competent departments shall maintain the anonymity of the informant, and handle the reported matters in a timely manner according to law.

第四章 法律责任

Chapter 4 Legal Liabilities

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。

Article 27 If information concerning toxic or hazardous substance content, directions with respect to recovery and disposal, etc fail to be stated on electric and electronic products manufactured or imported by manufacturers of electric and electronic products, consignees of import electric and electronic products or their agents or in their product manuals, in violation of these Regulations, the product quality supervision departments of local people's

governments at or above the county level shall order them to make correction and impose a fine of less than RMB50,000.

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。

Article 28 If any enterprise engages in the disposal of waste electric and electronic products without obtaining the qualifications for disposing waste electric and electronic products, in violation of these Regulations, the administration of industry and commerce shall impose a penalty thereon pursuant to the Procedures for Investigating, Handling and Closing Down Unlicensed Business Operations.

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。

If any offence is discovered by any department in charge of environmental protection, the department of the people's government at or above the county level in charge of environmental protection shall order the enterprise in question to suspend business or be closed down, confiscate any illegal proceeds, and impose a fine of more than RMB50,000 but less than RMB500,000.

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。

Article 29 If any enterprise applies any technology and process pronounced by the State as obsolete to dispose of waste electric and electronic products, the department of a people's government at or above the county level in charge of environmental protection shall order it to make correction within a specified period. If the circumstances are serious, the environmental protection department of the people's government divided into districts shall suspend or revoke its qualification for disposal of waste electric and electronic products.

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防治的有关规定予以处罚。

Article 30 If any disposal of waste electric and electronic products causes environmental pollution, the department of the people's government at or above the county level in charge of environmental protection shall impose a penalty pursuant to relevant regulations on prevention and control of solid waste pollution.

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的数据信息管理系统，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。

Article 31 If any Disposing Enterprise fails to establish an information management system for waste electric and electronic products or fails to submit basic data and relevant information or submit false basic data or relevant information, or fails to preserve basic data for a specified period, in violation of these Regulations, the environmental protection department of cities divided into districts where such enterprise is located shall order it to make correction with a specified period, and may impose a fine of less than RMB50,000.

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。

Article 32 If any Disposing Enterprise fails to establish a regular environment monitoring system or fails to carry out regular environment monitoring, in violation of these Regulations, the environment protection department of the people's government at or above the county level shall order it to make correction, and may impose a fine of less than RMB50,000.

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。

Article 33 If any personnel of relevant administrative department abuse their authority, are derelict in their duties, practice favoritism or commit irregularities, in violation of these Regulations, and constitute a crime, criminal liability shall be pursued according to law. If their acts do not constitute crimes, they shall be disciplined according to law.

第五章 附 则

Article V Supplementary Provisions

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。

Article 34 With the approval of the people's governments at the provincial level, centralized disposal areas for waste electric and electronic products may be set up. Centralized disposal areas for waste electric and electronic products shall have sound centralized disposal facilities for pollutants, shall ensure compliance with the pollutant discharge standards and the technical standards for environmental pollution prevention and treatment caused by solid wastes formulated by State or local governments, and shall abide by relevant provisions of these Regulations.

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。

Centralized disposal grounds for waste electric and electronic products shall comply with national and local industrial zone planning, shall be coordinated with local land utilization planning and town and country planning, and shall speed up the process of industrial upgrading.

第三十五条 本条例自 2011 年 1 月 1 日起施行。

Article 35 These Regulations shall be effective as of January 1, 2011.