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## Bulletin 774 - 07/11 - Managing Importation of Solid Waste - China

**On 8 April 2011 the Ministry of Environmental Protection along with other Chinese Governmental bodies issued an order to implement the Regulation of Managing Importation of Solid Waste (hereafter referred to as “the Regulation”) which will take effect as of August 1, 2011. Below is a summary of the main contents of the Regulation related to shipping carriers.**

The import of solid waste refers to the import of Waste into Mainland China (including waste shipments from Macao Hong Kong and Taiwan) (Article 54)

According to the regulation ‘solid waste’ is divided into three categories;

1. Import-forbidden solid waste
2. Import-restricted solid waste
3. Automatic-licensing import solid waste.

*The lists of these solid wastes have been published and are updated by the government. For up to date lists it is advised that Members contact their local Chinese agent.*

Although the title of the Regulation refers to solid waste the Regulation **also applies to** semi-solid waste, liquid waste and gas waste (Article 2). Transshipment of waste via Chinese ports is forbidden (Article 5). Transferable or “to order” Bills of Lading of imported solid waste are forbidden (Article 8).

It is stipulated that Members vessels carrying imported solid waste shall request the following FOUR certificates from the shipper;

1. A valid import license for solid wastes
2. The Chinese consignee’s registration certificate for import of solid waste (stating the waste is for use as raw material)
3. Overseas shipper’s (carriers) registration certificate for import of solid waste (stating the waste is for use as raw material)
4. Pre-shipment inspection certificate (CCIC PSI certificate: <http://www.ccic-europe.com/index.php?cid=2&aid=12> ) of imported solid waste that may be used for raw materials (Article 25).

On the incidence of Customs finding solid waste intended for any purpose Customs may order the importer / consignee or the Carrier return the cargo back to the port of origin. All costs of which including all costs encountered through customs procedures shall be borne by the importers or carriers. Additionally if the consignees cannot be identified the carrier shall apply to customs for re-transportation or Customs may order the re-transportation of the solid waste (Article 29).

If parties refuse to re-transport the solid waste or if a period of 3 months passes and the Solid waste has not been not re-transported then Customs officials alongside port Entry-Exit Inspection officials, Quarantine Bureau officials and port local environmental protection officials will take enforcement measures against importers or carriers to re-transport the solid waste (Article 30).

For solid waste that is determined by Customs not to be re-transported the carrier or Importer is to make application to Customs (if the importer cannot be identified, the carrier or the third party who bears joint and several liabilities shall apply for such application) who will auction the solid waste or entrust the entity who has harmless utilization and processing capacity to utilize or harmlessly process the above solid waste, and the related demurrage fees and processing fees shall fall on the account of consignees/importers (or wholly upon the carrier if importers cannot be identified) (Article 31).

The carriers shall record the resources, types, quantity or weight, destination and all other relevant details concerning the solid waste carried by them, and accept the supervision and inspection from concerning authorities. The original vouchers, related documentations and image data shall be kept, for record purposes, by the vessel for no less than 3 years (Article 35).

**Appendix:**

Please find below links to English translations of the three waste cargo catalogues:

<http://www.ccic-europe.com/index.php?cid=39&aid=78>

<http://www.ccic-europe.com/index.php?cid=39&aid=80>

<http://www.ccic-europe.com/index.php?cid=39&aid=86>

Please note all translations on the websites above are NOT official and are for reference only.

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