

Announcement No. 91 of 2018 of the General Administration of Customs on the Promulgation of the Implementation Rules Governing the Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials

Pursuant to the Measures for the Supervision and Administration of Inspection and Quarantine of Imported Solid Wastes that can be Used as Raw Materials, the General Administration of Customs has legislated the Implementation Rules Governing the Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials, and hereby making a public announcement.

The aforesaid Implementation Rules shall come into force as of August 1, 2018, whereas the Implementation Rules Governing the Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials (the former Announcement No. 98 of 2009 of General Administration of Quality Supervision, Inspection and Quarantine) shall simultaneously be repealed.

It is hereby announced.

The General Administration of Customs
July 6, 2018

Implementation Rules Governing the Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials

CHAPTER 1 - GENERAL PROVISIONS

Article 1 The Implementation Rules are formulated in accordance with the "Regulations on Implementing the Imported and Exported Goods Inspection Law" and the "Measures on the Supervision, Inspection and Quarantine of Imported Solid Wastes to be Used as Raw Materials", in order to tighten the control and supervision of the registration of foreign suppliers (hereafter referred to as the "Suppliers") of imported solid wastes to be used as raw materials (hereafter referred to as "WRM").

Article 2 The Implementation Rules shall be applicable to the acceptance, review, approval and supervision of the applications for the registration of the Suppliers of imported WRM.

Article 3 The General Administration of Customs shall be responsible for the administration of accepting, reviewing, approving and supervising the applications for the registration of the Suppliers of imported WRM.

Article 4 The Supplier of imported WRM who intends to sign a foreign trade contract shall obtain such registration in advance.

Article 5 To apply for the registration of Supplier, the following criteria shall be satisfied:

1. Being legally permitted to operate a business in the Supplier's domicile country (or its region);
2. Having a permanent office address and relevant infrastructure in the Supplier's domicile country (or its region);
3. Being familiar with and complying with the China's laws, regulations and pertinent standards governing entry & exit inspection and quarantine, environmental protection and administration on the solid wastes;
4. Possessing the certifications such as ISO9001 Quality Management System or RIOS;
5. Having the measures and capability on quality control of environmental protection regarding the WRM supplied, and ensuring the WRM supplied complies with the compulsory requirement of the national technical specifications relevant to China's entry & exit inspection and quarantine, environmental protection and administration on the solid wastes;
6. Possessing the radioactivity detection equipment and infrastructure and being capable of conducting the radioactivity detection;
7. Having no serious issues in relation to safety, hygiene environmental protection and fraud in the past 3 years.

CHAPTER 2 - ACCEPTANCE, REVIEW AND APPROVAL

Article 6 The applicant shall make the registration application through an Imported Goods Inspection and Quarantine Regulatory System, and shall submit to the General Administration of Customs of the following materials in writing within 30 days after the successful online submission of the registration application:

1. Application form for registration formulated and printed through the aforesaid application system (see also [Appendix 1](#));
2. Notarized tax registration certificate, and also notarized business registration certificate if the applicant holds such business registration certificate;
3. Descriptions of organizational structures, departments and job responsibilities;
4. A floor plan of the permanent office in which dimensions are indicated thereupon, and a floor plan of the processing factory, if the applicant owns a processing factory, together with at least three pictures that fully presents the real scenes of the aforesaid office and factory site;
5. Color photocopy of certificates such as ISO9001 Quality Management System or RIOS;
6. When engaging an agent to file the registration application, the applicant shall produce the original copy of the power of attorney and the photocopies of the identification proof of both the principal and the agent.

All the written materials to be submitted shall be made in Chinese or in both Chinese and foreign languages.

Article 7 With regard to the registration application by the applicant, the General Administration

of Customs shall respectively handle the applications under the following circumstances:

1. Where the written materials are incomplete or do not conform to the legally required form, the applicant shall be notified immediately or within 5 business days upon the receipt of the written materials of the request for supplementary documents and/or corrections of the submission, and the applicant shall submit the supplementary documents and/or make corrections within 30 days. If the applicant is not notified after expiry of the aforesaid period, the application is deemed to be accepted upon the date of receipt of the written materials;
2. Where the written materials are complete or conform to the legally required form, or as per requested by the General Administration of Customs, the applicant submits all the application materials for supplementary documents and/or corrections and they also conform to the legally required form, the application shall be accepted;
3. Where the applicant fails to submit the application materials for supplementary documents and/or corrections within the prescribed period, the registration application shall be terminated, and the applicant shall be notified in writing;
4. Where the applicant fails to submit all the required materials for supplementary documents and/or corrections, the application shall be rejected, and the applicant shall be notified in writing.

Article 8 The General Administration of Customs shall form an expert review panel within 10 business days after the application is accepted to conduct the assessment and examination in writing.

After the assessment and examination, the review panel shall draw an assessment conclusion and submit an assessment report to the General Administration of Customs.

Article 9 The General Administration of Customs shall, within 20 business days after the application is accepted, decide whether or not to approve such registration application.

Article 10 If the applicant passes the examination, the General Administration of Customs shall approve the registration and issue the "Certificate of Registration for Foreign Supplier of Imported Solid Wastes to be Used as Raw Materials" (see also Appendix 2, hereafter referred to as the "Certificates"). If the applicant fails to pass the examination, the registration application shall be rejected, and the applicant shall be notified the reasons in writing and be informed of the rights to apply for administrative review and administrative proceedings pursuant to relevant laws.

Article 11 The Certificate for the Suppliers of imported WRM shall be valid for 5 years.

Article 12 The General Administration of Customs will supervise and conduct random checks on the work performance of review panels.

CHAPTER 3 - ALTERATION, REAPPLICATION AND EXTENSION

Article 13 Should there be any change of contents of the registration, the Supplier in question shall, within 30 days after such contents change, file an application for change with the General Administration of Customs and shall follow the provisions under Article 6 of the Implementation Rules.

Article 14 The General Administration of Customs shall, within 20 business days after the application for changes on registration by the Supplier is accepted, determine whether or not to approve such changes on registration.

Article 15 With regard to the change of contents of the registration, the Supplier shall return the original Certificate when applying for such change. When the changes approved by the General Administration of the Customs involve any contents of the original Certificate, a new Certificate shall be issued.

Article 16 If there are accumulatively 2 and more changes incurred to the 3 items of Supplier's name, registered business address and legal representative, the Supplier in question shall file a new application for the registration with the General Administration of Customs.

Article 17 To extend expiry date of the registration, the Supplier shall, within 90 days before the expiry date of the registration, file an application for extension with the General Administration of Customs, and shall follow the provisions under Article 6 of the Implementation Rules. If the Supplier fails to file an application for extension within the prescribed period, the General Administration of Customs may decide such application does not confirm to the legal conditions applicable to the extension of registration, and therefore shall be rejected. The registration will be invalid automatically upon the expiration of the Certificate.

Article 18 The General Administration of Customs shall, within 20 business days after an application for the extension of registration by the Supplier is accepted, decide whether or not to approve the extension; failure to make such decision upon the expiry of the prescribed period shall deemed to be an approval of extension.

Article 19 If the General Administration of Customs makes the decision to reject a registration application, or to terminate the registration application, or not to register, the Supplier may file a new application for the registration with the General Administration of Customs and shall follow the provisions under Article 6 of the Implementation Rules.

CHAPTER 4 – SUPERVISION AND ADMINISTRATION

Article 20 The Supplier shall carry out supplying activities within the scope of its registration.

The Supplier and its affiliated entities shall not conduct the pre-shipment inspections of WRM.

Article 21 The General Administration of Customs adopts enterprise credit management of the Suppliers, and shall, in accordance with its duties and responsibilities, implement supervision and management on the Suppliers in the forms of on-the-site inspection, verifying and tracking the status of quality of environment protection of the goods, which includes:

1. inspecting the corrections of the quality management system adopted by the Supplier who has been warned of previously;
2. conducting the irregular on-the-site inspection according to the "Records for On-the-Site Inspection of Foreign Supplier of Imported Solid Wastes to be Used as Raw Materials" (see also [Appendix 3](#));
3. other works relating to supervision and administration.

Article 22 The General Administration of Customs shall supervise the Suppliers according to 3 classes of A, B, C warning and quick reaction system.

Article 23 Where a Supplier incurs any of the following events, the General Administration of Customs shall adopt the measures of Class A warning, and all the regional customs will not accept the application for inspection and quarantine on the imported WRM supplied by the Supply in question within one year thereafter:

1. the WRM poses a serious risk of epidemics;
2. the WRM exists material discrepancies between the goods and certificates, which is found to be the responsibility of the Supplier;
3. during the period of the Class B warning, the Supplier is found out again not to pass the environmental protection requirements and poses a serious risk of epidemics.

Article 24 Where a Supplier incurs any of the following events, the General Administration of Customs shall adopt the measures of Class B warning, and all the regional customs will conduct full inspection of all the WRM it supplied for a period of no less than 180 days and for no less than 100 batches of goods:

1. within one year, accumulatively 3 or more batches of goods fail to match the certificates or meet the environmental protection requirements;
2. the Supplier fails to pass quarantine inspection and poses a high risk of epidemics;
3. the Supplier fails to handle the change formalities with the General Administration of Customs within the prescribed period after the contents of registration have been changed;
4. the Supplier regains a new Certificate after the former Certificate is repealed;
5. the acceptance of the Supplier's application for import inspection and quarantine is restored after the release of the measures of Class A warning adopted according to Article 23 of the Implementation Rules;
6. the quality control system is found to be seriously defective through on-the-site inspection.

Article 25 Where a Supplier incurs any of the following events, the General Administration of Customs shall adopt the measures of Class C warning, and all the regional customs will conduct rigorous inspection of the WRM supplied by the Supplier:

1. the Supplier fails to pass the environmental protection requirements;
2. it is necessary to adopt risk control measures.

CHAPTER 5 - SUPPLEMENTARY PROVISIONS

Article 26 Full inspection shall mean the method of carrying out an unpacked or unloading inspection over each box, truck and wagon of the WRM carried by containers, cars and railways, and carrying out an unloading inspection of each cabin of bulk waste raw materials.

Article 27 The working procedures on the registration applications made by the Suppliers shall be carried out pursuant to the Basic Flowchart for Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials (see also [Appendix 4](#)).

Article 28 The procedures for accepting, examining and approving the applications for alteration or extension of the registration shall be implemented pursuant to the procedures prescribed under Chapter 2.

Article 29 Unless otherwise provided, the Suppliers who export the WRM to the territory of China through complimentary or sample goods shall also be governed by the Implementation Rules.

Article 30 All the "business days" mentioned in the Implementation Rules shall be working days, exclusive of the national holidays; all the "days" mentioned in the Implementation Rules shall be natural days, including the national holidays.

Article 31 The registration of the Suppliers in Hong Kong, Macao and Taiwan regions who export the WRM to the territory of China shall be implemented pursuant to the Implementation Rules.

Article 32 All documents provided by the Suppliers to the General Administration of Customs shall prevail in Chinese languages.

Article 33 The Implementation Rules shall be construed by the General Administration of Customs.

Article 34 The Implementation Rules shall take effect as of August 1, 2018. The Implementation Rules Governing the Registration of Foreign Suppliers of Imported Solid Wastes to be Used as

Raw Materials (the former Announcement No. 98 of 2009 of General Administration of Quality Supervision, Inspection and Quarantine) shall simultaneously be repealed.

Attachments:

Appendix 1: Application Form for Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials

Appendix 2: Certificate of Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials

Appendix 3: Records for On-the-Site Inspection of Foreign Supplier of Imported Solid Wastes to be Used as Raw Materials

Appendix 4: Basic Flowchart for Registration of Foreign Suppliers of Imported Solid Wastes to be Used as Raw Materials