

Circular From GARD

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China implements stricter control on the import of waste

Certain types of waste which were previously permitted imported into China, are now banned, including plastic, unsorted waste paper and waste raw materials from the textile industry.

It is not permitted to import foreign solid waste into China in order to dump, store or dispose of the same. That is provided for under Article 24 of the Chinese Prevention and Control of Solid Waste Pollution Law (2005) (the Chinese Solid Waste Pollution Prevention Law (2005)). However, Article 25 also provides that, if the foreign solid waste can be used as raw materials, it may be imported to China in certain circumstances. China, a top recycling destination for plastic and paper, is now moving some materials that had previously been considered raw materials for recycling and thus could be imported, onto the banned list.

On 10 August 2017 five Chinese authorities, lead by the Ministry of Environmental Protection, issued updated import lists of foreign solid waste including

- the list of solid waste banned from being imported (the Banned List),
- list of solid waste which can be used as raw materials, but is restricted on importation (the Restricted List), and
- the list of solid waste which can be used as raw materials and with no restrictions on importation (the Unrestricted List).

The authorities involved in the legislation, in addition to the Ministry of Environmental Protection are the Ministry of Commerce, the National Development and Reform Commission, the General Administration of Customs, the General Administration of Quality Supervision, Inspection and Quarantine.

24 types of solid waste in four categories that were previously restricted are banned as of 1 January 2018. The four categories added to the Banned List are plastic wastes (non-industrial use), unsorted waste paper, waste raw materials of textile industry and slag with vanadium.

- Banned waste papers include recycled paper or paperboard and unsorted scrap paper. Wall paper, copying paper, Tetra Pak and thermal sensitive paper were already on the Banned List.
- Banned plastics waste includes PET scrap and PET beverage bottles, CD disks scrap, Polyvinyl (PV) scrap; Polystyrene (PS) scrap, and Polyvinyl chloride (PVC) scrap. The plastics products made of them are commonly used in our daily life. For example, PS could be used for disposable hot drink cups and lunch boxes, PVC for bank cards, PET for bottles and containers for food products.

Gard's correspondent in China, Huatai Insurance Agency & Consultant Services Ltd. has provided an English translation of the three updated lists which can be found [here](#).

The stricter control in China on the importation of foreign solid waste is driven by an increasing awareness of the importance of the environment by the Chinese government. According to a notice issued by the Chinese government in 2017 [GBF (2017) No. 70], the relevant regulations on control of import of solid waste are scheduled to be amended again by the end of 2018 and the Chinese Solid Waste Pollution Prevention Law (2005) is due to be amended by the end of 2019. It can be expected that China will take additional measures to further restrict the import of foreign solid waste.

Pursuant to Article 78 of the prevailing Chinese Solid Waste Pollution Prevention Law (2005), the legal consequence of violation of the above ban or control could lead to:

- An order requiring the return the solid waste back to the originator;
- A penalty between RMB 100,000 and RMB 1 million (USD 15,700 to USD 157,000); and
- Criminal prosecution if a crime is established.

Article 78 also makes it clear that the carrier would be required to return any banned solid waste, or solid waste lacking the proper approval, or pay the costs of dealing with such solid waste, if the importer cannot be identified.

Vessels or Members should be particularly vigilant when they are requested to ship waste cargo to Chinese ports. As most of the solid waste is carried in containers it is important to have accurate declaration of cargo before shipment. The importer in China should also be identified to the extent possible, to reduce the carrier's risk of liability.

Source of Information: Gard P&I Club