

附件 1

Annex 1

消耗臭氧层物质和氢氟碳化物

管理条例

Regulation on the Administration of Ozone-Depleting
Substances and Hydrofluorocarbons

（修订草案征求意见稿）

(Draft Amendment for Comments)

生态环境部

Ministry of Ecology and Environment

2020 年 5 月

May 2020

目录

Table of Contents

第一章 总则

Chapter I General Provisions

第二章 生产、销售和使用

Chapter II Production, Sale and Consumption

第三章 进出口

Chapter III Import & Export

第四章 监督检查

Chapter IV Supervision and Inspection

第五章 法律责任

Chapter V Legal Liabilities

第六章 附则

Chapter VI Supplementary Provisions

第一章 总则

Chapter I General Provisions

第一条【立法目的和依据】为履行《保护臭氧层维也纳公约》和《关于消耗臭氧层物质的蒙特利尔议定书》规定的义务，确保消耗臭氧层物质和氢氟碳化物淘汰和削减的可持续性，保护臭氧层和生态环境，应对气候变化，保障公众健康，根据《中华人民共和国大气污染防治法》，制定本条例。

Article 1 [Purpose and Basis of Legislation] This Regulation is formulated in accordance with the *Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution* and is intended to fulfill the obligations under the *Vienna Convention for the Protection of the Ozone Layer* and the *Montreal Protocol on Substances that Deplete the Ozone Layer*, ensure the sustainability of the ozone-depleting substance (ODS) phaseout and hydrofluorocarbon (HFC) phasedown, protect the ozone layer, ecology and environment, respond to climate change, and safeguard public health.

第二条【概念界定】本条例所称消耗臭氧层物质，是指对臭氧层有破坏作用并列入《中国受控消耗臭氧层物质和氢氟碳化物清单》的化学品。

Article 2 [Definitions] The ODSs that are referred to in this Regulation are chemicals that deplete the ozone layer and are included in the *List of Controlled ODSs and HFCs in China*.

本条例所称氢氟碳化物，是指可能引起气候变暖并列入《中国受控消耗臭氧层物质和氢氟碳化物清单》的化学品。

The HFCs that are referred to in this *Regulation* are chemicals that may cause climate warming and are included in the *List of Controlled ODSs and HFCs in China*.

《中国受控消耗臭氧层物质和氢氟碳化物清单》由国务院生态环境主管部门会同国务院有关部门制定、调整和公布。

The *List of Controlled ODSs and HFCs in China* is formulated, adjusted and published by the ministry in charge of ecology and environment under the State Council in conjunction with other relevant agencies under the State Council.

第三条【适用范围】在中华人民共和国境内从事消耗臭氧层物质和氢氟碳化物的生产、销售、使用和进出口等活动，适用本条例。

Article 3 [Scope of Application] This Regulation regulates activities including the production, sale, consumption, import, export, etc., of ODSs and HFCs within the borders of the People's Republic of China.

前款所称生产，是指制造消耗臭氧层物质和氢氟碳化物的活动，包括由于工艺原因必然产生消耗臭氧层物质和氢氟碳化物副产品或者联产品的活动。前款所称使用，是指利用消耗臭氧层物质和氢氟碳化物及其混合物进行的生产经营等活动，不包括使用含消耗臭氧层物质和氢氟碳化物的产品的活动。

The term “production” as provided in the preceding paragraph refers to activities that produce ODSs and HFCs, including activities that inevitably bring about, for technical reasons, by-production or co-production of ODSs and HFCs. The term “consumption” as provided in the preceding paragraph refers to the use of ODSs, HFCs, and their blends for production and business operation, etc., excluding activities involving use of products that contain ODSs and HFCs.

第四条【管理职责】国务院生态环境主管部门统一负责全国消耗臭氧层物质和氢氟碳化物的监督管理工作。

Article 4 [Administrative Responsibilities] The ministry in charge of ecology and environment under the State Council is in charge of the nationwide supervision and administration of ODSs and HFCs.

国务院发展改革、工业和信息化、商务、市场监督管理、海关等有关部门依照本条例的规定和各自的职责负责消耗臭氧层物质和氢氟碳化物的有关监督管理工作。

Other relevant agencies under the State Council that are in charge of development and reform, industry and information technology, commerce, market regulation, customs, etc., are in charge of the supervision and administration of ODSs and HFCs in accordance with this Regulation and based on their respective authorities.

县级以上生态环境主管部门、发展改革、工业和信息化、商务、市场监督管理等有关部门依照本条例的规定和各自的职责负责本行政区域消耗臭氧层物质和氢氟碳化物的有关监督管理工作。

At the county level and above, the departments in charge of ecology and environment and other relevant departments in charge of development and reform, industry and information technology, commerce, market regulation, etc., are in charge of the supervision and administration of ODSs and HFCs in their administrative regions in accordance with this Regulation and their own authorities.

第五条【控制目标】根据《关于消耗臭氧层物质的蒙特利尔议定书》，消耗臭氧层物质和氢氟碳化物的用途可分为：

Article 5 [Control Targets] According to the *Montreal Protocol on Substances that Deplete*

the Ozone Layer, the uses of ODSs and HFCs can be divided into the following:

- (一) .受控用途;
 - (1) Controlled uses;
- (二) .豁免受控用途, 指《关于消耗臭氧层物质的蒙特利尔议定书》根据实际情况规定某些消耗臭氧层物质和氢氟碳化物可豁免使用的受控用途;
 - (2) Exempted controlled uses, which refer to the controlled uses of certain ODSs and HFCs that may be exempted and used, as stipulated by the *Montreal Protocol on Substances that Deplete the Ozone Layer* based on the actual situations;
- (三) .原料用途, 指消耗臭氧层物质和氢氟碳化物作为原料生产其他化学品的用途。
 - (3) Raw material uses, which refer to the use of ODSs and HFCs as raw materials for the production of other chemicals.

国家逐步削减并最终淘汰作为制冷剂、发泡剂、灭火剂、溶剂、清洗剂、加工助剂、杀虫剂、气雾剂、膨胀剂等受控用途的消耗臭氧层物质的生产和使用, 并逐步削减作为制冷剂、发泡剂、灭火剂、溶剂、清洗剂、气雾剂等受控用途的氢氟碳化物的生产和使用。

China gradually phases down and eventually phases out the production and consumption of ODSs for their controlled uses as refrigerants, foaming agents, fire extinguishing agents, solvents, cleaning agents, processing aids, insecticides, aerosols, expansive agents, etc., and gradually phases down the production and consumption of HFCs for their controlled uses as refrigerants, foaming agents, fire extinguishing agents, solvents, cleaning agents, aerosols, etc.

国务院生态环境主管部门会同国务院有关部门拟订《中国逐步淘汰消耗臭氧层物质和削减氢氟碳化物国家方案》(以下简称国家方案), 报国务院批准后实施。

The ministry in charge of ecology and environment under the State Council shall, together with other relevant agencies under the State Council, draft the *National Plan for the Phaseout of ODSs and the Phasedown of HFCs* (hereinafter referred to as the “*National Plan*”), which shall be submitted to the State Council for approval before implementation.

第六条【控制措施】 国务院生态环境主管部门根据国家方案、国家消耗臭氧层物质淘汰进展情况和氢氟碳化物削减情况, 会同国务院有关部门确定并公布限制或者禁止新建、改建、扩建生产、使用消耗臭氧层物质和氢氟碳化物建设项目的类别, 制定并公布限制或者禁止生产、使用、进出口消耗臭氧层物质和氢氟碳化物的名录。

Article 6 [Control Measures] According to the *National Plan* and progress in ODS phaseout

and HFC phasedown in China, the ministry in charge of ecology and environment under the State Council shall, together with other relevant agencies under the State Council, identify and publish the categories of construction projects for production and consumption of ODSs and HFCs that shall be subject to restrictions or prohibitions on new construction, reconstruction and expansion, as well as formulate and publish a list of ODSs and HFCs subject to restrictions or prohibitions on production, consumption, import, and export.

第七条【管理制度】国家对消耗臭氧层物质和氢氟碳化物的生产、销售、使用、进出口等实行配额许可或备案管理。

Article 7 [Administrative System] China implements a quota permit system or a record filing and maintenance system on the production, sale, consumption, import, export, etc., of ODSs and HFCs.

从事以下活动的应当按照本条例规定申请领取配额许可证：

Those who are engaged in the following activities are required to apply for a quota permit in accordance with this Regulation:

(一) .消耗臭氧层物质和氢氟碳化物的生产；

(1) The production of ODSs and HFCs;

(二) .实行总量控制的豁免受控用途的使用；

(2) The consumption of ODSs and HFCs for exempted controlled usages that are subject to cap control;

(三) .消耗臭氧层物质和氢氟碳化物的进出口。

(3) The import and/or export of ODSs and HFCs.

国务院生态环境主管部门根据国家方案和消耗臭氧层物质淘汰进展情况，商国务院有关部门确定国家消耗臭氧层物质的年度生产、实行总量控制的豁免受控用途的使用和进出口的配额总量，并予以公告。

The ministry in charge of ecology and environment under the State Council shall, in coordination with other relevant agencies under the State Council, determine and publish China's annual quota amounts for ODS production, consumption for the exempted controlled usages that are subject to cap control, and import and export, based on the National Plan and the progress in ODS phaseout.

从事以下活动的应当按照本条例规定进行备案：

Those who are engaged in the following activities shall file records [with the authorities] in

accordance with this Regulation:

- (一) 消耗臭氧层物质和氢氟碳化物及其混合物的销售；
- (1) The sale of ODSs, HFCs, and their blends;
- (二) 除实行总量控制豁免受控用途以外的受控用途的使用、原料用途的使用；
- (2) The consumption of ODSs and HFCs for their controlled usages and raw material usages, except for exempted controlled usages that are subject to cap control;
- (三) 从事含消耗臭氧层物质和氢氟碳化物的制冷设备、制冷系统或者灭火系统的维修经营活动（以下简称维修）；
- (3) Maintenance business (hereinafter referred to as maintenance) for cooling equipment, refrigeration systems, or fire extinguisher systems that contain ODSs and HFCs;
- (四) 专门从事消耗臭氧层物质和氢氟碳化物回收、再生利用或者销毁等经营活动的。
- (4) Specialized business activities involving the recycling, reuse, destruction, etc., of ODSs and HFCs.

第八条【配套措施】国家采取财政、税收、价格、政府采购等方面的措施，鼓励、支持消耗臭氧层物质和氢氟碳化物替代品和替代技术及消耗臭氧层物质和氢氟碳化物检测、监测技术和方法的科学研究、技术开发和推广应用，鼓励对消耗臭氧层物质和氢氟碳化物进行回收、循环利用和转化利用。

Article 8 [Supporting Measures] China adopts finance, taxation, price, government procurement measures, etc., to encourage and support scientific research, technological development, and deployment of ODS and HFC alternatives and alternative technologies, as well as ODS and HFC testing and monitoring technologies and methods. [China] encourages the recycling, reuse, and utilization after transformation of ODSs and HFCs.

国务院生态环境主管部门会同国务院有关部门制定、调整和公布《中国消耗臭氧层物质和氢氟碳化物替代品推荐名录》。

The ministry in charge of ecology and environment under the State Council shall, together with other relevant agencies under the State Council, formulate, adjust, and publish the *List of Recommended Alternatives to ODSs and HFCs in China*.

研发、生产、使用替代消耗臭氧层物质和氢氟碳化物的工艺技术、设备和产品及其转化利用的工艺技术和设备，应当符合国家产业政策，并按照国家有关规定享受优惠政策。国家对在消耗臭氧层物质淘汰和氢氟碳化物削减工作中做出突出成绩的单位和个人给予奖励。

The research and development, production, and deployment of technologies, equipment and products of alternatives to or utilization after transformation of ODSs and HFCs, shall comply with national industrial policies and can enjoy beneficial policies in accordance with the relevant national regulations. China grants rewards to units and individuals that make significant contributions to ODS phaseout and HFC phasedown work.

国务院经济综合主管部门会同国务院有关部门根据国家消耗臭氧层物质淘汰和氢氟碳化物削减进展情况，将限制和禁止的生产和使用消耗臭氧层物质和氢氟碳化物的工艺、设备及其产品纳入国家综合性产业政策目录。

According to progress in ODS phaseout and HFC phasedown in China, the general economic administrative agencies under the State Council shall, together with other relevant agencies under the State Council, incorporate restricted and prohibited technologies, equipment, and products that produce or use ODSs and HFCs into national comprehensive industry policy catalogs.

第九条【监测与评估】 国务院生态环境主管部门会同国务院有关部门建立全国大气消耗臭氧层物质和氢氟碳化物监测网，组织开展监测和评估工作。

Article 9 [Monitoring and Evaluation] The ministry in charge of ecology and environment under the State Council shall, together with other relevant agencies under the State Council, establish a nationwide atmospheric ODS and HFC monitoring network, as well as organize and conduct monitoring and evaluation work.

第十条【公众参与】 公民、法人和其他组织依法享有获取信息、参与和监督消耗臭氧层物质和氢氟碳化物生产、销售、使用、进出口等的权利。

Article 10 [Public Participation] Citizens, legal persons, and other organizations have the right to, according to law, obtain information on, participate in, and supervise the production, sale, consumption, import, export, etc., of ODSs and HFCs.

县级以上生态环境主管部门和其他负有消耗臭氧层物质和氢氟碳化物监督管理职责的部门，应当依法公开信息、完善公众参与程序，为公民、法人和其他组织参与和监督提供便利。

At the county level and above, the departments in charge of ecology and environment and other departments responsible for the supervision and administration of ODSs and HFCs shall, in accordance with the relevant laws and regulations, disclose information and improve public participation procedures to facilitate the public participation and supervision by citizens, legal persons, and other organizations.

第十一条【举报】任何单位和个人对违反本条例规定的行为，有权向县级以上生态环境主管部门、市场监督管理部门或者其他有关部门举报。

Article 11 [Reporting] Any unit or individual has the right to report violations of this Regulation to the departments in charge of ecology and environment, the departments in charge of market regulation, or other relevant departments at or above the county level.

生态环境主管部门、市场监督管理部门和其他有关部门接到举报的，应当及时调查处理，并为举报人保密；经调查情况属实的，对举报人给予奖励。

The departments in charge of ecology and environment, the departments in charge of market regulation, and other relevant departments shall promptly investigate and handle the reporting and keep the whistleblower's personal information confidential. The whistleblower shall be rewarded, once the reported information is confirmed.

第二章 生产、销售和使用

Chapter II Production, Sale and Consumption

第十二条【配额许可证申请和审核】消耗臭氧层物质和氢氟碳化物的生产单位和实行总量控制的豁免受控用途的使用单位，应当于每年10月31日前向国务院生态环境主管部门提交下一年度的配额许可证申请表。

Article 12 [Quota Permit Application and Review] Units producing ODSs and HFCs, and units using ODSs and HFCs for their exempted controlled usages that are subject to cap control, shall submit to the ministry in charge of ecology and environment under the State Council a quota permit application form for the following year prior to October 31st of each year.

配额许可证申请表应当包括下列事项：

The quota permit application form shall include the following items:

- (一) 单位名称、住所、法定代表人或者负责人，生产经营场所所在地、统一社会信用代码等信息；
- (1) Information including the name, address, legal representative or person in charge of the unit, the location of the production and business operation site, the unified social credit number, etc.;
- (二) 申请生产或使用的消耗臭氧层物质和氢氟碳化物的品种、用途和受控用途的数量等信息。

- (2) Information including types, usages, amounts of the controlled usages, etc., of the ODSs and HFCs that are in the application for production or consumption.

国务院生态环境主管部门根据国家消耗臭氧层物质和氢氟碳化物的年度生产配额总量和《关于消耗臭氧层物质的蒙特利尔议定书》有关豁免受控用途的规定及总量控制目标，于每年12月20日前完成对申请单位下一年度配额的审查和公示，符合条件的，核发下一年度的配额许可证，予以公告，并抄送国务院有关部门和申请单位所在地省、自治区、直辖市人民政府生态环境主管部门；不符合条件的，通知申请单位并说明理由。

The ministry in charge of ecology and environment under the State Council shall, based on the country's total annual quota amounts for the production of ODSs and HFCs, the provisions of the exempted controlled usages, and the cap-control targets in the *Montreal Protocol on Substances that Deplete the Ozone Layer*, complete the review and public disclosure processes for applied-for quotas for the following year prior to December 20th of each year. For qualified units, the ministry in charge of ecology and environment under the State Council shall issue their quota permits for the following year and announce them publicly, as well as pass along such information to other relevant agencies under the State Council and the agencies in charge of ecology and environment at the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government where the applying units are located; for unqualified units, applicants shall be notified and the reasons shall be explained.

第十三条【配额许可证内容】 配额许可证应当载明下列内容：

Article 13 [Contents of The Quota Permit] A quota permit shall set forth the following content:

- (一) 单位名称、住所、法定代表人或者负责人；
- (1) Name, address, legal representative, or person in charge of the unit;
- (二) 准予生产或使用的消耗臭氧层物质和氢氟碳化物的品种、用途和受控用途的数量；
- (2) Types, usages, and amounts of the controlled usages of the ODSs and HFCs that are approved for production or consumption;
- (三) 有效期限；
- (3) Date of expiration;
- (四) 发证机关、发证日期和证书编号。

(4) Issuing agency, issuing date, and permit serial number.

第十四条【配额调整】生产单位和使用单位需要调整其配额的，应当向国务院生态环境主管部门申请办理配额变更手续。

Article 14 [Quota Adjustment] When a production unit or user needs to adjust its quota, it shall apply to the ministry in charge of ecology and environment under the State Council for handling quota adjustment procedures.

国务院生态环境主管部门应当在受理申请之日起 20 个工作日内完成审查，符合条件的，对申请单位的配额进行调整，并予以公告；不符合条件的，通知申请单位并说明理由。

The ministry in charge of ecology and environment under the State Council shall complete the review process within 20 working days after receipt of the application. For qualified units, it shall adjust the quota of the applicant units and publicly announce; for unqualified units, applicants shall be notified and the reasons shall be explained.

第十五条【配额许可证的效力】持有配额许可证的生产单位不得超出配额许可证规定的品种、受控用途的数量、期限生产消耗臭氧层物质和氢氟碳化物，不得超出配额许可证规定的用途生产、销售消耗臭氧层物质和氢氟碳化物。未取得配额许可证的生产单位，禁止生产消耗臭氧层物质和氢氟碳化物。

Article 15 [Validity of the Quota Permit] The production units with quota permits shall not produce ODSs or HFCs beyond the types, amounts of controlled usages, or periods of time that are specified in the quota permits. Neither should they produce nor sell ODSs or HFCs beyond the usages that are specified in the quota permits. Production units that have not obtained quota permits are prohibited from producing ODSs and HFCs.

持有配额许可证的使用单位，不得超出配额许可证规定的品种、用途、数量、期限使用消耗臭氧层物质和氢氟碳化物。应该申请领取配额许可证而未取得配额许可证的使用单位，禁止使用实行配额许可管理的消耗臭氧层物质和氢氟碳化物。

Users with quota permits shall not use ODSs or HFCs beyond the types, usages, amounts, or periods of time as specified in the quota permits. Users that ought to apply for quota permits but have not yet obtained such permits are prohibited from using ODSs and HFCs that are subject to administration of the quota permit system.

第十六条【生产单位自动监控】生产单位应当按照国务院生态环境主管部门的规定安装、运行能监控生产过程中消耗臭氧层物质和氢氟碳物流向的自动监控设备，并与生态环境主管部门的监控平台联网。

Article 16 [Automatic Monitoring by Production Units] Production units shall install and

operate automatic monitoring devices that can monitor the flow of ODSs and HFCs during the production processes, in accordance with the requirements of the ministry in charge of ecology and environment under the State Council, and connect [such devices] to the monitoring platform of the ministry in charge of ecology and environment.

第十七条【使用备案】需备案的受控用途使用单位应当于每年 11 月 30 日前向所在地设区的市级生态环境主管部门进行下一年度的使用备案，备案内容主要包括：单位名称、住所、法定代表人或者负责人、统一社会信用代码，使用消耗臭氧层物质和氢氟碳化物的品种、用途等。

Article 17 [Record Filing for Consumption] Units that need to file records on controlled usages shall, prior to November 30th of each year, file records on uses for the following year to the agencies in charge of ecology and environment of the municipal government with subordinated districts where the units are located. The records filed shall include name, address, legal representative or person in charge of the unit, the unified social credit number, the types, usages, etc., of the ODSs and HFCs for consumption.

原料用途的使用单位应当于每年 11 月 30 日前向国务院生态环境主管部门进行下一年度的使用备案，属于首次备案的原料用途使用单位应至少于投产前 1 个月向国务院生态环境主管部门进行使用备案。备案内容主要包括：单位名称、住所、法定代表人或者负责人、统一社会信用代码，使用消耗臭氧层物质和氢氟碳化物的品种、用途、来源等。禁止将原料用途的消耗臭氧层物质和氢氟碳化物用于受控用途。

Units using ODSs and HFCs as raw materials shall file the record of consumption for the following year to the ministry in charge of ecology and environment under the State Council prior to November 30th of each year. Units that are filing the record of consumption for raw material uses for the first time shall file the record of consumption to the ministry in charge of ecology and environment under the State Council at least 1 month prior to the launch of operations. The records filed shall include name, address, legal representative or person in charge of the unit, and the unified social credit number, as well as types, usages, sources, etc., of the ODSs and HFCs for consumption. It is prohibited to use ODSs and HFCs of raw material uses for controlled usages.

负责使用备案的部门，应当在提请备案之日起 1 个月内将进行备案的使用单位的名单进行公告。

The agencies in charge of record keeping of consumptions shall, within 1 month from the date of record filing, publicly disclose the users that filed records.

第十八条【销售备案】消耗臭氧层物质和氢氟碳化物及其混合物的销售单位应当于每

年 11 月 30 日前向所在地设区的市级生态环境主管部门进行下一年度的销售备案，属于首次备案的销售单位应至少于消耗臭氧层物质和氢氟碳化物及其混合物的销售活动发生前 1 个月向所在地设区的市级生态环境主管部门进行销售备案。备案内容主要包括：单位名称、住所、法定代表人或者负责人、统一社会信用代码，销售消耗臭氧层物质和氢氟碳化物及其混合物的品种、用途等。

Article 18 [Record Filing for Sale] Units selling ODSs and HFCs as well as their blends shall, prior to November 30th of each year, file records of sale for the following year to the agencies in charge of ecology and environment of the municipal government with subordinated districts where the units are located. Units that are filing records of sale for the first time shall file the records of sale, at least 1 month prior to selling the ODSs, HFCs, and their blends, to the agencies in charge of ecology and environment of the municipal government with subordinated districts where the units are located. The records filed shall include name, address, legal representative or person in charge of the unit, and the unified social credit number, as well as the types, usages, etc., of the ODSs, HFCs and their blends for sale.

销售单位禁止将已淘汰消耗臭氧层物质和氢氟碳化物及其混合物销售给除符合本条例规定的原料用途、豁免受控用途和维修以外的使用单位，禁止将原料用途消耗臭氧层物质和氢氟碳化物销售给受控用途消耗臭氧层物质和氢氟碳化物的使用单位。负责销售备案的部门，应当在提请备案之日起 1 个月内将进行备案的销售单位的名单进行公告。

The seller units are prohibited from selling already phased-out ODSs, HFCs, and their blends to users other than for raw material uses, exempted controlled uses, and maintenance as provided in this Regulation. [Seller units] are prohibited from selling ODSs and HFCs for raw material uses to units that use ODSs and HFCs for controlled uses. The agencies in charge record keeping for sales shall, within 1 month from the date of record filing, publicly disclose seller units that filed records.

第十九条【维修备案】维修单位应当按国务院生态环境主管部门的规定向所在地设区的市级生态环境主管部门备案。

Article 19 [Record Filing for Maintenance] Maintenance units shall, in accordance with the requirements of the ministry in charge of ecology and environment under the State Council, file records with the agencies in charge of ecology and environment of the municipal government with subordinated districts where the units are located.

备案主要内容包括：单位名称、住所、法定代表人或者负责人、统一社会信用代码，经营类型、消耗臭氧层物质和氢氟碳化物管理等情况。已备案的单位关闭或停业，应

及时办理注销。

The records filed shall include name, address, legal representative or person in charge of the unit, unified social credit number, type of business operation, management of ODSs and HFCs, etc. Units that have completed record filing shall go through record cancellation procedures in case of business shutdown or cessation of operations, in a timely manner.

第二十条【回收、再生利用、销毁备案】专门从事消耗臭氧层物质和氢氟碳化物回收、再生利用或者销毁等经营活动的单位，应当向所在地省、自治区、直辖市人民政府生态环境主管部门备案。

Article 20 [Record Filing of Recycling, Reuse and Destruction] Units that conduct business activities involving recycling, reuse, destruction, etc., of ODSs and HFCs shall file records with the agencies in charge of ecology and environment at the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government where the applicant units are located.

备案主要内容包括：单位名称、住所、法定代表人或者负责人、统一社会信用代码，经营类型、消耗臭氧层物质和氢氟碳化物管理等情况。已备案的单位关闭、停产或结构调整，应及时办理注销。

The records filed shall include name, address, legal representative or person in charge of the unit, unified social credit number, type of business operation, management of the ODSs and HFCs, etc. Units that have completed record filing shall go through record cancellation procedures in case of business shutdown, cessation of operations or business restructuring, in a timely manner.

第二十一条【交易限制】除依照本条例规定进出口外，消耗臭氧层物质和氢氟碳化物及其混合物的购买、销售行为只能在符合本条例规定的消耗臭氧层物质和氢氟碳化物的生产、销售、使用、维修、回收和再生利用单位之间进行。

Article 21 [Transaction Restrictions] In addition to import and export carried out in accordance with this Regulation, the purchase and sale of ODSs, HFCs, and their blends are only allowed among the units that are engaged in the production, sale, consumption, maintenance, recycling, and reuse of ODSs and HFCs in accordance with this Regulation.

第二十二条【减排和无害化处置】生产单位应当按照国务院生态环境主管部门的规定，对其副产的消耗臭氧层物质和氢氟碳化物进行资源化利用或无害化处置，不得倾倒和直接排放。

Article 22 [Emission Reduction and Harmless Disposal] Production units shall, in

accordance with the requirements of the ministry in charge of ecology and environment under the State Council, use by-produced ODSs and HFCs as resources or conduct harmless disposal of them. Direct dumping or discharge [of the ODSs and HFCs] is prohibited.

从事消耗臭氧层物质和氢氟碳化物回收、再生利用或者销毁等经营活动的单位，应当按照国务院生态环境主管部门的规定，对消耗臭氧层物质和氢氟碳化物进行利用或无害化处置，不得直接排放。

Units that are engaged in business activities involving recycling, reuse, destruction, etc., of ODSs and HFCs shall, in accordance with the requirements of the ministry in charge of ecology and environment under the State Council, conduct utilization or harmless disposal of the ODSs and HFCs. Direct discharge [of the ODSs and HFCs] is prohibited.

鼓励消耗臭氧层物质和氢氟碳化物的生产、销售、使用和维修单位，采取必要的措施防止或者减少消耗臭氧层物质和氢氟碳化物的泄漏和排放。

Units that are engaged in the production, sale, consumption and maintenance of ODSs and HFCs are encouraged to take necessary measures to prevent or reduce the leakage and discharge of the ODSs and HFCs.

第二十三条【资料保存和数据报送】从事消耗臭氧层物质和氢氟碳化物的生产、销售、使用、进出口、维修、回收、再生利用或者销毁等经营活动的单位，应当完整保存有关生产经营活动和消耗臭氧层物质与氢氟碳化物管理的原始资料至少 3 年，并按照国务院生态环境主管部门的规定报送相关数据。

Article 23 [Record Keeping and Data Submission] Units that are engaged in business activities involving production, sale, consumption, import and/or export, maintenance, recycling, reuse, destruction, etc., of ODSs and HFCs shall keep complete and original records of information on the production and operation activities and the management of ODSs and HFCs for at least 3 years. [These units] shall also submit relevant data in accordance with the requirements of the ministry in charge of ecology and environment under the State Council.

第二十四条【数据管理】国务院生态环境主管部门应建立健全消耗臭氧层物质和氢氟碳化物的数据信息管理系统，收集、汇总、发布消耗臭氧层物质和氢氟碳化物的生产、使用、进出口等数据信息。

Article 24 [Data Administration] The ministry in charge of ecology and environment under the State Council shall establish and improve the data and information administration system on ODSs and HFCs so as to compile and publish data and information on the production, consumption, import, export, etc., of the ODSs and HFCs.

第三章 进出口

Chapter III Import and/or export

第二十五条【进出口物质名录、配额许可】国家对进出口消耗臭氧层物质和氢氟碳化物予以控制，并实行名录管理。国务院生态环境主管部门会同国务院商务主管部门、海关总署制定、调整、颁布《中国进出口受控消耗臭氧层物质和氢氟碳化物名录》和《消耗臭氧层物质和氢氟碳化物进出口管理办法》。

Article 25 [List of Substances and Quota Permit for Import and Export] China controls the import and export of ODSs and HFCs, including through listing administration. The ministry in charge of ecology and environment under the State Council shall, together with the ministry in charge of commerce under the State Council and the General Administration of Customs, formulate, adjust, and promulgate the *List of Controlled ODSs and HFCs for Import and Export in China* and the *Measures on the Administration of the Import and Export of ODSs and HFCs*.

国务院生态环境主管部门、国务院商务主管部门和海关总署联合设立国家消耗臭氧层物质和氢氟碳化物进出口管理机构，对消耗臭氧层物质和氢氟碳化物的进出口实行统一监督管理。

The ministry in charge of ecology and environment under the State Council, the ministry in charge of commerce under the State Council, and the General Administration of Customs shall jointly establish a national agency in charge of the administration of the import and export of ODSs and HFCs to conduct the supervision and administration of the import and export of ODSs and HFCs.

进出口列入《中国进出口受控消耗臭氧层物质和氢氟碳化物名录》的消耗臭氧层物质和氢氟碳化物的单位，应当依照本条例的规定向国家消耗臭氧层物质和氢氟碳化物进出口管理机构申请配额，并提交拟进出口的消耗臭氧层物质和氢氟碳化物的品种、数量、来源、用途等情况的材料。初次申请进出口配额的单位，还应当提交法人营业执照、对外贸易经营者备案登记表和前三年消耗臭氧层物质和氢氟碳化物进出口业绩。进出口属于危险化学品的消耗臭氧层物质和氢氟碳化物的单位，还应当提交该危险化学品在国内生产使用企业持有的危险化学品环境管理登记证，以及安全生产监督管理部门核发的危险化学品生产、使用或者经营许可证。

Units that import and/or export ODSs and HFCs included in the *List of Controlled ODSs and HFCs for Import and Export in China* shall, in accordance with this Regulation, apply for

quotas from the national agency in charge of the administration of the import and export of ODSs and HFCs. [These units shall] submit materials indicating the types, amounts, sources, uses, etc., of the ODSs and HFCs to be imported or exported. Units that apply for import and/or export quotas for the first time shall also submit their business licenses, registration forms for foreign trade business filings, and business records for the import and/or export of ODSs and HFCs for the previous three years. Units importing and/or exporting ODSs and HFCs that are categorized as hazardous chemicals shall also submit the environmental management registration certificates for hazardous chemicals that are held by the domestic enterprises producing and consuming the hazardous [ODS and HFC] chemicals, as well as the licenses issued by the agencies in charge of safe production supervision and administration for hazardous chemical production, consumption, or business operation.

出口回收的消耗臭氧层物质和氢氟碳化物的单位还应当按照国务院生态环境主管部门的规定持有回收证明。

Units exporting recycled ODSs and HFCs shall also hold recycling certificates in accordance with the requirements of the ministry in charge of ecology and environment under the State Council.

第二十六条【进出口审批】在年度进出口配额指标内，进出口单位需要进出口消耗臭氧层物质和氢氟碳化物的，应当向国家消耗臭氧层物质进出口管理机构申请领取进出口受控消耗臭氧层物质和氢氟碳化物审批单，并提交与贸易相关的对外贸易合同或者订单等相关材料，非生产企业还应当提交合法生产企业的供货证明。

Article 26 [Review and Approval for Import and/or export] Units that need to import and/or export ODSs and HFCs shall, within their annual import and/or export quota, apply to the national agency in charge of the administration of the import and export of ODSs [and HFCs] to obtain the review and approval form to import and/or export the controlled ODSs and HFCs, and submit relevant materials including foreign trade contracts, order forms, etc. Non-production units shall also submit the evidence that the [ODSs and HFCs] are supplied by legal production enterprises.

消耗臭氧层物质和氢氟碳化物的出口，进出口单位应当提交进口国政府部门出具的进口许可证或者其他官方批准文件等材料。

For the export of ODSs and HFCs, the import and/or export units shall submit the import license or other approval documents, etc., that are issued by the government agencies of the importing countries.

国家消耗臭氧层物质和氢氟碳化物进出口管理机构应当自受理申请之日起 20 个工作日

内完成审查，作出是否批准的决定。予以批准的，向申请单位核发进出口审批单；未予批准的，通知申请单位并说明理由。

The national agency in charge of the administration of the import and export of ODSs and HFCs shall, within 20 working days from the date of receipt of the application, complete the review process and make a decision [on the application]. If approved, the review and approval form for import and/or export shall be issued to the applicant unit. If denied, the applicant unit shall be notified with an explanation of reasons [for denial].

进出口审批单的有效期限最长为 90 日，不得超期或者跨年度使用。

The review and approval form for import and/or export is valid for a maximum of 90 days. [The form] cannot be used beyond the time limit or beyond the calendar year [in which the form was issued].

第二十七条【进出口文件】取得消耗臭氧层物质和氢氟碳化物进出口审批单的单位，应当按照国务院商务主管部门的规定申请领取进出口许可证，持进出口许可证向海关办理通关手续。列入海关实施检验检疫的进出境商品目录的消耗臭氧层物质和氢氟碳化物，由海关依法实施检验。

Article 27 [Documentation for Import and/or export] Units that have obtained the review and approval form for the import and/or export of ODSs and HFCs shall apply for an import and/or export license in accordance with the requirements by the ministry in charge of commerce under the State Council, and then go through the custom clearance procedures after acquiring the import and/or export license. ODSs and HFCs that are included in the list of imported and exported commodities subject to inspection and quarantine by the custom [authorities] shall be inspected by the custom [authorities] according to the relevant laws and regulations.

消耗臭氧层物质和氢氟碳化物在中华人民共和国境内的海关特殊监管区域、保税监管场所与境外之间进出的，进出口单位应当依照本条例的规定申请领取进出口审批单、进出口许可证；消耗臭氧层物质和氢氟碳化物在中华人民共和国境内的海关特殊监管区域、保税监管场所与境内其他区域之间进出的，或者在上述海关特殊监管区域、保税监管场所之间进出的，不需要申请领取进出口审批单、进出口许可证。

Where ODSs and HFCs are imported or exported between the regions of special custom supervision or bonded locations within the borders of the People's Republic of China and foreign regions, the import and/or export units shall apply for an review and approval form for import and/or export and an import and/or export license in accordance with this Regulation.

Where the ODSs and HFCs are transported within the regions of special custom supervision or

bonded locations and other areas within the borders of the People's Republic of China, or within the regions of special custom supervision or bonded locations mentioned above, there is no need to apply for the review and approval form for import and/or export or the import and/or export license.

第四章 监督检查

Chapter IV Supervision and Inspection

第二十八条【主体和对象】县级以上生态环境主管部门和其他有关部门，依照本条例的规定和各自的职责对消耗臭氧层物质和氢氟碳化物的生产、销售、使用、进出口、维修、回收、再生利用或者销毁等活动进行监督检查，并应当将相关单位的违法信息纳入信用信息共享平台，向社会公布。

Article 28 [Responsible Agencies and Targeted units] The departments in charge of ecology and environment and other relevant departments at and above the county level shall, in accordance with the provisions of this Regulation and their respective authorities, supervise and inspect activities including the production, sale, consumption, import and/or export, maintenance, recycling, reuse, destruction, etc., of ODSs and HFCs, and release the relevant units' violation information on the social credit information sharing platform for public disclosure.

第二十九条【监督检查措施】县级以上生态环境主管部门和其他有关部门进行监督检查，有权采取下列措施：

Article 29 [Supervision and Inspection Measures] The departments in charge of ecology and environment and other relevant departments at and above the county level have the authority to take the following supervision and inspection measures:

（一）要求被检查单位提供有关资料；

(1) To require the unit under inspection to provide relevant information;

（二）要求被检查单位就执行本条例规定的有关情况作出说明；

(2) To require the unit under inspection to provide information related to implementation of this Regulation;

（三）进入被检查单位的生产、经营、储存场所进行调查和取证；

(3) To enter the production, operation, and storage facilities of the unit under inspection for inspection and collection of evidence;

(四) 责令被检查单位停止违反本条例规定的行为，履行法定义务；

(4) To require the unit under inspection to stop violations of this Regulation and perform its legal obligations;

(五) 对于可能造成证据灭失、被隐匿或者非法转移的，查封、扣押违法生产、销售、使用、进出口的消耗臭氧层物质和氢氟碳化物及其生产设备、设施、原料及产品。

(5) To seize and seal the illegally produced, sold, used, imported, or exported ODSs and HFCs and their production equipment, facilities, raw materials, and products, in light of the possibility that evidence is lost, hidden, or illegally transported.

被检查单位应当予以配合，如实反映情况，提供必要资料，不得拒绝和阻碍。

The unit under inspection shall report the real situation and provide the necessary information. It shall be cooperative, instead of refusing or hindering the inspection.

第三十条【执法人员义务】 县级以上生态环境主管部门和其他有关部门的工作人员，对监督检查中知悉的商业秘密负有保密义务。

Article 30 [Obligations of Law Enforcement Personnel] The personnel of the departments in charge of ecology and environment and other relevant departments at and above the county level are obligated to maintain the confidentiality of business secrets they learn during supervision and inspection.

第三十一条【违法情况报送】 县级以上生态环境主管部门应当将监督检查中发现的违反本条例规定的行为及处理情况逐级上报至国务院生态环境主管部门。

Article 31 [Reporting of Violations] The departments in charge of ecology and environment at and above the county level shall, level by level, report violations of this Regulation that are identified during supervision and inspection and corresponding handling measures to the ministry in charge of ecology and environment under the State Council.

县级以上地方人民政府其他有关部门应当将监督检查中发现的违反本条例规定的行为及处理情况逐级上报至国务院有关部门，同时抄送同级生态环境主管部门，国务院有关部门应当及时抄送国务院生态环境主管部门。

Other relevant departments of the local people's governments at and above the county level shall, level by level, report to the relevant agencies under the State Council on violations of this Regulation that are identified during supervision and inspection and corresponding handling measures, as well as send [such information] to the departments in charge of ecology and environment at the same government levels. The relevant agencies under the State Council shall

send [such information] to the ministry in charge of ecology and environment under the State Council in a timely manner.

第五章 法律责任

Chapter V Legal Liabilities

第三十二条【监管部门及其工作人员的法律 responsibility】 负有消耗臭氧层物质和氢氟碳化物监督管理职责的部门及其工作人员有下列行为之一的，对直接负责的主管人员和其他直接责任人员，依法给予处分；直接负责的主管人员和其他直接责任人员构成犯罪的，依法追究刑事责任：

Article 32 [Legal Liabilities of Supervisory Departments and Their Personnel] When the departments with supervisory authorities on ODSs and HFCs and their personnel commit one of the following acts, the officials directly in charge and other personnel directly responsible shall be punished according to the relevant laws and regulations; if the officials directly in charge and other personnel directly responsible are convicted of a crime, they shall be sentenced to criminal liabilities, according to the relevant laws and regulations:

- (一) 违反本条例规定，核发消耗臭氧层物质和氢氟碳化物配额许可证的；
- (1) Issuance of quota permits for ODSs and HFCs in violation of this Regulation;
- (二) 违反本条例规定，核发消耗臭氧层物质和氢氟碳化物进出口审批单、进出口许可证的；
- (2) Issuance of the review and approval form for the import and/or export of the ODSs and HFCs and/or the ODS and HFC import and/or export license in violation of this Regulation;
- (三) 对发现的违反本条例的行为不依法查处的；
- (3) Failure to investigate and handle identified violations of this Regulation according to laws and regulations;
- (四) 在办理消耗臭氧层物质和氢氟碳化物生产、使用、进出口等行政许可中，以及实行监督检查的过程中，索取、收受他人财物或者谋取其他利益的；
- (4) Solicitation and/or acceptance of money or goods from others or obtaining other benefits during the process of handling administrative licenses for the production, consumption, import and/or export, etc., of ODSs and HFCs, and during the process of carrying out supervision and inspection;

(五) 有其他徇私舞弊、滥用职权、玩忽职守行为的。

(5) Other actions involving favoritism and committing irregularities, abuse of power, and neglect of duty.

第三十三条【未取得配额许可证的生产单位法律责任】 违法生产已淘汰受控用途消耗臭氧层物质和氢氟碳化物的，由所在地县级以上人民政府市场监督管理部门责令停止违法行为、拆除并销毁用于违法生产消耗臭氧层物质和氢氟碳化物的设备设施、对涉及的消耗臭氧层物质和氢氟碳化物进行无害化处置，没收违法所得，并处 500 万元以上 1000 万元以下罚款。被责令进行无害化处置的单位拒不履行的，由地方人民政府市场监督管理部门组织代为处置，所需费用由被责令进行无害化处置的单位承担。

Article 33 [Legal Liabilities of Production Units without Quota Permits] For those who illegally produce ODSs and HFCs for controlled usages that are already phased out, the market regulation department of the local people's government at and above the county level shall order the cessation of the illegal action, dismantling, and destruction of the equipment and facilities that were used for the illegal production of ODSs and HFCs, and harmless disposal of the ODSs and HFCs involved. [The market regulation department of the local people's government at and above the county level shall] confiscate the illegal gains and impose a fine between 5,000,000 and 10,000,000 yuan. In a case where a unit refuses to carry out the harmless disposal as required, the market regulation department of the local people's government shall arrange the disposal, and the cost [of the disposal] shall be borne by the unit that was ordered to conduct such harmless disposal.

未取得配额许可证生产消耗臭氧层物质和氢氟碳化物的，由所在地县级以上生态环境主管部门责令停止违法行为、拆除并销毁用于违法生产消耗臭氧层物质和氢氟碳化物的设备设施、对涉及的消耗臭氧层物质和氢氟碳化物进行无害化处置，没收违法所得，并处 500 万元以上 1000 万元以下罚款。被责令进行无害化处置的单位拒不履行的，由地方人民政府生态环境主管部门组织代为处置，所需费用由被责令进行无害化处置的单位承担。

For those who produce ODSs and HFCs without quota permits, the local department in charge of ecology and environment at and above the county level shall order the cessation of the illegal action, dismantling, and destruction of the equipment and facilities that were used for the illegal production of ODSs and HFCs, and harmless disposal of the ODSs and HFCs involved. [The department in charge of ecology and environment at and above the county level shall] confiscate the illegal gains and impose a fine between 5,000,000 and 10,000,000 yuan. In a case where a unit refuses to carry out the harmless disposal as required, the department in charge of

ecology and environment at the local people's government shall arrange the disposal, and the cost [of the disposal] shall be borne by the unit that was ordered to conduct such harmless disposal.

第三十四条【违反配额许可证效力的生产单位法律责任】生产单位超出受控用途的数量生产消耗臭氧层物质和氢氟碳化物，以及超出配额许可证规定的用途生产、销售消耗臭氧层物质和氢氟碳化物的，由所在地县级以上生态环境主管部门责令停止违法行为，并处10万元以上50万元以下的罚款；情节严重的，报经国务院生态环境主管部门核减直至取消其配额许可证。

Article 34 [Legal Liabilities of Production Units in Violation of the Content of the Quota Permit] For production units that produce more ODSs and HFCs than the amounts for controlled uses, or produce and sell ODSs and HFCs beyond the uses as indicated in the quota permit, the local government department in charge of ecology and environment at and above the county level shall order the cessation of the illegal action and impose a fine between 100,000 and 500,000 yuan. In the case of severe violations, [the department in charge of ecology and environment at and above the county level shall] report to ministry in charge of ecology and environment under the State Council for [penalties involving] quota reduction or cancellation of the quota permit.

第三十五条【未取得配额许可证的使用单位法律责任】依照本条例规定应当申请领取配额许可证的使用单位无配额许可证使用消耗臭氧层物质和氢氟碳化物的，由所在地县级以上生态环境主管部门责令停止违法行为，没收违法所得，并处10万元以上50万元以下罚款；情节严重且仍未停止违法行为的，由所在地县级以上生态环境主管部门责令拆除并销毁用于违法使用消耗臭氧层物质和氢氟碳化物的设备设施、对涉及的消耗臭氧层物质和氢氟碳化物进行无害化处置。被责令进行无害化处置的单位拒不履行的，由地方人民政府生态环境主管部门组织代为处置，所需费用由被责令进行无害化处置的单位承担。

Article 35 [Legal Liabilities of Consumption Units without Quota Permit] For users that are required to apply for quota permits according to the provisions of this Regulation but [nonetheless] used ODSs and HFCs without quota permits, the local department in charge of ecology and environment at and above the county level shall order the cessation of the illegal action, confiscate the illegal gains, and impose a fine between 100,000 and 500,000 yuan. In the case of continuing severe violations, the local department in charge of ecology and environment at and above the county level shall order the dismantling and destruction of the equipment and facilities that were used for the illegal consumption of ODSs and HFCs, and harmless disposal of the ODSs and HFCs involved. In a case where a unit refuses to carry out

the harmless disposal as required, the department in charge of ecology and environment at the local people's government shall arrange the disposal, and the cost [of the disposal] shall be borne by the unit that was ordered to conduct such harmless disposal.

违法使用已淘汰的受控用途消耗臭氧层物质和氢氟碳化物的，由所在地县级以上生态环境主管部门责令停止违法行为、对涉及的消耗臭氧层物质和氢氟碳化物进行无害化处置，没收违法所得，并处 10 万元以上 100 万元以下罚款；情节严重的且仍未停止违法行为的，由所在地县级以上生态环境主管部门责令拆除并销毁用于违法使用消耗臭氧层物质和氢氟碳化物的设备设施。被责令进行无害化处置的单位拒不履行的，由地方人民政府生态环境主管部门组织代为处置，所需费用由被责令进行无害化处置的单位承担。

For those who illegally use ODSs and HFCs for controlled uses that are already phased out, the local department in charge of ecology and environment at and above the county level shall order the cessation of the illegal action, and harmless disposal of the ODSs and HFCs involved. [The department in charge of ecology and environment at and above the county level shall] confiscate the illegal gains and impose a fine between 100,000 and 1,000,000 yuan. In the case of continuing severe violations, the local department in charge of ecology and environment at and above the county level shall order the dismantling and destruction of the equipment and facilities that were used for the illegal consumption of ODSs and HFCs. In a case where a unit refuses to carry out the harmless disposal as required, the department in charge of ecology and environment at the local people's government shall arrange the disposal, and the cost [of the disposal] shall be borne by the unit that was ordered to conduct such harmless disposal.

第三十六条【违反配额许可证效力的使用单位法律责任】 实行配额许可证管理的使用单位，超出配额许可证规定的用途和数量使用消耗臭氧层物质和氢氟碳化物，由所在地县级以上生态环境主管部门责令停止违法行为，并处 10 万元以上 50 万元以下的罚款；情节严重的，报经国务院生态环境主管部门核减直至取消其配额许可证。

Article 36 [Legal Liabilities of Consumption Units in Violation of the Content of Quota Permit] For users that are subject to quota permit requirements but used ODSs and HFCs beyond the usages and amounts as indicated in the quota permit, the local department in charge of ecology and environment at and above the county level shall order the cessation of the illegal action and impose a fine between 100,000 and 500,000 yuan. In the case of severe violations, [the department in charge of ecology and environment at and above the county level shall] report to the ministry in charge of ecology and environment under the State Council for quota reduction or cancellation of the quota permit.

第三十七条【违反自动监控的法律责任】 生产单位违反本条例规定，有下列行为之一

的，由所在地县级以上生态环境主管部门责令改正，处 2 万元以上 20 万元以下的罚款；拒不改正的，责令停产整治：

Article 37 [Legal Liabilities for Violation of Automatic Monitoring] For production units that violate the provisions of this Regulation and commit one of the following acts, the local department in charge of ecology and environment at and above the county level shall require rectification and impose a fine between 20,000 and 200,000 yuan. In a case where the unit refuses to rectify, [the department in charge of ecology and environment at and above the county level shall] order the cessation of production and rectification:

- (一) 未按规定安装、运行消耗臭氧层物质和氢氟碳物流向自动监控设备的或者未按规定与生态环境主管部门的监控平台联网，并保证监测设备正常运行的；
- (1) Failure to install and operate automatic monitoring devices to monitor the flow of ODSs and HFCs as required, or failure to connect [the monitoring devices] to the monitoring platform of the department in charge of ecology and environment and to ensure the normal operation of the monitoring devices as required;
- (二) 侵占、损毁或者擅自移动、改变消耗臭氧层物质和氢氟碳化物自动监控设备的；
- (2) Embezzling, damaging, or moving or modifying without authorization the automatic monitoring devices of ODSs and HFCs;
- (三) 未按本条例规定保存原始监控记录的；
- (3) Failure to keep original monitoring records in accordance with this Regulation;
- (四) 篡改、伪造自动监控数据的。
- (4) Tampering with or counterfeiting data from automatic monitoring.

第三十八条【违反使用备案的法律责任】 使用单位应当进行备案而未备案或未按照要求备案的，由县级以上生态环境主管部门责令改正；拒不改正的，处 2 万元以上 10 万元以下的罚款。使用单位将原料用途的消耗臭氧层物质和氢氟碳化物用于受控用途的，由所在地县级以上生态环境主管部门责令停止违法行为，没收违法所得，并处 10 万元以上 50 万元以下罚款；情节严重且仍未停止违法行为的，由所在地县级以上生态环境主管部门责令拆除并销毁用于违法使用消耗臭氧层物质和氢氟碳化物的设备设施、对涉及的消耗臭氧层物质和氢氟碳化物进行无害化处置。被责令进行无害化处置的单位拒不履行的，由地方人民政府生态环境主管部门组织代为处置，所需费用由被责令进行无害化处置的单位承担。

Article 38 [Legal Liabilities for Violation of Record Filing for Consumption] For users that

are required to file records but failed to file or failed to file as required, the department in charge of ecology and environment at and above the county level shall require corrections. In cases where the unit refuses to rectify, [the department in charge of ecology and environment above the county level shall] impose a fine between 20,000 and 100,000 yuan. For users that use ODSs and HFCs as raw materials for controlled uses, the local department in charge of ecology and environment at and above the county level shall order the cessation of the illegal action, confiscate the illegal gains, and impose a fine between 100,000 and 500,000 yuan. In the case of continuing severe violations, the local department in charge of ecology and environment at and above the county level shall order the dismantling and destruction of the equipment and facilities that were used for the illegal consumption of ODSs and HFCs, and harmless disposal of the ODSs and HFCs involved. In a case where a unit refuses to carry out the harmless disposal as required, the department in charge of ecology and environment at the local people's government shall arrange the disposal, and the cost [of the disposal] shall be borne by the unit that was ordered to conduct such harmless disposal.

第三十九条【违反销售义务的法律后果】销售单位应当进行备案而未备案或未按照要求备案的，由县级以上生态环境主管部门责令改正；拒不改正的，处2万元以上10万元以下的罚款。

Article 39 [Legal Liabilities for Violation of Sales Obligations] For seller units that are required to file records but failed to file or failed to file as required, the department in charge of ecology and environment at and above the county level shall require rectification. In a case where a unit refuses to rectify, [the department in charge of ecology and environment at and above the county level shall] impose a fine between 20,000 and 100,000 yuan.

销售单位违法销售已淘汰的受控用途消耗臭氧层物质和氢氟碳化物的，由县级以上人民政府市场监督管理部门没收其违法所得，吊销其营业执照，处5万元以上50万元以下罚款，并责令对涉及的消耗臭氧层物质和氢氟碳化物进行无害化处置。被责令进行无害化处置的单位拒不履行的，由地方人民政府市场监督管理部门组织代为处置，所需费用由被责令进行无害化处置的单位承担。

For seller units that illegally sell ODSs and HFCs for controlled usages that are already phased out, the market regulation department of the people's government at and above the county level shall confiscate their illegal gains, revoke their business licenses, impose a fine between 50,000 and 500,000 yuan, and order the harmless disposal of the ODSs and HFCs involved. In a case where a unit refuses to carry out the harmless disposal as required, the market regulation department of the local people's government shall arrange the disposal, and the cost [of the disposal] shall be borne by the unit that was ordered to conduct such harmless disposal.

销售单位将原料用途消耗臭氧层物质和氢氟碳化物销售给受控用途消耗臭氧层物质和氢氟碳化物的使用单位的，由县级以上生态环境主管部门没收其违法所得，处 5 万元以上 50 万元以下罚款，并移交市场监督管理部门依法吊销其营业执照。

For seller units that sell ODSs and HFCs for raw material usages to units that use the ODSs and HFCs for controlled uses, the department in charge of ecology and environment at and above the county level shall confiscate their illegal gains, impose a fine between 50,000 and 500,000 yuan, and transfer [the case] over to the market regulation department to revoke their business licenses in accordance with the relevant laws and regulations.

第四十条【违反维修备案的法律责任】从事维修经营活动的单位，应当进行备案而未备案或未按照要求备案的，由所在地县级以上生态环境主管部门责令改正；拒不改正的，处 1 万元以下的罚款。

Article 40 [Legal Liabilities for Violation of Record Filing for Maintenance] For units that are required to file records for conducting maintenance business activities, but failed to file or failed to file as required, the local department in charge of ecology and environment at and above the county level shall require rectification. In a case where a unit refuses to rectify, [the local department in charge of ecology and environment at and above the county level shall] impose a fine of 10,000 yuan and under.

第四十一条【违反回收、再生利用、销毁备案的法律责任】专门从事消耗臭氧层物质和氢氟碳化物回收、再生利用或者销毁等经营活动的单位应当进行备案而未备案或未按照要求备案的，由所在地县级以上生态环境主管部门责令改正；拒不改正的，处 1 万元以上 5 万元以下的罚款。

Article 41 [Legal Liabilities for Violation of Record Filing for Recycling, Reuse and Destruction] For units that are required to file records for conducting specialized business activities involving recycling, reuse, destruction, etc., of ODSs and HFCs, but failed to file or failed to file as required, the local department in charge of ecology and environment at and above the county level shall require rectification. In a case where a unit refuses to rectify, [the local department in charge of ecology and environment at and above the county level shall] impose a fine between 10,000 and 50,000 yuan.

第四十二条【违反交易限制的法律责任】消耗臭氧层物质和氢氟碳化物及其混合物的生产、销售、使用、维修、回收和再生利用单位向不符合本条例规定的单位销售或者购买消耗臭氧层物质和氢氟碳化物及其混合物的，由所在地县级以上生态环境主管部门责令交易双方改正，没收其违法所得，并处 2 万元以上 50 万元以下罚款；对获得配额许可证的单位，报国务院生态环境主管部门核减其配额数量。

Article 42 [Legal Liabilities for Violation of Trade Restrictions] Where units that are engaged in the production, sale, consumption, maintenance, recycling, and reuse of ODSs, HFCs, and their blends sell or purchase ODSs, HFCs, and their blends to or from units that do not comply with the provisions of this Regulation, the local department in charge of ecology and environment at and above the county level shall require for rectification by both parties in the transaction, confiscate their illegal gains, and impose a fine between 20,000 and 500,000 yuan. For units with quota permits, [the local department in charge of ecology and environment at and above the county level shall] report to the ministry in charge of ecology and environment under the State Council for quota reduction.

第四十三条【违反减排和无害化处置义务的法律責任】 生产单位未按本条例规定对副产的消耗臭氧层物质和氢氟碳化物进行资源化利用或无害化处置而倾倒和直接排放的, 由所在地县级以上生态环境主管部门责令改正, 处 50 万元以上 100 万元以下的罚款。情节严重且仍未停止违法行为的, 由所在地县级以上生态环境主管部门责令拆除、销毁生产消耗臭氧层物质和氢氟碳化物的设备、设施。

Article 43 [Legal Liabilities for Violation of Emission Reduction and Harmless Disposal Obligations] For production units that dump and directly discharge by-produced ODSs and HFCs, instead of using them as resources or conducting harmless disposal in accordance with this Regulation, the local department in charge of ecology and environment at and above the county level shall require rectification and impose a fine between 500,000 and 1,000,000 yuan. In the case of continuing severe violations, the local department in charge of ecology and environment at and above the county level shall order the dismantling and destruction of the equipment and facilities that are used for the production of ODSs and HFCs.

第四十四条【回收、再生利用、销毁单位违反无害化处置法律責任】 从事消耗臭氧层物质和氢氟碳化物回收、再生利用或者销毁等经营活动的单位, 未按照规定对消耗臭氧层物质和氢氟碳化物进行无害化处置而直接向大气排放的, 由所在地县级以上生态环境主管部门责令改正, 处 10 万元以上 50 万元以下的罚款。

Article 44 [Legal Liabilities of Recycling, Reuse and Destruction Units for Violation of Harmless Disposal] Where units that are engaged in ODS or HFC recycling, reuse, or destruction business activities, etc., directly discharge ODSs and HFCs into the atmosphere without taking harmless disposal measures as required, the local department in charge of ecology and environment at and above the county level shall require rectification and impose a fine between 100,000 and 500,000 yuan.

第四十五条【违反资料保存义务的法律責任】 从事消耗臭氧层物质和氢氟碳化物生产、销售、使用、进出口、维修、回收、再生利用、销毁等经营活动的单位有下列行为之

一的，由所在地县级以上生态环境主管部门责令改正，可以处 1 万元以下的罚款；拒不改正的，处 1 万元以上 5 万元以下的罚款：

Article 45 [Legal Liabilities for Violation of the Obligations of Record Keeping] Where units that are engaged in ODS and HFC production, sale, consumption, import, export, maintenance, recycling, reuse and destruction business activities, etc., commit one of the following acts, the local department in charge of ecology and environment at and above the county level shall require rectification and may impose a fine of 10,000 yuan and under. In a case where a unit refuses to rectify, [the local department in charge of ecology and environment at and above the county level shall] impose a fine between 10,000 and 50,000 yuan:

(一) 未按照规定完整保存有关生产经营活动的原始资料的；

(1) Failure to keep complete original records on the production business activities as required;

(二) 未按时申报或者谎报、瞒报有关经营活动的数据资料的；

(2) Failure to submit data on time, or counterfeiting or concealing data submitted on business activities;

(三) 未按照监督检查人员的要求提供必要的资料的。

(3) Failure to provide necessary information as requested by the supervision and inspection personnel.

第四十六条【监督检查时拒绝、阻碍和弄虚作假的法律责任】拒绝、阻碍生态环境主管部门或者其他有关部门的监督检查，或者在接受监督检查时弄虚作假的，由监督检查部门责令改正，处 2 万元以上 20 万元以下的罚款。

Article 46 [Legal Liabilities for Refusal, Obstruction, and Fraud during Supervision and Inspection] For those who refuse or obstruct supervision and inspection by the department in charge of ecology and environment or by other relevant departments, or for those who commit fraud during supervision and inspection, the supervision and inspection department shall require rectification and impose a fine between 20,000 and 200,000 yuan.

第四十七条【违反进出口许可证效力和义务的法律责任】进出口单位无进出口许可证进出口消耗臭氧层物质和氢氟碳化物的，由海关依照有关法律、行政法规的规定予以处罚。

Article 47 [Legal Liabilities for Violation of the Effectiveness of the Import and/or export License and Relevant Obligations] For units that import and/or export ODSs and HFCs without an import and/or export license, the custom [authorities] shall impose punishment in

accordance with the relevant laws and administrative regulations.

进出口单位超出进出口许可证的规定，进出口消耗臭氧层物质和氢氟碳化物的，由海关依照有关法律、行政法规的规定予以处罚，并由国家消耗臭氧层物质和氢氟碳化物进出口管理机构酌情核减配额，暂停1个月至1年受理其进出口审批单。

Where a unit imports and/or exports ODSs and HFCs beyond the provisions of the import and/or export license, the custom [authorities] shall impose punishment in accordance with the relevant laws and administrative regulations. The national agency in charge of the administration of the import and export of ODSs and HFCs shall reduce [the unit's] quota and suspend the acceptance of its review and approval form for import and/or export for a period of 1 month to 1 year.

第四十八条【以不正当手段获取和使用配额和文件的进出口单位法律责任】进出口单位以欺骗、贿赂等不正当手段取得消耗臭氧层物质和氢氟碳化物年度配额、进出口审批单或者进出口许可证的，由国家消耗臭氧层物质和氢氟碳化物进出口管理机构撤销其进出口审批单，或者由商务主管部门撤销其进出口许可证，并由国家消耗臭氧层物质和氢氟碳化物进出口管理机构视情节轻重核减配额、暂停1个月至1年受理其进出口审批单、三年内不再受理其进出口审批单。

Article 48 [Legal Liabilities of Import and/or export Units that Obtain and Use Quotas and Documents by Improper Means] For import and/or export units that obtain annual quotas, the review and approval form for import and/or export, and/or the ODS and HFC import and/or export license by improper means including fraud and bribery, etc., the national agency in charge of the administration of import and export of ODSs and HFCs shall cancel their review and approval form for import and/or export; the commercial department shall revoke their import and/or export licenses; and the national agency in charge of the administration of import and export of ODSs and HFCs shall also reduce the quotas, suspend the acceptance of the review and approval form for import and/or export for a period of 1 month to 1 year, or stop the acceptance of their review and approval form for import and/or export for a period of 3 years, depending on the severity of action.

进出口单位提交的数据、材料有谎报、瞒报情形的，国家消耗臭氧层物质和氢氟碳化物进出口管理机构除给予前款规定处罚外，还应当将违法事实通报给进出口单位所在地县级以上生态环境主管部门，并由进出口单位所在地县级以上生态环境主管部门责令改正，并处2万元以上10万元以下的罚款。

Where an import and/or export unit submits false and/or incomplete data and/or documents, the national agency in charge of the administration of import and export of ODSs and HFCs shall,

in addition to imposing punishment as provided in the previous paragraph, send along the information on the illegal action to the department in charge of ecology and environment at and above the county level in the region where the import and/or export unit is located. The department in charge of ecology and environment at and above the county level in the region where the import and/or export unit is located shall require rectification and impose a fine between 20,000 and 100,000 yuan.

第四十九条【刑事责任】 违反本条例规定，构成犯罪的，依法追究刑事责任。

Article 49 [Criminal Liabilities] Where those who violate this Regulation are convicted of a crime, they shall be subject to criminal liabilities, according to the relevant laws and regulations.

第六章 附则

Chapter VI Supplementary Provisions

第五十条【生效日期】 本条例自 年 月 日起施行。

Article 50 [Effective Date] This Regulation shall enter into effect on _____ .