

# **China - Provisions for the Exemption of Import and Export Commodities from Inspection, 1994**

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1 **Provisions for the Exemption of Import and Export**  
2 **Commodities from Inspection**  
3 **(Promulgated by the State Administration for Import**  
4 **and Export Commodity Inspection on August 1,**  
5 **1994)**

6 **Article 1**

7 The rules are formulated pursuant to Article 5 of the Law of the  
8 People's Republic of China on the Inspection of Import and Export  
9 Commodities and Article 8 of the Regulations on the Implementa-  
10 tion of the Law of the People's Republic of China on the Inspection  
11 of Import and Export Commodities in order to ensure the quality of  
12 import and export commodities and promote the smooth develop-  
13 ment of foreign trade relations.

14 **Article 2**

15 All import and export commodities listed in Import and Export Com-  
16 modities Subject to Inspection by Commodity Inspection Organiza-  
17 tions may be exempt from inspection upon the application filed by  
18 the consignees, consignors or production enterprises (Hereinafter  
19 referred to as "applicants") and upon the examination and approval  
20 by the State Administration for Import and Export Commodity In-  
21 spection.

22 **Article 3**

23 In applying for exemption of inspection, an applicant must meet the  
24 following requirements:

25 1. A production enterprise applying for the exemption of inspec-  
26 tion of import and export commodities shall have a perfect quality  
27 assurance system.

28 A production enterprise importing commodities should be certified  
29 by the State Administration for Import and Export Commodity In-  
30 spection or have a certificate for its quality control system issued  
31 by relevant organizations recognized by the authentication associ-  
32 ation after actual examination and assessment. A production en-  
33 terprise exporting commodities shall have the approval of the Qual-  
34 ity Control System (ISO 9000) Work Committee for China's Export  
35 Commodities Production Enterprises and be assessed and issued  
36 with a qualification certificate of the quality assurance system by  
37 an appraisal organization registered with the State Administration  
38 for Import and Export Commodity Inspection.

39 2. The quality of import and export commodities for which exemp-  
40 tion of inspection has been applied should be kept constantly stable  
41 and the standard rate of the inspection by commodity inspection or-  
42 ganizations should reach 100% for three years running.

43 3. Chinese end-users of import commodities or foreign end-users  
44 of export commodities of China do not object to the application for  
45 exemption of inspection.

46 **Article 4**

47 Application for exemption of inspection is not to be accepted for im-  
48 port and export commodities concerning safety, hygiene and hav-  
49 ing the following special requirements:

50 1. Cereals and oils, toys, cosmetics and electrical appli-  
51 ances;

52 2. Import commodities covered by the safety and quality license  
53 management;

54 3. Commodities that deteriorate easily or bulk goods;

55 4. Commodities whose prices and settlement must be made ac-  
56

ording to components and contents as listed in commodity inspection certificates required by contracts;

18 5. Packing containers used for importing and exporting dangerous goods.

19 **Article 5**

20 In applying for exemption of inspection, an applicant shall follow the following procedures:

21 1. An applicant shall fill in and submit an application form and related materials (including quality control system certificate, quality standards, documents on the technological processes, certificate of inspection standard rate, preliminary examination report by the commodity inspection organizations and comments of end-users) with the State Administration for Import and Export Commodity Inspection.

22 For the application form and the format of the preliminary examination report by commodity inspection organizations, see Annex.

23 2. The application for exemption of inspection shall be filed only after the preliminary examination by the commodity inspection organization in the places where the production enterprises are located according to this set of rules and relevant regulations.

24 **Article 6**

25 After receiving the application for exemption of inspection, the State Administration for Import and Export Commodity Inspection shall make one of the following decisions after examination of the application:

26 1. To accept the application if it conforms to the provisions of this

set of rules;

27 2. To return the application to the applicant if it is incomplete in contents or in the required documents attached and demand correction within a certain time. Failure to correct within the time limit shall be deemed as having canceled the application; or

28 3. To reject the application if the application is found not to conform to the provisions of this set of rules and notify the applicant in writing.

29 **Article 7**

30 After accepting an application, the State Administration for Import and Export Commodity Inspection shall organize an expert group to make assessment and examination.

31 A member of the expert group shall, generally, have the qualifications of an assessor of export commodity quality control systems and the head of the group shall have the qualification of a senior assessor of export commodity quality control systems.

32 The head of the expert group shall direct the assessment and examination work.

33 **Article 8**

34 An applicant may apply for the withdrawal of certain members of the expert group if the applicant deems that the member or members of the expert group have a conflict of interests in the exemption of inspection or may affect just examination.

35 The withdrawal of any member of the expert group shall be decided by the State Administration for Import and Export Commodity Inspection.

36 **Article 9**

37 The expert group shall work according to the following proce-  
38 dures:

- 38 1. To examine the application form and related materials submitted  
39 by the applicant;
- 39 2. To examine the preliminary examination form and examination  
40 report submitted by the related commodity inspection organiza-  
41 tion;
- 40 3. To study and work out the examination plan;
- 41 4. To carry out inspection and testing of the commodities for which  
42 exemption of inspection has been applied and write a testing re-  
43 port;
- 42 5. To carry out assessment of the production enterprise concerned  
43 according to the examination plan and relevant regulations;
- 43 6. To make an examination conclusion and write an examination  
44 report.

44 **Article 10**

45 The State Administration for Import and Export Commodity Inspec-  
46 tion shall make one of the following decisions concerning the appli-  
47 cation for the exemption of inspection according to the examination  
48 report submitted by the expert group:

46 To approve the application and issue a certificate for the exemption  
47 of inspection if the application conforms to the provisions of this set  
48 of rules. Or to disapprove the application and notify the applicant  
49 of the decision if the application does not conform to the provisions  
50 of this set of rules.

**Article 11**

47

48 The validity term of the inspection-free certificate shall be decided  
49 by the State Administration for Import and Export Commodity In-  
50 spection, usually not exceeding three years.

**Article 12**

49

50 An applicant who has been approved for the exemption of inspec-  
51 tion for import or export commodities shall go through the clearance  
52 procedures with the related commodity inspection organization by  
53 presenting the valid inspection-free certificate, foreign trade con-  
54 tract, letter of credit, certificate of quality of commodities and other  
55 documents.

51 If a commodity inspection certificate is required for inspection-free  
52 export commodities, the related commodity inspection organization  
53 shall issue an inspection certificate upon the quality certificate sub-  
54 mitted by the applicant. For commodities that have quantity, quality  
55 and packing requirements, the inspection certificate shall be issued  
56 after examination according to relevant regulations.

**Article 13**

52

53 Production enterprises that have obtained inspection-free certifi-  
54 cates for import and export commodities shall accept supervision  
55 and management by commodity inspection organizations.

54 Commodity inspection organizations may carry out random exami-  
55 nations of the import and export commodities for which inspection-  
56 free certificates have been issued and if quality problems are found,  
57 the commodities shall not be cleared without inspection.

**Article 14**

56 If the State Administration for Import and Export Commodity In-  
spection has received complaints about the quality of inspection-  
free import and export commodities from Chinese and foreign end-  
users or reports by commodity inspection organizations, it shall, ac-  
cording to actual circumstances, organize expert groups to carry re-  
ports by commodity inspection organizations, it shall, according to  
actual circumstances, organize expert groups to carry out random  
examination of the said inspection-free commodities and make ex-  
amination reports.

57 **Article 15**

58 Applicants and production enterprises are not allowed to al-  
ter the properties, structures and manufacturing processes of  
inspection-free import and export commodities. If any change has  
been made, the application and examination procedures shall be  
renewed.

59 **Article 16**

60 An applicant may apply for the extension of the validity period for  
the inspection-free certificate four months ahead of the expiry date.  
The validity period may be extended after the State Administra-  
tion for Import and Export Commodity Inspection have reviewed it  
and deemed it qualified, but the extension shall not usually exceed  
three years.

61 **Article 17**

62 An applicant shall pay the required amount of fee according to reg-

55 ulations for applying for exemption of inspection and for obtaining  
the approval for the exemption of inspection.

**Article 18**

63  
64 If an applicant has violated the provisions of this set of rules by  
resorting to falsification and deceiving the State Administration for  
Import and Export Commodity Inspection or commodity inspection  
organizations, the said applicant shall be punished according to  
the provisions of the Detailed Regulations on the Implementation  
of the Law of the People's Republic of China on the Inspection of  
Import and Export Commodities, relevant laws and administrative  
decrees.

**Article 19**

65  
66 If commodity inspection personnel have violated the provisions of  
this set of rules in assessment, examination, approval or routine  
work by abusing their powers, committing dereliction of duty or re-  
sorting to deception for personal gains, they shall be given adminis-  
trative punishments according to the seriousness of the cases. If a  
case is serious enough to constitute a crime, criminal responsibility  
shall be affixed according to law.

**Article 20**

67  
68 This set of rules shall be implemented starting from October 1, 1994  
to supersede the "Rules on the Exemption of Inspection of Import  
and Export Commodities (for trial implementation) " issued by the  
State Administration for Import and Export Commodity Inspection  
on January 11, 1990.

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