

China - Regulations of the People's Republic of China on the Administration of the Controlled Chemicals

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**Regulations of the People’s Republic of China on the Administration of the Controlled Chemicals
(Promulgated by Decree No.190 of the State Council of the People’s Republic of China, and effective as of the date of promulgation)** **1**

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1 **Regulations of the People's Republic of China on the**
2 **Administration of the Controlled Chemicals**
3 **(Promulgated by Decree No.190 of the State Council**
4 **of the People's Republic of China, and effective as**
5 **of the date of promulgation)**

6 **Article 1**

7 These Regulations are formulated for the purpose of strength-
8 ening the administration of the controlled chemicals, safeguard-
9 ing the personal safety of the citizens and protecting the envi-
10 ronment.

11 **Article 2**

12 All those who engage in the production, marketing and use of
the controlled chemicals within the territory of the People's Re-
public of China shall abide by these Regulations.

13 **Article 3**

14 The controlled chemicals referred to in these Regulations mean
the following schedules of chemicals:

15 Schedule 1: chemicals which can be used as chemical
weapons;

16 Schedule 2: chemicals which can be used as the precursors of
manufacturing chemical weapons;

17 Schedule 3: chemicals which can be used as main materials of
manufacturing chemical weapons;

18 Schedule 4: discrete organic chemicals except for explosives
and pure hydrocarbon compounds.

The list of the controlled chemicals outlined in the preceding

paragraph shall be put forward to by the competent department
of the chemical industry of the State Council and shall be pro-
mulgated after being submitted to and approved by the State
Council.

19 **Article 4**

20 The competent department of the chemical industry authority
of the State Council shall be responsible for the national-wide
administration of the controlled chemicals. The competent de-
partment of the chemical industry of the people's government of
the province, autonomous region or municipality directly under
the Central Government shall be responsible for the administra-
tion of the controlled chemicals in its respective region.

21 **Article 5**

22 Anyone who engages in production, distribution or use of con-
trolled chemicals shall, in accordance with these Regulations
and the relevant provisions of the State, submit to the compe-
tent department of the chemical industry of the State Council or
the competent department of the chemical industry of the peo-
ple's government of province, autonomous region and munici-
pality directly under the Central Government the relevant mate-
rials, data and purpose of use concerning the production, dis-
tribution or use of the controlled chemicals and shall be subject
to the inspection and supervision of the competent department
of the chemical industry.

23 **Article 6**

24 The State controls shall strictly administer the production of
Schedule 1 chemicals.

19 The application for production of Schedule 1 chemicals for the purposes of scientific research, medical treatment, pharmaceutical production or protection shall be submitted to the competent department of the chemical industry of the State Council for approval, and such production shall be conducted in small-sized facilities which are designated by the competent department of the chemical industry of the State Council.

20 The production of Schedule 1 chemicals is strictly prohibited in those facilities which are not designated by the competent department of the chemical industry of the State Council.

21 **Article 7**

22 The State shall practice the system of special permission granted for the production of Schedules 2 and 3 chemicals and of Schedule 4 discrete organic chemicals containing phosphorous, sulfur and fluorine. Without special permission, no units or individuals may produce such controlled chemicals. The measures for the special permission shall be made by the competent department of the chemical industry of the State Council.

23 **Article 8**

24 The application for the construction of a new or extended or rebuilt facility for producing Schedule 2 or 3 chemicals and Schedule 4 discrete organic chemicals containing phosphorous, sulfur and fluorine shall be filed with the competent department of the chemical industry of the local people's government of the province, autonomous region or municipality directly under the Central Government, and after its examination and recommendation, shall be submitted to the competent department of the chemical industry of the State Council for approval. The construction of the facility may be commenced only after being ap-

19 proved by the department. The completed facility may be delivered for use in production only after passing the acceptance inspection of the competent department of the chemical industry of the local people's government of the province, autonomous region or municipality directly under the Central Government and obtaining the approval of the competent department of the chemical industry of the State Council.

25 Before its commencement, the construction of a new or extended or rebuilt facility for producing Schedule 4 discrete organic chemicals containing phosphorous, sulfur or fluorine shall be reported for the record to the competent department of the chemical industry of the local people's government of the province, autonomous region or municipality directly under the Central Government.

Article 9

26 The controlled chemicals shall be stored in the chemical warehouse for the special purpose and managed by the designated persons. The conditions for storing the controlled chemicals shall comply with the relevant provisions of the State.

Article 10

28 Any unit which stores the controlled chemicals shall set up the system of strict inspection of warehouse entry and exit and record system. If finding that a controlled chemical is lost or stolen, a report of the matter shall, without delay, be made to the local public security organ and the competent department of the chemical industry of the local people's government of the province, autonomous region or municipality directly under the Central Government; which shall render an active cooperation with the public security organ for investigation and punishment.

30 **Article 11**

31 The deteriorated expired controlled chemicals shall be dis-
posed of in time. Such disposition shall be conducted after
being approved by the competent department of the chemical
industry of the local people's government of the province,
autonomous region or municipality directly under the Central
Government.

32 **Article 12**

33 Anyone who intends to use Schedule 1 chemicals for scientific
research, medical treatment, pharmaceutical production or pro-
tection purposes shall submit an application to the competent
department of the chemical industry of the State Council, and
upon the approval of the latter and by presenting the approval
document, shall conclude a contract with the production unit
designated by the competent department of the chemical indus-
try of the State Council, and shall submit the copy of the con-
tract for the record to the competent department of the chemical
industry of the State Council.

34 **Article 13**

35 Anyone who intends to use Schedule 2 chemicals shall sub-
mit an application to the competent department of the chemi-
cal industry of the local people's government of the province,
autonomous region or municipality directly under the Central
Government, and upon the approval of the latter and by pre-
senting the approval document, shall conclude a contract with
the distribution unit designated by the competent department of
the chemical industry of the State Council, and shall submit the
copy of the contract for the record to the competent department
of the chemical industry of the local people's government of the

province, autonomous region or municipality directly under the
Central Government.

Article 14

The units designated by the competent department of the
chemical industry of the State Council jointly with the compe-
tent department of the foreign economic cooperation and trade
of the State Council (hereinafter referred as the designated
units) may engaged in import and export activities of Schedule
1 chemicals and Schedules 2 and 3 and their manufacturing
technology and specialized equipment.

Anyone who intends to import or export Schedule 1 chemicals
under and Schedules 2 and 3 and their manufacturing technol-
ogy and specialized equipment should entrust a designated unit
with the agency of such import or export. No unit or individual
may be engaged in such import and export activities, with the
exception of the designated units.

Article 15

The State shall strictly administer the import and export of
Schedule 1 chemicals. No Schedule 1 chemicals may be im-
ported except for the purposes of scientific research, medical
treatment, pharmaceutical production and protection.

The designated unit which is entrusted with the importation of
Schedule 1 chemicals shall submit an application and the end-
use statement and certifying documents of the products to the
competent department of the chemical industry of the State
Council, and after the examination and recommendation of the
said department, shall submit the application to the State Coun-
cil for approval. The designated unit shall, by presenting the
approval documents of the State Council, apply for the import

license to the competent department of the foreign economic cooperation and trade of the State Council.

42 **Article 16**

43 The designated unit which is entrusted with the importation of Schedules 2 and 3 chemicals and their manufacturing technology and specialized equipment shall submit an application and the end-use statement and certifying documents of the imported chemicals, manufacturing technology and equipment to the competent department of the chemical industry of the State Council. Upon approval of the said department, the designated unit shall, by presenting the document of the competent department of the chemical industry of the State Council, apply for the import license to the competent department of the foreign economic cooperation and trade of the State Council.

44 **Article 17**

45 The designated unit which is entrusted with the exportation of Schedule 1 chemicals shall submit to the competent department of the chemical industry of the State Council an application and the written guarantee of the government or its authorized agency of the importing country which confirms that the imported chemicals shall only be used for scientific research, medical treatment, pharmaceutical production and protection and shall not be re-exported to a third country; and after the examination and recommendation of the said department, shall submit the application to the State Council for approval. The designated unit shall, by presenting the approval document of the State Council, apply for export license to the competent department of the foreign economic cooperation and trade of the State Council.

Article 18

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The designated unit which is entrusted with the exportation of Schedule 2 or 3 chemicals and their manufacturing technology and specialized equipment shall submit to the competent department of the chemical industry of the State Council an application and the written guarantee of the government or its authorized agency of the importing country which confirms that the imported chemicals, manufacturing technology and equipment shall not be used in manufacturing chemical weapons and shall not be re-exported to a third country. Upon approval of the said department, the designated unit shall, by presenting the approval document of the competent department of the chemical industry of the State Council, apply for export license to the competent department of the foreign economic cooperation and trade of the State Council.

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Article 19

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The use of the controlled chemicals shall be consistent with the purpose applied for. Any change of the purpose of use shall, if needed, be submitted to the original approving organ for approval.

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Article 20

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Those using Schedules 1 and 2 chemicals shall, in accordance with the relevant provisions of the State, report regularly to the local competent department of the chemical industry of the people's government of provinces, autonomous regions and municipalities directly under the State Council on the quantity of the controlled chemicals they used and the quantity of end products they made from such controlled chemicals.

51

52 Article 21

53 Anyone who, in violation of the provisions of these Regulations, produces the controlled chemicals shall be ordered to make correction within the time limit by the competent department of the chemical industry of the people's government of the province, autonomous region and municipality directly under the State Council, and if failing to make correction within the specified time limit, shall be imposed a fine of less than 200,000 yuan, and if the circumstances are serious, may be ordered to stop the production for rectification by the people's government of the province, autonomous region and municipality directly under the State Council .

54 Article 22

55 Anyone who, in violation of the provisions of these Regulations, uses the controlled chemicals, shall be ordered to make correction within the time limit by the competent department of the chemical industry of the people's government of the province, autonomous region and municipality directly under the State Council, and if failing to make correction within the specified time limit, shall be imposed a fine of less than 50,000 yuan .

56 Article 23

57 Anyone who, in violation of the provisions of these Regulations, markets the controlled chemicals, shall be subject to confiscation of the controlled chemicals he distributed illegally and his illegal income and a fine of more than one time and less than two times the total illegal turnover.

58 Article 24

59 Anyone who, in violation of the provisions of these Regulations, hides or refuses to report the information or data pertaining to the controlled chemicals or impedes or obstructs the exercise of the inspection and supervision duty by the competent department of the chemical industry in accordance with the provisions of these Regulations, shall be imposed a fine of less than 50,000 yuan by the competent department of the chemical industry of the people's government of the province, autonomous region and municipality directly under the State Council.

Article 25

60 Anyone who, in violation of the provisions of these Regulations, commits an act contravening the public security administration, shall be punished in accordance with the provisions of the Regulations of the People's Republic of China on Administrative Penalties for Public Security. If a crime is constituted, his criminal responsibility shall be investigated according to law.

Article 26

62 Those who, prior to the implementation of these Regulations, have already engaged in production, marketing or use of controlled chemicals, shall go through the relevant formalities in accordance with the provisions of these Regulations.

Article 27

64 These Regulations shall enter into force as of the date of promulgation. 65

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