

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

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Provisions for the Exemption of Import and Export Commodities from Inspection

(Promulgated by the State Administration for Import and Export Commodity Inspection on August 1, 1994)

Article 1

The rules are formulated pursuant to Article 5 of the Law of the People's Republic of China on the Inspection of Import and Export Commodities and Article 8 of the Regulations on the Implementation of the Law of the People's Republic of China on the Inspection of Import and Export Commodities in order to ensure the quality of import and export commodities and promote the smooth development of foreign trade relations.

Article 2

All import and export commodities listed in Import and Export Commodities Subject to Inspection by Commodity Inspection Organizations may be exempt from inspection upon the application filed by the consignees, consignors or production enterprises (Hereinafter referred to as "applicants") and upon the examination and approval by the State Administration for Import and Export Commodity Inspection.

Article 3

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

1. A production enterprise applying for the exemption of inspection of import and export commodities shall have a perfect quality assurance system.

A production enterprise importing commodities should be certified by the State Administration for Import and Export Commodity Inspection or have a certificate for its quality control system issued by relevant organizations recognized by the authentication association after actual examination and assessment. A production enterprise exporting commodities shall have the approval of the Quality Control System (ISO 9000) Work Committee for China's Export Commodities Production Enterprises and be assessed and issued with a qualification certificate of the quality assurance system by an appraisal organization registered with the State Administration for Import and Export Commodity Inspection.

2. The quality of import and export commodities for which exemption of inspection has been applied should be kept constantly stable and the standard rate of the inspection by commodity inspection organizations should reach 100% for three years running.

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

Article 4

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Application for exemption of inspection is not to be accepted for import and export commodities concerning safety, hygiene and having the following special requirements:

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1. Cereals and oils, toys, cosmetics and electrical appliances;
2. Import commodities covered by the safety and quality license management;
3. Commodities that deteriorate easily or bulk goods;
4. Commodities whose prices and settlement must be made according to components and contents as listed in commodity inspection certificates required by contracts;
5. Packing containers used for importing and exporting dangerous goods.

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Article 5

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

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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.

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

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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.

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Article 6

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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:

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1. To accept the application if it conforms to the provisions of this set of rules;
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
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.

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Article 7

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

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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.

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

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Article 8

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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.

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

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Article 9

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The expert group shall work according to the following procedures:

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1. To examine the application form and related materials submitted by the applicant;

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2. To examine the preliminary examination form and examination report submitted by the related commodity inspection organization;

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3. To study and work out the examination plan;

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4. To carry out inspection and testing of the commodities for which exemption of inspection has been applied and write a testing report;

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5. To carry out assessment of the production enterprise concerned according to the examination plan and relevant regulations;

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6. To make an examination conclusion and write an examination report.

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Article 10

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The State Administration for Import and Export Commodity Inspection shall make one of the following decisions concerning the application for the exemption of inspection according to the examination report submitted by the expert group:

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To approve the application and issue a certificate for the exemption of inspection if the application conforms to the provisions of this set of rules. Or to disapprove the

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application and notify the applicant of the decision if the application does not conform to the provisions of this set of rules.

Article 11

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

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Article 12

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An applicant who has been approved for the exemption of inspection for import or export commodities shall go through the clearance procedures with the related commodity inspection organization by presenting the valid inspection-free certificate, foreign trade contract, letter of credit, certificate of quality of commodities and other documents.

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

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Article 13

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Production enterprises that have obtained inspection-free certificates for import and export commodities shall accept supervision and management by commodity inspection organizations.

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

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Article 14

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If the State Administration for Import and Export Commodity Inspection 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, according to actual circumstances, organize expert groups to carry reports 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 examination reports.

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Article 15

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Applicants and production enterprises are not allowed to alter 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.

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Article 16

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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 Administration for Import and Export Commodity Inspection have reviewed it and deemed it qualified, but the extension shall not usually exceed three years.

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Article 17

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An applicant shall pay the required amount of fee according to regulations for applying for exemption of inspection and for obtaining the approval for the exemption of inspection.

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Article 18

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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.

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Article 19

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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 resorting to deception for personal gains, they shall be given administrative 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.

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Article 20

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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

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implementation) ” issued by the State Administration for Import and Export Commodity Inspection on January 11, 1990.

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