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MEASURES FOR THE ADMINISTRATION OF REGISTRATION OF HAZARDOUS CHEMICALS

The State Economic and Trade Commission

Order of the State Economic and Trade Commission of the People's Republic of China

No.35

The Measures for the Administration of Registration of Hazardous Chemicals, which were adopted at the director executive meeting of the State Economic and Trade Commission, are hereby promulgated and shall enter into force on November 15, 2002.

Director of the State Economic and Trade Commission Li Rongrong

October 8, 2002

Measures for the Administration of Registration of Hazardous Chemicals

Chapter I General Rules

Article 1

In order to strengthen the safety administration of hazardous chemicals, to prevent chemical accidents and to provide technology and information support for emergent rescue, the present Measures are formulated in accordance with the Regulations on the Safety Administration of Hazardous Chemicals.

Article 2

The present Measures shall apply to the entities that produce or store hazardous chemicals and those that use highly toxic chemicals or use other hazardous chemicals the quantities of which constitute major hazard sources within the People's Republic of China (hereinafter referred to as register entities).

Article 3

Scope of the registration of hazardous chemicals:

1)

Hazardous chemicals included in the standard Name List of Hazardous Chemicals (GB 12268) of the state;

2)

Other hazardous chemicals that are determined and promulgated by the State Administration of Safe Production Supervision in conjunction with the departments of public security, environment protection, health, quality control and communication under the State Council, but not included in the Name List of Hazardous Chemicals.

The State Bureau of Safe Production Supervision and Administration shall summarize and promulgate the Catalog of Hazardous Chemicals according to the hazardous chemicals determined in Items 1) and 2).

The register entities of hazardous chemicals are: the entities that produce and store hazardous chemicals (hereinafter referred to as production entities and storage entities), and the entities that use highly toxic chemicals and use other hazardous chemicals the quantities of which constitute major hazard sources (hereinafter referred to as use entities).

The production entities, storage entities and use entities shall refer to the legal persons or non-legal persons that have made registration with the industry and commerce authorities.

Article 4

The State Bureau of Safe Production Supervision and Administration shall be in charge of the supervision and administration of the registration of hazardous chemicals of the whole country.

The bodies of safe production supervision and administration of the provinces, autonomous regions and municipalities directly under the Central Government shall be in charge of the supervision and administration of the registration of hazardous chemicals within their respective administrative areas.

Chapter II Registration Bodies

Article 5

The state shall establish the National Chemical Registration Center (hereinafter referred to as Registration Center) to undertake the specific work and technical management of the registration of hazardous chemicals of the whole country.

The provinces, autonomous regions and municipalities directly under the Central Government shall establish chemical registration offices (hereinafter referred to as registration offices) to undertake the specific work and technical management of the registration of hazardous chemicals of their respective areas.

Article 6

The State Bureau of Safe Production Supervision and Administration shall supervise and administer the Registration Center; and the bodies of safe production supervision and administration of the provinces, autonomous regions and municipalities directly under the Central Government shall supervise and administer the registration offices under their respective jurisdiction.

Article 7

The Registration Center shall perform the following duties:

- 1)
Organizing, coordinating and directing the registration of hazardous chemicals of the whole country;
- 2)
Being responsible for the issuance of registration certificates of hazardous chemicals and the management of registration numbers of the whole country;
- 3)
Establishing and maintaining the national hazardous chemical registration administration database and the dynamic statistics and analysis information system;
- 4)
Setting up the state emergent consultation phone for chemical accidents, and establishing the emergent rescue information networks jointly with the registration offices of the localities to provide chemical accident emergent consultation services;
- 5)
Organizing evaluations of the hazardous nature of new chemicals; and classifying the unclassified chemicals by their hazardous nature in a unified way;
- 6)
Being responsible for the training of registration personnel of hazardous chemicals of the whole country.

Article 8

The registration offices shall perform the following duties:

- 1)
Organizing the registration of hazardous chemicals of their respective areas;
- 2)
Verifying the matters applied for registration by the register entities;
- 3)
Examining the normalization and consistency of the chemical safety technical specifications and chemical safety labels drawn up by the production entities;
- 4)

Establishing hazardous chemicals registration administration databases and dynamic statistics and analysis information systems of their respective areas;

5)

Providing chemical accident emergent consultation services.

Article 9

Staff members of the Registration Center and registration offices that engage in the registration of hazardous chemicals (hereinafter referred to as registration staff) must go through the unified training, pass the examinations given by the State Bureau of Safe Production Supervision and Administration and draw the Post Certificate of Hazardous Chemical Registration Staff (hereinafter referred to as Registration Post Certificate) before they may assume their posts.

Article 10

The Registration Center shall have more than 10 registration staff with the Registration Post Certificate, and each registration office shall have more than 3 registration staff with the Registration Post Certificate.

Article 11

The Registration Center and registration offices shall formulate strict work rules and procedures, provide satisfactory services to the register entities and keep the commercial secrets of the register entities.

Article 12

The Registration Center shall report, in written form, on the registration of hazardous chemicals of the whole country to the State Bureau of Safe Production Supervision and Administration every year; and each registration office shall report, in written form, on the registration of hazardous chemicals of its area to the body of safe production supervision and administration of the province, autonomous region or municipality directly under the Central Government every year. Copies of the reports of the local registration offices shall be sent to the Registration Center at the same time.

Chapter III Time, Matters and Procedures of the Registration

Article 13

The register entities shall go through the formalities for registration of hazardous chemicals within 6 months from the day of promulgation of the Catalog of Hazardous Chemicals.

With respect to the hazardous chemicals of which the hazardous natures are unclear, the production entity shall, within 1 year from the day of implementation of the present Measures, entrust the professional technical agencies recognized by the State Bureau of Safe Production Supervision and Administration to appraise and evaluate their hazardous natures, and shall go through the registration formalities on the basis of the appraise and evaluation reports.

With respect to new chemicals, the production entity shall, within 1 year before the new chemicals are put into production, entrust the professional technical agencies recognized by the State Bureau of Safe Production Supervision and Administration to appraise and evaluate their hazardous natures, and shall go through the registration formalities on the basis of the appraise and evaluation reports.

A newly established production entity shall go through the formalities for registration of hazardous chemicals before starting production.

In case of major changes in the production scale or in the product categories as well as in the physical and chemical characteristics of the products, the register entities that have made the registration shall, within 3 months, make a new registration of the major changes.

Article 14

The matters that a production entity shall register include:

- 1)
Basic information of the production entity;
- 2)
Production capacity, quantities needed annually, maximum storage quantities of the hazard chemicals;
- 3)
Product standards of the hazard chemicals;
- 4)
Appraisal and evaluation reports on hazardous natures of new chemicals and the chemicals with unclear hazardous natures;
- 5)
Chemical safety technical specifications and chemical safety labels;
- 6)
Emergent consultation service telephone.

Article 15

The matters that a storage entity or use entity shall register include:

- 1)
Basic information of the storage entity or use entity;
- 2)
Categories and quantities of the hazard chemicals stored or used;
- 3)
Safety technical specifications and safety labels of the hazard chemicals stored or used.

Article 16

Registration procedures:

1)

The register entity shall draw the Hazardous Chemical Registration Form from the registration office of the province, autonomous region or municipality directly under the Central Government where it is located, and faithfully fill out the form according to the requirements.

2)

The register entity shall provide the registration materials to the registration office by written documents and electronic documents.

3)

The registration office shall examine the hazardous chemical registration files submitted by the register entity within 20 days from the day of submission, and may conduct on-spot verification if necessary, register the hazardous chemicals and the register entities that meet the requirements, record the relevant data into the hazardous chemical administration database of the area and submit the registration materials to the Registration Center.

4)

The Registration Center shall, within 10 days from receiving the registration materials submitted by the registration office, make necessary examination and record the relevant data into the national hazardous chemical administration database before issuing the hazardous chemical registration certificate and registration number to the register entity through the registration office.

5)

The registration office shall, within 5 days from receiving the registration certificate and registration number, serve the certificate and number to the register entity or notify the register entity to draw them.

Article 17

When making registration, a production entity shall submit the following materials to the registration office of the province, autonomous region or municipality directly under the Central Government where it is located:

1)

Hazardous Chemical Registration Form in triplication and one piece of the electronic version thereof;

2)

Two copies of the business license;

3)

Reports on the appraisal, classification and evaluation of the chemicals with unclear hazardous natures or of the new chemicals, three pieces of each;

4)

Chemical safety technical specification and chemical safety label, three pieces and one electronic version of each;

5)

Emergent consultation service telephone number. If a relevant agency has been entrusted to set up the emergent consultation service telephone, the trust deed for emergent services shall be provided;

6)

Product standards of the hazardous chemicals to be registered (if the state standards or industrial standards are adopted, the standard numbers shall be provided).

A storage entity or use entity shall submit the materials provided for in Items 1), 2) and 4) above mentioned.

Article 18

The valid term of a registration certification of hazardous chemicals is 3 years. The register entity shall, within 3 months prior to the expiration of the valid term, go through the review with the registration office of the province, autonomous region or municipality directly under the Central Government where it is located. The contents to be reviewed shall include: alteration of the basic information of the production entity, storage entity or use entity, and updates of the safety technical specification and safety label etc.

Article 19

A register entity shall perform the following obligations:

1)

Making general examinations of its hazardous chemicals and establish the administration archives of hazardous chemicals;

2)

Faithfully filling out the registration materials of hazardous chemicals;

3)

Appraising, classifying and evaluating the chemicals with unclear hazardous natures or the new chemicals produced by the entity;

4)

A production entity shall correctly draw up the chemical technical specifications according to the national standard and provide the specifications to the users, hang or stick the chemical safety labels onto the packaging of the products, provide accurate and reliable data and be responsible for the authenticity of the data;

5)

A storage entity or use entity of hazardous chemicals shall ask for the safety technical specifications from the entity supplying the products;

6)

A production entity must provide the users with the chemical accident emergent consultation services, and provide technical directions and necessary assistance for emergent rescue in chemical accidents;

7)

Assisting the registration staff to make verification of the hazardous chemical registration of the entity when necessary.

Article 20

When a production entity terminates the production of hazardous chemicals, it shall go through the formalities for writing off the registration within 3 months from the termination of production.

Where a use entity terminates the use of hazardous chemicals, it shall go through the formalities for writing off the registration within 3 months from the termination of use.

Chapter IV Penalty provisions

Article 21

If a production entity, storage entity or use entity is in any of the following situations, the body of safety production supervision and administration at or above the county level shall order it to correct its behavior and impose on it a fine of less than 30,000 yuan regarding the seriousness of the circumstances:

1)

Failing to make the registration of hazardous chemicals pursuant to the provisions, or failing to make the registration within 6 months from the day of receipt of the notification for registration;

2)

Failing to provide the emergent consultation services to the users;

3)

Transferring, renting or forging the registration certificate;

4)

A register entity that has made the registration failing to go through the registration formalities anew pursuant to the provisions in case of major changes in the production scale, or the product categories, or the physical and chemical characteristics of the products;

5)

Failing to apply for review pursuant to the provisions after the hazard chemical registration certificate expires;

6)

A production entity or use entity failing to go through the formalities for writing off the registration in time pursuant to the provisions in case of termination of the production or termination of use of hazardous chemicals.

Article 22

If the staff of the Registration Center or registration office operate against the rules, conduct fraudulent acts, overissue the certificates, or fail to make the registration within the prescribed time limit without due cases and give no clear answer, or disclose the commercial secrets of the register entities, the body of safe production supervision and administration at or above the provincial level shall order them to correct their behaviors, and shall give administrative punishments to the relevant responsible personnel, and shall investigate for the responsibilities of the principal of the Registration Center or registration office.

Chapter V Supplementary Rules

Article 23

The hazard chemical registration forms, the hazard chemical registration certificates and the post certificates of hazard chemical registration staff shall be uniformly printed by the State Bureau of Safe Production Supervision and Administration.

Article 24

The power to interpret the present Measures shall be authorized to the State Bureau of Safe Production Supervision and Administration.

Article 25

The present Measures shall enter into force on November 15, 2002, and the Provisions on the Administration of Registration of Hazards Chemicals promulgated by the State Economic and Trade Commission on September 11, 2000 shall be abolished simultaneously.

The State Economic and Trade Commission 2002-10-08

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