

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

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2004/06/03

(Promulgated by Decree No.190 of the State Council of the People's Republic of China on December 27,1995, and effective as of the date of promulgation)

Article 1 These Regulations are formulated for the purpose of strengthening the administration of the controlled chemicals, safeguarding the personal safety of the citizens and protecting the environment.

Article 2 All those who engage in the production, marketing and use of the controlled chemicals within the territory of the People's Republic of China shall abide by these Regulations.

Article 3 The controlled chemicals referred to in these Regulations mean the following schedules of chemicals :

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

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

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

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 by the competent department of the chemical industry of the State Council and shall be promulgated after being submitted to and approved by the State Council .

Article 4 The competent department of the chemical industry of the State Council shall be responsible for the nation-wide administration of the controlled chemicals. The competent department 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 administration of the controlled chemicals in its respective administrative region.

Article 5 Anyone who engages in the production, marketing or use of the controlled chemicals shall, in accordance with these Regulations and the relevant provisions of the State, submit to the competent department of the chemical industry of the State Council or the competent department of the chemical industry of the people's government of the province, autonomous region or municipality directly under the Central Government the relevant materials, data and purpose of use concerning the production, marketing or use of the controlled chemicals and shall be subject to the inspection and supervision of the competent department of the chemical industry.

Article 6 The State shall strictly administer the production of Schedule 1 chemicals.

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.

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.

Article 7 The State shall practise 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.

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Article 8 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 or 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 approved 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.

Before its commencement, the construction of a new or extended or rebuilt facility for producing Schedule 4 discrete organic chemicals containing no 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 The controlled chemicals shall be stored in the chemical warehouses 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 Any unit which stores the controlled chemicals shall set up the system of strict inspection of warehouse entry and exit and the 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.

Article 11 The deteriorated or expired controlled chemicals shall be disposed 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.

Article 12 Anyone who intends to use Schedule 1 chemicals for scientific research, medical treatment, pharmaceutical production or protection 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 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 State Council.

Article 13 Anyone who intends to use Schedule 2 chemicals shall submit an application 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, and upon the approval of the latter and by presenting 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 competent department of the foreign economic cooperation and trade of the State Council (hereinafter referred to as the designated units) may engage in import and export activities of Schedule 1 chemicals and Schedule 2 or 3 chemicals and their manufacturing technology and specialized equipment.

Anyone who intends to import or export Schedule 1 chemicals and Schedule 2 or 3 chemicals and their manufacturing technology and specialized equipment shall 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

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chemicals may be imported 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 Council for approval. The designated unit shall, by presenting the approval document of the State Council, apply for the import licence to the competent department of the foreign economic cooperation and trade of the State Council.

Article 16 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 approval document of the competent department of the chemical industry of the State Council, apply for the import licence to the competent department of the foreign economic cooperation and trade of the State Council.

Article 17 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 the export licence to the competent department of the foreign economic cooperation and trade of the State Council.

Article 18 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 the export licence to the competent department of the foreign economic cooperation and trade of the State Council.

Article 19 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.

Article 20 Those using Schedules 1 and 2 chemicals shall, in accordance with the relevant provisions of the State, report regularly to the competent departments of the chemical industry of the local people's governments 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.

Article 21 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 or 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 or municipality directly under the State Council.

Article 22 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 or 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.

Article 23 Anyone who, in violation of the provisions of these Regulations, markets the controlled chemicals, shall be subject to the confiscation of the controlled chemicals he distributed illegally and his illegal income and a

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fine of more than one time and less than two times the total illegal turnover.

Article 24 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 or municipality directly under the State Council.

Article 25 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 Those who, prior to the implementation of these Regulations, have already engaged in production, marketing or use of the controlled chemicals, shall go through the relevant formalities in accordance with the provisions of these Regulations.

Article 27 These Regulations shall enter into force as of the date of promulgation.