

国务院令 第 190 号

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

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Article 1 In order to strengthen the management of chemicals subject to supervision and control, safeguard the safety of citizens, and protect the environment, the present Regulations are hereby formulated.

Article 2 All activities concerning the production, marketing or application of chemicals subject to supervision and control within the territory of the People's Republic of China shall conform with the present Regulations.

Article 3 The chemicals as referred to in the present Regulations are chemicals of the following categories:

- (1) chemicals that can be used as chemical weapons;
- (2) chemicals that can be used as precursors for the production of chemical weapons;
- (3) chemicals that can be used as main raw materials for the production of chemical weapons; or
- (4) special organic chemicals excluding explosives and pure hydrocarbon.

A list of the names of chemicals in the above-mentioned categories shall be put forward by the department in charge of chemical industry under the State Council and be publicized subject to the approval of the State Council.

Article 4 The department in charge of chemical industry under the State Council shall be responsible for the management of chemicals subject to supervision and control for the whole country. The departments in charge of chemical industry of the people's governments of provinces, autonomous regions and municipalities directly under the central government shall be responsible for the management of chemicals subject to supervision and control within their respective administrative regions.

Article 5 Whoever produces, markets or applies chemicals subject to supervision and control shall, in accordance with the present Regulations and other relevant regulations of the state, report relevant materials, data, or application purposes regarding the production, marketing, or application of chemicals subject to supervision and control to the department in charge of chemical industry under the State Council or under the people's government of the respective province, autonomous region or municipality directly under the central government and shall submit to inspection and supervision by chemical industry authorities.

Article 6 The state shall rigorously control the production of the first category of chemicals subject to supervision and control.

In the event that it is necessary to manufacture the first category of chemicals subject to supervision and control for research, medical, pharmaceutical or defense purposes, such manufacture shall be subject to approval of the department in charge of chemical industry under the State Council and production shall be conducted in small scale facilities designated by the department in charge of chemical industry under the State Council.

It is strictly prohibited to manufacture the first category of chemicals subject to supervision and control in facilities without prior designation by the department in charge of chemical industry under the State Council.

Article 7 The state shall adopt a system of special permission concerning the manufacture of second and third category chemicals subject to supervision and control and of special organic chemicals of the fourth category which contain phosphorus, sulfur or fluorine. No unit or individual shall produce those chemicals without special permission. Procedures for obtaining special permission shall be formulated by the department in charge of chemical industry under the State Council.

Article 8 For new construction, extension or reconstruction of facilities for the production of chemicals of the second or third category or of special organic chemicals of the fourth category containing phosphorus, sulfur or fluorine, an application shall first be filed for examination and commentary by the department in charge of chemical industry under the people's government of the province, autonomous region or municipality directly under the central government and then be submitted to the department in charge of chemical industry under the State Council for approval. Only after approval has been obtained can construction begin. After the project is completed, it shall be subject to inspection and approval by the department in charge of chemical industry of the people's government of the province, autonomous region or municipality directly under the central government according to

standards and shall obtain the approval of the department in charge of chemical industry under the State Council before the facilities can be put into production.

The construction, extension or reconstruction of facilities for production of chemicals of the fourth category that do not contain phosphorus, sulfur or fluorine shall, before construction or production begins, file with the department in charge of chemical industry of the people's government of the respective province, autonomous region or municipality directly under the central government where the facilities are to be located.

Article 9 Chemicals subject to supervision and control shall be preserved in special chemical storehouses and be under the management of special personnel. The conditions under which chemicals subject to supervision and control are preserved shall conform with relevant state regulations.

Article 10 Any unit which preserves chemicals subject to supervision and control shall establish a rigorous inspection system for inspecting and registering chemicals being moved into or out of storehouses. The discovery of the loss or theft of any chemicals shall promptly be reported to the local security bureau and the department in charge of chemical industry of the people's government of the relevant province, autonomous region or municipality directly under the central government. The department in charge of chemical industry of the people's government of the province, autonomous region or municipality directly under the central government shall actively cooperate with the public security organ in the investigation and settlement of any such cases.

Article 11 Chemicals subject to supervision and control which have lost their effectiveness due to deterioration or expiration shall be promptly disposed of. The disposal plan shall be subject to the approval of the department in charge of chemical industry under the people's government of the province, autonomous region or municipality directly under the central government.

Article 12 For use of the first category of chemicals subject to supervision and control for research, medical, pharmaceutical or defense purposes, an application shall first be filed for examination and approval with the department in charge of chemical industry under the State Council; with the instruments of approval serving as certification, a contract may be signed with the production unit designated by the relevant department in charge under the State Council. A duplicate of the contract shall be submitted for filing to the department in charge of chemical industry under the State Council.

Article 13 For use of the second category of chemicals subject to supervision and control,

an application shall first be filed for examination and approval with the department of the people's government in charge of chemical industry of the province, autonomous region or municipality directly under the central government; with the instruments of approval serving as certification, a contract may be signed with the marketing unit designated by the department in charge of chemical industry under the State Council. A duplicate of the contract shall be submitted for filing to the department in charge of chemical industry under the people's government of the province, autonomous region or municipality directly under the central government.

Article 14 The department in charge of chemical industry under the State Council may, in cooperation with units designated by the department in charge of foreign trade and economic cooperations under the State Council (herein after referred to as designated units), engage in the import or export of the first, second or third category of chemicals subject to supervision and control and of production technology and special equipment for chemicals of the second or third category.

When it is necessary to import or export the first, second or third category of chemicals subject to supervision and control or the production technology and special equipment relating to the second or third category of chemicals, business relating imports and exports shall be entrusted to the designated units. No unit or individual except the designated units may engage in business relating to such imports and exports.

Article 15 The state shall rigorously control the import and export of the first category of chemicals subject to supervision and control. The first category of chemicals subject to supervision and control may not be imported unless deemed necessary for research, medical, pharmaceutical or defense purposes.

Designated units, when commissioned to import the first category of chemicals subject to supervision and control, shall file an application with the department in charge of chemical industry under the State Council and present a written explanation and testimony of the final use of the chemicals. After the application is examined and a written commentary is issued, it shall be submitted to the State Council for approval. Designated units, with the instrument of approval of the State Council serving as certification, may apply for an import license to the department in charge of foreign trade and economic cooperations under the State Council.

Article 16 Designated units, when commissioned to import second or third category chemicals subject to supervision and control or their production technology or special equipment, shall file an application with the department in charge of chemical industry under the State Council and present a written explanation and testimony of the final use of the chemicals.

ls, technology or equipment which are to be imported. After the application has been examined and approved by the department in charge of chemical industry under the State Council, the units may, with the instrument of approval of the department in charge of chemical industry under the State Council serving as certification, apply for an import license to the department in charge of foreign trade and economic cooperations under the State Council.

Article 17 When commissioned to export first category chemicals subject to supervision and control, designated units shall file an application with the department in charge of chemical industry under the State Council and present a written pledge made out by the government or an agency authorized for that purpose by the government of the import country stating that the chemicals to be imported will be used for research, medical, pharmaceutical or defense purposes only and will not be transferred to a third country. After the application has been examined, commented on and signed, it shall be submitted to the State Council for approval. The units may, with the instrument of approval of the State Council serving as certification, apply for an export license to the department in charge of foreign trade and economic cooperations under the State Council.

Article 18 Designated units, when commissioned to export the second or third category of chemicals subject to supervision and control or production technology or special equipment thereof, shall file an application with the department in charge of chemical industry under the State Council and present a written pledge made out by the government or an agency authorized for that purpose by the government of the import country stating that the chemicals, production technology and special equipment to be imported will not be used to make chemical weapons and will not be transferred to a third country. After the application has been examined and approved by the department in charge of chemical industry under the State Council, the designated units may, with the instrument of approval of the department in charge of chemical industry under the State Council serving as certification, apply for an export license to the department in charge of foreign trade economic cooperations under the State Council.

Article 19 The use of chemicals subject to supervision and control shall conform with the purposes declared. Any changes in the purpose of use shall be subject to the approval of the original organs of examination and approval.

Article 20 Whoever uses the first or second category of chemicals subject to supervision and control shall, according to corresponding state regulations, regularly report to the department in charge of chemical industry under the people's government of the respective province, autonomous region or municipality directly under the central government the quantity of chemicals already consumed and the quantity of the final product made from chemicals subject to supervision and control.

Article 21 Whoever produces chemicals subject to supervision and control against the present regulations shall be charged with making a correction within a specified time by the department in charge of chemical industry under the people's government of the respective province, autonomous region or municipality directly under the central government. If the offense is not corrected within the specified time, a fine of up to 200,000 yuan may be imposed. If the offense is serious, the case may be referred to the people's government of the province, autonomous region or municipality directly under the central government for ordering the offender to stop production for rectification.

Article 22 Whoever uses chemicals subject to supervision and control against the present Regulations shall be charged with making a correction within a specified time by the department of the people's government of the province, autonomous region or municipality directly under the central government. If no correction is made within the specified time, a fine of up to 50,000 yuan may be imposed.

Article 23 Whoever engages in the trade of chemicals subject to supervision and control in violation of the present Regulations shall have all the chemicals and illegal gains obtained from such trade confiscated by the department in charge of chemical industry under the people's government of the province, autonomous region or municipality directly under the central government and may further be punished with a fine from one to two times the total value of such illegal trade.

Article 24 Whoever conceals or refuses to report materials and data or impedes or obstructs the department in charge of chemical industry in the exercise of supervisory responsibility in accordance with the present Regulations shall be punished with a fine of up to 50,000 yuan by the department in charge of chemical industry of the people's government of the province, autonomous region or municipality directly under the central government.

Article 25 Whoever has violated the present Regulations to the extent of violating public security management regulations shall be punished according to the Regulations of the People's Republic of China on Penalties for Public Security. If the offense constitutes a crime, criminal responsibility shall be investigated in accordance with the law.

Article 26 Whoever has already engaged in the production, trade or application of chemicals subject to supervision and control before promulgation of the present Regulations shall process the corresponding formalities required by the present Regulations.

Article 27 The present Regulations shall come into effect as of the date of promulgation.

