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MEASURES FOR THE IMPLEMENTATION OF THE IMPORT
COMMODITY QUALITY LICENSING SYSTEM

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CHAPTER 1. GENERAL PROVISIONS

[Article 1] These Measures are hereby formulated in accordance with the "Measures for Import commodity Quality Supervision and Control" promulgated by the State Commodity Inspection Bureau, the State Economic Commission, the Ministry of Foreign Economic Relations and Trade, and the General Administration of Customs, with a view to preventing the imports of commodities which may harm to people's health and may cause accidents, as well as to safeguard social public interests.

[Article 2] The State carries out the import commodity quality licensing system with regard to commodities involving safety, hygiene, environmental protection, labor protection and quarantine (hereinafter called "safety"). Registration is allowed for import medicines, foodstuffs, animal and plant products conforming to the safety laws and regulations promulgated, and standards adopted by China. "Safety marks" or "certificates should be issued to other imported commodities.

[Article 3] The principle of unified control and divided responsibility is applied in accordance with the State's inspection and quality supervision over imported commodities. The State Commodity Inspection Bureau shall take responsibility for the management work of the imported commodity quality licence system in China. The Ministry of Public Health and the medicine inspection organizations, and food hygienic supervision and inspection organizations are responsible for handling medicines (for human beings) and food quality licence system work. The Ministry of Agriculture, the animal medicine supervision organizations, fodder supervision organizations, animal and plant quarantine organizations are responsible for handling animal medicines (including fodder and medicine additives), fodder additives, and imported animal and plant product quality licence system work. The Ministry of Labor and the boiler pressure capacity safety supervision and inspection organizations are responsible for the imported boiler pressure capacity quality licence system work. The Ship Inspection Bureau and ship inspection organizations are responsible for the

quality licence system work for imported ships (including marine platforms), marine equipment and materials, and containers. The State Commodity Inspection Bureau and commodity inspection organizations are responsible for handling the quality licence system work of other imported commodities involving safety matters.

[Article 4] The "Catalogue of Imported Commodities with the Implementation of the Quality Licence System" (hereinafter referred to as "Catalogue"), should be formulated by the State Commodity Inspection Bureau and the competent departments of relevant supervision and inspection organizations and be publicized six months prior to the implementation. The "Catalogue" can be formulated step by step according to actual need. The competent departments of the relevant supervision and inspection organizations shall consult with the State Commodity Inspection Bureau prior to the promulgation of the "Catalogue".

[Article 5] The State Commodity Inspection Bureau and the competent departments of the relevant supervision and inspection authorities shall publicize the commodities included in the "Catalogue" which have obtained "Safety Marks", Certificates or Registration; commodities which have not obtained "Safety Marks", Certificate or Registration are not allowed to be imported from abroad.

[Article 6] Commodities must have the following qualifications in order to obtain the quality licence:

(1) Commodities must meet the requirements of the relevant laws and regulations promulgated, and standards adopted by the Chinese governmental agencies in charge;

(2) Commodities produced by factories whose production inspection conditions and quality guarantee can ensure that the products meet the requirements.

The requirements of the relevant laws and regulations, standards, and check of production factories shall be laid down separately by the State Commodity Inspection Bureau or the competent departments of relevant supervision and inspection organizations.

CHAPTER 2 PROCEDURES FOR OBTAINING QUALITY LICENCE

[Article 7] Before foreign trade departments and units receiving and using goods file applications for the procedures of importing commodities included in the "Catalogue", foreign factories and companies or other agents shall be informed that they must apply for and obtain the "Safety Marks", Certificates or Registration of imported commodities. After that an import contract can be signed.

[Article 8] After the publication of the "Catalogue", for the first time, they must, in accordance with the types and specifications of the commodities, before the signing of a foreign trade contract, directly or through their agents, file an application to the commodity inspection organization designated by the State Commodity Inspection Bureau or to the supervision and inspection organization designated by the competent department of the relevant supervision and inspection organization. In compliance with the provisions, the foreign factories or companies must pay in advance sampling inspection fees and production inspection condition checking fees.

[Article 9] The commodity inspection organizations or relevant supervision and inspection organizations are responsible for inspecting and examining the applied samples and relevant technical documents in accordance with the safety laws and regulations, and standards adopted in China. If the samples are qualified through inspection and initial examination, the commodity inspection organizations or the relevant supervision and inspection organizations shall inform the applicants promptly that they should prepare to accept the inspection and examination of factories' production inspection condition, and inform the content and time schedule for the inspection and examination.

[Article 10] If factories' production inspection conditions are qualified, the State Commodity Inspection Bureau or the competent departments of relevant supervision and inspection organizations shall issue documents noted with the period of validity for the applicants and permit them to use the "Safety Marks" or allow them for registration.

[Article 11] If the applied samples are not qualified after inspection or factories' production inspection conditions are being given, the applicant shall be informed and they shall not file another application within six months after being so informed.

[Article 12] The period of validity of the "Safety Marks", Certificates or Registration used for imported commodities shall be determined by separately by the State Commodity Inspection Bureau and the competent departments of the relevant supervision and inspection authorities based on the different commodities. After the period of validity expires, another application must be filed.

CHAPTER 3. ROUTINE INSPECTIONS, SUPERVISION AND CONTROL

[Article 13] When the commodities included in the "Catalogue" are delivered, commodity inspection organizations and relevant supervision and inspection organizations shall conduct compulsory inspection. If commodities prove to be lower than the standard through inspection, the units concerned shall be urged to make them harmless, or order the return of goods or destroy them. Commodities which do not obtain "Safety Marks", Certificate or Registration shall be inspected by commodity inspection organizations or relevant supervision and inspection organizations.

[Article 14] The commodities included in the "Catalogue" and already delivered must tally with the samples applied. If two batches of commodities prove to be lower than standard through inspection, the "Safety Marks" and Certificate shall be withdrawn or Registration nullified. An announcement on the commodities whose "Safety Marks" and Certificate have already been withdrawn or Registration nullified shall be published by the State Commodity Inspection Bureau or the competent departments of relevant supervision and inspection organizations. Reapplication can only be made six months after the day of the publication of the announcement.

[Article 15] With regard to factories which have obtained "Safety Marks", Certificate or Registration, random sample shall be made by the representatives authorized by the commodity inspection organizations or relevant supervision and inspection organizations or by foreign laboratories (including inspection organizations) entrusted and authorized in accordance with the safety laws and regulations, and standards adopted in China.

[Article 16] When there shall be changes in commodity production conditions, raw materials, receipts, product designs or structures, the factories must promptly notify the commodity inspection organizations or relevant supervision and inspection organizations. No changes are allowed without being confirmed.

[Article 17] In accordance with the State's regulation of carrying out the system of authorizing laboratories with inspection of import and export commodities, the Chinese and foreign laboratories (including inspection organization) may apply for authorization for laboratories from the State Commodity Inspection Bureau or competent departments of the relevant supervision and inspection organizations. Authorized laboratories shall undertake the designated work related to imported commodity quality licence system. The State Commodity Inspection Bureau or the competent departments of relevant supervision and inspection organizations shall exercise supervision and inspection of the work to be done by the authorized laboratories. If a laboratory conditions are not satisfied with the requirements for the authorization, the accreditation shall

be withdrawn. The State Commodity Inspection Bureau and the competent departments of the relevant supervision and inspection organizations shall publicize the laboratories which are authorized and those whose accreditation is withdrawn.

[Article 18] The administrative departments of industry and commerce are responsible for supervision and control over the distribution of imported commodities at home. Commodities listed in the "Catalogue" without "Safety Mark", Certificates or Trademarks" (or numbers) are not permitted to distribute in the domestic market.

[Article 19] Newspapers, magazines, radio and television stations shall not accept foreign factories or companies' application for advertising those commodities listed in the "Catalogue" which have not obtained "Safety Marks", Certificate or Registration; for those commodities which have obtained "Safety Marks", Certificates or Registration, the content of advertising must obtain prior consent of commodity inspection organizations or relevant supervision and inspection organizations.

[Article 20] Unauthorized use, selling, forging and transferring of "Safety Marks", Certificates or Registration Marks (or numbers), and unauthorized importation and selling of commodities listed in the "Catalogue" but without "Safety Marks", Certificates or Registration shall be punished by the State Commodity Inspection Bureau and the various competent departments within the limits of their respective responsibilities in accordance with the relevant regulations of the Chinese government.

CHAPTER 4. SUPPLEMENTARY PROVISIONS

[Article 21] The styles of "Safety Marks" should be worked out and published by the State Commodity Inspection Bureau or the competent departments of the relevant supervision and inspection authorities.

[Article 22] Foreign factories and companies who apply for "Safety Marks", Certificates or Registration shall provide working and living conveniences for the personnel sent by the commodity inspection authorities or the relevant supervision and inspection authorities, and the laboratories they approved or authorized, and assist them in obtaining entry visa.

[Article 23] With regards to the cost sample inspection, checking on production inspection conditions, routine supervision and sample survey as well as "Safety Marks" of the commodities applying for "Safety Marks", Certificates or Registration, the commodity inspection and supervision organization should collect charges from the applicants according to regulations. Concrete methods for collecting fees shall be determined separately by the State Commodity Inspection Bureau or the competent departments of relevant supervision and inspection organizations.

[Article 24] Commodity inspection authorities and the relevant supervision and inspection authorities, as well as authorized domestic and foreign laboratories (including inspection authorities) shall keep the technology of supplied samples, factories' production inspection technology and inspection results in confidential, so as to protect the applicants' lawful rights and interests.

[Article 25] The quarantine of imported animals, plants and their products should be handled in accordance with the animal and plant quarantine regulations of the People's Republic of China.

[Article 26] The State Commodity Inspection Bureau is responsible for interpreting and revising these Measures. Matters not dealt with in these Measures shall be addressed by separate Rules to be set forth by the State Commodity Inspection Bureau or the competent departments of the relevant supervision.