

## **Measures for the Administration of Licenses for the Purchase and Road Transportation of Highly Toxic Chemicals**

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Order of the Ministry of Public Security  
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The Measures for the Administration of Licenses for the Purchase and Road Transportation of Highly Toxic Chemicals, which were adopted at the minister's executive meeting of the Ministry of Public Security on April 21, 2005, are hereby promulgated and shall come into force as of August 1, 2005.

Minister of the Public Security Zhou Yongkang  
May 25, 2005

Measures for the Administration of Licenses for the Purchase and Road Transportation of Highly Toxic Chemicals

Article 1 The present Measures are formulated in accordance with such laws and regulations as the Law of the People's Republic of China on Road Traffic Safety and the Regulations on the Safety Administration of Dangerous Chemicals in order to intensify the supervision and administration of the purchase and road transportation of highly toxic chemicals and safeguard the safety of properties of the state and lives and properties of citizens.

Article 2 Unless an individual buys any pesticide, rat-bane or bephenium, any purchase or road transportation of highly toxic chemicals within the territory of the People's Republic of China shall be governed by the present Measures.

The term "highly toxic chemicals" as mentioned in the present Measures refers to those chemicals that fall into the catalog of poisonous chemicals as determined and publicized by the administrative department of work safety of the State Council in collaboration with the Ministries of Public Security, Environmental Protection, Public Health, Quality Inspection and Communications of the State Council.

Article 3 The state adopts a system of licensing administration on the purchase or road transportation of highly toxic chemicals. For any purchase or road transportation of highly toxic chemicals, the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals and the Pass of Road Transportation of Highly Toxic Chemicals shall be applied for and acquired according to the present Measures. No entity or individual may purchase or transport highly toxic chemicals through road until it/he has obtained the aforesaid licenses.  
No entity or individual may fabricate, change, trade, lend or transfer the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals or the Pass of Road Transportation of Highly Toxic Chemicals in any other form or use any of the aforesaid licenses that have been abolished.

Article 4 The organ of public security shall stick to the principles of openness, fairness and impartiality, examine and issue the licenses for any purchase or road transportation of highly toxic chemicals in strict accordance with the present Measures, establish administrative archival filings for the examination and issuance of permit certificates, publicize the address, telephone number, fax number and email address of the administrative department of public security that handles matters concerning permit certificates, and supervise and guide those entities in practice to implement the provisions on the administration of the licensing of purchase and road transportation of highly toxic chemicals in a strict manner.

The public security organ at or above the provincial level shall establish a database for the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals and the Pass of Road Transportation of Highly Toxic Chemicals as verified and issued, including such contents as the serial number of the certificate, purchase entity, transportation entity, transportation vehicles, drivers, transport escort, the name and quantity of highly toxic chemicals, destination, starting place and route. The items in the database and the format of data shall be uniformed nationwide. The administrative department of public order and communications shall establish an information pooling system or reporting system.

Article 5 Anyone who purchases or uses highly toxic chemicals in a frequent manner shall file an application to the public order administrative department of the public security organ of the people's government at the districted municipality level where the purchase entity is located on the strength of the photocopy of qualification certificate that certifies the production or operation of highly toxic chemicals of the sales entity. For those who meet the requirements, upon the examination and approval of the person-in-charge of the public security organ of the people's government at the districted municipality level, the Purchase Warrant of Highly Toxic Chemicals with the seal of the public security organ as affixed shall be issued to the entity in need of purchase or use in brochures for keeping and filling.

(1) Where an entity that produces dangerous chemicals applies for the Purchase Warrant of Highly Toxic Chemicals, it shall fill in the Application Form for the Purchase Warrant of Highly Toxic Chemicals in a faithful manner and submit the photocopy of the Safety Production License of Entity that Produces Dangerous Chemicals or the Approval thereof.

(2) Where an entity that operates highly toxic chemicals applies for acquiring the Purchase Warrant of Highly Toxic Chemicals, it shall fill in the Application Form for the Purchase Warrant of Highly Toxic Chemicals in a faithful manner and submit the photocopy of the Operation Permit of Dangerous Chemicals (Grade A).

(3) As for any other entity of production, scientific research and medical treatment that may use highly toxic chemicals in a frequent manner, it shall fill in the Application Form for the Purchase Warrant of Highly Toxic Chemicals in a faithful manner and submit the photocopy of the post license of the practitioners who may use or contact highly toxic chemicals. An entity that uses highly toxic chemicals for production shall also submit the license of utilization, approval and any other corresponding permit certificate of practice concerning highly toxic chemicals.

Article 6 Anyone who needs to temporarily purchase or use highly toxic chemicals shall file an application to the public order administrative department of the public security organ of the people's government at the districted municipality level where the purchase entity is located on the strength of the photocopy of the qualification certificate that certifies the production or operation of highly toxic chemicals of the sales entity. For those that meet the requirements, the person-in-charge of the public security organ of the people's government at the districted municipality level shall examine and approve and issue the Purchase Permit of Highly Toxic Chemicals.

When applying for the Purchase Permit of Highly Toxic Chemicals, an entity shall fill in the Application Form for the Purchase Permit of Highly Toxic Chemicals in a faithful manner and submit the entity certification that indicates the name, quantity and use of highly toxic chemicals.

Article 7 Where any entity needs to transport highly toxic chemicals by road and if the highly toxic chemicals in the state of gas or liquid as loaded by single vehicle surpass 5 tons, the public order

administrative department of the public security organ that issues the Purchase Warrant of Highly Toxic Chemicals and the Purchase Permit of Highly Toxic Chemicals shall report such relevant information as the serial number of the certificate, certificate-issuing organ, the name and quantity of highly toxic chemicals to the administrative department of communications of the public security organ of the people's government at the county level in the destination of transportation and record the information into the database of safety administration of road transportation of highly toxic chemicals. The specific reporting measures shall be formulated by the public security of the people's government at the provincial level.

Article 8 Where any entity needs to transport highly toxic chemicals by road, it shall apply to the administrative department of communications of the public security organ of the people's government at the county level in the destination of transportation for collecting the Pass of Road Transportation of Highly Toxic Chemicals. In the course of application, the consignor shall fill in the Application Form for the Pass of Road Transportation of Highly Toxic Chemicals in a faithful manner and, at the same time, submit the following documents and materials, and shall be subject to the inspection and examination of the administrative department of communications of the public security organ on transportation vehicles, drivers and transport escort:

(1) The Purchase Warrant of Highly Toxic Chemicals or the Purchase Permit of Highly Toxic Chemicals

Where an entity undertakes the transportation of highly toxic chemicals for import or export, it shall submit the registration license of import or export for highly toxic chemicals.

(2) The License (Photocopy) of Operation (Transportation) of Road Transportation of Highly Toxic Chemicals, Vehicle Driving License and the License for Road Transportation of Highly Toxic Chemicals via Vehicles of the entity that engages in the road transportation of highly toxic chemicals. An exclusive sign and security signboard for road transportation of highly toxic chemicals shall be set up on a vehicle that transports highly toxic chemicals. The name, variety, volume of tank, load mass, rescue methods and the telephone number of the transportation entity shall be indicated on the security signboard.

(3) The Vehicle Driving License of drivers, the identity certification of drivers and transport escort and the post license to engage in the road transportation of highly toxic chemicals. and

(4) The route map and schedule of transportation as formulated by the transportation entity for each transportation vehicle and the load mass thereof that are enclosed with the Application Form for the Pass of Road Transportation of Highly Toxic Chemicals.

Where a transportation entity is not located in the destination, it may file an application to the administrative department of communications of the public security organ of the people's government at the county level in the transportation destination and entrust the administrative department of communications of the public security organ of the people's government at the county level in the starting place of the transportation to accept and verify and issue the Pass of Road Transportation of Highly Toxic Chemicals. However, the entrustment shall not be made across provinces (autonomous regions, municipalities directly under the Central Government). The specific measures for entrustment shall be formulated by the public security organ of the people's government at the provincial level.

Article 9 After the administrative department of communications of the public security organ accepts an application, it shall examine and verify the following matters:

(1) It shall examine the authenticity of certification documents, make a comparison between the certification documents and the database of the safety administration of road transportation of highly toxic chemicals as established by the public security organ of the people's government at the provincial level and examine the identity between the certification documents and the transportation entity, vehicles, drivers and transport escort.

(2) It shall examine whether or not the driver's score of traffic irregularity reaches 12 within one scoring period or whether or not there is any record of overloading or over-speeding of any vehicle transporting highly toxic chemicals.

(3) It shall examine whether or not the route or time as applied for may threaten the public security.

(4) It shall inspect whether or not the exclusive signs or security signboards for road transportation of highly toxic chemicals have been set up or installed on transportation vehicles, whether or not the transportation vehicle have been equipped with the facilities for emergencies and protective articles, whether or not there is any illegal remolding, whether or not the tread patterns of tires comply with the state standards and whether or not the periodic time for the inspection of vehicles falls in the effective term. And

(5) It shall examine whether or not the quantity of highly toxic chemicals loaded by single vehicle exceeds the load mass as verified by the Driving License.

Article 10 After the administrative department of communications of the public security organ concludes the examination and inspection, it shall give treatments respectively according to the following circumstances:

(1) Where the certification documents are true and effective, the transportation entity, vehicles, drivers and transportation escort comply with the provisions, and the route and time constitute no threat on the public security, it shall report it to the person-in-charge of the public security organ for approving and issuing the Pass of Road Transportation of Highly Toxic Chemicals and there shall be one Pass per vehicle and the valid term thereof shall not exceed 15 days.

(2) Where all the requirements are satisfied except that the route and time may threaten the public security, the administrative department of communications of the public security organ shall change the route and time before approving and issuing the Pass of Road Transportation of Highly Toxic Chemicals.

(3) Where the mark of conformity by periodical inspection has surpassed its valid term or it is going to surpass the valid term in the course of transportation or an entity fails to set up the exclusive mark, safety signboard or fails to fit out the equipment for treatment of emergency or protective articles, the administrative department shall accept the application again after the relevant entity passes the inspection, makes up the relevant devices and fits out the relevant equipment and articles.

(4) Where the certification documents are overdue or ineffective, or there is any inconsistency between the certification documents and the record of database upon comparison or there is no such record, or the transportation entity fails to have the qualification of transporting highly toxic chemicals or the drivers or transport escort persons fail to have the post qualification, or the record of traffic irregularity of a driver fails to meet the requirements of the present Measures, or there is any unlawful remolding of vehicles or the security state thereof fails to comply with the state technical standards, it shall not be approved.

Where the route goes beyond this county (city, district, banner), the administrative department of communications of the public security organ of the people's government at the county level shall report it to its counterpart at a higher level for verification. Where the route goes beyond this prefecture (city, autonomous prefecture, league) or covers provinces (autonomous regions, municipalities directly under the Central Government), it shall be reported to the administrative department of communications of the public security organ of the people's government at the provincial level in a level-by-level manner. The route shall be designated upon verification by the administrative department of communications of the public security organ of the people's government at the county level. As for the designation of the route covering provinces (autonomous regions, municipalities directly under the Central Government), the local administrative department of communications of the public security organ of the people's government shall solicit the agreement of its counterparts at the provincial level along the route.

Article 11 After the Pass is issued, the administrative department of communications of the public security organ shall send the information of issuance to the database of the safety administration of highly toxic chemicals as established by the public security organ of the people's government at the provincial level and shall circulate it to the administrative departments of communications of the public security organs along the route in written form or through the information system. As for any transportation that covers counties (cities, districts, banners), it shall be circulated by the administrative department of the public security organ of the people's government at the districted municipality level. As for any transportation that covers prefectures (cities, autonomous prefectures,

leagues) or provinces (autonomous regions, municipalities directly under the Central Government), it shall be circulated by the administrative department of communications of the public security organ of the people's government at the provincial level.

Where the weight of highly toxic chemicals in the state of gas or liquid by single vehicle exceeds 5 tons, the administrative department of communications of the public security organ that has issued the Pass shall report it to its counterpart at a higher level for archival filing.

The specific measures for circulation and archival filing shall be formulated by the public security organ of the people's government at the provincial level.

Article 12 The administrative departments of communications of the public security organs at the destination, starting place and pass-by places shall find out the information regarding the transportation of highly toxic chemicals through the information system or by any other means in a timely manner and intensify the supervision and examination of the observance of laws and regulations on traffic safety by transportation vehicles of highly toxic chemicals and the drivers thereof.

Article 13 An applicant or an agent as entrusted by an applicant who applies for the Purchase Warrant of Highly Toxic Chemicals and the Purchase Permit of Highly Toxic Chemicals may directly go to the public security organ to file a written application or may file an application in the form of a letter, fax or e-mail.

Article 14 The public security organ shall treat the application materials as submitted by applicant entities respectively according to the following provisions:

- (1) For those that meet the requirements of collection, it shall accept it on the spot and provide a written credence;
- (2) Where the application materials are incomplete or fail to comply with the legal format, it shall notify the relevant applicant of all the contents as required to be supplemented and corrected in an one-off manner on the spot; where there exists any mistake in the application materials and if it may be corrected on the spot, the applicant shall be allowed to correct it on the spot.
- (3) As for any matter that fails to fall into the scope of functions and duties of the present organ or the range of matters concerning licensing as prescribed by the present Measures, it shall make a decision on not accepting the application instantly and shall provide a written credence.

Article 15 As for those applications that have been accepted, the public security organ shall carry out the examination in a timely manner, and make a decision on whether or not to approve them within 3 workdays. As for any transportation under an application that covers provinces (autonomous regions, municipalities under the Central Government) and needs reconnaissance so as to verify its route, it shall make a decision on whether or not to approve it within 10 workdays. For those who obtain the approval, it shall fill in and issue the licenses for the purchase and road transportation of highly toxic chemicals in a timely manner and shall serve the said certificates on the applicants or inform the applicants of collection. For those who fail to obtain the approval, it shall make explanations on the disapproval to the applicants and provide a written credence of disapproval.

Article 16 If the Purchase Warrant of Highly Toxic Chemicals is issued by the issuing public security organ in brochures to those entities of purchase or use, it shall be used on the strength of the signature by the person-in-charge of the entity upon examination and approval according to the institutional provisions. An entity that holds the Warrant shall, upon finishing its use, hand over the stub of the purchase warrant to the original public security organ that has issued the certificate for verification and archival filing.

An entity that has collected the Purchase Warrant of Highly Toxic Chemicals shall establish a standardized system for the storage, filling, examination, approval by signature, utilization system and strict management of purchase warrants. Where there is no need for any use due to any reason, it shall return the purchase warrant that hasn't been used and the stub of the purchase warrant used to the original public security organ that has issued the certificate for verification and archival filing.

Article 17 Where a sales entity sells any highly toxic chemical, it shall check the Purchase Warrant of Highly Toxic Chemicals or the Purchase Permit of Highly Toxic Chemicals, conduct its sale according to the name and quantity as permitted by the purchase warrant or permit, and fill in the first and second pages of the return receipt of the Purchase Warrant of Highly Toxic Chemicals or the Purchase Permit of Highly Toxic Chemicals, which shall be signed by the purchase handler for confirmation.

The first page of the return receipt shall be taken back by the purchase entity and shall be returned to the original public security organ that has issued the certificate for verification and archival filing within 7 days after the keeper indicates the situation of acceptance thereon. The second page of the return receipt shall be submitted by the sales entity to the local public order administrative department of the public security organ of the people's government at the county level within 7 days as of the sale.

Article 18 For those highly toxic chemicals that are transported through road, such laws and regulations as the Law of the People's Republic of China on Road Traffic Safety and the Regulations on the Safety Administration of Dangerous Chemicals shall be observed. The warning sign shall be suspended, the necessary safety measures shall be adopted and the transportation shall be undertaken in light of the transportation vehicles, drivers, transport escort, load mass, valid term, designated route, time, speed as indicated in the Pass of the Road Transportation of Highly Toxic Chemicals. Any overloading or over-speeding is prohibited. The transport escort shall carry the Pass of the Road Transportation of Highly Toxic Chemicals along with the vehicles for examination and inspection. Provided the speed of a transportation vehicle doesn't exceed the speed limit as indicated on the sign, its speed shall not be lower than 70km/h or be higher than 90 km/h on express ways and shall not exceed 60 km/h on any other road.

Where highly toxic chemicals have reached the destination, the consignee entity shall indicate the acceptance on the Pass of the Road Transportation of Highly Toxic Chemicals and shall submit the Pass of the Road Transportation of Highly Toxic Chemicals to the public order administrative department of the public security organ of the people's government at the county level in the destination for archival filing and reference within 7 days as of acceptance of goods.

Article 19 Where there is any mistake made in the filling of the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals or the Pass of the Road Transportation of Highly Toxic Chemicals, it shall be indicated as "invalid" and kept for archival filing and reference without any alteration. The Purchase Warrant of Highly Toxic Chemicals with mistakes shall be returned to the public security organ for verification and archival filing by the warrant-holding entity.

Where there is any mistake in the first or second page of the return receipt of the Purchase Warrant of Highly Toxic Chemicals or the Purchase Permit of Highly Toxic Chemicals that requires alteration, the seal of the sales entity shall be affixed on the alteration for confirmation.

Article 20 Where anyone unlawfully conducts any purchase or road transportation of highly toxic chemicals without applying for collecting the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals or the Pass of the Road Transportation of Highly Toxic Chemicals, the public security organ shall take measures to stop it according to law and shall impose a fine of 10,000 yuan up to 30,000 yuan. Those entities that have bought highly toxic chemicals shall be ordered to return them to the original sales entity. Where any transportation has been carried out, the transportation vehicles shall be detained and the entities of purchase, use and transportation shall be ordered to jointly appoint personnel to accept the treatments. As for any serious accident that incurs serious consequence, the relevant entities shall be subject to criminal liabilities according to law.

Article 21 Where any entity obtains the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals or the Pass of the Road Transportation of Highly Toxic

Chemicals by such unlawful means as providing false certification materials or adopting any other fraud methods or making bribes, the public security organ that has issued the certificate shall revoke its license according to law and impose a fine of 1,000 yuan up to 10,000 yuan.

Where any entity purchases highly toxic chemicals by using the license as acquired by fraud, it shall be ordered to return the highly toxic chemicals to the original sales entity.

Where any entity conducts any road transportation of highly toxic chemicals by using the license as acquired by fraud, the public security organ shall give punishments according to the provisions of item (1) of Article 67 of the Regulations on the Safety Administration of Dangerous Chemicals.

Article 22 For any forgery, alteration, purchase or sale, lending or transfer of the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals or the Pass of the Road Transportation of Highly Toxic Chemicals by any other means or any use of the aforesaid permit certificates that have been abolished, the public security organ shall give punishments according to the provisions of Article 64 of the Regulations on the Safety Administration of Dangerous Chemicals.

Article 23 Where there is any mistake made in the first or second page of the return receipt of the Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals and if the seal of the sales entity fails to be affixed on the alteration for confirmation according to the provisions, the public security organ shall order it to correct and impose a fine of 500 yuan up to 1,000yuan.

Where any entity fails to fill in the return receipt of the Purchase Warrant of Highly Toxic Chemicals or the Purchase Permit of Highly Toxic Chemicals for recording the information about the sale or purchase of highly toxic chemicals, the public security organ shall give punishments according to the provisions of Article 61 of the Regulations on the Safety Administration of Dangerous Chemicals.

Article 24 Where the Pass of the Road Transportation of Highly Toxic Chemicals fails to be taken along with vehicles in case of any road transportation of highly toxic chemicals, the public security organ shall order the relevant entity to provide testimonial that the Pass of the Road Transportation of Highly Toxic Chemicals has been lawfully acquired, and shall impose upon it a fine of 500 yuan up to 1,000 yuan.

Except the case of the force majeure, for any entity that fails to carry out the transportation of highly toxic chemicals in light of the transportation vehicles, drivers, transport escort, load mass, valid term, designated route, time, speed as indicated in the Pass of the Road Transportation of Highly Toxic Chemicals and if no serious consequence is incurred therefrom, the public security organ shall impose a fine of 1,000 yuan up to 10,000 yuan upon the entity, give punishments to the direct person-in-charge. Where a crime is constituted, the criminal liabilities shall be investigated for according to law.

Article 25 Where any entity violates the present Measures by any of the following acts, the original public security organ that has issued the certificate shall order it to correct and impose a fine of 500 yuan up to 1,000 yuan:

- (1) Except the case of the force majeure, where an entity fails to return the return receipt of the Purchase Warrant of Highly Toxic Chemicals or the Purchase Permit of Highly Toxic Chemicals to the original public security organ that has issued the certificates or to the public security organ of the people's government where the sales entity is located for verification and archival filing within the time limit;
- (2) Except the case of the force majeure, where an entity fails to return the Pass of the Road Transportation of Highly Toxic Chemicals to the public security organ of the people's government at the county level in the destination for verification and archival filing within the time limit;
- (3) Where an entity fails to return the stub of the Purchase Warrant of Highly Toxic Chemicals that has been used or the Purchase Warrant of Highly Toxic Chemicals that is not needed any more for some reasons to the original public security organ for verification and archival filing; or

(4) Where an entity fails to indicate the abolishment of any Purchase Warrant of Highly Toxic Chemicals with mistakes and return it to the original public security organ for verification and archival filing.

Article 26 Where any party has objections to any specific administrative act as conducted by the public security organ according to the present Measures, it may apply for an administrative review or lodge an administrative litigation.

Article 27 Where the public security organ or the people's police thereof has any of the following acts in work, the person-in-charge or any other person held directly responsible shall be given administrative sanctions. Where a crime is constituted, the criminal liabilities shall be investigated for:

- (1) Issuing a certificate to any entity that fails to meet the requirements of an application for collection;
- (2) Except the case of the force majeure, where it/he fails to handle the license according to the provisions of the present Measures within the time limit;
- (3) Claiming or accepting any bribe from the party concerned or seeking any other interests;
- (4) Failing to investigating into any irregularity in violation of the present Measures according to law;
- (5) Giving punishments or taking charges in violation of the provisions of laws, regulations and the present Measures; or
- (6) Any other act of abusing its/his power, neglecting its/his duty or practicing favoritisms and engaging in malpractice.

Article 28 The Purchase Warrant of Highly Toxic Chemicals, the Purchase Permit of Highly Toxic Chemicals and the Pass of the Road Transportation of Highly Toxic Chemicals as prescribed in the present Measures shall be uniformly printed by the Ministry of Public Security. The other formats of legal documents shall be formulated by the Ministry of Public Security and shall be printed by the public security organs that issue the certificates by themselves. All kinds of application formats shall be formulated by the Ministry of Public Security and shall be printed by those entities that apply for collection by themselves according to their needs.

Article 29 Any transportation of highly toxic chemicals through municipal roads within the territory of the People's Republic of China shall be handled by referring to the provisions on the road transportation of highly toxic chemicals of the present Measures.

Article 30 The present Measures shall come into force as of August 1, 2005.