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Provisions for Administration of International Check-up upon the Import and Export of Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances

(Decree No. 8, 2006 of the Ministry of Commerce and the Ministry of Public Security)

The Provisions for Administration of International Check-up upon the Import and Export of Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances, adopted at the 5th Working Meeting of the Council of Ministers of the Ministry of Commerce on May 17, 2006 and approved by the Ministry of Public Security, is hereby promulgated and shall go into effect after 30 days as of the date of promulgation.

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Minister of the Ministry of Commerce
Zhou Yongkang
Minister of the Ministry of Public Security
September 7, 2006

Provisions for Administration of International Check-up upon the Import and Export of Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances

Article 1 These Provisions are formulated in accordance with the Regulations for Administration of Precursors and Chemicals used in Production of Narcotic Drugs and Psychotropic Substances for the purposes of preventing precursors and chemicals used in production of narcotic drugs and psychotropic substances (hereinafter referred to as “precursor chemicals”) from getting into illegal channels and regulating the international check-up upon the import and export of precursor chemicals.

Article 2 An international check-up-up system is adopted for the import and export of the precursor chemicals as listed in the Administrative Catalogue for Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances Subject to International Check-up (hereinafter referred to as the “Catalogue”) attached to these Provisions (hereinafter referred to as “chemicals subject to check-up”).

The Ministry of Commerce in conjunction with the Ministry of Public Security shall, in light of the particular situations, make adjustments to the Catalogue which shall be promulgated in the form of announcement.

Article 3 The Ministry of Commerce and the Ministry of Public Security shall be jointly responsible for the administration of the international check-up upon the import and export of precursor chemicals throughout the country.

Article 4 An operator of the import and export of precursor chemicals (hereinafter referred to as “operator”) that is to import or export chemicals subject to check-up shall apply for a license according to the relevant provisions of the Provisions for Administration of the Import and Export of Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances.

Article 5 Where an operator applies to export chemicals subject to check-up, the Ministry of Commerce shall conduct examination within five days as of the date of receipt of the relevant electrical data and written materials and shall, if the applicant satisfies the relevant provisions, redirect the electrical data to the Ministry of Public Security for international check-up.

Article 6 The Ministry of Public Security shall conduct examination within three days as of the date of receipt of the relevant electrical data redirected by the Ministry of Commerce. If an export application satisfies the relevant provisions, the Ministry of Public Security shall send it to the competent governmental department of the importing country or region for check-up and require the relevant department to give a reply within 10 days. While examining electrical data, the Ministry of Commerce may, upon the request of the Ministry of Public Security, provide relevant written materials.

Article 7 Where an export application has been confirmed in reply by the competent governmental department of the importing country or region, the Ministry of Public Security shall notify the Ministry of Commerce within three days as of the date of receipt of the acknowledgement reply for check-up. Where the competent governmental department of the importing country or region fails to give a reply within the specified time limit, the Ministry of Public Security may, according to international practices and analysis of the particular product and the importing country or region, make a suggestion as to whether to permit the export or not and notify the Ministry of Commerce in writing.

Article 8 The export of a sample of chemicals subject to check-up the amount of which is not more than 100 grams may, without undergoing international check-up, be handled by the Ministry of Commerce in accordance with the Provisions for Administration of the Import and Export of Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances. The Ministry of Commerce shall inform the Ministry of Public Security of the result.

Article 9 Where an operator is to import precursor chemicals, the Ministry of Public Security shall, if the competent governmental department of the exporting country or region demands an international check-up, redirect the relevant materials to the Ministry of Commerce for confirmation within five days as of the date of receipt of the demand for check-up.

The Ministry of Commerce shall conduct check-up upon the truthfulness and qualification of the operator and the justification for the purpose of importing the precursor chemicals. The Ministry of Commerce may, when necessary, entrust the competent department of commerce at the provincial level to conduct the check-up. The competent department of commerce at the provincial level shall report the results of the check-up to the Ministry of Commerce within 10 days as of the date of receipt of the entrustment from it. The Ministry of Commerce shall timely feed the results of the check-up back to the Ministry of Public Security.

The Ministry of Public Security may, when it is required to conduct check-up on the particular purpose and amount needed for the precursor chemicals to be imported, entrust the local public security organ to conduct the check-up. The local public security organ shall report the result of the check-up to the Ministry of Public Security within 10 days as of the date of receipt of the entrustment from it, and the Ministry of Public Security shall timely inform the Ministry of Commerce.

The Ministry of Public Security shall, upon receipt of the result of the check-up from the Ministry of Commerce or the local public security organ, timely inform the competent governmental department of the exporting country or region.

Article 10 An operator of chemicals subject to check-up shall strengthen internal management, establish and improve records of management of the import and export of chemicals subject to check-up which shall be kept for at least two years for reference, and assign special personnel to be responsible for the relevant work on the import and export of chemicals subject to check-up. An operator of chemicals subject to check-up shall, during a check-up, actively cooperate with the Ministry of Commerce and the public security organ.

Article 11 The Ministry of Commerce may, when finding that the chemicals subject to check-up to be imported or exported may get into illegal purposes, cancel the license that it has signed and issued.

Article 12 The Ministry of Commerce and the Ministry of Public Security may, at regular or irregular intervals, publish the results of the international check-ups and the operators' violation of rules.

Article 13 Where an operator of chemicals subject to check-up acts in violation of the provisions in Article 10, the Ministry of Commerce shall give it a warning; if the circumstances are serious, it shall be imposed a fine of not more than 30,000 Yuan; if a violation of the administration of public security is constituted, an administrative penalty for public security shall be imposed by the public security organ according to law; if a crime is constituted, it shall be investigated for criminal liabilities according to law.

Article 14 These Measures shall go into effect after 30 days as of the date of promulgation. The original Provisions for Administration of International Check-up upon the Import and Export of Precursors and Chemicals Used in Production of Narcotic Drugs and Psychotropic Substances (W.J.M.M.F.[2002]No. 147 of the Ministry Foreign Trade and Economic Cooperation) promulgated by the Ministry Foreign Trade and Economic Cooperation and the Ministry of Public Security shall be repealed simultaneously.