

《中华人民共和国监控化学品管理条例》

实 施 细 则

(非官方译文)

《中华人民共和国监控化学品管理条例》实施细则 1997 年 3 月 10 日

Implementation Details on the People's Republic of China Regulations on Monitored and Control Chemicals 10 March 1997

第一章总则

I. General Rules

第一条根据《中华人民共和国监控化学品管理条例》(以下简称《条例》),并结合现行管理办法制定本实施细则。

ARTICLE 1 The Implementation Details are developed on the basis of the People's Republic of China Regulations on Monitored and Controlled Chemicals (the Regulations) and the current managing practices.

第二条凡在中华人民共和国境内从事生产、经营或使用监控化学品的单位和个人(含我方独资、中外合资和中外合作经营、个体工商户),均应执行本细则的各项规定。

ARTICLE 2 The provisions of the Implementation Details shall be executed by all work units and individuals within the boundary of the People's Republic of China (including foreign sole investment enterprises, Sino-foreign joint ventures, Sino-foreign cooperative ventures and self-employed business persons) that engage in the production, sale or use of monitored and controlled chemicals (MCCs).

第三条国务院化学工业主管部门负责全国监控化学品的管理工作,各省、自治区、直辖市人民政府化学工业主管部门负责本行政区域内监控化学品的管理工作,各级《禁止化学武器公约》事务主管部门具体负责本细则的实施。

ARTICLE 3 The chemical industry authorities under the State Council shall be responsible for the management of MCCs nationwide. The local chemical industry authorities under the

provincial government, autonomous region government or centrally-administered municipal government (the PARM government) shall be responsible for the management of MCCs within their respective administered regions. The Chemical Weapons Convention (CWC) affairs authorities at various levels shall be responsible for the execution of the Implementation Details.

第四条监控化学品是指其纯品和含有不同含量的工业品。

ARTICLE 4 "MCCs" refer to pure chemicals and industrial products with different contents.

监控化学品的生产技术是指生产监控化学品的各种技术手段。

"MCC production technology" refers to the different technological means to produce the MCCs.

监控化学品的专用设备是指采用各种技术手段，生产监控化学品过程中所需要的产品合成、分离、提纯、热传导和自控仪表等设备，以及凡与监控化学品接触到的设备和含镍合金或其它特种耐腐蚀材料所制成的设备。

"Specialized MCC equipment" refers to product synthesizers, separators, refiners, heat conductors and automatic controllers used with various technological means to produce MCCs. It also refers to the equipment exposed to MCCs, and equipment with high nickel alloy content or made of special corrosion resistant materials.

第二章监控化学品生产的特别许可办法

II. Special License Procedures for MCC Production

第五条国家对第二类、第三类监控化学品和第四类监控化学品中含磷、硫、氟的特定有机化学品实行生产定点特别许可办法，国务院化学工业主管部门负责颁发生产特别许可证，未经生产特别许可的任何单位和个人不得生产监控化学品。

ARTICLE 5 The State shall designate enterprises through special production licenses (SPL) to produce Category II MCCs, Category III MCCs, and discrete organic chemicals with phosphorus, sulfur and fluorine contents in Category IV MCCs. SPL are granted by the chemical industry authorities under the State Council. No work units or individuals are permitted to

produce MCCs without SPL.

第六条属于生产特别许可管理范围的监控化学品，且同时又是国家有关部门列入生产许可证管理的品种，企业应在取得生产许可证后，依据本细则申请生产许可证书。

ARTICLE 6 To produce SPL-controlled MCCs that are concurrently on the production license list managed by relevant State departments, an enterprise shall apply for SPL in accordance with the Implementation Details after obtaining the production license.

取得生产许可证书后，方可进行生产。

Production shall not begin before the SPL is obtained.

第七条新建、扩建或者改建用于生产第二类、第三类监控化学品和第四类监控化学品中含磷、硫、氟的特定有机化学品的设施，应向所在地省、自治区、直辖市《禁止化学武器公约》事务主管部门提出申请，

ARTICLE 7 An application for building, expanding or renovating facilities used to produce Category II MCCs, Category III MCCs and the discrete organic chemicals with phosphorus, sulfur and fluorine contents in Category IV MCCs shall be filed with the local PARM CWC affairs authorities.

并填写“监控化学品新（改、扩）建申请表”（见附件一），经初审同意，报国家履行《禁止化学武器公约》事务主管部门审批，方可办理项目立项审批、开工建设手续。

An "Application for Building/Expanding/Renovating MCC Facilities" (See Schedule I) shall be completed. Subsequent to preliminary review, the application shall be referred to the national CWC affairs authorities for consideration and approval to set up the project and start construction.

工程竣工，经主管部门验收合格后，按本细则办理生产特别许可手续。

Upon completion, an acceptance examination shall be conducted and passed before an SPL can be requested pursuant to the Implementation Details.

第八条 申请生产特别许可的单位和个人应具备以下条件：

ARTICLE 8 The following shall be required of work units and individuals that apply for SPLs:

一、必须有完整的企业基本情况资料（按附件要求填报）；

(1) Complete background information of the enterprise (See Schedule for requirement to complete the declaration).

二、必须持有工商行政管理部门核发的营业执照；

(2) Business license issued by the industrial and commercial management departments.

三、产品质量必须达到国家标准或行业（部颁）标准（尚未制定国家或部颁标准的产品，暂按企业标准执行）；

(3) Product quality meeting national standards or industry standards as promulgated by the Ministry. (Enterprise standards shall be used during the interim in cases of products where national or ministerial standards have not yet been formulated.)

四、必须具备标准的计量与检测设备；

(4) Standardized quantifying and detection equipment.

五、有完整的环境保护设施，所排放的“三废”必须达到国家规定的标准；

(5) Complete environmental protection facilities with "three wastes" emissions meeting national standards.

六、生产、储存现场无事故隐患；

(6) No potential risk for accidents at the production and storage sites.

七、生产、储存、销售有标准、完整的台账；

(7) Standardized and complete accounts for production, storage and sales.

八、国家其他管理部门颁发生产许可证所规定的批准文件和证书，以及生产该品种所必需的其它有关证件；

(8) Approval documents and certificates required by other State management departments that issue production licenses and other relevant certificates needed to produce the particular chemical.

九、必须具有熟悉监控化学品数据统计的专职或兼职管理人员以及相应的管理制度；

(9) Full time or part time management personnel with good knowledge of MCC statistics and the corresponding management system.

十、必须具备国家履行《禁止化学武器公约》事务主管部门要求的标准设施位置图、工艺流程草图、设备布置图、关键设备一览表、生产纪录样张、产品销售记录样张等有关文件；

(10) Standard facility position map, flow-chart, facility arrangement map, key facility chart, sample production record, sample sales record, and other documents required by the national CWC affairs authorities.

十一、企业法人代表必须了解《条例》和《禁止化学武器公约》有关企业活动的规定。

(11) Thorough understanding by the enterprise's legal person of relevant provisions outlined by the Regulations and the CWC concerning enterprise undertakings.

第九条生产特别许可证书的申报、考核程序：

ARTICLE 9 Procedures for SPL application and examination:

一、生产监控化学品的单位和个人，要向所在地省级《禁止化学武器公约》事务主管部门提出申请，填写“监控化学品生产特别许可申请书”（见附表二）；

(1) Work units and individuals that produce MCCs shall file an application with provincial CWC affairs authorities and complete the "Application for Special License to Produce MCCs" (See Schedule II).

二、各省级《禁止化学武器公约》事务主管部门在对有关材料认真审核后，以正式文件报国家履行《禁止化学武器公约》事务主管部门审批（已取得国家其他部门颁发生产许可证的产品，不再进行产品质量考核，只对监控化学品管理要求部分进行考核）；

(2) The provincial CWC affairs authorities shall carefully review the relevant information and submit the application as a formal report to the national CWC affairs authorities for consideration. (Products that have been issued production license by other State departments shall be excluded from product quality examination. Only the portion under the MCC management shall be examined.)

三、国家履行《禁止化学武器公约》事务主管部门在接到省级《禁止化学武器公约》事务主管部门的报告后，及时组织审核；

(3) The national CWC affairs authorities shall proceed with the review upon receipt of the report from the provincial CWC affairs authorities.

四、经审核，凡符合生产监控化学品各项条件的，由国务院化学工业主管部门颁发生产特

别许可证书；

(4) After review, the chemical industry authorities under the State Council shall issue the SPL to applicants that meet the MCC production criteria.

五、经审核不符合生产监控化学品条件的，不予批准；

(5) No approval shall be given if the MCC production criteria are not met.

申请人可以在 6 个月内进行整改，再次提出申请，经审核仍不符合条件的，取消申请生产许可证书的资格。

Re-application may be submitted within six months following internal organization and rectification by the applying party. Qualification to apply for SLP shall be revoked if the criteria fulfillment fails again after re-examination.

第十条监控化学品生产特别许可证书的标记和编号统一规定为：HW-LXXXXXXXX，其中：L 代表产品分类号，XXX 代表发证产品序号，XXXX 代表生产特别许可证书编号。

ARTICLE 10 The marks and numbers on the MCC SPLs shall be made uniform to: "HW-Lxxx xxxx", where L is the product category code xxx is the serial number of the product licensed xxxx is the number of the SPL

第十一条监控化学品生产特别许可证书采取分期、分批发证的办法，有效期为五年，具体发证产品和时间由国务院化学工业主管部门下达。

ARTICLE 11 MCC SPLs shall be issued by stages and in groups and shall have a validity of five years. The chemical industry authorities under the State Council shall announce specifics regarding the product and time of SPL issuance.

第十二条国家和省级《禁止化学武器公约》事务主管部门将对取得生产特别许可证书的单位和个人，定期或不定期组织复查或抽查。

ARTICLE 12 The national and provincial CWC affairs authorities shall periodically or otherwise conduct re-examinations or spot checks on work units and individuals that have obtained the SPLs.

第十三条已取得生产特别许可证书的单位和个人，有下列情况之一的，要收回或取消其生产特别许可证书：

ARTICLE 13 SPLs issued to work units and individuals shall be returned or revoked if one of

the following is found:

一、经复查或抽查不符合发证条件的；

(1) Not meeting issuance criteria upon re-examination or spot-check.

二、不按规定进行生产和销售的；

(2) Production and sales not consistent with the regulations.

三、“三废”排放达不到国家规定标准的；

(3) "Three wastes" emissions not meeting State specified standards.

四、将生产特别许可证书转让其他单位或者个人使用的；

(4) SPL transferred to other work units or individuals.

五、在生产特别许可证书有效期内不再生产该产品的；

(5) No more production of the product during the validity of the SPLs.

六、生产特别许可证书已经超过有效期限的。

(6) Expired SPLs.

第十四条被收回生产特别许可证书的单位或个人应停止生产和销售该产品，并限期进行整改。

ARTICLE 14 Work units or individuals with returned SPLs shall cease production and sales of the product and proceed to rectify within a definite time.

整改结束后，向发证部申请复查，经复查合格后，方可重新使用生产特许可证书；

An application for re-examination shall be filed with the issuing department. The SPL shall only be used after the re-examination is conducted and passed.

复查不合格的，注销其生产特别许可证书，并停止该产品的生产和销售。

The SPL shall be revoked and the production and sales of the product ceased if re-examination is failed.

第十五条生产特别许可证书收费办法按照国家财政部和国家计委批准制定的办法执行。

ARTICLE 15 Fees charged for issuing SPLs shall be in conformity with the methods formulated and approved by the Ministry of Finance and the State Planning Commission.

第三章监控化学品进出口业务管理办法

III. MCC Import and Export Activity Management

第十六条第一类、第二类、第三类监控化学品及其生产技术、专用设备的进出口业务实行进出口许可证制度。

ARTICLE 16 A special license system is used for the import and export of Category I, Category II and Category III MCCs and the related production technology and/or specialized equipment.

第十七条进出口第一类、第二类、第三类监控化学品及其生产技术、专用设备业务由被指定单位经营，未被指定的单位一律不得从事上述进出口业务。

ARTICLE 17 The import and export of Category I, Category II, Category III and related technology and/or specialized equipment shall be undertaken by designated work units. Work units not designated shall not engage in the above-mentioned import and export activities.

第十八条被指定从事监控化学品进出口业务的单位须向国家履行《禁止化学武器公约》事务主管部门正式报送下列文件，以备查验：

ARTICLE 18 Work units designated to import and/or export MCCs shall provide the following documents to the national CWC affairs authorities for examination:

一、被指定单位负责此项工作的主要领导名单；

(1) Names of major management personnel responsible for the work at the designated work unit.

二、被指定单位负责此项业务的专门结构名称；

(2) Names of the specialized departments for the business at the designated work unit.

三、被指定单位对外签署进出口合同的专职人员的身份证、工作证的复印件（如发生变更，须及时申报）。

(3) Copies of the ID cards and work cards of the specialized personnel authorized to sign import and export contracts at the designated work unit. (Any change in this aspect shall be promptly declared.)

第十九条进口审批程序

ARTICLE 19 Review and approval procedures for import:

一、进口第一类监控化学品，由被指定单位向国家履行《禁止化学武器公约》事务主管部门提出申请，经审查后，报国务院审批，被指定单位凭国务院批准文件向外经部申领进口许可证；

(1) To import Category I MCCs, the designated work unit shall file an application with the national CWC affairs authorities. The application shall be reviewed and submitted to the State Council for consideration and approval. The designated work unit shall apply for an import license from the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) on the basis of the approval document from the State Council.

进口第二类、第三类监控化学品，由被指定单位向国家履行《禁止化学武器公约》事务主管部门提出申请，经审批后，被指定单位凭国务院化学工业主管部门批准文件向外经贸部申领进口许可证。

To import Category II and Category III MCCs, the designated work unit shall pfile an application with the national CWC affairs authorities for review and approval. The designated work unit shall apply for an import license from MOFTEC on the basis of the approval document from the chemical industry authorities under the State Council.

二、被指定单位申请时应提交以下文件：

(2) The following documents shall be submitted by the designated work unit with the application:

(一) 有效进口合同文件；

(i) Original copy of the valid import contract.

(二) 企业向所在地省级《禁止化学武器公约》事务主管部门提供的需进口的申请报告，其中包括化学品名称、数量、最终用途及保证不转口等内容，以及省级《禁止化学武器公约》事务主管部门出具的证明文件；

(ii) Enterprise application to the provincial CWC affairs authorities with information pertaining to the name of chemical(s), the quantity, the end-use, the pledge not to re-transfer and the certificates issued by the provincial CWC affairs authorities.

(三) 被指定单位进口申请报告;

(iii) Import application by the designated work unit.

(四) 上批同类产品进口许可证、报关单复印件, 并退回因故未进口的许可证文件。

(iv) Copy of import license and customs declaration for the same product(s) in the last transaction. The original import license shall be returned if, for any reason, the import did not take place.

第二十条 出口审批程序

ARTICLE 20 Review and approval procedures for export:

一、出口第一类监控化学品, 由被指定单位向国家履行《禁止化学武器公约》事务主管部门提出申请, 经审查后, 报国务院审批, 被指定单位凭国务院批准文件向外经贸部申领出口许可证;

(1) To export Category I MCCs, the designated work unit shall file an application with the national CWC affairs authorities. The application shall be reviewed and submitted to the State Council for consideration and approval. The designated work unit shall apply for an export license from MOFTEC on the basis of the approval document from the State Council.

出口第二类、第三类监控化学品, 由被指定单位向国家履行《禁止化学武器公约》事务主管部门提出申请, 经审批后, 被指定单位凭国务院化学工业主管部门批文件向外经贸部申领出口许可证。

To export Category II and Category III MCCs, the designated work unit shall file an application with the national CWC affairs authorities for review and approval. The designated work unit shall apply for an export license from MOFTEC on the basis of the approval document from the chemical industry authorities under the State Council.

二、被指定单位出口的监控化学品, 必须来自生产企业自产产品。

(2) MCCs to be exported by the designated work units must be original products from the enterprises.

三、被指定单位申请时应提交以下文件:

(3) The following documents shall be submitted by the designated work unit with the application:

(一) 有效出口合同文件;

(i) Original copy of the valid export contract.

(二) 进口国政府或政府委托结构出具的所进口的进口化学品不用于生产化学武器和不转口第三国的保证书, 并注明所需化学品的名称、数量、最终用途以及最终使用者的名称和地址;

(ii) State of pledge from the recipient country government or government entrusted agencies that the imported MCCs shall not be used for chemical weapon production and shall not be re-transferred to any third country. Information pertaining to the name, the quantity and the end-use of the chemical(s) and end-user's name and address shall also be noted.

(四) 国外客户资料 (客户名称、经营范围、地址、电话及传真号码);

(iii) Information regarding the foreign client(s), including client name, business scope, address, telephone number and fax number.

(五) 被指定单位出口申请报告;

(iv) Export application by the designated work unit.

(六) 上批同类产品出口许可证、报关单复印件, 并退回因故未能出口的许可证文件。

(v) Copy of export license and customs declaration for the same product(s) in the last transaction. The original export license shall be returned if, for any reason, the export did not take place.

第二十一条被指定单位每季度第一个月十五日前向国家履行《禁止化学武器公约》事务主管部门报送上一季度进出口实际执行情况。

ARTICLE 21 Before the 15th day of the first month in each quarter, the designated work unit shall submit a report to the national CWC affairs authorities on the import and export activities carried out in the last quarter.

被指定单位每批报关后一个月内向国家履行《禁止化学武器公约》事务主管部门报送报关单复印件。

Copies of the customs declaration shall be submitted and filed by the designated work unit to the national CWC affairs authorities within 30 days after the customs formalities.

第二十二条被指定单位和有关企业不得擅自对外提供有关监控化学品进出口数据。

ARTICLE 22 Without authorization, designated work units and relevant enterprises shall not

provide any information concerning MCC import and export to outsiders.

第二十三条中国监控化学品协会根据国务院化学工业主管部门的委托，负责监控化学品进出口的有关协调工作。

ARTICLE 23 The China Association on Monitored and Controlled Chemicals (CAMCC), as entrusted by the chemical industry authorities under the State Council, is responsible for the relevant MCC import and export coordination.

第四章监控化学品的储存、运输、经营和使用

IV. Storage, Transportation, Sale and Use of MCC

第二十四条储存、运输、经营和使用监控化学品的单位和个人，必须建立、健全监控化学品管理制度。

ARTICLE 24 Work units and individuals that store, transport, sell and use MCCs shall establish and constantly improve the MCC management system.

第二十五条监控化学品的包装和标志必须符合国家有关规定，包装监督检验结构应当加强对包装质量和包装材质的检查和定期测试。

ARTICLE 25 The packaging and marking of MCCs shall conform to the relevant national specifications. Agencies that supervise and examine the packaging shall improve the checks on the quality of the packaging and the quality of the packaging materials and conduct regular testing.

第二十六条监控化学品的安全和储存保管应遵守国务院发布的《化学危险品安全管理条例》及化学工业部和国务院经贸办发布的《化学危险物品安全管理条例实施细则》所规定的各项要求。

ARTICLE 26 The safety and storage of MCCs shall comply with the provisions outlined in the Safety Regulations on Managing Dangerous Chemicals issued by the State Council and the Implementation Details regarding Safety Regulations on Managing Dangerous Chemicals issued by the Ministry of Chemical Industry (MCI) and the Economic and Trade Office under the State Council.

第二十七条储存监控化学品的单位，应建立严格的出库、入库检查制度和登记制度。

ARTICLE 27 Work units that store MCCs shall set up strict check-in/check-out and registration procedures at warehouses.

第一类监控化学品和其他各类监控化学品中的剧毒化学品，应采取双人收发、双人记账、双人双锁、双人运输和双人使用的“五双”制度，企业安全保卫部门要定期进行监督和检查。

For Category I MCCs and other extremely toxic chemicals in other MCC categories, a five dual-control system shall be set up, i.e., dual control over receipts and shipments, dual control over records, dual control over locks, dual control over transportation and dual control over use. The security departments at enterprises shall perform periodic supervision and examination.

第二十八条第一类、第二类监控化学品发现丢失、被盗时，应当立即报告当地公安机关和所在地省级《禁止化学武器公约》事务主管部门，第一类监控化学品丢失、被盗应同时报国家履行《禁止化学武器公约》事务主管部门备案。

ARTICLE 28 The local public security agencies and provincial CWC affairs authorities shall be notified immediately in the case of Category I and Category II MCC loss or theft. A notice shall also be filed with the national CWC affairs authorities in the case of Category I MCC loss or theft.

所在地省级《禁止化学武器公约》事务主管部门应积极配合公安机关进行查处。

<westbank> The local provincial CWC affairs authorities shall cooperate with the public security agencies in the investigation.

第二十九条对变质或者过期实效的监控化学品，应及时制定处理方案，采取妥善的办法予以安全处理，处理方案在征得所在地公安和环境保护部门同意后，报所在地省级《禁止化学武器公约》事务主管部门批准后实施。

ARTICLE 29 Disposal plans shall be drawn up promptly for deteriorated or expired MCCs to ensure safe and proper disposal. The plans shall be submitted to the provincial CWC affairs authorities for execution approval on the basis of concurrence from the local security and environmental protection agencies.

第三十条监控化学品的铁路、公路、水路、航空运输，应遵照国务院有关主管部门颁布的关于危险品货物运输规则执行。

ARTICLE 30 Transporting MCCs via rail, highway, water and air shall be in compliance with the regulations on transporting dangerous articles as promulgated by the relevant departments under the State Council.

第三十一条国务院化学工业主管部门指定的经销单位可经营第二类监控化学品，禁止任何非指定单位经营第二类监控化学品。

ARTICLE 31 Work units designated by the chemical industry authorities under the State Council are authorized to handle sales of Category II MCCs. No other non-designated work units shall be permitted to sell Category II MCC.

经营第二类监控化学品的单位，应向所在地省级《禁止化学武器公约》事务主管部门提出申请，并填写“经营监控化学品申请表（见附件四），经审查同意后，方可经营，并报国家履行《禁止化学武器公约》事务主管部门备案。

To sell Category II MCCs, work units shall file an application with the provincial CWC affairs authorities for review and approval and complete the "Application for Sales of MCCs" (See Schedule IV). Sales shall not begin until approval is obtained. The national CWC affairs authorities shall make copies of the approval for its files.

国家和省级《禁止化学武器公约》事务主管部门每隔 2-3 年会同有关部门对被指定单位复查一次。

The national and provincial CWC affairs authorities, in conjunction with other relevant departments, shall conduct re-examination on designated work units every two or three years.

第三十二条申请经营第二类监控化学品的单位，必须具备以下条件：

ARTICLE 32 The following are required of work units that apply to sell Category II MCCs:

一、必须取得当地县级以上工商、税务部门批准证书；

(1) Approval certificates issued by the local industrial and commercial department and taxation department above the county-level.

二、有符合安全要求的经营设施；

(2) Sales facilities that conform to safety standards.

三、有熟悉产品性能的技术人员；

(3) Technicians with good knowledge of product functions.

四、有相应的管理制度；

(4) Corresponding management system.

五、有熟悉监控化学品数据统计和接受监督检查工作的专职或兼职的管理人员。

(5) Full time or part time management personnel with thorough knowledge of the MCC statistics who shall be subject to supervision and examination.

第三十三条取得第二类监控化学品经营权的单位，必须依法经营，产品只能出售给持有国家或省级《禁止化学武器公约》事务主管部门批准购买或使用文件的单位，不得售给未经批准的非经营单位及以出口为目的的非被指定单位。

ARTICLE 33 Work units with the right to sell Category II MCCs shall conduct their sales in accordance with the laws and sell products only to work units whose purchase or use have been approved by the national or provincial CWC affairs authorities. Sales shall not be allowed to unauthorized work units and export-oriented work units not designated.

必须每半年向所在地省级《禁止化学武器公约》事务主管部门报送销售记录。

Sales records shall be submitted to the local provincial CWC affairs authorities every six months.

第三十四条生产第二类、第三类监控化学品的企业不得将其产品销售给以出口为目的的非被指定单位。

ARTICLE 34 Enterprises producing Category II and Category III MCCs shall not sell their products to undesigned export-oriented work units.

第三十五条经营单位不准收购和销售未经生产特别许可批准的企业生产出的化学品。

ARTICLE 35 Sales work units shall not buy or sell MCC produced by enterprises not approved through the SPL procedures.

第三十六条需要使用第一类、第二类监控化学品的单位和个人，须填写“第一、二类监控

化学品使用申请表”(见附件五),并按《条例》规定,持国家或省级履行《禁止化学武器公约》事务主管部门的批准文件同指定的生产单位签订合同。

ARTICLE 36 Work units and individuals that need to use Category I and Category II MCCs shall complete the "Application for Use Category I and Category II MCCs" (See Schedule V) and, in conformity with the provisions of the Regulations, sign a contract with designated producers on the basis of the approval document from the national or provincial CWC affairs authorities.

使用单位和个人应严格按照申请目的和用途使用,不得转售或挪作他用。

Work units and individuals shall use the products in the same manner and for the same purpose as stated on the application andp shall not engage in re-transfer or other uses.

第五章监控化学品的申报、统计制度

V. Procedures for MCC Declaration and Statistics

第三十七条本细则第二条所列的单位,均应填报由国家履行《禁止化学武器公约》事务主管部门统一印发的“全国监控化学品统计报表”;

ARTICLE 37 Work units referred to in Article 2 of the Implementation Details shall complete the National MCC Statistics Report centrally printed and distributed by the national CWC affairs authorities.

填报单位必须按填报说明和要求按时、据实填报,不得拒报、虚报、漏报和瞒报,也不得擅自变更统计范围和内容。

Work units shall complete the report according to the explanatory notes and requirements, in a prompt fashion and on the basis of facts. Refusal, falsification, omission and concealment of information on the part of work units when preparing the report shall not be permitted. The scope and contenpts of the statistical report shall not be changed without authorization.

第三十八条经国务院化学工业主管部门批准生产(或实验合成)第一类监控化学品的单位,应按统计表要求,直接向批准单位报送有关文件和统计报表。

ARTICLE 38 Work units that have been authorized by the chemical industry authorities under the State Council to produce (or synthesize through experiment) Category I MCCs shall submit

the relevant documents and statistical reports to the authorizing units pursuant to the requirements on the statistical reports.

第三十九条除第一类监控化学品外,全国的数据统计实行区域管理、逐级上报汇总的原则。
<westbank> ARTICLE 39 With the exception of Category I MCCs, nationwide data statistics shall be managed on a regional basis and submitted and summarized through administrative levels.

生产、消耗或者使用第二类或第四类监控化学品的单位和个人,应向所在地区或省级履行《禁止化学武器公约》事务主管部门申报有关数据。 <westbank> Work units and individuals that produce, consume or use Category II MCCs and produce Category III and Category IV MCCs shall declare relevant data to the local or provincial CWC affairs authorities.

省级履行《禁止化学武器公约》事务主管部门可根据本地区实际情况,组织地市汇总、核实所有填报数据,并在规定时间内上报; <westbank> In light of the actual local situations, the provincial CWC affairs authorities may request the prefectures and cities to summarize and verify the submitted data and report back within a specific time.

或直接由省级《禁止化学武器公约》事务主管部门汇总、核实所有填报数据。 <westbank> The provincial CWC affairs authorities may also directly summarize and verify the submitted data.

省级《禁止化学武器公约》事务主管部门在认真审核、汇总本地区数据后,应在规定时间内报国家履行《禁止化学武器公约》事务主管部门。 <westbank> The provincial CWC affairs authorities shall submit the report to the national CWC affairs authorities within a specific time after careful verification and summarization of local data.

各级《禁止化学武器公约》事务主管部门均须配备必要的技术装备,指定专人负责报表的填报和管理工作。 <westbank> CWC affairs authorities shall be installed with the necessary technical equipment and staffed with dedicated personnel to complete and manage the statistical reports.

第四十条跨行政区域的大型企业和单位(联合企业、总公司)的二级单位(分公司、分厂、联营厂等),应按本细则第三十九条申报程序向所在地区或省级《禁止化学武器公约》事

务主管部门申报，以避免漏报、重报。 <westbank> ARTICLE 40 In order to avoid omissions and repetition in reporting, Grade II work units (branch companies, subsidiaries and affiliates) of cross-region large enterprises and work units (conglomerates and general corporations) shall submit declaration reports to the prefecture and provincial CWC affairs authorities according to procedures outlined in Article 39 of the Implementation Details.

第四十一条经国务院化学工业主管部门批准新建的第一类监控化学品生产设施(含实验设施)，必须在试运转前 30 天按统计表要求，向国家履行《禁止化学武器公约》事务主管部门申报统计表中有关内容。 <westbank> ARTICLE 41 Newly constructed facilities approved by the chemical industry authorities under the State Council to produce (including synthesize through experiment) Category I MCCs shall submit to the national CWC affairs authorities the relevant information requested in the statistical report thirty days prior to trial operation.

经国务院化学工业主管部门批准新建、扩建或者改建生产第二类、第三类和第四类监控化学品的设施，应在试运转前按本细则第三十九条申报统计表中有关内容。 <westbank> Newly constructed, expanded or renovated facilities approved by the chemical industry authorities under the State Council to produce Category II, III and IV MCCs shall submit the relevant information requested in the statistical report according to the procedures outlined in Article 39 of the Implementation Details prior to trial operation.

第四十二条凡储存第一类监控化学品的单位，应按第三十九条申报程序，每半年报告一次监控化学品的来源、数量、报告期消耗量及结余库存量。 <westbank> ARTICLE 42 Work units that have Category I MCCs in storage shall submit reports on a semi-annual basis, according to the procedures outlined in Article 39 of the Implementation Details, concerning the source, quantity, consumption amount during the reporting period and inventory stock of the MCCs.

凡经营、储存第二类监控化学品的单位，应按第三十九条申报程序，每半年报告一次监控化学品的来源、数量、销售量、消耗量及结余库存量。 <westbank> Work units that sell or store Category II MCCs shall submit reports on a semi-annual basis, according to the procedures outlined in Article 39 of the Implementation Details, concerning the source, quantity, sales amount, consumption amount and inventory stock of the MCCs.

第四十三条需要进口或者出口第一类、第二类、第三类监控化学品的，由国务院化学工业主管部门指定的代理进出口单位负责统计，并于每季度第一个月十五日前向国家《禁止化学武器公约》事务主管部门报送此类监控化学品的进口或出口统计表。 <westbank> ARTICLE 43 Work units designated by the chemical industry authorities under the State Council and entrusted to handle the import and export of Category I, II and III MCCs shall be responsible for the import and export statistics. Such MCC import and export statistical reports shall be submitted to national CWC affairs authorities prior the 15th day of the first month in each quarter.

第四十四条各级《禁止化学武器公约》事务主管部门及其参与数据收集和计算机网络管理的工作人员，均应认真遵守国家保密法的有关规定，按监控化学品资料和数据密级，采取妥善的保密措施，并为填报单位保守商业和技术机密。 <westbank> ARTICLE 44 Personnel working at various levels of CWC affairs authorities and involved in the data collection and computer network management shall conscientiously observe the relevant provisions of the State Confidentiality Law. Proper confidentiality measures shall be taken on the basis of the confidentiality levels of MCC information and data. Reporting work units' commercial and technological confidentiality shall be safeguarded.

国家履行《禁止化学武器公约》事务主管部门有权公布全国监控化学品的部分资料和数据，其它任何单位和个人不得擅自发布有关监控化学品的资料和数据。 <westbank> The national CWC affairs authorities are authorized to release partial information and data on nationwide MCCs. No other work units or individuals shall be permitted to release any relevant MCC information and data without authorization.

第四十五条全国监控化学品数据收集网络由国家履行《禁止化学武器公约》事务主管部门统一管理。 <westbank> ARTICLE 45 The nationwide MCC data collection network shall be centrally managed by the national CWC affairs authorities.

所有数据报表、数据软（光）盘、计算机通信文件传送、电子邮件或其他任何介质、任何方式的监控化学品数据，都必须集中传递到国家履行《禁止化学武器公约》事务主管部门

指定的地点和设备上，任何单位和个人不得截收、窃取和破坏。 <westbank> All MCC data on reports, disks, CD-ROMs, computer correspondence file transfers, electronic mail or any other media or means shall be centrally transmitted to places and equipment designated by the national CWC affairs authorities. No work units or individuals shall intercept, steal and sabotage such transmissions.

数据收集网络的接收端和分送端都必须配备专门的计算机和通信设备，并设专人管理。

<westbank> The receiving and sending end of the data collection network shall be equipment with dedicated computers and telecommunications equipment and managed by dedicated personnel.

凡储存监控化学品数据的计算机不允许与国际交互网络及国内非禁化武数据网络联机。

<westbank> Computers that store MCC data shall not be connected with the Internet or other non CWC data network.

第六章 监控化学品的现场监督检查管理办法

VI. Site Supervision and Examination of MCC Management

第四十六条 接受现场监督检查的企业和单位包括：

ARTICLE 46 Enterprises and work units subject to site supervision and examination shall include:

一、经国务院指定生产第一类监控化学品的单一小规模设施及为防护目的之外使用、消耗第一类监控化学品的设施；

(1) Single small scale facilities designated by the State Council to produce Category I MCCs and facilities that use and consume Category I MCCs for purposes other than defensive protection.

二、生产、加工、消耗第二类监控化学品的设施；

(2) Facilities that produce, process and consume Category II MCCs.

三、生产第三类监控化学品的设施；

(3) Facilities that produce Category III MCCs.

四、生产第四类监控化学品的设施；

(4) Facilities that produce Category IV MCCs.

五、经营第二类监控化学品的单位；

(5) Work units that sell Category II MCCs.

六、涉嫌进行违反《条例》活动的场所。

(6) Venues where suspected violation of the Regulations exist.

第四十七条现场监督检查的内容：

ARTICLE 47 The contents of the site supervision and examination shall include:

一、核实该现场进行的生产活动的目的及性质与该企业或单位向各级履行《禁止化学武器公约》事务主管部门申报的生产活动是否一致；

(1) Verification that the purpose and nature of the production activities at the site correspond with the production activities declared to the CWC affairs authorities at various levels by the enterprise or work unit.

二、核实该现场对所涉及的监控化学品的生产数量以及加工、消耗第二类化学品的数量与该企业或单位向各级履行《禁止化学武器公约》事务主管部门申报的数量是否一致；

(2) Verification that the production quantity of the involved MCCs and the Category II MCCs processed and consumed at the site correspond with the quantity declared to the CWC affairs authorities at various levels by the enterprise or work unit.

三、核实销售监控化学品的账目及最终用户。

(3) Verification of sales accounts of the MCCs and the end-user(s).

第四十八条国家或省级《禁止化学武器公约》事务主管部门随时对本细则第四十六条所列的企业和单位，按照本细则第四十七条中所列的检查内容，对其进行部分或全部现场监督检查。

ARTICLE 48 The national or provincial CWC affairs authorities shall conduct at any time partial or complete site supervision and examination on the contents outlined in Article 47 of the Implementation Details at enterprises and work units specified in Article 46 of the Implementation Details.

任何被查企业和单位不得以任何借口阻止或妨碍这种检查。

Enterprises and work units being supervised and examined shall not hinder or obstruct such supervision and examination for any reason.

第四十九条被检查单位应由专人负责接待监督检查人员，有义务提供必要的情况，不得隐瞒或拒绝回答检查人员提出的质疑。

ARTICLE 49 Work units being examined shall designate special person(s) to receive examination personnel, obligatorily provide the information, and answer the challenges from the examination personnel without concealment or refusal.

第五十条接受监督检查的生产企业现场检查范围包括：

ARTICLE 50 The scope of the site check at the production enterprises being supervised and examined includes:

一、运送或储存原料化学品（反应物）的区域；

(1) Areas where raw chemical materials (reactants) are transported or stored.

二、在反应物加进反应器之前对反应物进行处理区域；

(2) Areas where reactants are processed before being fed into the reactors.

三、上述第一、二款中所指区域到反应器之间的进料线以及任何有关的阀门、流量计等；

(3) Feed lines between the two above-mentioned areas and the reactors and the relevant valves and flow meters.

四、反应器及其辅助设备的外部；

(4) Reactors and the peripherals of their auxiliary equipment.

五、从反应器通向长期或短期储存地点或通向对宣布的监控化学品做进一步加工设备的运输线；

(5) Transportation lines between the reactors and the long-term or short-term storage warehouses of the MCC and the transportation lines between the reactors and the equipment that further processes the MCC.

六、与第一至五款所指任何项目有关的监控设备；

(6) Any relevant monitored and controlled facilities related to projects in the above.

七、处理废物和废水的设备和区域；

(7) Equipment and relevant areas where solid waste and sewage are treated.

八、处理不符合规格的化学品的设备和区域；

(8) Equipment and relevant areas where substandard chemicals are treated.

九、必要时，可对上述第一至八款所列区域进行取样分析。

(9) Sample analysis shall be conducted, if necessary, in areas listed above.

第五十一条接受现场监督检查设施的单位，应向检查人员提供下述文件：

ARTICLE 51 Work units under site supervision and examination shall provide the following documents to the examination personnel:

一、可显示被监督检查企业或单位地理位置的区域地图；

(1) Regional map indicating the geographic [] of the enterprise or work unit being supervised and examined.

二、可显示被监督检查企业或单位的监控化学品车间、原料预处理区、产品加工区、储物区、三废处理区、主席实验室等需接受视察地点的厂区平面图；

(2) Factory plan indicating the MCC workshop, raw material pre-processing area, product processing area, storage area, "three waste" treatment area, central lab and other venues to be inspected at the enterprise or work unit being supervised and examined.

三、可显示被监督检查车间生产设备相对位置、物料管线、对监控化学品进行采样的采样口的车间平面布置图；

(3) Workshop floor map indicating the relative positions of production equipment, material pipelines and MCC samplers that are being supervised and examined.

四、可简略说明被监督检查车间的监控化学品生产途径的工艺流程图；

(4) Flow chart briefing the production procedures of MCCs at workshops being supervised and examined.

五、自接受监督检查之日前溯三年中被监督检查车间生产监控化学品的每年产量，或对二类监控化学品的加工、消耗量，或如有对监控化学品的直接出口的出口量以及对监控化学品生产、或第二类监控化学品加工、消耗的日生产记录、领料记录、储存记录、发货（包括出口）记录、废物处理记录等。

(5) Annual production quantity for the previous three years at workshops being supervised and examined, or Category II MCC processing and consumption information, or export quantity of MCC direct export and their production, or daily production records of Category II MCC processing and consumption, and records of material acquisition, storage, shipment (including export) and waste treatment.

第五十二条任何现场监督检查的进行均不应被扩大到如下数据和文件：

ARTICLE 52 Any site supervision and examination shall not be expanded to include the following data and documents:

一、财务数据和文件；

(1) Financial data and documents.

二、除化学工业部颁布的《监控化学品名录》附表第一、二、三类监控化学品以外的其它产品销售及市场数据和文件；

(2) Sales and marketing data and documents of products not included in the MCC list issued by the MCI for Category I, II and III MCCs.

三、产品价格数据；

(3) Pricing data of the products.

四、个人档案和数据；

(4) Personnel files and data.

五、科研数据和研究报告；

(5) Scientific data and research reports.

六、专利数据和文件；

(6) Patent data and documents.

七、为履行环境保护或职业劳动保护所保存的数据和文件。

(7) Data and documents maintained for the implementation of environmental protection or occupational labor protection.

第五十三条当我国政府正式批准《禁止化学武器公约》，且该《禁止化学武器公约》在国际上正式生效之后，我国将正式履行其所规定的各项义务，并且将接受禁止化武公约组织派遣的国际视察组对本细则第四十六条所列的设施进行现场核查。

ARTICLE 53 Upon official ratification of the CWC by the Government and the international entry into force of the CWC, the State shall officially assume every obligation described and shall accept site verification to facilities listed in Article 46 in the Implementation Details by international inspection teams dispatched by the CWC organization.

监控化学品的国际视察，将由国家履行《禁止化学武器公约》事务主管部门指定的视察现场进行，其视察程序将遵守《禁止化学武器公约》核查附件的规定。

The national CWC affairs authorities shall designate personnel to lead the international inspection team to the inspection site specified by the CWC organization to conduct international inspection of MCC.. The procedures shall conform to the rules set forth in the verification annex of the CWC.

第七章罚则

VII. Penalty Provisions

第五十四条国家履行《禁止化学武器公约》事务主管部门对所有违反《条例》规定的行为进行监督管理。省级履行《禁止化学武器公约》事务主管部门对本地区的违规行为实施行政处罚，处罚数额在 10 万元以上的报国家履行《禁止化学武器公约》事务主管部门批准。

ARTICLE 54 The national CWC affairs authorities shall exercise supervision and management over behavior that violates the Regulations. The provincial CWC affairs authorities shall implement administrative penalties for violations in their respective localities. Penalties over 100,000 RMB yuan shall be approved by the national CWC affairs authorities.

执法人员必须出具授权证书，并使用国家履行《禁止化学武器公约》事务主管部门统一印制的“处罚决定书”。

Law enforcement personnel shall possess authorization credentials and use Penalty Decision Notifications centrally printed by the national CWC affairs authorities.

第五十五条根据《条例》第八条，未经生产特别许可，新建、扩建或改建用于生产第二类、第三类监控化学品和第四类监控化学品中含磷、硫、氟的特定有机化学品的设施，由省、自治区、直辖市人民政府化学工业主管保密责令限期（30 天内）改正，停止施工，拆除生产装置；

ARTICLE 55 In accordance with Article 8 of the Regulations, building, expanding or renovating of facilities without the authorization through the SPL to produce Category II MCCs, Category III MCCs and discrete organic chemicals with phosphorus, sulfur and fluorine contents in Category IV MCCs shall be subject to orders from the local chemical industry authorities

under the PARM government to take corrective actions within a specific time (thirty days), cease construction and dismantle the production set-up.

逾期不改的，视情节轻重处 1 万元以上 20 万元以下罚款。

On the basis of the gravity of the situation, a penalty fine above 10,000 RMB yuan but below 200,000 RMB yuan shall be imposed if no correction is made within the timeframe.

第五十六条根据《条例》第二十一条，未经□许，非法生产第一类监控化学品者，由省、自治区、直辖市人民政府化学工业主管部门责令限期改正，逾期不改正的，处 20 万元罚款；情节严重的，由省、自治区、直辖市人民政府责令停产整顿。

ARTICLE 56 In accordance with Article 21 of the Regulations, producing Category I MCCs without approval shall be subject to orders from the local chemical industry authorities under the PARM government to take corrective actions within a specific time. If no correction is made within the timeframe, a penalty fine of 200,000 RMB yuan shall be imposed. Serious violators shall be ordered by the PARM government to cease production and engage in rectification.

未经批准，生产第二类、第三类监控化学品和第四类中含磷、硫、氟的特定有机化学品，由省、自治区、直辖市人民政府化学工业主管部门责令（30 天内）改正，并没收其产品。

Producing Category II MCCs, Category III MCCs and discrete organic chemicals with phosphorus sulfur and fluorine contents in Category IV MCCs without approval shall be subject to orders from the local chemical industry authorities under the PARM government to take corrective actions within a specific time (thirty days). The products shall be confiscated.

逾期不改的，生产第四类监控化学品中含磷、硫、氟的特定有机化学品，处 10 万元以下罚款；

If no correction is made within the timeframe, producers of discrete organic chemicals with phosphorus, sulfur and fluorine contents in Category IV MCCs shall be imposed a penalty fine not exceeding 100,000 RMB yuan.

生产第二类、第三类监控化学品，处 20 万元以下罚款。

Producers of Category II and Category III MCCs shall be imposed a penalty fine not exceeding 200,000 RMB yuan.

情节严重的，除罚款外，由省、自治区、直辖市人民政府责令停产。

Serious violators shall be ordered by the PARM government to cease production in addition to the penalty fine.

第五十七条根据《条例》第二十二条，未经批准，使用第一类监控化学品，由省、自治区、直辖市人民政府化学工业主管部门责令改正，没收所使用的监控化学品，并处5万元罚款；
ARTICLE 57 In accordance with Article 22 of the Regulations, using Category I MCCs without approval shall be subject to orders from the local chemical industry authorities under the PARM government to take corrective actions. The MCCs in question shall be confiscated and a penalty fine of 50,000 RMB yuan shall be imposed.

未经批准，使用第二类监控化学品，由省、自治区、直辖市人民政府化学工业主管部门责令限期（30天内）改正；逾期不改的，视情节轻重处1万元以上5万元以下罚款。
Using Category II MCCs without approval shall be subject to orders from the local chemical industry authorities under the PARM government to take corrective actions within a specific time (thirty days). On the basis of the gravity of the situation, a penalty fine above 10,000 RMB yuan but below 50,000 RMB yuan shall be imposed if no correction is made within the timeframe.

第五十八条根据《条例》第二十三条，未经许可，经营第二类监控化学品，没收其经营的化学品和经营所得，并处2万元罚款；情节严重，数额巨大的，处违法经营额2倍的罚款。
ARTICLE 58 In accordance with Article 23, selling Category II MCCs without approval shall be subject to a penalty fine of 20,000 RMB yuan. The MCCs in question and the revenues from the sales shall be confiscated. Serious violators with large sales amount shall be imposed a penalty fine two times the sales amount.

第五十九条非被指定负责监控化学品进出口的企业从事进出口业务，按违反监控化学品经营的有关规定，除不予办理进出口手续外，处罚款2万元；
ARTICLE 59 In accordance with the relevant provisions on MCC violations, enterprises not designated for MCC import and export that engage in such import and export shall be rejected when processing the import and export formalities and shall be imposed a penalty fine of 20,000 RMB yuan.

非法进出口，除没收进出口的化学品和非法所得外，处罚款 20 万元；造成严重后果构成犯罪的，追究其刑事责任。

Illegal chemicals and revenues through such import and export shall be confiscated and a penalty fine of 200,000 RMB yuan shall be imposed. Serious violators whose behavior constitutes a criminal offense shall be investigated for criminal responsibilities.

第六十条被指定的进出口企业，不按程序办理手续，以虚假合同、政府保函领取进出口批文，造成严重后果的，停止受理该指定企业进出口申请 6 至 12 个月。

ARTICLE 60 Application qualification for import and export shall be suspended for six to twelve months if a designated import and export enterprise is found to have failed in complying with the formality procedures and fraudulently obtained import and export approval documents with a fake contract and government statement of pledge, resulting in serious consequences.

第六十一条根据《条例》第二十四条，数据统计中故意漏报、误报、隐瞒有关监控化学品资料、数据的，将给予警告并限期改正，逾期不改的，处 5 万元以下罚款；拒报有关资料、数据，经警告仍不改正的，处 5 万元罚款。

ARTICLE 61 In accordance with Article 24 of the Regulations, omitting, falsifying and concealing relevant MCC information and data shall be subject to warning and orders for corrective actions within a specific time. A penalty fine not exceeding 50,000 RMB yuan shall be imposed if no correction is made within the timeframe. A penalty fine of 50,000 RMB yuan shall be imposed for refusal in submitting relevant information and data and not heeding to warning for corrections.

第六十二条行政处罚决定依法作出后，当事人应当在行政处罚决定的期限内，到指定的银行缴纳罚款；执法人员也可以当场收缴罚款。

ARTICLE 62 After the administrative penalty decision is made, the parties involved shall pay the fine at designated banks within the timeframe described by the administrative penalty decision. Law enforcement personnel may also accept the penalty fine on the spot.

第六十三条当事人对处罚决定不服的，可以按照《行政复议条例》的有关规定提请复议或提请行政诉讼，行政处罚不停止执行；

ARTICLE 63 The parties involved that do not agree with the administrative penalty decision may request reconsideration according to the relevant provisions of the Administrative Reconsideration Regulations or petition for an administrative litigation. The implementation of the administrative penalty shall not be ceased.

当事人拒不履行处罚决定的，由作出处罚决定的机关申请人民法院强制执行。

Parties involved that do not implement the administrative penalty decisions shall be ordered forcible implementation by the People's Court upon request from the agencies pmaking the administrative penalty decisions.

第八章附则

VIII. Annex

第六十四条各省、自治区、直辖市化学工业主管部门可根据实际情况制定本地区的具体实施办法，报国务院化学工业主管部门备案。

ARTICLE 64 In light of the actual situations in their respective localities, the local chemical industry authorities under the PARM government may formulate concrete implementation methods which shall be deposited with the chemical industry authorities under the State Council for file.

第六十五条本细则由国务院化学工业主管部门负责解释。

ARTICLE 65 The chemical industry authorities under the State Council shall be responsible for the interpretation of the Implementation Details.

第六十六条本细则自发布之日起施行。

ARTICLE 66 The Implementation Details shall be effective on the day of issuance.