

Administration Center for Safety Signs of Special Labor Protection Articles Documents

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Announcement

In order to enforce and implement the pertinent regulations in *Provisions on the Supervision and Administration of Labor Protection Articles* (Order No.1 of the State Administration of Work Safety) and *Detailed Rules for the Implementation of Safety Signs of Special Labor Protection Articles* (AJZGHZ [2005] No. 149) and regulating the management over the imported labor protection articles and OEM (original equipment manufacturer) special labor protection articles, we formulate *Provisional Administration Measures for Importing Labor Protection Articles* and *Provisional Administration Measures for Safety Signs of OEM Special Labor Protection Articles*, which shall take effect as from April 1, 2007.

Administration Center for Safety Signs of Special Labor Protection Articles

January 19, 2007

Provisional Administration Measures for Importing Labor Protection Articles

Article 1 The Measures are formulated in accordance with *Provisions on the Supervision and Administration of Labor Protection Articles* and *Detailed Rules for the Implementation of Safety Signs of Special Labor Protection Articles*.

Article 2 All imported labor protection articles within the catalogue of safety signs administration of special labor protection articles shall acquire such safety signs (hereinafter referred to as the Safety Signs for short).

Importers of general labor protection articles shall get the “Certificate of Registration for Importing labor protection articles (hereinafter referred to as the Certificate of Registration for short)”.

Article 3 The unit applying for the Safety Signs may be a manufacturer, a domestic agent, an importer or other business units.

Article 4 The following qualifications shall be met in applying for the Safety Signs:

I. Manufacturer

1. The legal qualifications of the country it's in are required;
2. Products manufactured shall be in compliance with the

existing effective national standards, industrial standards and pertinent regulations in China;

3. Production site and equipment are required to meet the production requirements;

4. Equipment and facilities are required for testing and inspecting the safety protection performance of products;

5. Technical personnel are required to meet the production requirement;

6. Specialized inspection personnel are required to meet the inspection requirements of products;

7. A well-established management organization, a sound management system and guarantee system for the safety protection performance of products.

II. Domestic agent, importer and other units

1. A business license checked and issued by a competent Industrial and Commercial Administration Department in China is required;

2. A valid and legal entrustment agreement or a long-term stable supply contract signed with the manufacturer is required.

3. A sound contract management system is requisite;

4. A well-established management organization and a sound management system are required;

5. The sales staff must be very familiar with the safety

protection performance and the utilization methods of the products they promote.

Article 5 The application unit shall submit to the Administration Center for Safety Signs of Special Labor Protection Articles (hereinafter referred to as the Safety Signs Administration Center for short) the *Application for Importing Labor Protection Articles* (in duplicate) and documents in connection herewith.

Article 6 The Safety Signs Administration Center shall send a Notification of Acceptance to the application unit within five working days after receiving the application documents.

Article 7 The Safety Signs Administration Center shall be responsible for organizing and carrying out the examination of the aforesaid documents, and such examination shall be completed within 10 working days after sending the Notification of Acceptance.

If the documents examined are not up to the requirements, the Safety Signs Administration Center shall send to the application unit a notice of reorganization, and the latter party shall complete the rectification within 90 days after receiving the notice hereof. If the rectification is not completed duly or the rectification is still not up to the standard as required, the application for the Safety Signs shall be terminated.

Article 8 Provided that the documents examined are in keeping

with the requirements, the Safety Signs Administration Center shall organize related experts to carry out onsite evaluation in the application unit and meanwhile to draw and seal samples. The things to be evaluated includes: the qualification of the main body, the technological strength, production capability, and testing and inspecting capability, the controlling system over the safety protection performance of products and documents on enterprise management system.

Samples drawn and sealed onsite shall be mailed within the specified term by the application unit to a competent testing and inspecting unit for safety production approved by the State Administration of Work Safety for products inspection. In the event that the application products can not be inspected in the main land of China, the application unit shall provide the inspection report (original) presented by the overseas testing and inspecting agency. The Safety Signs Administration Center shall verify the inspection report thereby.

Article 9 If the application unit is eligible for acquiring the undermentioned certificate below after passing through the documents examination, onsite evaluation and products inspection, the Safety Signs Administration Center shall present to the former the “Certificate of Safety Signs for Importing Special Labor Protection Articles” (hereinafter referred to as the

Certificate of Safety Signs), and report to the State Administration of Work Safety for recording and announcement.

Article 10 The Certificate of Safety Signs is given in two forms: the administration in terms of period of validity and that in terms of importing batches.

I. If the application unit is a manufacturer, and is in keeping with the conditions for applying for the Safety Signs after the documents examination, onsite evaluation and products inspection, it shall be issued with the Certificate of Safety Signs. The administration on the Certificate of Safety Signs is identical to that of the Certificate of Safety Signs for domestic manufacturers.

II. If the application unit is a domestic agent, importer or other unit, and is in keeping with the conditions for applying for the Safety Signs after the documents examination and products inspection, it shall be issued with the Certificate of Safety Signs (valid for one year). In the event of extending the period of validity hereof, the application unit shall submit its application one month ahead of the expiration of the Certificate of Safety Signs.

The domestic agent, importer and other unit shall, within the period of validity of the Certificate of Safety Signs and in each quarter (during the last 10 days of each quarter), submit to the

Safety Signs Administration Center the inspection report (the original and Chinese-foreign language versions) of batches of special labor protection articles imported and the import goods declaration forms of the People's Republic of China (copy) in the corresponding quarter.

Article 11 Administration of Certificates of Registration for importing special labor protection articles:

I. Application conditions

1. Enterprises applying for the Certificate of Registration for importing special labor protection articles shall have independent legal person qualification;
 2. The capability to undertake corresponding economic liabilities is required;
 3. The site and equipment in line with the production requirements are requisite;
 4. A complete enterprise management organization and a well-established management system are required;
 5. The agent or distributor shall have the letter of attorney as an agent authorized by the corresponding overseas manufacturer and the supply and marketing contract with a period of more than one year signed with the overseas manufacturer concerned.
- An inspection report provided by a competent testing and inspecting unit for safety production approved by the State

Administration of Work Safety shall be submitted in the event of the application for the Certificate of Registration for the following products.

Insulating gloves, glare-proof goggles, chemical resistant cover goggles, toxicant penetration protection work suit, shielding work suit, and oxygen respirator.

II. Application procedure

1. The application unit shall submit to the Safety Signs Administration Center the *Application for Importing Labor Protection Articles* (in duplicate) and documents in connection herewith;
2. Examination is performed over the application documents;
3. The Safety Signs Administration Center shall issue the Certificate of Registration to the enterprise passing the documents examination and make an announcement in connection herewith.

The Certificate of Registration shall be valid for one year as from the issuing date. The enterprise acquiring such a certificate shall submit its extension application one month ahead of the expiration thereof.

Article 12 The Safety Signs Administration Center is entitled to make tracking inspections over the labor protection articles imported by enterprises acquiring the Certificate of Safety Signs

and the Certificate of Registration.

I. The Certificate of Safety Signs and the Certificate of Registration shall be suspended provided that any of the following incidents occurs:

1. Failing in ensuring the stable qualified safety protection performance of the concerned special labor protection articles;
2. Production status changes and fails to meet the production requirements;
3. Uses of the Safety Signs are not in accordance with the pertinent regulations;
4. Exceeding the limit of the Certificate of Safety Signs and the Certificate of Registration.

II. Provided that any of the following incidents occurs, the Certificate of Safety Signs and the Certificate of Registration shall be rescinded and a corresponding announcement in connection herewith shall also be made:

1. Accidents happen due to the fact that the safety protection performance of the products concerned fail to meet the existing implementation standards;
2. No extension application is submitted as required in the Measures when the Certificate of Safety Signs or the Certificate of Registration becomes expired;

3. The Certificate of Safety Signs and/or the Certificate of Registration are acquired through falsification;
4. Rejecting reexamination and failing in the examination upon the expiration of the improvement period;
5. Business licenses are suspended or rescinded;
6. Raw materials and products eliminated or prohibited specifically by the Government;
7. Rejecting supervision and examination;
8. The Safety Signs are transferred, purchased and sold, or used illegally;
9. Unauthorized production or distribution during the period when the Certificate of Safety Signs and/or the Certificate of Registration are suspended;
10. Undergoing no annual review as required or failing such required annual review;
11. Other actions which may lead to the revocation of the Safety Signs of special labor protection articles.

Article 13 The unit with its use of the Certificate of Safety Signs and the Certificate of Registration suspended shall not apply for the Certificate of Safety Signs and the Certificate of Registration for importing other labor protection articles within the period of suspension.

The unit suspended from using the Safety Signs shall complete its improvement within 90 days hereof, and may resume its use of the Safety Signs provided it passes the reexamination.

Article 14 The products deprived of the Safety Signs are not allowed to appear in such application within 180 days hereof. And the time for applying again for the Safety Signs shall be no less than two years in the event of the aforesaid actions in Items 1, 3, 8 in Section II Article 12.

Person in charge of the enterprise deprived of the Safety Signs shall not work as the person in charge of other enterprises engaging in the production or distribution of special labor protection articles, otherwise such enterprises shall not apply for the Safety Signs within two years thereof.

Article 15 The application for the Safety Signs shall be terminated and the application unit shall not be allowed to make such application again within two years if the samples for inspection it provides are not manufactured by its own plant or are not in line with the raw materials for mass production, or it changes without authorization the samples drawn and sealed.

Article 16 The issues not specified in the Measures shall be carried out in accordance with pertinent regulations under *Provisions on the Administration of Labor Protection Articles* and *Detailed Rules for the Implementation of Safety Signs of*

Special Labor Protection Articles.

Article 17 The Safety Signs Administration Center shall be responsible for the interpretation of the Measures.

Article 18 The Measures are scheduled to take effect as from April 1, 2007.