

# 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 Safety Signs of OEM Special Labor Protection Articles

**Article 1** The Measures are formulated in conformity 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** OEM means that one party entrusts another party to process and manufacture the designated products, and sells them under its own brand. The party entrusting the processing is the OBM (Original Brand Manufacturer), the owner of the brand; and the party entrusted to process the products is the Manufacturer.

**Article 3** All the 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), provided that OEM is required hereby.

**Article 4** The OBM applying for the Safety Signs may be a domestic enterprise, an overseas one or other unit.

**Article 5** OBM shall have the following qualifications:

- I. The application unit within the mainland of China shall have independent legal person qualification;
- II. The application unit from Hong Kong, Macao, Taiwan and foreign countries shall have the legal qualification of the

corresponding region or country;

III. Fixed site and office facilities are required in conformity with its application business;

IV. The registered capital or initial expenditure shall be no less than RMB 3 million Yuan;

V. There shall be no less than 20 employers. Among them, there shall be at least two technical personnel for each type of products, and no technical personnel is permitted to work as the technician for two (or above) types of products. Specialized inspection personnel up to the requirements of the OEM products are also required.

VI. The capability of design, experiment and product inspection is required in line with the requirements of the product;

VII. It is requisite to have well-established organizational articles, management system, working rules and guarantee system for the safety protection performance of products.

VIII. The manufacturer shall be the production enterprise acquiring the Safety Signs for similar types of products;

IX Other qualifications stipulated under pertinent laws and administrative regulations.

**Article 6** OBM shall submit the following documents:

I. Fill the *Application for Safety Signs of OEM Special Labor Protection Articles* in duplicate (see the appendix);

- II. The original and the duplicate copy of the corporate business license of the application unit in the mainland of China; the copy of the certificate for the legal qualification of the application enterprises from Hong Kong, Macao, Taiwan and foreign countries;
- III. Lease certificate for office site;
- IV. The copy of the certificate for the registered trademark;
- V. The referential standard of the OEM products (China national standards and industrial standards just provide standard number list);
- VI. A long-term agreement of entrustment processing for more than one year signed between the OBM and the Manufacturer;
- VII. Products application instruction and certificate conformity;
- VIII. Documents in relation with the development, design and inspection management procedure of the products;
- IX. Color photos of the products;
- X. Documents in relation with the guarantee system for the safety protection performance of the OEM products and enterprise management system;
- XI. Other documents.

**Article 7** The Administration Center for Safety Signs of Special Labor Protection Articles (hereinafter referred as the Safety Signs Administration Center for short) shall send a Notification of Acceptance to the application unit within five working days after

receiving the application documents.

**Article 8** The examination of the aforesaid documents shall be implemented by the Safety Signs Administration Center, and completed within 10 working days after sending the Notification of Acceptance.

**Article 9** If the documents examined are not up to the requirements, the application unit shall complete the rectification within 90 days after receiving the notice of rectification. If the rectification is not completed within the required period or the rectification is still not up to the standard as required, the application for the Safety Signs shall be terminated.

**Article 10** Provided that the documents examined are in keeping with the requirements, the Safety Signs Administration Center shall organize related experts carrying out onsite evaluation in the application unit. The evaluation is mainly concerned with: the qualification of the main body, the technological strength, production capability, and testing and inspecting capability, the management system, the controlling system over the safety protection performance of products and documents on enterprise management system, and so on.

If the processing enterprise is accordance with the requirements in the onsite evaluation, samples of the application products shall be drawn and sealed on the site hereof. The samples shall be

mailed 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 within the required time. 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 11** If the application unit is eligible for acquiring the undermentioned certificate after undergoing the documents examination, onsite evaluation and product inspection, the Safety Signs Administration Center shall present to the former the Certificate of Safety Signs for Importing Special Labor Protection Articles and report to the State Administration of Work Safety for recording and announcement.

**Article 12** The Certificate of Safety Signs for OEM Special Labor Protection Articles (hereinafter referred to as the Certificate of Safety Signs) shall be valid for two years. In the event of extending the period of validity, the application unit shall submit its application one month ahead of the expiration of the Certificate of Safety Signs.

**Article 13** The Safety Signs Administration Center is entitled to

make tracking inspection over the special labor protection articles imported by enterprises acquiring the Certificate of Safety Signs and the Certificate of Registration.

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

1. The safety protection performance of the concerned products fails to meet the effective implementation standards;
2. In case of changing the Manufacturer, no application for changing is submitted;
3. Changes happen to the Manufacturer and lead to the failure in meeting the production requirements of the products;
4. Uses of the Safety Signs are not in accordance with the pertinent regulations;
5. Exceeding the limit of the Certificate of Safety Signs.

II. Provided that any of the following incidents occurs, the Safety Signs 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 fails to meet the effective implementation standards;
2. No extension application is submitted as required in the Measures when the Certificate of Safety Signs becomes expired;
3. The Certificate of Safety Signs is 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 during the period where the Certificate of Safety Signs is suspended;
10. Undergoing no annual review as required or failing such required annual review;

**Article 14** The unit with its use of the Safety Signs suspended shall not apply for the Certificate of Safety Signs for other special 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 15** The special labor protection articles deprived of the Safety Signs are not allowed to appear in such application within 180 days hereof. Moreover, 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 the Section II Article 13.

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

**Article 16** 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 hereof, in the event that 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 17** The unit acquiring the Certificate of Safety Signs shall apply to the Safety Signs Administration Center for the formalities of the corresponding changes in the event that any of the following incidents happen to the unit hereof:

- I. Change of the legal representative;
- II. Change of the Manufacturer;
- III. Change of the production site of the Manufacturer.

**Article 18** 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 19** The Safety Signs Administration Center shall be responsible for the interpretation of the Measures.

**Article 20** The Measures are scheduled to take effect as from April 1, 2007.