

Regulations on the Administration of Special Equipment Safety of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents	1
Chapter I — General Provisions	1
Chapter II — Manufacture of Special Equipment	2
Chapter III — Use of Special Equipment	2
Chapter IV — Inspection and Testing	3
Chapter V — Supervision, Inspection, and Investigation of Accidents	3
Chapter VI — Legal Liability	3
Chapter VII — Supplementary Provisions	4

Promulgated by Order No. 373 of the State Council of the People's Republic of China on March 11, 2003

Amended in accordance with the Decision of the State Council on Amending the Regulations on Safety Supervision of Special Equipment on January 24, 2009 (Order No. 549 of the State Council)

Effective: June 1, 2003; Amendment effective May 1, 2009

Table of Contents

- Chapter I — General Provisions
- Chapter II — Manufacture of Special Equipment
- Chapter III — Use of Special Equipment
- Chapter IV — Inspection and Testing
- Chapter V — Supervision, Inspection, and Investigation of Accidents
- Chapter VI — Legal Liability
- Chapter VII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of strengthening safety supervision of special equipment, preventing and reducing accidents involving special equipment, safeguarding the safety of life and property of the people, and promoting economic development.

Article 2 — The term "special equipment" as used in these Regulations refers to boilers, pressure vessels (including gas cylinders), pressure pipelines, elevators, hoisting machinery, passenger ropeways, large-scale amusement devices, and special motor vehicles in factory premises that involve life safety and present relatively high danger.

Article 3 — The department of special equipment safety supervision and administration under the State Council shall be responsible for the safety supervision of special equipment nationwide. The departments of special equipment safety supervision and administration of the local people's governments at or above the county level shall be responsible for the safety supervision of special equipment within their respective administrative regions. The relevant departments under the State Council and of the local people's governments shall, in accordance with their respective functions and duties, do a good job of the supervision and administration of special equipment safety.

Article 4 — Entities manufacturing, installing, altering, repairing, or using special equipment (hereinafter collectively referred to as special equipment manufacturers and users) shall establish and improve a safety management system and a post safety responsibility system for special equipment.

Article 5 — Entities manufacturing, installing, altering, repairing, or using special equipment shall ensure that the special equipment they manufacture, install, alter, repair, or use complies with the relevant safety technical specifications and standards.

Chapter II — Manufacture of Special Equipment

Article 6 — Special equipment shall be designed, manufactured, installed, altered, and repaired in accordance with the safety technical specifications. The design documents of special equipment shall be subject to appraisal and examination by an inspection and testing institution approved by the department of special equipment safety supervision and administration under the State Council before they may be used for manufacture.

Article 7 — Entities engaged in the manufacture, installation, alteration, or repair of special equipment shall obtain a license in accordance with the provisions of these Regulations and other relevant laws and administrative regulations before engaging in the corresponding activities.

Article 8 — Special equipment shall be manufactured by entities that have obtained the corresponding manufacturing licenses. The manufactured special equipment shall be accompanied by documents such as design documents, product quality certificates, and instructions for installation, use, maintenance, and repair, as required by the safety technical specifications.

Article 9 — The installation, alteration, and repair of special equipment shall be carried out by entities that have obtained the corresponding licenses. Prior to commencement of installation, alteration, or repair, the entity shall notify the department of special equipment safety supervision and administration of the city divided into districts in writing of the proposed activities.

Article 10 — After the installation, alteration, or major repair of special equipment is completed, the entity that carried out the installation, alteration, or repair shall, within thirty (30) days, hand over the relevant technical data and documents to the user entity.

Chapter III — Use of Special Equipment

Article 11 — Before special equipment is put into use or within thirty (30) days after it is put into use, the user entity shall register it with the department of special equipment safety supervision and administration of the city divided into districts. The registration mark shall be placed or affixed in a conspicuous position on the special equipment.

Article 12 — User entities of special equipment shall establish operating procedures and safety management systems for special equipment, and shall ensure that the operators of special equipment possess the corresponding qualifications and strictly comply with the operating procedures.

Article 13 — User entities of special equipment shall conduct periodic self-inspections of the special equipment in use and make records. Where any abnormality is discovered, it shall be handled promptly.

Article 14 — Special equipment in use shall be subject to periodic inspection by an inspection and testing institution approved by the department of special equipment safety supervision and administration. No special equipment that has failed the periodic inspection or whose inspection certificate has expired shall be used.

Article 15 — Where special equipment presents a serious potential accident hazard, is beyond the prescribed operating parameters, or has no possibility of repair or repair is not economically viable, the user entity shall retire it from use. Retired special equipment shall be deregistered.

Article 16 — Operators of special equipment shall undergo training in special equipment safety, pass an examination, and obtain a special operation personnel certificate issued by the relevant state authorities before they may engage in the corresponding operation or management work.

Chapter IV — Inspection and Testing

Article 17 — Inspection and testing institutions for special equipment shall be approved by the department of special equipment safety supervision and administration under the State Council before engaging in inspection and testing of special equipment.

Article 18 — Inspection and testing personnel of special equipment shall pass an examination organized by the department of special equipment safety supervision and administration under the State Council and obtain an inspection and testing personnel certificate before they may engage in inspection and testing work.

Article 19 — Inspection and testing institutions and their personnel shall carry out inspection and testing of special equipment in an objective, fair, and timely manner and shall be responsible for the inspection and testing results and appraisal conclusions. They shall not engage in the manufacture, installation, alteration, repair, or sale of special equipment, nor recommend or supervise the manufacture or sale thereof.

Article 20 — Where an inspection and testing institution discovers a serious potential accident hazard during inspection and testing, it shall promptly notify the user entity and immediately report the matter to the department of special equipment safety supervision and administration.

Chapter V — Supervision, Inspection, and Investigation of Accidents

Article 21 — The departments of special equipment safety supervision and administration shall conduct supervision and inspection of the manufacture, installation, alteration, repair, and use of special equipment in accordance with the law. Where any violation of these Regulations is discovered, it shall be ordered to be corrected promptly.

Article 22 — When a special equipment accident occurs, the entity where the accident occurs shall promptly organize rescue, protect the scene of the accident, take emergency measures, and report the matter in accordance with the relevant provisions of the State. No entity or individual may conceal, falsely report, delay in reporting, or fail to report a special equipment accident.

Article 23 — The investigation and handling of special equipment accidents shall be organized by the department of special equipment safety supervision and administration in conjunction with the relevant departments in accordance with the law.

Chapter VI — Legal Liability

Article 24 — Where any entity, without obtaining a license, engages in the manufacture, installation, alteration, or repair of special equipment, the department of special equipment safety supervision and administration shall ban it and confiscate the illegal gains and the illegally manufactured products. Where the illegal business amount is 100,000 yuan or more, a fine of not less than one (1) time but not more than five (5) times the illegal business amount shall be imposed concurrently. Where the illegal business amount is less than 100,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed concurrently.

Article 25 — Where a user entity of special equipment commits any of the following acts, the department of special equipment safety supervision and administration shall order it to make corrections within a prescribed time limit, and where corrections are not made within the prescribed time limit, impose a fine of not less than 2,000 yuan but not more than 20,000 yuan:

- (1) failing to register the special equipment in accordance with the regulations;
- (2) failing to establish safety management systems for special equipment;
- (3) using personnel who have not obtained the corresponding qualifications to operate or manage special equipment;
- (4) failing to conduct periodic self-inspections and make records.

Article 26 — Where a user entity uses special equipment that has not undergone periodic inspection or has failed periodic inspection, the department of special equipment safety supervision and administration shall order it to make corrections within a prescribed time limit. Where corrections are not made within the prescribed time limit, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed.

Article 27 — Where an inspection and testing institution issues a false inspection and testing result or appraisal conclusion, or where the inspection and testing result or appraisal conclusion is seriously inaccurate, the department of special equipment safety supervision and administration shall order it to make corrections, confiscate the illegal gains, and impose a fine of not less than two (2) times but not more than five (5) times the illegal gains. Where the circumstances are serious, its inspection and testing qualification shall be revoked.

Article 28 — Where a special equipment accident occurs as a result of a violation of these Regulations, sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 29 — The safety supervision of special equipment used in the military, on ships, in railway locomotives, in mining, and in nuclear facilities shall not be governed by these Regulations.

Article 30 — The department of special equipment safety supervision and administration under the State Council may formulate specific measures for the implementation of these Regulations.

Article 31 — These Regulations shall be effective as of June 1, 2003.

Disclaimer: This English translation is provided for reference purposes only. In the event of any discrepancy, the official Chinese version shall prevail. This does not constitute legal advice. Consult qualified professionals for interpretation or application.