Regulations on Work Safety Licenses 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 — License Conditions 2

Chapter III — Application and Issuance 2

Chapter IV — Supervision and Administration 2

Chapter V — Legal Liability 3

Chapter VI — Supplementary Provisions 3

Promulgated by the State Council on January 13, 2004, and revised in accordance with the Decision of the State Council on Amending the Regulations on Work Safety Licenses on July 29, 2014
Effective: January 13, 2004 (as amended, effective December 1, 2014)

Table of Contents

- Chapter I — General Provisions
- Chapter II — License Conditions
- Chapter III — Application and Issuance
- Chapter IV — Supervision and Administration
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purposes of strictly regulating work safety conditions, further strengthening the supervision and administration of work safety, and preventing and reducing work safety accidents.

Article 2 — The state shall implement a work safety licensing system for the following enterprises that engage in production in high-risk industries:

Article 2.1 — Mining enterprises;

Article 2.2 — Construction enterprises;

Article 2.3 — Enterprises producing hazardous chemicals, fireworks, and firecrackers;

Article 2.4 — Enterprises producing civil explosives.

Source: https://www.danyoungcpa.com/work-safety-license-regulations-prc-2014-amendment-english-translation/

Article 2.5 — Enterprises not listed above shall not be required to obtain a work safety license.

Article 3 — The State Council's emergency management department and the relevant departments shall be responsible for the issuance and administration of work safety licenses.

Chapter II — License Conditions

Article 4 — An enterprise shall meet the following work safety conditions before obtaining a work safety license:

Article 4.1 — Establish and improve its work safety responsibility system, formulate complete work safety rules and regulations, and operating procedures;

Article 4.2 — Invest in work safety in compliance with the requirements of relevant laws and regulations;

Article 4.3 — Establish a work safety management body and assign work safety management personnel;

Article 4.4 — The primary responsible person and work safety management personnel have passed the assessment;

Article 4.5 — Special operation personnel have received special safety operation training and obtained the qualification certificates for special operations;

Article 4.6 — Employees have received work safety education and training and passed the assessment;

Article 4.7 — Participate in work-related injury insurance in accordance with the law and pay insurance premiums for employees;

Article 4.8 — The workplace, safety facilities, equipment, and processes comply with the requirements of relevant work safety laws, regulations, standards, and procedures;

Article 4.9 — Have emergency rescue plans for occupational hazards and work safety accidents, and have emergency rescue organizations or personnel equipped with necessary emergency rescue equipment and devices.

Chapter III — Application and Issuance

Article 5 — An enterprise shall apply to the work safety license issuing authority for a work safety license before engaging in production. The enterprise shall submit relevant documents and materials in accordance with the regulations.

Article 6 — The issuing authority shall complete the examination within 45 days from the date of receipt of the application. Where the enterprise meets the conditions, a work safety license shall be issued. Where the conditions are not met, the authority shall notify the enterprise in writing and explain the reasons.

Article 7 — The term of validity of a work safety license shall be three years. Where it is necessary to extend the term, the enterprise shall apply for an extension to the original issuing authority three months prior to the expiration.

Article 8 — Where an enterprise changes its name, address, or legal representative, it shall apply for alteration of the work safety license within 10 working days from the date of change.

Chapter IV — Supervision and Administration

Article 9 — An enterprise shall not transfer or lend its work safety license, or use a forged work safety license.

Article 10 — Where an enterprise fails to obtain a work safety license, it shall not engage in production activities. An enterprise that obtains a work safety license shall not reduce its work safety conditions.

Source: https://www.danyoungcpa.com/work-safety-license-regulations-prc-2014-amendment-english-translation/

Article 11 — The issuing authorities shall strengthen the supervision and inspection of enterprises that have obtained work safety licenses. Where an enterprise no longer meets the work safety conditions, the issuing authority shall temporarily seize or revoke its work safety license.

Article 12 — Where an enterprise fails to apply for an extension after the expiry of its work safety license and continues to engage in production, it shall be treated as engaging in production without a license.

Chapter V — Legal Liability

Article 13 — Where an enterprise engages in production without obtaining a work safety license, it shall be ordered to cease production, confiscated of its illegal gains, and fined not less than RMB 100,000 and not more than RMB 500,000. Where serious consequences are caused, it shall be fined not less than RMB 500,000 and not more than RMB 1,000,000.

Article 14 — Where the term of validity of a work safety license expires without extension, the enterprise shall be penalized in accordance with Article 13 of these Regulations.

Article 15 — Where an enterprise transfers or lends its work safety license, it shall be fined not less than RMB 100,000 and not more than RMB 500,000, and its work safety license shall be revoked. Where a crime is constituted, criminal liability shall be pursued.

Article 16 — Where the staff of the issuing authorities commit any of the following acts, they shall be subject to demotion or removal from office. Where a crime is constituted, criminal liability shall be pursued:

Article 16.1 — Issuing a work safety license to an enterprise that does not meet the conditions;

Article 16.2 — Failing to impose penalties in accordance with the law upon discovering that an enterprise has obtained a work safety license but no longer meets the conditions;

Article 16.3 — Failing to investigate and penalize enterprises that engage in production without a license upon discovery.

Chapter VI — Supplementary Provisions

Article 17 — Enterprises that engaged in production activities before the promulgation of these Regulations shall apply for a work safety license within one year from the implementation of these Regulations.

Article 18 — The State Council's emergency management department and the relevant departments shall separately formulate measures for the implementation of these Regulations.

Article 19 — These Regulations shall take effect on January 13, 2004. The 2014 amendment shall take effect on December 1, 2014.

Disclaimer: This English translation is provided for informational and reference purposes only by Dan Young Business Consultancy. While every effort has been made to ensure accuracy, this is an unofficial translation. For legal purposes, the original Chinese text shall prevail. The translator assumes no liability.