

Regulations on Work Safety Permits for Enterprises of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the provisions of the Work Safety Law of the People's Republic of China for the purposes of strictly regulating the conditions for safe production, further strengthening the supervision and administration of work safety, and preventing and reducing production safety accidents.

Article 2 — The State applies a work safety permit system to mining enterprises, construction enterprises, and enterprises manufacturing hazardous chemicals, civil explosives, and fireworks and firecrackers (hereinafter collectively referred to as "enterprises"). Enterprises that have not obtained a work safety permit shall not engage in production activities.

Article 3 — The work safety permit issuing and administration authority shall be the department responsible for the supervision and administration of work safety under the State Council, or the department responsible for the supervision and administration of work safety of the people's government of a province, autonomous

region, or municipality directly under the Central Government. The specific measures for the issuance and administration of work safety permits for enterprises manufacturing hazardous chemicals, civil explosives, and fireworks and firecrackers shall be formulated by the relevant departments of the State Council in accordance with their respective duties. The State applies a unified management system in respect of work safety permits for mining enterprises and construction enterprises.

Article 4 — The department responsible for the supervision and administration of work safety under the State Council shall guide and supervise the issuance and administration of work safety permits nationwide. The department in charge of coal mine safety supervision under the State Council shall guide and supervise the issuance and administration of work safety permits to coal mining enterprises. The administrative department of construction under the State Council shall guide and supervise the issuance and administration of work safety permits to construction enterprises. Other relevant departments of the State Council shall, in accordance with their respective duties, be responsible for the issuance and administration of work safety permits to relevant enterprises.

Article 5 — The issuance of work safety permits shall be subject to the principles of openness, fairness, and impartiality.

Chapter II — Conditions for Applying for a Work Safety Permit

Article 6 — To obtain a work safety permit, an enterprise shall meet the following conditions for safe production: (1) establish and improve the work safety responsibility system, and formulate complete work safety rules and operating procedures; (2) invest such funds as may be necessary to ensure the fulfillment of the conditions for safe production; (3) establish a work safety management body and be staffed with full-time work safety management personnel; (4) the principal responsible person and the work safety management personnel shall have passed an assessment on work safety knowledge and management ability; (5) special operation personnel shall have passed an examination by the relevant competent department and obtained the qualification certificate for special operations; (6) other employees shall have received education and training on work safety and passed the relevant examinations; (7) employees shall have participated in work-related injury insurance in accordance with the law and have paid the insurance premiums for employees; (8) the premises, facilities, equipment, and technological processes of the plant or workplace shall comply with the requirements of the relevant laws, regulations, rules, and standards in respect of work safety and occupational disease prevention; (9) the enterprise shall have in place occupational disease prevention and control measures and provide its employees with labor protection articles that meet the national standards or industry standards; (10) the enterprise shall conduct safety evaluation in accordance with the law; (11) the enterprise shall have in place precautionary measures against major hazard sources and monitoring measures, and shall have an emergency response and rescue plan; (12) the enterprise shall have in place an emergency rescue organization or emergency rescue personnel, and be equipped with necessary emergency rescue equipment and devices; and (13) other conditions as provided for by laws and regulations.

Article 7 — When applying for a work safety permit, an enterprise shall submit the following documents and materials to the work safety permit issuing and administration authority: (1) the application form for a work safety permit; (2) the supporting documents and materials that demonstrate satisfaction of the conditions for safe production as set forth in Article 6 of these Regulations; and (3) other documents and materials as required by the work safety permit issuing and administration authority.

Article 8 — The form of the application form for a work safety permit and the specific requirements for the documents and materials to be submitted shall be prescribed by the department responsible for the supervision and administration of work safety under the State Council.

Chapter III — Procedures for Review and Issuance

Article 9 — The work safety permit issuing and administration authority shall, within 45 days from the date of receipt of the application, complete the review of the documents, materials submitted and the site conditions of the enterprise. Where, upon review, the enterprise satisfies the conditions for safe production as set forth in these Regulations, the work safety permit shall be issued; where the enterprise fails to satisfy the conditions for safe production, the work safety permit shall not be issued, the applicant shall be notified in writing, and the reasons therefor shall be explained. Where a work safety permit issuing and administration authority decides to issue a work safety permit to a coal mining enterprise, it shall first consult the opinions of the local coal mine safety supervisory authority at the same level.

Article 10 — The period of validity of a work safety permit shall be three years. A work safety permit shall be valid for application throughout the country within its period of validity. A work safety permit shall be subject to the annual examination system. Where no annual examination has been carried out, the work safety permit shall be invalid. The specific measures for the annual examination of work safety permits shall be formulated by the department responsible for the supervision and administration of work safety under the State Council.

Article 11 — Where the period of validity of a work safety permit expires and an extension is needed, the enterprise shall, three months prior to the expiration of the period of validity, go through the formalities for an extension with the original work safety permit issuing and administration authority. Where, upon examination, the enterprise still satisfies the conditions for safe production as set forth in these Regulations, the work safety permit issuing and administration authority shall grant the extension. The specific measures for the extension of work safety permits shall be formulated by the department responsible for the supervision and administration of work safety under the State Council.

Article 12 — When there is any change in the name, address, or principal responsible person of an enterprise that has obtained a work safety permit, the enterprise shall, within 10 working days from the date of change, apply to the original work safety permit issuing and administration authority for amending the work safety permit.

Article 13 — Where an enterprise that has obtained a work safety permit adds any new construction project for which a work safety permit is required in accordance with the provisions of Article 2 of these Regulations, it shall apply for a work safety permit for that construction project.

Article 14 — No work unit or individual may forge, alter, assign, lease, lend, or use in any other unauthorized manner a work safety permit.

Chapter IV — Supervision and Inspection

Article 15 — A work safety permit issuing and administration authority shall strengthen the supervision and inspection of enterprises that have obtained work safety permits. Where it discovers during supervision and inspection that an enterprise no longer satisfies the conditions for safe production as set forth in these Regulations, it shall temporarily seize or revoke the work safety permit.

Article 16 — When a work safety permit issuing and administration authority carries out supervision and inspection, it shall have at least two inspectors. The inspectors shall produce their valid identification documents for law enforcement and law enforcement certificates. The inspectors shall not disclose the technical secrets or business secrets of the enterprise under inspection.

Article 17 — Inspectors may, in the course of supervision and inspection, enter the production premises for inspection, review relevant materials, and gather relevant information from the personnel concerned. Enterprises shall cooperate with the supervision and inspection, and shall not refuse or obstruct such inspection.

Article 18 — Where the department responsible for the supervision and administration of work safety under the State Council discovers that a work safety permit issuing and administration authority at the provincial level has failed to issue a work safety permit in accordance with the prescribed conditions or procedures, it shall order the authority to make rectification or may directly revoke the work safety permit.

Article 19 — No work unit or individual may obstruct or interfere with the lawful performance of duties by work safety permit issuing and administration authorities or their personnel. State functionaries shall not abuse their powers, neglect their duties, or engage in malpractice for personal gain in the issuance and administration of work safety permits.

Chapter V — Legal Liability

Article 20 — Where an enterprise, in violation of these Regulations, engages in production without obtaining a work safety permit, it shall be ordered to stop production, its illegal earnings shall be confiscated, and it shall be fined not less than RMB 100,000 yuan but not more than RMB 500,000 yuan; where major production safety accidents or other serious consequences have resulted, and the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 21 — Where an enterprise, in violation of these Regulations, fails to go through the formalities for an extension upon expiration of the period of validity of its work safety permit and continues production, it shall be ordered to stop production, go through the formalities for an extension within a prescribed time limit, its illegal earnings shall be confiscated, and it shall be fined not less than RMB 50,000 yuan but not more than RMB 100,000 yuan; where it fails to go through the formalities for an extension upon the expiration of the prescribed time limit, the penalties set forth in Article 20 of these Regulations shall apply.

Article 22 — Where an enterprise, in violation of these Regulations, forges, alters, assigns, leases, lends, or uses a work safety permit in any other unauthorized manner, the work safety permit issuing and administration authority shall revoke the work safety permit, confiscate the illegal earnings, and impose a fine of not less than RMB 100,000 yuan but not more than RMB 500,000 yuan; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 23 — Where an enterprise obtains a work safety permit by fraudulent or other improper means, the work safety permit issuing and administration authority shall revoke the work safety permit, confiscate the illegal earnings, and impose a fine of not less than RMB 100,000 yuan but not more than RMB 500,000 yuan; the enterprise shall not be allowed to re-apply for a work safety permit within three years; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 24 — Where an enterprise that has obtained a work safety permit is found, upon supervision and inspection by the work safety permit issuing and administration authority, to no longer satisfy the conditions for safe production as set forth in these Regulations and fails to make rectification within the prescribed time limit after the work safety permit has been temporarily seized, the work safety permit shall be revoked.

Article 25 — Where any functionary of a work safety permit issuing and administration authority commits any of the following acts, he or she shall be subject to a demotion or removal from office; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law: (1) issuing a work safety permit to an enterprise that does not satisfy the conditions for safe production as set forth in these Regulations; (2) discovering that an enterprise has obtained a work safety permit by fraudulent or other improper means and failing to revoke the work safety permit in a timely manner; (3) failing to temporarily seize or revoke the work safety permit in accordance with the law upon discovering that an enterprise satisfying the conditions set forth in Article 15 of these Regulations still fails to make rectification; (4) failing to go through the formalities for an extension of a work safety permit for an enterprise that satisfies the conditions; or (5) charging fees in the issuance and administration of work safety permits.

Article 26 — Where an enterprise, in violation of these Regulations, fails to apply for amending its work safety permit upon change of its name, address, or principal responsible person, it shall be ordered to make rectification within a prescribed time limit and may be fined not more than RMB 20,000 yuan.

Article 27 — Where, after the implementation of these Regulations, an enterprise that has already engaged in production before the date of implementation shall, within one year from the date of implementation of these Regulations, apply to the work safety permit issuing and administration authority for a work safety permit in accordance with the provisions of these Regulations. Where the enterprise fails to apply for a work safety permit or fails to satisfy the conditions for safe production as set forth in these Regulations upon the expiration of the said period and continues production, the penalties set forth in Article 20 of these Regulations shall apply.

Chapter VI — Supplementary Provisions

Article 28 — These Regulations shall be effective as of the date of promulgation.

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