

**Ordinance by the Ministry of Chemical Industry
of the People's Republic of China**

No. 11

In keeping with the Controlled Chemicals Regulations of the People's Republic of China, the List of Controlled Chemicals by Category has now been approved by the State Council, and is issued hereby. It shall take effect as of the date of its issuance.

Minister (illegible)

[signature]

May 15, 1996

**Ordinance by the Ministry of Chemical Industry
of the People's Republic of China**

No. 12

In keeping with the Controlled Chemicals Regulations of the People's Republic of China, the Ministry of Chemical Industry has formulated the Rules of Application for the Controlled Chemicals Regulations of the People's Republic of China. These rules are hereby promulgated and shall enter into force as of the date of their promulgation.

Minister

[signature]

March 10, 1997

THE PEOPLE'S REPUBLIC OF CHINA
CONTROLLED CHEMICALS REGULATIONS

Article I

These Regulations have been formulated to strengthen the regime for controlled chemicals, as well as to ensure the safety of the population and to protect the environment.

Article II

These Regulations shall govern all activities on the territory of the People's Republic of China, involving the production, marketing and use of controlled chemicals.

Article III

In the context of these Regulations, controlled chemicals refer to chemicals in the following categories:

Category 1: Chemicals that can be used as chemical weapons;

Category 2: Chemicals that can be used as precursors in the production of chemical weapons;

Category 3: Chemicals that can be used as main materials in the production of chemical weapons;

Category 4: Discrete organic chemicals with the exception of explosives and pure hydrocarbons.

A list of controlled chemicals that fall into each of the above-mentioned categories shall be issued after approval by the State Council upon recommendation of the chemical industry authority of the State Council.

Article IV

The chemical industry authority of the State Council is responsible for the regime for controlled chemicals nationwide. The chemical industry authorities of the people's governments at the provincial level (provinces, autonomous regions and municipalities directly under the central government) are responsible for the regimes for controlled chemicals in their respective administrative areas.

Article V

In accordance with these Regulations and the relevant requirements of the State, those who produce, market, or use any controlled chemicals shall submit, to the chemical industry authority of the State Council or to the chemical industry authorities of the people's governments at the provincial level, declarations containing information and data relating to the production, marketing or use of controlled chemicals and the purposes for which they are used, and shall be subject to supervision and inspection from the chemical industry authorities.

Article VI

The State shall exercise strict control over the production of Category 1 chemicals.

Should the need arise for the production of Category 1 chemicals for research, medical, pharmaceutical or protective purposes, approval must be obtained from the chemical industry authority of the State Council, and production shall be carried out in small-scale facilities designated by the chemical industry authority of the State Council.

It is strictly prohibited to produce any Category 1 chemical in facilities that have not been designated for that purpose by the chemical industry authority of the State Council.

Article VII

The State shall introduce a special licensing regime for the production of Category 2 and Category 3 chemicals and the discrete organic chemicals in Category 4 containing the elements phosphorus, sulfur or fluorine; no institution or individual may engage in the production of such chemicals without a special licence. The special licensing regime shall be developed by the chemical industry authority of the State Council.

Article VIII

For the construction of any new facility, or the expansion or modification of any existing facility for the purpose of producing Category 2 or Category 3 chemicals or discrete organic chemicals in Category 4 containing the elements phosphorus, sulfur or fluorine, a request should first be submitted to the chemical industry authority of the local people's government at the provincial level. Construction work may proceed only when the chemical industry authority of the State Council has granted approval on the basis of a review and observations made by the chemical industry authority of the people's government concerned at the provincial level. When the work on the facility is completed, the chemical industry authority of the people's government concerned at the provincial level shall investigate the acceptability of the facility, and shall report to the chemical industry authority of the State Council to obtain their approval before the facility can be put into operation.

The construction of any new facility, or the expansion or modification of any existing facility for the purpose of producing discrete organic chemicals in Category 4 containing no phosphorus, sulfur or fluorine shall be reported to the chemical industry authority of the local government at the provincial level for the record, before production is started.

Article IX

Controlled chemicals should be stored in specialised chemical industry warehouses, with caretakers specially designated for the purpose. The storage conditions for controlled chemicals should conform to the relevant requirements of the State.

Article X

Entities that store controlled chemicals should have in place a strict regime for maintaining an inventory of all incoming and outgoing items. Any items that are found to be missing or stolen should be reported immediately to the local public security organisation and to the chemical industry authority of the local people's government at the provincial level. The chemical industry authorities of the people's governments at the provincial level shall actively assist the public security organisations with their investigations.

Article XI

Controlled chemicals which have degenerated or whose shelf-lives have expired shall be disposed of as soon as possible. Disposal plans for any controlled chemical shall be approved by the chemical industry authority of the local people's government at the provincial level before they are implemented.

Article XII

If there is a need to use Category 1 chemicals for research, medical, pharmaceutical or protective purposes, such a request shall be submitted to the chemical industry authority of the State Council. When the request is reviewed and approved by the chemical industry authority of the State Council, and on the strength of the approval document, a contract can be signed with the production entity designated by the chemical industry authority of the State Council. A copy of the contract shall be submitted to the chemical industry authority of the State Council for the record.

Article XIII

If there is a need to use Category 2 chemicals, such a request should be submitted to the chemical industry authority of the local people's government at the provincial level. When the request is reviewed and approved by the chemical industry authority of the people's government concerned, and on the strength of the approval document, a contract can be signed with the marketing entity designated by the chemical industry authority of the State Council. A copy of the contract should be submitted to the chemical industry authority of the local people's government at the provincial level for the record.

Article XIV

Entities designated by the chemical industry authority of the State Council, in conjunction with the foreign economic relations and trade authority of the State Council (hereinafter

referred to as designated entities), may engage in the business of importing and exporting Category 1 chemicals, as well as Category 2 and Category 3 chemicals and their production technology and specialised equipment.

Those who need to import or export Category 1 chemicals, as well as Category 2 or Category 3 chemicals or their production technology or specialised equipment, shall commission a designated entity to handle such imports or exports. No institution or individual other than these designated entities may engage in such imports or exports.

Article XV

The State shall exercise strict control over the imports and exports of Category 1 chemicals. No Category 1 chemicals shall be imported other than for research, medical, pharmaceutical or protective purposes.

When commissioned to import Category 1 chemicals, a designated entity shall submit a request to the chemical industry authority of the State Council, together with an explanation and certificate specifying the end uses of these chemicals. The chemical industry authority of the State Council shall review the request and forward it, together with their observations, to the State Council for consideration and approval. On the basis of the approval document issued by the State Council, the designated entity may apply to the foreign economic relations and trade authority of the State Council for an import licence.

Article XVI

When commissioned to import Category 2 or Category 3 chemicals, their production technology or specialised equipment, a designated entity shall submit, for consideration and approval, a request to the chemical industry authority of the State Council, together with an explanation and certificate specifying the end uses of the chemicals, production technology or specialised equipment to be imported. On the basis of the approval document issued by the chemical industry authority of the State Council, the designated entity may apply to the foreign economic relations and trade authority of the State Council for an import licence.

Article XVII

When commissioned to export Category 1 chemicals, a designated entity should submit a request to the chemical industry authority of the State Council, together with a letter of guarantee from the government or a government authority of the receiving State, undertaking that the chemicals to be imported shall be used only for research, medical, pharmaceutical or protective purposes and shall not be re-transferred to any third country. The chemical industry authority of the State Council shall review the request and forward it, together with their observations, to the State Council for consideration and approval. On the basis of the approval document issued by the State Council, the designated entity may apply to the foreign economic relations and trade authority of the State Council for an export licence.

Article XVIII

When commissioned to export Category 2 or Category 3 chemicals, their production technology or specialised equipment, a designated entity should submit, for consideration and approval, a request to the chemical industry authority of the State Council, together with a letter of guarantee issued by the government or a government authority of the receiving State, undertaking that the chemicals, production technology or specialised equipment to be imported shall not be used for the production of chemical weapons and shall not be re-transferred to any third country. On the basis of the approval document issued by the chemical industry authority of the State Council, the designated entity may apply to the foreign economic relations and trade authority of the State Council for an export licence.

Article XIX

The use of chemicals should be consistent with their declared purposes. For any intended change in their use, approval must be obtained from the authority which has approved the original use.

Article XX

For the use of Categories 1 or 2 chemicals, regular reports should be submitted, in accordance with the relevant requirements of the State, to the chemical industry authority of the local people's government at the provincial level, on the quantities of such controlled chemicals that are consumed, and the quantities of end products that are derived from such controlled chemicals.

Article XXI

In the case of an entity producing controlled chemicals in violation of these Regulations, the chemical industry authority of the people's government at the provincial level shall issue a deadline by which it must rectify the situation; if the entity fails to do so by the time the deadline expires, a fine of up to 200,000 yuan may be levied. In serious cases, the people's government at the provincial level may be requested to order the entity to shut down and reorganise.

Article XXII

In the case of any entity using controlled chemicals in violation of these Regulations, the chemical industry authority of the people's government at the provincial level shall issue a deadline by which it must rectify the situation; if the entity fails to do so by the time the deadline expires, a fine of up to 50,000 yuan may be levied.

Article XXIII

For any business operation involving controlled chemicals in violation of these Regulations, the chemical industry authority of the people's government at the provincial level shall confiscate the controlled chemicals involved in such illegal operations and the illegal income derived therefrom, and may further levy a fine which is more than, but less than twice, the amount of turnover of the illegal operation in question.

Article XXIV

For any act in violation of these Regulations which involves hiding of or refusal to declare information and data concerning controlled chemicals, or which impedes or obstructs the performance of the supervisory duties of the chemical industry authorities in accordance with these Regulations, a fine of up to 50,000 yuan may be levied by the chemical industry authority of the people's government at the provincial level.

Article XXV

Any act in violation of these regulations which also constitutes a breach of public security shall be penalised in accordance with the Regulations of the People's Republic of China on the Punishment of Breaches of Public Security. Where such an act constitutes a criminal offence, it shall be penalised in accordance with the criminal law.

Article XXVI

For past activities involving the production, marketing or use of controlled chemicals before the entry into force of these Regulations, the relevant procedures provided for in these Regulations should be completed.

Article XXVII

These Regulations shall come into force on the date of their promulgation.

Annex

List of Controlled Chemicals by Category

Category 1: Chemicals which can be used as chemical weapons

	(CAS registry number)
A.	
(1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate	(107-44-8) (96-64-0)
(2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)
(3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
(4) Sulfur mustards: 2-Chloroethylchloromethylsulfide Mustard gas: Bis(2-chloroethyl)sulfide Bis(2-chloroethylthio)methane Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane 1,3-Bis(2-chloroethylthio)-n-propane 1,4-Bis(2-chloroethylthio)-n-butane 1,5-Bis(2-chloroethylthio)-n-pentane Bis(2-chloroethylthiomethyl)ether O-Mustard: Bis(2-chloroethylthioethyl)ether	(2625-76-5) (505-60-2) (63869-13-6) (3563-36-8) (63905-10-2) (142868-93-7) (142868-94-8) (63918-90-1) (63918-89-8)

- (5) Lewisites:
 Lewisite 1: 2-Chlorovinylchloroarsine (541-25-3)
 Lewisite 2: Bis(2-chlorovinyl)chloroarsine (40334-69-8)
 Lewisite 3: Tris(2-chlorovinyl)arsine (40334-70-1)
- (6) Nitrogen mustards:
 HN1: Bis(2-chloroethyl)ethylamine (538-07-8)
 HN2: Bis(2-chloroethyl)methylamine (51-75-2)
 HN3: Tris(2-chloroethyl)amine (555-77-1)
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-86-3)
- B.
- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
 e.g.
 DF: Methylphosphonyldifluoride (676-99-3)
- (10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl
 (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
 (Me, Et, n-Pr or i-Pr) phosphonites and
 corresponding alkylated or protonated salts
 e.g.
 QL: O-Ethyl O-2-diisopropylaminoethyl
 methylphosphonite (57856-11-8)
- (11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)
- (12) Chlorosoman: O-Pinacolyl methylphosphonochloridate (7040-57-5)

Category 2: Chemicals which can be used as precursors for the production of chemical weapons

A.

- (1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate
 and corresponding alkylated or protonated salts (78-53-5)
- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene
 (also named: perfluoro-isobutylene; octafluoro-isobutylene)
 (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B.

- (4) Chemicals, except for those listed in Category 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g.
Methylphosphonyl dichloride (676-97-1)
Dimethyl methylphosphonate (756-79-6)
- Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidin-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts (108-01-0)
N,N-Diethylaminoethanol and corresponding protonated salts (100-37-8)
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
- (13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol (464-07-3)

Category 3: Chemicals which can be used as main materials for the production of chemical weapons

- A.
- (1) Phosgene: Carbonyl dichloride (75-44-5)
 - (2) Cyanogen chloride (506-77-4)
 - (3) Hydrogen cyanide (74-90-8)
 - (4) Chloropicrin: Trichloronitromethane (76-06-2)
- B.
- (5) Phosphorus oxychloride (10025-87-3)
 - (6) Phosphorus trichloride (7719-12-2)
 - (7) Phosphorus pentachloride (10026-13-8)
 - (8) Trimethyl phosphite (121-45-9)
 - (9) Triethyl phosphite (122-52-1)
 - (10) Dimethyl phosphite (868-85-9)
 - (11) Diethyl phosphite (762-04-9)
 - (12) Sulfur monochloride (10025-67-9)
 - (13) Sulfur dichloride (10545-99-0)
 - (14) Thionyl chloride (7719-09-7)
 - (15) Ethyldiethanolamine (139-87-7)
 - (16) Methyldiethanolamine (105-59-9)
 - (17) Triethanolamine (102-71-6)

Category 4: Discrete organic chemicals with the exception of explosives and pure hydrocarbons

“Discrete organic chemicals” means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulphides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service register number if assigned.