**Measures for the Inspection, Supervision and Administration of Imported Old Mechanical and Electrical Products**

**(Revised in accordance with the Order No. 243 of the GACC)**

(Issued by the Order No. 171 of the AQSIQ on November 23, 2015, and revised in accordance with the Decision of the General Administration of Quality Supervision, Inspection and Quarantine to Amend the Measures for the Inspection, Supervision and Administration of Imported Old Machinery and Electronic Products as issued by the Order No. 187 of the AQSIQ on February 27, 2017; and amended in accordance with the Decision of the GACC to Amend Some Rules as issued by the Order No. 238 of the GACC on April 28, 2018; and amended for the second time in accordance with the Decision of the GACC to Amend Some Rules as issued by the Order No. 240 of the GACC on May 29, 2018; and amended for the third time in accordance with the Decision of the GACC to Amend Some Rules as issued by the Order No. 243 of the GACC on November 23, 2018.)

**Chapter I General Provisions**

Article 1 For the purpose of regulating the inspection, supervision and administration of imported old mechanical and electrical products, these Measures are developed in accordance with the relevant provisions of the Law of the People's Republic of China on Import and Export Commodity Inspection and the regulation on the implementation thereof, as well as bilateral or multilateral treaties and agreements to which the People's Republic of China has either acceded or is a contracting party and other documents of the treaty nature.

Article 2 These Measures shall apply to the inspection, supervision and administration of old mechanical and electrical products approved by the state to be imported to, sold and used within the territory of the People's Republic of China.

For the purpose of these Measures, “old mechanical and electrical products” means mechanical and electrical products falling under any of the following circumstances:

(1) The mechanical and electrical products (excluding the equipment used for testing and debugging before use) that have been used and still have basic functions and certain value of use.

(2) Mechanical and electrical products that have not been used but have exceeded the term of quality guarantee (not the term of guaranteed repair).

(3) Mechanical and electrical products that have not been used but have been kept for a long time and have obvious physical spoilage in their parts and components.

(4) Mechanical and electrical products that are assembled with new and old components together.

(5) Renovated products.

Article 3 The GACC shall take charge of the inspection, supervision and administration of imported old mechanical and electrical products across the country.

The competent customs offices shall take charge of the inspection, supervision and administration of imported old mechanical and electrical products within their respective jurisdiction.

Article 4 Imported old mechanical and electrical products shall conform to the provisions of laws and regulations on safety, hygiene, health, environmental protection, fraud prevention, energy conservation, and other aspects, as well as the compulsory requirements of technical specifications of the state.

Article 5 Imported old mechanical and electrical products shall be subject to port inspection, destination inspection as well as supervision and administration. High-risk imported old mechanical and electrical products that have a relatively high value, and involve personal and property safety, health and environmental protection projects shall also be subject to pre-shipment inspection.

The list of imported old mechanical and electrical products subject to pre-shipment inspection shall be determined by the GACC and be announced on the website of the GACC.

Where the pre-shipment inspection result of imported old mechanical and electrical products is inconsistent with the result of port inspection and destination inspection, the result of port inspection and destination inspection shall prevail.

Article 6 The importers of old mechanical and electrical products shall have good faith, be responsible for the society and the public, and undertake primary responsibilities for the quality of imported old mechanical and electrical products.

**Chapter II Pre-shipment inspection**

Article 7 For imported used machinery and electrical products that need to undertake pre-shipment inspection, the consignee, consignor or its agent shall apply for the competent customs house or entrusted inspection agencies to implement pre-shipment inspection in accordance with the provisions of the GACC.

GACC shall not designate inspection agencies to engage in pre-shipment inspection of imported old mechanical and electrical products.

Pre-shipment inspection should be completed before the departure of the goods.

Article 8 For the consignee, consignor or its agent to apply for the Customs pre-shipment inspection, the Customs can, as needed, organize the implementation of the pre-shipment inspection or send inspectors to participate in the pre-shipment inspection of imported old mechanical and electrical products.

Article 9 Pre-shipment inspection of imported used mechanical and electrical products shall be implemented in accordance with the mandatory requirements of national technical specifications.

Pre-shipment inspection shall include the following:

(1) Make a preliminary evaluation of safety, hygiene, health, environmental protection, fraud prevention, energy consumption and other items；

(2) Verify that the name, quantity, specifications (models), and the damage condition of the product are consistent with the contract, invoice and other trade documents listed.

(3) Inspect whether any prohibited goods are included or smuggled for importation.

Article 10 The inspection agency commissioned to implement pre-shipment inspection should be honest and trustworthy in accordance with rules of Article IX of these Measures and the provisions of the GACC to implement pre-shipment inspection.

Article 11 Customs authorities or inspection agencies shall, after the pre-shipment inspection work is completed, issue pre-shipment inspection certificate enclosed with a pre-shipment inspection report.

The inspection certificate and the enclosed inspection report shall meet the following requirements:

(1) Test bases are accurate, test conditions are clear, and test results are true.

(2) There shall be a unified and traceable code.

(3) The inspection report shall contain the basis for inspection, test objects, on-site inspection, signature of pre-shipment inspection agencies and authorized signatories and other requirements.

(4) The inspection certificate shall not contain the imported used mechanical and electrical products whose inspection results and treatment suggestion does not meet the provisions in Article 4.

(5) The text of test certificate and the enclosed test report shall be in Chinese, and if both Chinese and foreign languages are issued, the Chinese shall prevail.

(6) Inspection certificates shall have a clear period of validity, which shall be determined by the issuing agency according to the situation of imported old mechanical and electrical products, generally for six months or a year.

Inspection report of construction machinery shall save as meeting the above requirements, set out by name, HS code, specifications, origin, engine number / frame number, manufacturing date (year), running time (hours), test reports, maintenance records, manual verification and other content piece by piece.

**Chapter III Inspection of Imported Old Mechanical and Electrical Products**

Article 12 Upon the arrival of imported old mechanical and electrical products at the port, the consignee or the agent shall apply for inspection based on the contract, invoice, packing list, bill of lading and other materials to the Customs. For products subject to pre-shipment inspection, the pre-shipment inspection certificate shall be obtained before applying for the inspection.

Article 13 The port Customs shall conduct inspection of the imported old mechanical and electrical products.

In conducting port inspection, the inspection materials shall be verified batch by batch. If necessary, on-site inspection shall be conducted to check whether the imported old mechanical and electrical products are consistent with the declaration documents.

Other work on port inspection shall be governed by the relevant provisions on port inspection.

Article 14 The Customs at the place of destination shall conduct inspection of imported old mechanical and electrical products.

Article 15 The destination inspection of imported old mechanical and electrical products conducted by the Customs shall cover consistency inspection and inspection of safety, hygiene, environmental protection and other items.

(1) Consistency inspection:

i. Verify whether the products have any defect or spoilage in external appearance and package.

ii. Check whether the product name, specification, model, quantity, place of origin and other actual circumstances of goods are consistent with the declaration documents and pre-shipment inspection results.

iii. Conduct selective inspection of the actual uses of imported old mechanical and electrical products, and mainly inspecting whether the actual uses of old mechanical and electrical products imported by special means of trade are consistent with the declared information.

(2) Inspection of safety items:

i. Check the defects, safety marks and warning signs on the exterior of the products.

ii. Check the safety performance of electrical and mechanical parts of the products in static conditions.

iii. Check the safety performance of electrical and mechanical parts of the products in operation, and the reliability and stability of the equipment in operation.

(3) Inspection of hygiene and environmental protection items:

i. Check the hygiene conditions of the products to see whether the food processing machinery and household appliances involving food safety items comply with the relevant compulsory standards.

ii. Inspect whether the noise, dust content, radiation and emission of the products in operation comply with the relevant standards.

iii. Inspect whether the products comply with the qualified standards on energy efficiency in China.

(4) Verify the effectiveness of the technical and rectification measures taken for the items failing to pass the pre-shipment inspection, and conduct inspection on the items not covered by pre-shipment inspection; and when necessary, conduct selective inspection of items that have been subjected to pre-shipment inspection.

(5) Other items shall be inspected according to the provisions on the inspection of the same type of mechanical and electrical products.

Article 16 Where any products fail the destination inspection in such items involving personal and property safety, health and environmental protection, the Customs shall order the consignee to destroy the products and return the goods. If other items are not up to the standard, the products shall be subject to technical treatment under the supervision of the Customs, and may be sold or used only after they pass the re-inspection.

A notice of disapproving the installation and use shall be issued to imported old mechanical and electrical products failing to pass the destination inspection, if they fall under equipment in complete sets. The products cannot be installed and used until they have been subjected to technical treatment and passed the re-inspection conducted by the Customs.

**Chapter IV Supervision and Administration**

Article 17 The Customs shall conduct supervision and administration of consignees of imported old mechanical and electrical products and their agents, importers and their agents, pre-shipment inspection agencies and the relevant activities.

Article 18 An inspection agency shall be responsible for the veracity and accuracy of its issued pre-shipment inspection certificates and attached inspection reports.

Where the Customs finds in the inspection supervision of imported old mechanical and electrical products that any inspection certificate and the attached inspection report issued by an inspection agency violate the provision of Article 11 of these Measures, and the circumstances are serious or any serious consequence is caused, it may issue a warning notice and decide not to recognize the inspection certificates and attached inspection reports issued by the inspection agency within a certain period of not more than three years.

Article 19 The importers of imported old mechanical and electrical products shall establish record rules for product import, sale and use, and faithfully record the name, specification and quantity of imported old mechanical and electrical products, the names and contact information of exporters and suppliers, and delivery date, among others. The records shall be true and be retained for not less than two years.

The Customs may inspect the import, sale and use records of importers within its jurisdiction.

Article 20 The Customs shall, according to the provisions on risk warning and rapid response, handle quality safety problems found in the inspection supervision of imported old mechanical and electrical products.

Article 21 The staff members of the Customs shall be obliged to keep confidential the trade secrets to which they have access when performing the functions of inspection supervision of imported old mechanical and electrical products.

The Customs shall perform the functions of inspection supervision of imported old mechanical and electrical products in accordance with the law, protect national interest, strictly conduct law enforcement according to statutory powers and procedures, and accept supervision.

**Chapter V Legal Liability**

Article 22 Where anyone sells without authorization or uses any imported old mechanical and electrical products that have not been declared for inspection or have not been subjected to inspection, the Customs shall confiscate its illegal income in accordance with the Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, and impose a fine of not less than 5% but not more than 20% the goods value of imported old mechanical and electrical products on the violator; and if any crime is constituted, the violator shall be subject to criminal liability in accordance with the law.

Article 23 Where anyone sells or uses any imported old mechanical and electrical products that are found unqualified upon statutory inspection, selective inspection or verification, the Customs shall, in accordance with the Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, order the violator to cease the sale and use of the products, confiscate the illegal income and the illegally sold and used imported old mechanical and electrical products, and impose a fine of not less than the equivalent of goods value of illegally sold and used imported old mechanical and electrical products but not more than three times the goods value; and if any crime is constituted, the violator shall be subject to criminal liability in accordance with the law.

Article 24 Where anyone exchanges without approval the samples selected by the Customs or the imported old mechanical and electrical products that have passed inspection by the Customs, the Customs shall, in accordance with the Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, order the violator to make correction, and give a warning to the violator; and if the circumstances are serious, impose a fine of not less than 10% but not more than 50% of the goods value of old mechanical and electrical products on the violator.

Article 25 Where any consignee, inspection declaration agency or inspection declarer of imported old mechanical and electrical products obtains the relevant certificates of the Customs without faithfully providing the true information of the imported old mechanical and electrical products, or fails to apply for inspection of the imported old mechanical and electrical products subject to statutory inspection, or evades the inspection, the Customs shall, in accordance with the Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, confiscate its illegal income, and impose a fine of not less than 5% but not more than 20% of the goods value on the violator.

Article 26 Any old mechanical and electrical products approved to be imported by the state that fail to undergo pre-shipment inspection as required shall be returned according to the relevant provisions of the state; and if the circumstances are serious, the Customs shall impose a fine of not more than one million yuan on the violator in accordance with the Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection.

Article 27 Where anyone forges, alters, trades in, steals or uses any forged or altered pre-shipment inspection certificate and inspection report issued by the Customs, which constitutes a crime, the violator shall be subject to criminal liability in accordance with the law; and if it is not criminally punishable, the Customs shall, in accordance with the Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, order the violator to make correction, confiscate the illegal income thereof, and impose a fine of not more than the equivalent of the goods value of commodities.

Article 28 The staff members of the Customs shall be duteous and impartial when performing the functions of inspection supervision of imported old mechanical and electrical products, and shall not abuse power, neglect duty, practice favoritism, or make falsification; and if anyone neglects duty, he or she shall be held liable in accordance with the law.

**Chapter VI Supplementary Provisions**

Article 29 Old mechanical and electrical products imported through the areas under special customs supervision shall be governed by these Measures.

Article 30 The animal and plant quarantine and health quarantine in relation to imported old mechanical and electrical products shall be governed by the provisions of laws and regulations on the quarantine of imported and exported animals and plants and frontier health quarantine.

Article 31 Imported old mechanical and electrical products prohibited by the state from import shall be returned or destroyed.

Article 32 These Measures shall be subject to interpretation by the GACC.

Article 33 These Measures shall come into force on January 1, 2016. The Measures for the Inspection, Supervision and Administration of Imported Old Mechanical and Electrical Products issued by the AQSIQ on December 31, 2002 and the Provisions on the Procedures for the Inspection and Supervision of Imported Old Mechanical and Electrical Products issued on August 18, 2003 shall be repealed concurrently.