**Measures for Supervision and Administration of Inspection of**

**Import and Export Toys**

Decree of the General Administration of Quality Supervision, Inspection and Quarantine (No.111)

**Chapter I General Provisions**

Article I These Measures are formulated to regulate the inspection and supervision of imported and exported toys, strengthen administration of import and export toys, and protect the health and safety of consumers, in accordance with provisions of the Law of the People’s Republic of China on Import and Export Commodity Inspection and its Regulations on implementation thereof as well as the Special Rules of the State Council on Strengthening the Supervision and Administration of the Safety of Foods and Other Products.

Article II General Administration of Customs of China (GACC) is in charge of the inspection and supervision of imported and exported toys nationwide.

Local Customs shall be responsible for the imported and exported of toys within their jurisdictions.

Article III These Measures apply to the inspection, supervision and management of import and export toys listed in the Catalogue of Import and Export Commodities subject to Compulsory Inspection (hereinafter referred to as the Catalogue) and subject to compulsory inspection under laws and administrative regulations. Customs and enterprises engaged in the manufacturing and operation of imported and exported toys shall comply with these Measures.

The Customs authorities shall conduct random inspection on the import and export toys other than those listed in the Catalogue in accordance with the provisions of GACC.

Article IV The inspection of the imported toys shall be conducted in accordance with the compulsory requirements of China’s national technical specifications.

The inspection of exported toys shall be conducted in accordance with the technical regulations and standards of the importing countries or regions. Where the technical requirements agreed between the two parties are higher than the technical regulations and standards, the inspection shall be carried out in accordance with the agreed requirements. Where the technical regulations and standards in the importing countries or regions are not clearly defined, the inspection shall be conducted in accordance with the compulsory requirements of China’s national technical specifications.

Where an agreement has been signed between governments, the inspection shall be conducted in accordance with the requirements specified in the agreement.

Article V The GACC is responsible for recalling the defective imported and exported toys that may cause injury to children.

**Chapter II Inspection of Imported Toys**

Article VI When a consignee or his agent of imported toys applies for inspection, he shall faithfully complete the Declaration Form of Import Inspection in accordance with the requirements of the Provisions on Entry-exit Inspection and Quarantine Declaration and submit relevant documents and certificates. Compulsory product certificates shall be required for import toys listed in the Catalogue of Compulsory Certification Products. Customs shall conduct automatic system comparison and verification for the electronic data of compulsory product certificates.

Article VII For import toys listed in the Catalogue of Compulsory Certification Products, the Customs authorities shall implement certificate verification management in accordance with the provisions of the Administrative Measures on Entry Verification of Civil Commodities Subject to Import Licensing System.

For imported toys which are not listed in the Catalogue of Compulsory Certification Products, once the inspection declarant has submitted a qualified test report issued by the laboratory for imported and exported toys (hereinafter referred to as the toy laboratory), the Customs shall check whether the relevant certificates and documents submitted by the inspection declarant are in conformity with the goods.

Where the declarant fails to provide the test report, or it is found upon checks that relevant certificates and documents submitted are not in conformity with the goods, a field inspection shall be conducted for the batch of these goods, and samples shall be sent to the toy laboratory for testing.

Article VIII For those imported toys passing the inspections, a inspection certificate shall be issued by the Customs.

Article IX For those imported toys that fail to pass the inspections, the Customs shall issue a notification of inspection and quarantine treatment. Where the items involving the safety of human lives and property, health or environmental protection is unquanlified, the Customs shall order the party to return or destroy the goods; where the other items is unquanlified, technical treatment may be given under the supervision of the Customs. And only after passing the re-inspection may the toy be sold or used.

Article X The safety and usage labels and/or marks of imported toys sold in the domestic market shall conform to China’s relevant compulsory requirements for toys safety.

**Chapter III The Inspection of Exported Toys**

Article XI When applying for inspection of export toys, the declarant shall truthfully fill in the Declaration Form of Export Inspection, and provide relevant documentation in accordance with the requirements of the Provisions on Entry-exit Inspection and Quarantine Declaration as well as product quality and safety compliance statements.

If it is the first inspection declaration of exported toys, the declarant shall submit the test report issued by the toy laboratory as well as other materials required by GACC.

Article XII The Customs shall inspect the exported toys in accordance with the provisions set out in Article 4 of these Measures.

The inspection of exported toys shall be conducted by the local Customs at the place where the toys are manufactured.For those exported toys passing the inspections, the local Customs at the place where the toys are manufactured shall issue the inspection certificate replacement note. For those exported toys fail to pass the inspection, a notice of disqualification shall be issued.

Article XIII After exported toys pass the inspection by the local Customs at the place where they are manufactured, the consignors shall apply for examination to Customs at the port with inspection certificate replacement note within the prescribed time limit.

In the event that the toys are not exported within the specified period, or the importing countries or regions are changed during the said period to somewhere else where the inspection requirements are different, the declarant shall make the inspection declaration again to the Customs.

Article XIV Manufacturers and operators of exported toys shall establish a comprehensive quality and safety control system and traceability system, strengthen the quality control and management of finished toys, parts or subcontracting of some processes, establish and implement a system of inspection and acceptance , verify the business qualifications of suppliers and subcontractors as well as the product certification and identification, establish purchase ledger for products and high-risk raw materials, truthfully record the name, specification, quantity, suppliers, subcontractors and their liaison method, as well as the time of purchase of the product, etc.

**Chapter IV Supervision and Administration**

Article XV The Customs shall implement classified administration for the manufacturers producing toys.

Article XVI The Customs shall conduct supervision and administration on manufacturers and operators of exported toys, which include inspection of the quality assurance capabilities of enterprises and the testing of key quality and safety items.

Article XVII The Customs shall implement key supervision and administration on the manufacturers and operators of exported toys in any of the following occurrences:

(a) Where the safety and quality control system of the enterprises fails to be operated effectively;

(B) Where a foreign alert notification is issued, or recall/return occurs, which is really the responsibility of the enterprise upon investigation by the Customs;

(C) Where the exported toys fail the random batch inspection twice in succession, or fail the safety inspection for three times in accumulative within 6 months;

(D) Where safety and quality defects are found or relevant safety and quality incidents occur during the sales and use of the imported toys, while the enterprise fails to report to the GACC or local Customs and does not cooperate in the investigation as required;

(E) Where an administrative sanction is given due to violation of the provisions of the inspection and quarantine laws and regulations.

Article XVIII The Customs shall implement stricter administration on enterprises subjected to key supervision and management, and increase the ratio of random inspection for imported and exported products manufactured by them, with a term of 6 months in general.

Article XIX The GACC implements the supervision and administration for the toy laboratories. The toy laboratories shall pass the qualification accreditation by China National Accreditation Service for Conformity Assessment (CNAS), and shall be notified by the GACC.

The GACC shall suspend the test qualification of the toy laboratories for test accidents due to negligence, and order them to make rectification and correction. The qualification cannot be resumed unless the rectification and correction is completed and approved. If the circumstances are serious, their designated qualification of laboratory shall be revoked.

Article XX Where consignees or consignors of the imported and exported toys have any objection to the inspection result issued by the Customs, they can apply for re-inspection according to the Measures for Re-Inspection of Import and Export Commodities.

Article XXI The GACC shall implement supervision and administration over the recall of imported and exported toys.

Where any defects are found with imported toys that have already entered the domestic market, the operators and brands of the said toys shall recall the toys proactively; otherwise, the GACC shall order a recall.

Where operators or brands of imported toys as well as manufacturers and brands of exported toys learn about any defects with the toys supplied by them, they shall carry out investigation, confirm the safety risks of the product quality, and report the situation to the Customs at the place where they are located within 24 hours. When implementing the recall, they shall prepare and keep whole recall records, and shall submit a recall summary to the GACC and the local Customs District within 15 days after the recall completion.

In case of exported toys recall, notification or safety quality problem, the operators and brands of the said toys shall report relevant information to the Customs in charge.

**Chapter VI Legal Liability**

Article XXII Where a person sells imported toys without inspection, or sells imported toys whose import certification verification has not been applied as he shall, his unlawful gains derived therefrom shall be confiscated by the Customs and, in addition, be fined not less than 5% but not more than 20% of the value of the goods.

Article XXIII Where a person exports toys without inspection , his unlawful gains derived therefrom shall be confiscated by the Customs and in addition, be fined not less than 5% but not more than 20% of the value of the goods.

Article XXIV Where a person sells or exports imported toys that fail the inspection, the Customs shall order it to stop the illegal selling or exporting, confiscate the unlawful gains derived therefrom and, in addition, impose a fine of not less than the value of the goods illegally sold or exported but not more than 3 times that value.

Article XXV Where a consignee, consignor, inspection declaration agency, an express delivery enterprise, or an inspection declarant acquires relevant certificates and documents from the inspection and quarantine authority by not providing truthful information about imported or exported toys, or evades from import or export inspection, the Customs shall confiscate the unlawful gains, and in addition, impose a fine of not less than 5% but not more than 20% of the value of the goods.

Where a consignee or consignor of imported and exported toys who entrusts an inspection declaration agency or entry-exit express delivery enterprise with inspection declaration acquires the relevant certificates and documents from the Customs by not providing truthful information about the entrusted items of inspection declaration to the inspection declaration agency or entry-exit express delivery enterprise, the entrusting party shall be punished in accordance with the provisions specified in the preceding paragraph.

Where an inspection declaration agency, an entry-exit express delivery enterprise or an inspection declarant fails to reasonably examine the truthfulness of the information provided by the entrusting party, or its negligence results in the fraudulent acquisition of relevant certificates and documents from the Customs, the Customs shall impose a fine of not less than RMB 20,000 but not more than RMB 200,000 on the inspection declaration agency or the entry-exit express delivery enterprise.

Article XXVI Where a person fabricates, alters, deals in or steals inspection and quarantine certificates or documents, seals, marks, or uses fabricated and altered ones, the Customs shall order him to rectify, confiscate the unlawful gains derived therefrom and, in addition, impose a fine of not more than the value of the goods; if the violation constitutes a crime, he shall be investigated for criminal responsibility according to law.

Article XXVII Where a person, without authorization, changes the samples taken by the Customs or the imported and exported toys that have passed the inspection, the Customs shall order him to rectify, issue a warning and, if the circumstances are serious, in addition, impose a fine of not less than 10% but not more than 50% of the value of the goods.

Article XXVIII Where a person, without authorization, changes, damages or destroys toy inspection marks or seals affixed by the Customs, the Customs shall impose a fine of not more than RMB 50,000.

Article XXIX For any of the following occurrences, the Customs may issue a warning or impose a fine of not more than RMB 30,000 on the imported and exported toys manufacturers, operators or brands:

(A) Concealing the quality or safety incidents of exported toys in the importing countries or regions, failing to report them, and causing serious consequences;

(B) Failing to report toy defect to the Customs which should have been reported;

(C) Refusing to recall defective toys which should be recalled.

Article XXX Where a Customs staff abuses power, intentionally creates difficulties for the parties, does malpractices for personal benefits or falsifies inspection results, or neglects his duty to delay the inspection of goods or the issuance of certificates, he shall be given an administrative sanction in accordance with law and the unlawful gains shall be confiscated; and if the violation constitutes a crime, he shall be investigated for criminal responsibility according to law.

Article XXXI Where a person violates these Measures and whereas the case constitutes a crime, criminal responsibilities shall be affixed.

**Chapter VI Supplementary Provisions**

Article XXXII The “key quality and safety items” herein refer to the high-risk product quality and safety inspection items defined by the Customs based on risk assessment of technical regulations and standards, safety history data of enterprise product quality and information about product notification recalls in the importing countries and regions.

The term “random inspection” herein means that the Customs implement field inspection and submit random samples from the exports declared for inspection to the laboratory for testing as per specified ratio in accordance with the classified administration category of enterprises producing exports.

Article XXXIII These Measures are subject to the interpretation of the GACC.

Article XXXIV These Measures shall come into effect on September 15, 2009.