

# Customs Clearance News

August

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**Special issue of 100-day remediation of  
hazardous chemicals**

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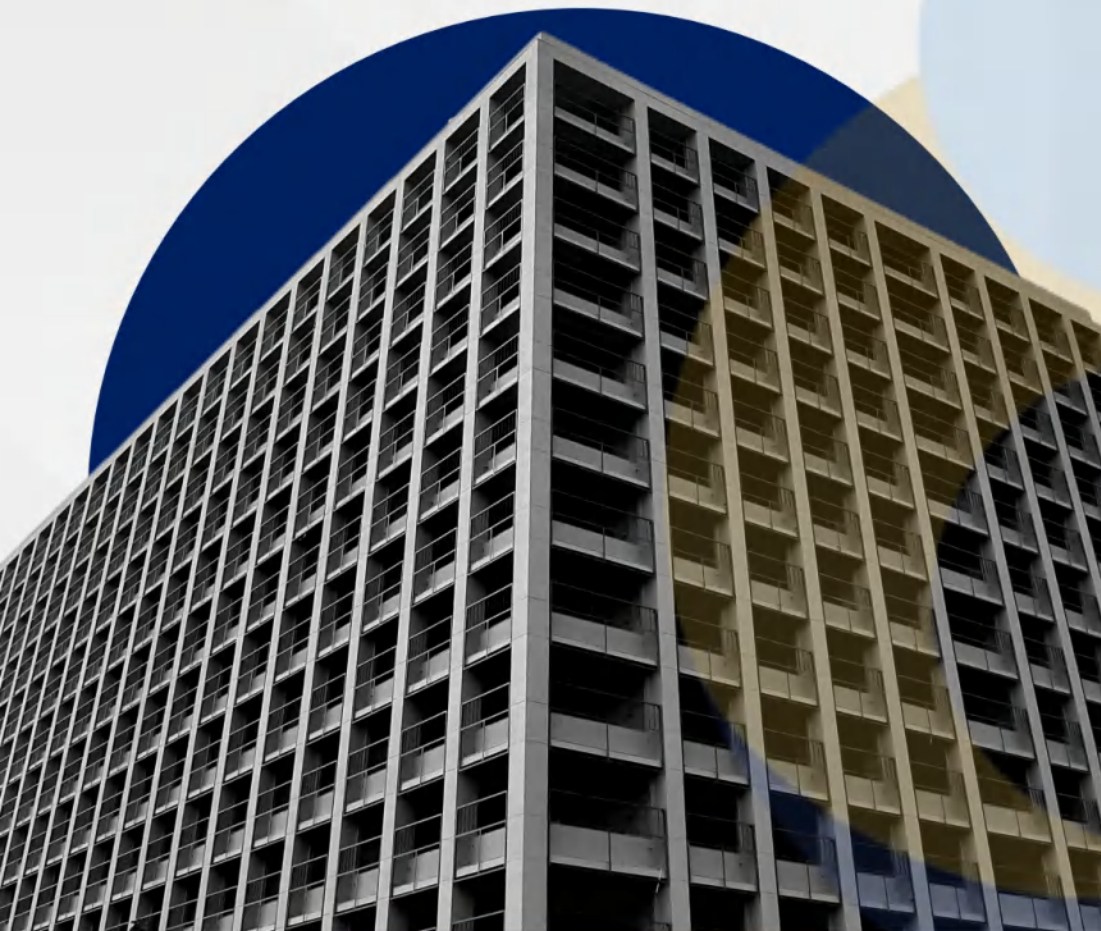
**Customs Consulting of  
Xinhai Newsletter in August**

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Producer: Xinhai Customs Service Team



# Background of 100-day special action of "Comprehensive Control of Dangerous Goods at Ports"



## Action background

On July 20th, the General Administration of Customs held a mobilization meeting for the deployment of a 100-day special action of "Comprehensive Control of Dangerous Goods at Ports". False reports will be the key target of the attack.

**The meeting stressed:** we should go all out to do a good job in customs safety production, and have a deep understanding of the hidden risks caused by the detention of dangerous goods at ports and false concealment of smuggling; We should take immediate action, do a good job in implementation according to various arrangements, effectively prevent and resolve the risk of dangerous goods staying at ports, and resolutely curb false and concealed illegal acts!

**Action seizure:** Shanghai Customs seized 800,000 undeclared lighters for export; Shanghai Customs seized 8.4 tons of unlicensed hazardous chemicals celluloid; Nanning Customs seized a batch of 7.8 tons of lead-acid battery dangerous goods without specification information; Shantou Customs seized a batch of export goods declared as electric toys, containing 10 boxes of undeclared lead-acid batteries (containing acid) ...

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## Dangerous goods

According to the classification and commodity number of dangerous goods (GB6944), dangerous goods refer to substances and articles that are explosive, flammable, toxic, infectious, corrosive, radioactive and so on, and are easy to cause personal injury, property damage or environmental pollution during transportation, storage, production, operation, use and disposal, and need special protection.

## Dangerous chemicals

According to the Regulations on Safety Management of Dangerous Chemicals, dangerous chemicals refer to highly toxic chemicals and other chemicals that are toxic, corrosive, explosive, burning, combustion-supporting and harmful to human body, facilities and environment.



**Commonality: Dangerous chemicals and dangerous goods have special requirements for packaging.**



## Dangerous goods

Dangerous goods contain substances and articles, so some dangerous goods are not hazardous chemicals, such as lithium batteries, matches and car airbags.



## Dangerous chemicals

Hazardous chemicals only contain chemical substances. In the classification principle of hazardous chemicals, many chronic hazards (such as carcinogenicity, reproductive toxicity and germ cell mutagenicity) that endanger health and the environment have not been adopted by the classification standard of hazardous goods, so some hazardous chemicals do not belong to hazardous goods, such as boric acid.



**Difference 1: Dangerous goods and dangerous chemicals, there is no equivalence relationship between them, and they can't be judged as inclusion relationship.**

**Difference 2: The main supervision department of dangerous goods is maritime affairs, and the main supervision department of dangerous chemicals is customs.**



## Step 1:

### Determine whether products need to be declared as hazardous chemicals

01

Legal inspection of dangerous chemicals listed in the Catalogue of Entry-Exit Commodities for Inspection and Quarantine by Entry-Exit Inspection and Quarantine Institutions;

#### Situation 1

02

The components of hazardous chemicals listed in the Catalogue of Hazardous Chemicals (2015 edition) are involved in the inspection;

#### Situation 2

03

It is not listed in the Catalogue of Entry-Exit Commodities subject to Inspection and Quarantine by Entry-Exit Inspection and Quarantine Institutions or in the Catalogue of Dangerous Chemicals (2015 edition) ~ ~ It is recommended that enterprises make a classification appraisal report to determine whether it is a chemical of "definition and determination principle of dangerous chemicals";

#### Situation 3

04

Dangerous chemicals that are not listed in the catalogue, but belong to dangerous goods ~ ~ ~ Imported goods do not belong to the legal inspection, but exported goods need performance appraisal and use appraisal of dangerous goods packaging containers;

#### Situation 4

## Step 2: If it is judged as a dangerous chemical, the following information and documents shall be provided to the customs

1

Declaration information: dangerous category, packaging category (except bulk products), United Nations dangerous goods number (UN number), United Nations dangerous goods packaging mark (packaging UN mark) (except bulk products);

2

Provide information:

Import: Declaration of Conformity of Enterprises Importing Dangerous Chemicals; For products that need to be added with inhibitors or stabilizers, the name and quantity of the actually added inhibitors or stabilizers should be provided; Chinese hazard publicity labels (except bulk products) and Chinese MSDS; ;

Export: Declaration of Conformity of Enterprises Exporting Dangerous Chemicals; "Inspection Result Sheet of Outbound Goods Transport Packaging Performance" (except for bulk products and international regulations that exempt the use of dangerous goods packaging); Hazard classification and identification report; Hazard labels (except bulk products) and MSDS in Chinese; For products that need to be added with inhibitors or stabilizers, the name and quantity of the actually added inhibitors or stabilizers should be provided.

The validity, consistency and completeness of the customs declaration data and uploaded data, and the key audit contents:



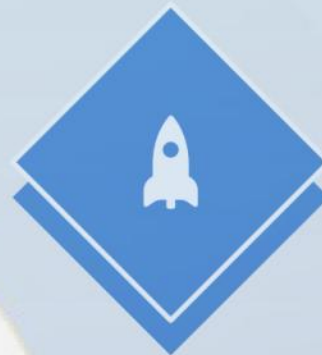
**Content 1**

Consistency between the name of the goods in the uploaded data and the name in the Catalogue of Dangerous Chemicals;



**Content 2**

For products that need to be added with inhibitors or stabilizers, whether to provide instructions on the name and quantity of the actually added inhibitors or stabilizers;



**Content 3**

Whether the preparation of public hazard labels meets the requirements of GHS or relevant national standards in China, and the label information includes at least basic elements such as product identification, pictograms, signal words, hazard descriptions and precautions;



**Content 4**

Consistency between MSDS and uploaded data; Whether the security information is complete and accurate;



# Key points of customs supervision of dangerous chemicals— Port inspection



## Content 1

Whether there is a hazard publicity label in Chinese on the package and whether MSDS in Chinese is attached;



## Content 2

Whether the contents of the public label and MSDS meet the requirements of the Announcement of the General Administration of Customs on Relevant Issues Concerning the Inspection and Supervision of Import and Export Hazardous Chemicals and Their Packaging (No.129, 2020);



## Content 3

Whether the packaging form, packaging mark, packaging category, and packaging usage status meet the requirements of Announcement No.129 of the General Administration of China;



## Content 4

The export of dangerous chemicals focuses on checking whether the packaging marks of goods are consistent with the electronic bottom account, the Identification Result Sheet of Outbound Goods Transportation and Packaging, and whether the packaging conditions are in good condition;

# Key points of customs supervision of dangerous chemicals— Destination inspection

## Product information

The consistency of product name, composition information, physical and chemical properties and application materials;

## Hazard publicity label

Check the compliance, content integrity and accuracy of hazard publicity labels;

## MSDS

Check whether MSDS is attached to the declared goods, and whether the packaging content meets the requirements;



## Packaging appearance

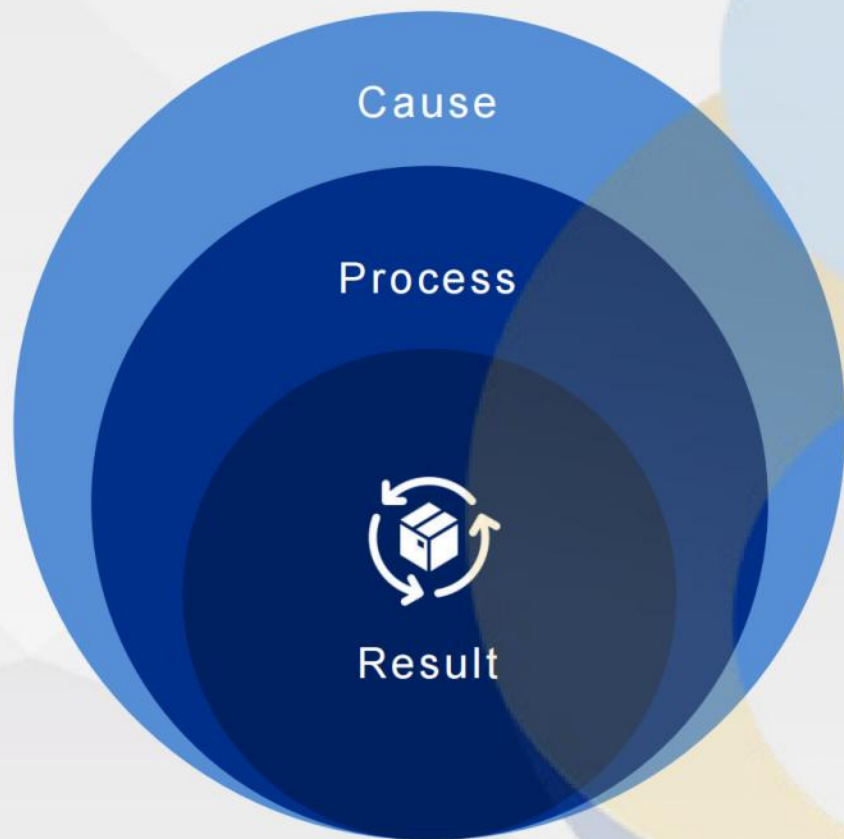
Check whether there is leakage of dangerous chemicals; And confirm the protection and transportation adaptability of the package;

## Packaging mark

Check the conformity of all elements, dimensions and hazard publicity labels of packaging marks;

## Packaging situation

Check the packaging requirements in the corresponding product standards; Check whether the materials of packages and containers, as well as the type, specification, method and single piece quality (weight) of hazardous chemicals packaging are suitable for the nature and use of the packaged hazardous chemicals without packaging requirements; For imported dangerous chemicals included in the scope of dangerous goods, it is also necessary to check whether their packaging meets the relevant packaging requirements of the United Nations International Dangerous Regulations.



## Penalty case 1

### Cause

A food additive company declared a batch of goods to the customs, name: amyl butyrate, HS code 291560000, content: 60-70% amyl butyrate, 30-40% isoamyl butyrate, with a value of RMB 30,703. The goods were declared as non-hazardous chemicals.

### Process

During the customs inspection, it was found that amyl butyrate belongs to the hazardous chemicals in the Catalogue of Hazardous Chemicals (2015 Edition), which requires legal inspection. Actually, it should be packaged as hazardous chemicals, which is inconsistent with the declaration.

### Result

If an enterprise fails to truthfully declare to the customs and conduct commodity inspection in accordance with the regulations, it will be fined between 5% and 20% of the value of its commodities according to Article 33 of the Import and Export Commodity Inspection Law of the People's Republic of China and Article 46 of the Regulations for the Implementation of the Import and Export Commodity Inspection Law of the People's Republic of China.



## Customs punishment cases of dangerous chemicals

### Cause

A packaging material company declared a batch of export goods to the customs, the name of which was expandable polystyrene, HS code 39031100, the content of which was 93%-95% styrene and 5%-7% pentane, and the value of the goods was USD 93,000. The goods were declared as non-hazardous chemicals.

### Process

After verification by the customs, expandable polystyrene belongs to the hazardous chemicals in the Catalogue of Hazardous Chemicals (2015 Edition), and it needs to be subject to statutory inspection. Because the domestic consignor doesn't know the relevant business knowledge of dangerous chemicals, it goes through the customs declaration formalities directly without applying to the customs for inspection of dangerous chemicals for export and electronic bottom account.

### Result

If an enterprise fails to apply to the customs for commodity inspection according to the regulations, it violates Article 15 of the Import and Export Commodity Inspection Law of the People's Republic of China and Article 24 of the Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China, and the enterprise is fined 5% to 20% of the value of the commodity according to Article 44 of the Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China.





## Laws and regulations

- Law of the People's Republic of China on Import and Export Commodity Inspection
- Regulations of the People's Republic of China on the Implementation of Import and Export Commodity Inspection Law
- Regulations on Safety Management of Dangerous Chemicals (Order No.591 of the State Council)
- 2017 Revision of Pesticide Management Regulations
- Regulations on the Administration of Precursor Chemicals
- Catalogue of Hazardous Chemicals (2015 edition)

## Inspection basis

- United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS System).
- Model Regulations of the United Nations Recommendations on the Transport of Dangerous Goods ("TDG Regulations")
- "International Maritime Dangerous Goods Code" (referred to as "IMDG code Rules");
- Code for Classification and Labeling of Hazardous Chemicals (GB30000 series standards);
- SN/T 0370-2021 "Regulations for Packaging and Inspection of Dangerous Goods for Export" series of standards, etc.

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## Thank you for watching

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