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Administrative Measures of Inspection and Quarantine on Entry-Exit G

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Report Highlights:

This report contains an UNOFFICIAL translation of China's Administrative Measures of Inspection and Quarantine on Entry-Exit Grain and Feed Products which was published and entered into force on March 1, 2002. China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) provided this documents to USDA as China's Laws and Regulations covering inspection and quarantine of soybean imports.

Executive Summary:

This report contains an UNOFFICIAL translation of China's Administrative Measures of Inspection and Quarantine on Entry-Exit Grain and Feed Products which was published and entered into force on March 1, 2002. China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) provided this documents to USDA as China's Laws and Regulations related to the inspection and quarantine of soybean imports. AQSIQ said the Measures are expected to be amended but without a timetable. Grain and Feed traders are recommended to consult with the China's importers for detailed requirements for exporting products to China.

General Information:

BEGIN TRANSLATION

Administrative Measures of Inspection and Quarantine on Entry-Exit Grain and Feed Products
China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
Decree No. 7

(AQSIQ's Decree No.7 "Administrative Measures of Inspection and Quarantine on Entry-Exit Grain and Feed Products" has been reviewed and approved at AQSIQ's executive meeting on December 21, 2001. It is issued thereby and will enter into force on March 1, 2002.)

Chapter 1 General Provisions

Article 1

In order to strengthen the administration of inspection and quarantine on Entry-Exit grain and feed products, and to safeguard human health and the safety of animals and plants, this Measure is formulated in accordance with the People's Republic of China Law on the Entry-Exit Commodity Inspection and its implementation provisions, the People's Republic of China Law on the Entry-Exit Animal and Plant Quarantine and its implementation provisions and the People's Republic of China Law on Food Hygiene, and with reference to provisions of related law and regulations.

Article 2

This Measure is applicable to the inspection and quarantine and supervision administration of Entry-Exit grain and feed products (including transit goods) by means of trade and non-trade.

Article 3

Grain mentioned in this Measure refers to cereals (e.g. wheat, maize, rice, barley, rye, oats, and sorghum), beans (e.g. soy bean, Mung bean, pea, rice bean, broad bean, and chickpea), tuber crops (potato, cassava, sweet potato, etc.) (for non-breeding use) and other seeds of grain crops, and its processed products (e.g. rice, malt, flour etc.); feed products refers to the byproducts after grain or oilseed material is processed (e.g. wheat bran, bean cake, bean meal etc.)

Article 4

China's General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ) shall administer, in a unified manner, the inspection and quarantine and supervision

administration of Entry-Exit grain and feed products. Inspection and Quarantine Bureaus directly under AQSIQ in each region (hereinafter referred to as Inspection and Quarantine Bureau) is responsible for the inspection and quarantine and supervision administration of Entry-Exit grain and feed products in its own region.

Chapter 2 Quarantine Examination and Approval

Article 5

AQSIQ conducts quarantine examination and approval of entry grain and feed products. The owners of goods or agents should go through examination and approval procedures before signing trade contracts.

Article 6

Procedures for quarantine examination and approval are as follows:

- (1) The owner of goods or agent should fill in the People's Republic of China's Entry Animals and Plants Quarantine Permit Application Form. Preliminary examination application shall be submitted to the inspection and quarantine bureau directly under AQSIQ at the entry port, and anti-epidemic measures to be taken during production, transportation, processing and in the processing location, together with other related information should also be provided.
- (2) The inspection and quarantine bureau shall examine whether the import quantity conforms to the processing or production capability; whether transportation and processing meets the requirements for inspection and quarantine and supervision administration on animals and plants. If the requirements are met, the application shall be submitted with the signature and seal of the inspection and quarantine bureau to the AQSIQ for examination and approval.
- (3) If the application meets the requirements for approval after examination by the AQSIQ, the People's Republic of China's Entry Animals and Plants Quarantine Permit shall be issued (hereinafter referred to as Quarantine Permit); If not, the permit shall not be issued and the applicant shall be informed of the reasons for the failure.

Article 7

The owner of goods or agent should state clearly in the trade contract the quarantine requirements for entry grain and feed products which are specified in the Quarantine Permit.

Article 8

Under any of the following circumstances, the owner or agent should reapply for the Quarantine Permit:

- (1) The category of entry grain and feed products are altered or the weight is increased by 10 percent;
- (2) Exit countries or regions are altered;
- (3) Entry ports are altered
- (4) The Quarantine Permit expires.

Chapter 3 Entry Inspection and Quarantine

Article 9

The owner of goods or agent should apply before entry with the inspection and quarantine bureau at the entry port for inspection and quarantine on grain and feed products, and provide, as required, the following documents:

- (1) Quarantine Permit

- (2) Standard for inspection methods or samples specified in the trade-related documents (trade contract, letter of credit, etc.)
- (3) Other required documents and certificates.

Article 10

The AQSIQ shall, if necessary, send inspection and quarantine staff to the countries or regions of exit grain and feed products for investigation of epidemic situations at the production location and for supervision of preliminary quarantine prior to shipment.

Article 11

The inspection and quarantine bureau should conduct inspection and quarantine of entry grain and feed products according to the following requirements:

- (1) The inspection and quarantine requirements specified in the bilateral inspection and quarantine agreement, protocol, or memorandum of understanding (MOU) signed between Chinese government and the government of export countries or regions.
- (2) Chinese law, administrative regulations and the AQSIQ's requirements for inspection and quarantine.
- (3) The quarantine requirements stated in the Quarantine Permit.
- (4) Other inspection and quarantine requirements in the trade contract.

Article 12

The entry grain and feed products shipped by vessel can be allowed to enter port and unloaded after the inspection and quarantine bureau finishes inspection and quarantine on the surface layer of the cargo at the anchorage; under particular circumstances, permission is needed from the inspection and quarantine bureau if inspection and quarantine shall be conducted after the vessel is berthed.

For the grain and feed products that needs to be unloaded at different ports, the inspection and quarantine bureau at the port where the first part of the cargo is unloaded only conducts inspection and quarantine on the unloaded cargo at this port, and informs in writing the inspection and quarantine bureau at the subsequent unloading port of the results of their inspection and quarantine. If a unified certificate is required, the inspection and quarantine bureau at the last unloading port shall collect all the results and produce the certificate.

Article 13

The entry grain and feed products loaded by other means such as containers can only be transported, sold and used after inspection and quarantine.

Article 14

For the transit grain and feed products in the original packaging and the original transportation tools, the inspection and quarantine bureau shall conduct transit supervision administration.

For the transit grain and feed products whose packaging and transportation tools have been changed, the entry inspection and quarantine requirements shall be met.

For the transit grain and feed products transported through the Euroasia Land Bridge International Container, inspection and quarantine shall be conducted in accordance with "The Trial Administrative Measures on Transit Transportation via Euroasia Land Bridge".

Article 15

For the entry grain and feed products that pass the inspection and quarantine, the inspection and quarantine bureau shall issue inspection and quarantine certificate of entry cargo, and permit the entry, sale and use of the goods.

Article 16

If the entry grain and feed products, after inspection, do not conform to the inspection requirements specified in Article 11 of this Measure, but can be technically effectively treated, then the technical treatment shall be conducted under the supervision of the inspection and quarantine bureau and the goods can be permitted for entry, sale and use when inspection and quarantine certificate for entry goods is issued after inspection and quarantine for the second time.

Article 17

In case entry grain and feed products are found to have harmful bio-organisms, if effective quarantine treatment is available, the inspection and quarantine bureau shall produce “Notification of Inspection and Quarantine Treatment” and “Certificate of Plants Quarantine”. The goods shall be permitted for sale or use after successful de-harming treatment.

Article 18

Under any of the following circumstances, the entry grain and feed products shall be returned or destroyed in accordance with related requirements:

- (1) The entry grain and feed products, after inspection, do not conform to the inspection requirements specified in Article 11 of these Measures, and cannot be technically treated, or cannot pass re-inspection after technical treatment;
- (2) The entry grain and feed products are found to have soil or quarantine harmful bio-organisms and effective quarantine treatment is not available.

Chapter 4 Exit Inspection and Quarantine

Article 19

The owner of goods or agent shall apply for inspection with the local inspection and quarantine bureau before exit. While applying for inspection, the owner or agent should also present inspection and quarantine supporting documents specified in the trade contract or letter of credit in addition to the required documents and certificates.

Article 20

For the vessels and containers for exit grain and feed products, the shipper or its agent shall apply before loading with the inspection and quarantine bureau for a load test. Loading can be done after the test is passed.

Article 21

The inspection and quarantine bureau shall conduct inspection and quarantine on exit grain and feed products according to the following requirements:

- (1) The inspection and quarantine requirements specified in the bilateral inspection and quarantine agreement, protocol, or MOU signed between Chinese government and the government of the export

countries or regions.

(2) Chinese law, administrative regulations and the AQSIQ's requirements for inspection and quarantine.

(3) The quarantine requirements and mandatory inspection requirements for entry grain and feed products of the importing country or region;

(4) Other inspection and quarantine requirements in the trade contract or letter of credit.

Article 22

For the exit grain and feed product that passes inspection and quarantine, the inspection and quarantine bureau shall issue "Customs Clearance Certificate for Exit Commodity" or "Customs Clearance Certificate Slip for Exit Commodity"; and "Inspection and Quarantine Certificate" together if required.

Article 23

Inspection of exit grain and feed products shall remain valid for no more than two months, and quarantine normally 21 days. The validity can be extended to 35 days in Heilongjiang Province, Jilin Province, Liaoning Province, Inner Mongolia and Xinjiang during winter (from November to February of next year).

Article 24

For the exit grain and feed products that need examination and inspection by the port inspection and quarantine bureau, the owner or agent should apply for inspection to the inspection and quarantine bureau at the exit port within the validity of "Customs Clearance Certificate Slip", and the inspection and quarantine bureau shall issue "Customs Clearance Certificate" if the requirements are met after inspection. While for the exit grain and feed products that are beyond the validity of "Customs Clearance Certificate Slip", the owner or agent shall apply again for inspection with the inspection and quarantine bureau at the exit port.

Article 25

For the exit grain and feed products that do not pass inspection and quarantine, the inspection and quarantine bureau can produce related certificates and documents after the goods are effectively treated and pass the inspection and quarantine; For the exit grain and feed products without effective treatment or that do not pass the inspection and quarantine after treatment, "Notification of Unqualified Exit Commodity" shall be issued.

Chapter 5 Supervision Administration on Inspection and Quarantine

Article 26

The inspection and quarantine bureau shall conduct supervision administration of the production, processing, loading and unloading, transportation and storage of entry-exit grain and feed products.

Article 27

For the entry grain and feed products transported to regions beyond the control of the port inspection and quarantine bureau, supervision administration shall be conducted by the inspection and quarantine bureau at the designated destination. The port inspection and quarantine bureau shall timely inform the inspection and quarantine bureau in the designated destination.

Article 28

In the case of entry-exit grain and feed products found to have severe epidemic situations, quality or safety hygiene problems, the inspection and quarantine bureau should take necessary anti-epidemic measures and emergency measures, and report immediately to the AQSIQ.

Chapter Six Supplementary Provisions

Article 29

In case of any violation of this Measure, penalty shall be conducted in accordance with the People's Republic of China Law on the Entry-Exit Commodity Inspection and its implementation provisions, the People's Republic of China Law of the Entry-Exit Animal and Plant Quarantine and its implementation provisions and the People's Republic of China Law on Food Hygiene.

Article 30

AQSIQ shall be responsible for interpreting the Measures.

Article 31

The Measures will enter into force on March 1, 2002. This Measure will prevail in case of the previous administrative measures and regulations for inspection and quarantine on entry-exit grain and feed products that are not in conformity with these Measures.

END TRANSLATION