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China, Peoples Republic of

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Admin. Measures for Entry Fruit Quarantine and Inspection - G/SPS/N/CHN/80

2004

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Report Highlights:

The following is an UNOFFICIAL translation of China's revised Administrative Measures of Inspection, Quarantine, and Supervision on Entry Fruit announced to the World Trade Organization on August 6, 2004 in WTO Announcement G/SPS/N/CHN/80. These Measures modify previous requirements (CH1058), in particular, a new requirement indicating inspection and quarantine requirements be listed in contracts and fruit reexported from Hong Kong be accompanied with additional inspection certificates.

Includes PSD Changes: No
Includes Trade Matrix: No
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Table of Contents

Disclaimer..... 3

Background 3

Begin Translation 4

Draft Admin. Measures of Inspection, Quarantine, and Supervision on Entry Fruit .. 4

 Chapter I. General Provisions..... 4

 Chapter II. Entry Inspection and Quarantine..... 5

 Chapter III. Supervision and Management..... 8

 Chapter IV. Supplementary Provisions 9

End Translation 9

WTO Announcement G/SPS/N/CHN/80 10

Disclaimer

Information in this translated report may not be completely accurate either because policies may change when the regulation is adopted, or because clear and consistent information about these policies was not available. Therefore, U.S. exporters should try to verify all import requirements with their foreign customers, who are normally best informed, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry. In the event of any errors or omissions in this translation, the original Chinese version shall prevail.

Background

On August 6, 2004 China announced draft revisions to the Administrative Measures of Inspection, Quarantine, and Supervision on Entry Fruit to the WTO in announcement G/SPS/N/CHN/80. The Measures revise the previous version in effect since January 1, 2000 (see GAIN report CH1058). China's WTO SPS Office in AQSIQ is accepting comments on these draft Measures until September 15, 2004, with adoption planned for September 20, and implementation scheduled from November 20, 2004.

When examining the language in these Measures, reviewers should remember that the original Chinese document may contain language that when translated into English could be construed as should, shall, or must.

There are several noteworthy articles and items in these Measures, some of which are new while others are clarifications or re-statements of Articles in the previous Administrative Measures. For example, Article 5 in these Measures, requiring a registration system for foreign orchards, packinghouses, and storage facilities restates portions of Article 17 in the previous Measures. Article 7 in these measures includes both a restatement of the previous requirement for importers to obtain a Quarantine Import Permit prior to signing contracts but includes new language encouraging sanitary and phytosanitary requirements be written into contracts. Article 9 in these Measures includes new requirements for language to be included in the exporting nation's Quarantine Certificate that was not mentioned in the past Measures. Article 10 in these Measures includes a new requirement that fruit re-exported to China through Hong Kong or Macau receives additional certification. Article 13 in these measures provides new requirements mandating Chinese language labeling for certain items on the packaging and/or on the pallet. Article 20 of these Measures indicates local inspection and quarantine agencies should designate approved storage facilities for entry fruit. There may be other items, as well, that are of interest and therefore, the draft Measures in the UNOFFICIAL translation, below, deserves additional review.

FAS Beijing's other GAIN reports concerning China's import Laws and Regulation related to these Measures on fruit entry with unofficial English translations include:

Food and Agricultural Import Regulations and Standards China Country Report - CH4028
Law of the PRC on Entry and Exit Animal and Plant Quarantine – CH1051
Implementation Regulations for the Law of the PRC on Entry and Exit Animal and Plant Quarantine – CH3031
Law of the PRC on Import and Export Commodity Inspection – CH2029
Law of the PRC on Food Hygiene – CH1042
Fruit Entry Approval List (See Article 10 of these Measures) or its most recent version – CH4029

Begin Translation

Draft Admin. Measures of Inspection, Quarantine, and Supervision on Entry Fruit

Chapter I. General Provisions

Article 1

In an effort to prevent entry fruit from carrying and spreading harmful and toxic substances and quarantine organisms harmful to plants, and protect agricultural production, ecological safety, and human health in our country, these Measures are established in accordance with the "Law of the People's Republic of China on Entry and Exit Animal and Plant Quarantine" and its implementation regulations, the "Law of the People's Republic of China on Import and Export Commodity Inspection", and the "Food Hygiene Law of the People's Republic of China."

Article 2

These Measures apply to the inspection, quarantine, supervision and management of entry fresh fruit (hereinafter referred to as fruit).

Article 3

The State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ) shall carry out unified supervision and management for the inspection and quarantine of entry fruit throughout the country.

The entry-exit inspection and quarantine agencies set up by the State Administration of Quality Inspection in different localities (hereinafter referred to as the inspection and quarantine agencies) shall be responsible for the supervision and management of inspection and quarantine over entry fruit under their jurisdiction.

Article 4

The official inspection and quarantine department of the exporting country or region (hereinafter referred to as the official inspection and quarantine department) exporting fruit to China for the first time should file a written application with AQSIQ in advance and submit relevant technical data. The fruit can be imported only after AQSIQ has completed the risk analysis on harmful organisms and established the specific requirements for inspection and quarantine.

Article 5

AQSIQ adopts a registration system on overseas production, packaging, and storage facilities or entry fruit.

Article 6

It is prohibited to carry or mail fruit into the country, unless otherwise specified in laws and regulations.

Chapter II. Entry Inspection and Quarantine

Article 7

Prior to signing a business contract or agreement on entry fruit, the consignee or his/her agent shall apply for review and approval procedures for entry fruit quarantine in accordance with the “Administrative Measures for the Review and Approval of Entry Animal and Plant Quarantine” of AQSIQ and obtain an Entry Animal and Plant Quarantine Permit of the People’s Republic of China (hereinafter referred to as the Quarantine Import Permit). When signing a contract or agreement, the requirements for inspection and quarantine stated in the Quarantine Import Permit should be incorporated into the contract or agreement.

The entry fruit must enter the country at the port specified in the Quarantine Import Permit.

Article 8

Before or upon fruit entry, the consignee or his/her agent should apply for inspection at the inspection and quarantine agency of the entry port in accordance with relevant quarantine regulations and submit the original Quarantine Import Permit, the original plant quarantine certificate issued by the official inspection and quarantine department (hereinafter referred to as the plant quarantine certificate), and other relevant documents.

The inspection and quarantine agency shall not accept the application for inspection in absence of a valid Quarantine Import Permit, a plant quarantine certificate, or if the plants quarantine Certificate is not in compliance with the requirements.

Article 9

The plant quarantine certificate should comply with the following requirements:

- (1) The consignee specified in the plant quarantine certificate shall be identical with the applicant of the Quarantine Certificate and the consignee on the inspection form.
- (2) On the plant quarantine certificate, clear indication should be given to such information as “to be shipped to the People’s Republic of China and the port of destination, as well as the name, quantity/weight, origin, packaging category, name or code of packaging plant, etc.
- (3) When fruit is transported and enters in bulk by means of container, truck, or plane, each container, truck, or plane shall be affixed with a plant quarantine certificate providing clear indication of the container number, truck, or flight number; and vessel name indicated on the Certificate if transported and entered in bulk by ship.
- (4) In case an agreement (including agreement, protocol, memorandum, etc. (the same below)) has been signed with China, it should also comply with the Articles on the requirements for the plant quarantine certificate as stipulated in the agreement.

Article 10

Fruit transshipped via Hong Kong and Macao should enter in the original container (should use container as unit), original package, and with the original plant quarantine certificate (“three originals” in short). Whether the fruit is permitted variety and has the “three originals” should be confirmed by the Hong Kong or Macao inspection agency authorized by AQSIQ before entry. After confirmation as up to standard, the agency should apply a seal on the container and issue a corresponding certificate indicating the re-applied sealing number, original certificate and original sealing number, and, at the same time, send the confirmation certificate to the inspection and quarantine agency at the entry port in a timely manner.

The consignee or his/her agent shall apply for inspection at the entry port inspection and quarantine agency by providing such documents as the Quarantine Certificate, confirmation document produced by the Hong Kong or Macao inspection and quarantine agency, and the (original) plant quarantine certificate.

Certificates submitted when applying for inspection should be in conformity with the information transmitted by the inspection and quarantine agency in Hong Kong or Macao, or otherwise the application will not be accepted.

Article 11

The entry fruit (weighing under 100 kilograms) produced in neighboring countries and brought in through border trade by local residents, that is unable to provide a Quarantine Certificate and the plant quarantine certificate due to limited conditions, can be permitted to enter after passing inspection and quarantine.

Article 12

The inspection and quarantine agencies shall conduct inspection and quarantine on entry fruit according to the provisions specified below:

- (1) China's laws and regulations, standards and the relevant stipulations on inspection and quarantine;
- (2) Bilateral agreements signed between the government of China and the exporting country or region;
- (3) Agreements signed between AQSIQ and the inspection and quarantine department of the exporting country or region;
- (4) The requirements specified in the Quarantine Certificate;
- (5) Other stipulations of AQSIQ.

Article 13

The entry fruit should comply with the inspection and quarantine terms specified below:

- (1) It is prohibited to load fruit with other fruit that is not listed on the plant quarantine certificate;
- (2) For processed and packaged fruit that comes from registered orchards and processing plants, the name and origin of the fruit must be indicated in Chinese on the package, as well as the name or code and address of the packaging plant in Chinese or English. The Chinese language "to be shipped to the People's Republic of China" must be labeled on the package or the goods on the pallet;
- (3) Not carry quarantine organisms harmful to plants or soil, nor carry remains of dead branches or leaves that are prohibited from entering the territory (branches that connect with Litchi or Longyan must not exceed 15cm);
- (4) The amount of detectable poisonous and harmful substances must not exceed relevant Chinese safety and hygienic standards.
- (5) In case an agreement between China and the exporting country or region is in place, the requirements stated in the agreement must be complied with.

Article 14

The inspection and quarantine agency shall conduct spot inspection and quarantine entry fruit according to the corresponding working procedures and standards.

- (1) Check whether the fruit is in consistent with the certificate;
- (2) Verify the plant quarantine certificate, relevant information and official quarantine label on the package is in accordance with the requirements of Article 9 and clause 2 of Article 13. Unpack to check the variety and quantity/weight of the fruit;
- (3) Inspect whether polypides, signs of disease, branches or leaves, soil, and signs of pest accompany the fruit. If a suspicious epidemic situation is identified at the time of spot inspection, the fruit should be taken to the laboratory for quarantine assessment;
- (4) Take and send samples to the laboratory for inspection and quarantine pursuant to the related provisions and standards.

Article 15

The inspection and quarantine agencies should conduct lab inspection and quarantine in accordance with the relevant working procedures and standards. Assess whether any harmful organisms such as polypides, germs, weeds, etc. are found on the spot or in the laboratory quarantine. Conduct testing on toxic and harmful substances on samples taken at the spot, and produce a report on the results of inspection and quarantine.

Article 16

Entry fruit that has not passed inspection and quarantine should be kept in a place designated by the inspection and quarantine agency and must not be sold or used without authorization.

Article 17

The inspection and quarantine agency shall handle entry fruit based on the inspection and quarantine results as follows:

- (1) Fruit passing inspection and quarantine will be issued a Certificate of Inspection and Quarantine for Entry Goods and will be allowed entry.
 - (2) When quarantine organisms harmful to plants or other harmful organisms with quarantine importance are found through quarantine, disinfection and de-infestation treatment must be conducted, and a Notice on Inspection and Quarantine Treatment be issued. Fruit that has gone through inspection, disinfection, and de-infestations treatment is allowed for release.
 - (3) In case the fruit does not comply with one of the requirements as described in Article 13 of these Measures, or the fruit that is not in consistent with the certificate, or has not gone through effective disinfection and de-infestation treatment, a Notice of Inspection and Quarantine Treatment will be issued and the fruit will be returned or destroyed under the monitoring of an inspection and quarantine agency.
- In case a compensation claim to the foreign supplier is needed, the relevant inspection and quarantine certificate will be issued.

Article 18

AQSIQ will, on the basis of actual conditions, suspend imports of a fruit from a country, producing area, orchard, or packaging plant if one of the following situations is identified in entry fruit:

- (1) Serious epidemic plant disease break out in the orchard or in the region or vicinity of a processing plant of the entry fruit;
- (2) Harmful quarantine organisms that are prohibited entry are found during the inspection and quarantine;
- (3) The contents of poisonous and harmful substances found during inspection and quarantine exceed the requirements of relevant Chinese safety and hygienic standards;
- (4) Fail to comply with the relevant Chinese laws and regulations on inspection and quarantine or bilateral agreements.

Chapter III. Supervision and Management**Article 19**

The official inspection and quarantine department of the exporting country or region shall register the orchard and packaging plant so that the source can be traced when problems of inspection and quarantine occur. They shall also provide AQSIQ with a list and addresses of the registered packaging plants, as well as related information on application of chemicals in the course of fruit production and processing. AQSIQ shall review the documents and put them on record.

Depending on inspection and quarantine requirements, AQSIQ, with the consent of the government institutions of the exporting country or region, may send quarantine personnel to the origin for pre-inspection, monitoring on packaging, or an investigation of the epidemic situation in the origin, and application of chemicals.

Article 20

The storage places for entry fruit should be designated and monitored by the local inspection and quarantine agency and should comply with the following requirements:

- (1) Have sufficient independent storage space;
- (2) Possess the necessary facilities to guarantee product quality and freshness;
- (3) Comply with the requirements of quarantine and epidemic prevention;
- (4) Be equipped with facilities for disinfection and de-infestation.

Article 21

For entry of prohibited fruit for exhibition purposes, the consignee or his/her agent must apply in advance for special quarantine permit approval at AQSIQ or the AQSIQ authorized inspection and quarantine agency. At the time of entry, he/she should apply for inspection at inspection and quarantine agency of the entry port. During the period of exhibition, the fruit should be monitored and managed by the inspection and quarantine agency and must not be used, donated, sold, or transferred without the approval of the inspection and quarantine agency. After the exhibition, the fruit should be returned or destroyed under the monitoring of the inspection and quarantine agency.

Chapter IV. Supplementary Provisions

Article 22

Violators of these Measures shall be penalized by the inspection and quarantine agency in accordance with the "Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine" and its implementation regulations, the "Law of the People's Republic of China on Import and Export Commodity Inspection," the "Food Hygiene Law of the People's Republic of China," and other relevant laws and regulations.

Article 23

AQSIQ is responsible for interpretation of these Measures.

Article 24

These Measures shall come into force as of ____ (month) ____ (day), ____ (year). Meanwhile, the Administrative Measures on Entry Fruit Quarantine published by the former State Administration of Entry-Exit Inspection and Quarantine on December 9, 1999 shall be annulled.

End Translation

WTO Announcement G/SPS/N/CHN/80

WORLD TRADE ORGANIZATION	G/SPS/N/CHN/80 6 August 2004 (04-3358) Original: English
Committee on Sanitary and Phytosanitary Measures	

NOTIFICATION

1. Member to Agreement notifying: <u>THE PEOPLE'S REPUBLIC OF CHINA</u> If applicable, name of local government involved:
2. Agency responsible: General Administration of Quality Supervision, Inspection, Quarantine of the People's Republic of China (AQSIQ).
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Fresh fruit
4. Regions or countries likely to be affected, to the extent relevant or practicable: Countries or regions that export fresh fruit to China
5. Title, language and number of pages of the notified document: "Administrative Rules of Inspection, Quarantine and Supervision on Entry of Fresh Fruit" (Available in Chinese; 8 pages).
6. Description of content: Responding to the new problems and new situation in the entry of fruits, the "Administrative Rules of Quarantine on Entry of fresh fruit" promulgated in 1999 has been revised. The new rule stipulates requirements on safety and hygiene of fruit, requirements for consignment transited through Hong Kong and Macao, requirements on information and contents to be marked on the package and provided in the Phytosanitary Certificate issued by the exporting country, and the quarantine requirements for the border trade.
7. Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input checked="" type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests
8. International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> World Organization for Animal Health (OIE), <input checked="" type="checkbox"/> International Plant Protection Convention, <input type="checkbox"/> None If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:
9. Relevant documents and language(s) in which these are available: "Administrative Rules of Inspection, Quarantine and Supervision on Entry of fresh fruit" (Available in Chinese; 8 pages).
10. Proposed date of adoption: 20 September 2004
11. Proposed date of entry into force: 20 November 2004

12. Final date for comments: 15 September 2004

Agency or authority designated to handle comments: National notification authority, National enquiry point, or address, fax number and E-mail address (if available) of other body:

13. Texts available from: National notification authority, National enquiry point, or address, fax number and E-mail address (if available) of other body: