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Voluntary - Public

Date: 9/25/2009

GAIN Report Number: CH9074

China - Peoples Republic of

Post: Beijing

Implementation Feed Quarantine Regulation 118

Report Categories:

FAIRS Subject Report

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Report Highlights:

On July 20, the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) published a final Decree 118 related to quarantine inspection for feeds and feed additives. On August 24, AQSIQ published Announcement 372 relating to the implementation of Decree 118. This Decree will go into force on September 1. This report contains an UNOFFICIAL translation of the regulations.

Executive Summary:

On August 24, AQSIQ published Announcement 372 on the implementation of Decree No. 118 of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) on the Supervision and Management Measures for the Inspection and Quarantine of Import and Export Feed and Feed Additives. Decree 118 was published as GAIN report CH9071. These regulations will go into force on September 1.

This measure has not been notified to the WTO.

The original Chinese version is at the following

address: http://dzwjyjs.aqsiq.gov.cn/rdgz/200908/t20090828_125350.html

General Information:
BEGIN TRANSLATION

Announcement 372
Notice on Issues Concerning the Implementation of

Administrative Measures for Inspection, Quarantine and Supervision on Exports/Imports of Feeds and Feed Additives

To all local CIQs,

In order to regulate the inspection, quarantine and supervision on exports and imports of feeds and feed additives (hereinafter referred to as “feed”), to improve the safety of exports and imports of feeds and to promote the healthy development of feed export and import trade, the General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C.(AQSIQ) issued 2009 Decree 118 Administrative Measures for Inspection, Quarantine and Supervision on Exports & Imports of Feeds and Feed Additives (hereinafter referred to as Measures). Here is the notice on relevant issues pertaining to the Measures.

1. Unify thoughts raise the awareness and desire to firmly establish feed safety.

Feed safety is the basis for food chain safety. The safety of feed exports and imports is the key guarantee for the healthy development of husbandry and aquiculture as well as the consumers’ safety. In the current situation where the foreign regulations and technology for feed safety is more and more stringent and the situation for control and prevention of animal and plant diseases and poisonous/hazardous substances are still severe, the safety of feed exports and imports is highly sensitive. This comes with great difficulties in controls and supervision. Therefore, all of the local inspection and quarantine bureaus are required to handle the feed exports and imports with great amount of attention. This is done by realizing the significance of implementing the Measures and firmly establishing the sense of feed safety, along with taking the “Year of Quality and Safety” program that is designed to regulate the inspection, quarantine and supervision of the feed.

2. Study hard and grasp the core of the Measures

The aim of the Measures is to ensure the safety and traceability of the exported and imported feed, with the core idea being risk management. The key is to carry out risk control based on risk analysis. In order to accomplish this, there are six stages; first is to establish and improve the system of grading product risk and adopting different measures for feeds with different risks; second is to establish and improve the system of classifying enterprises, focusing the limited inspection and quarantine resources on the control and supervision of high-risk enterprises and products; third is to evaluate the feed safety supervision system of those countries which export feed to China and announce the list of countries or regions which are eligible to export their feeds to China, as well as the list of approved products; fourth is to push the registration of foreign feed producers and Chinese enterprises that import feed, and the inspection of imported feed labels, in order to improve the traceability; fifth is to implement the system of the first person responsible for the product safety in the enterprises, and to raise their abilities of self examine and control; lastly, the risk control must strengthen the risk monitoring and warning system of the imported and exported feeds, and place possible risks into the monitoring scope. The inspection and quarantine bureaus at different levels should study the situation carefully and gain better understanding to grasp the essence of the Measures. While taking into consideration of local conditions, the bureaus’ responsibilities are to guarantee the safety and quality of the imported and exported feeds by driving the new reforms of inspection, quarantine and supervision models listed in Measures.

3. Organize with due care and implement the Measures appropriately.

I Import Inspection and Quarantine

(1) Registration

AQSIQ will publish a list of countries/regions which are eligible to export their feed products to China, as well as a list of the permitted products, and will carry out this registration of foreign feed producers in an orderly manner. For those countries/regions who have completed registration, the imported feeds shall only be sourced from the registered producers or processors. However before a registration is completed, the feed products on the list can continue to be exported to China (for updates, please refer to the website of the AQSIQ).

(2) Entry Quarantine Approval

In accordance with the Methods for Risk Grading, Inspection and Quarantine of Exports and Imports of Feed and Feed Additives promulgated by AQSIQ, feed products which fall into Grade I and Grade II quarantine risks are required to apply for an Animal and Plant Quarantine License. The rule on online verification and cancellation of licenses will be strictly carried out. Those enterprises which apply for more than needed licenses will be blacklisted and subjected to strict control.

(3) Checking of Label of Imported Feeds

Since Sept. 1, 2009, each local CIQ shall check and approve the labels of imported feeds in accordance with Regulations on Checking Labels of Imported Feeds and Feed Additives (see attachment 1). If any labels are found not to standard, the relevant importers, the imported feed products, and the exporters will be put on record. The cargo receivers or their representatives shall collect the Regulations and promise to correct the situation accordingly, ensuring that the labels of feeds imported after 28 February, 2010 conform to the requirements. Feed imported after 1 March, 2010, whose labels are not to standard, must be delivered to the location designated by inspection and quarantine institutions for label application or rectification.

(4) Recording Importers

Each local CIQ shall report the list of feed-importing enterprises, which include name, address, contact information and imported feed categories to the Animal & Plant Quarantine Department of AQSIQ no later than Dec 31, 2009. (Please send electronic version to siliao@aqsiq.gov.cn). The list should be updated and reported to AQSIQ semi-annually.

II . Export Inspection and Quarantine

1. Registration

From Sep. 1, 2009, new enterprises dealing in production, processing and warehousing shall register strictly adhering to the Measures. Related documents, such as registration application form, document-reviewing form, acceptance notification, on-site evaluation record, incompliance and tracking report, numbering rules for registration, form of registration certificate, notice of denial, export supply certificate and the supervisory manual form shall be referred to in Appendix 2-11 (available for download from 'feed safety' column of the website of the Division of Animal and Plant under the General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C.).

Each bureau will organize an annual auditing and move towards rectifying any registered feed-export companies in the near future. In the event that an enterprise has been reported of defects aboard through verified investigations and has not resumed export business, the enterprise shall be held responsible. If the noted enterprise has not taken any steps towards improvement, registration of such enterprise shall be revoked. This is provided they are not in compliance with the requirements referred to in the Measures, have significant safety loopholes, and choose not to undertake effective measures to eradicate the situation. In the event of the discovery of any general incompliance, a written notice of defects and rectification requirements shall be issued to direct the enterprises to establish and complete their self-inspection and self-control systems. Each bureau shall submit to the Division of Animal and Plant of the General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C. in the form of an annual auditing and rectification report, These reports shall have the list of registered enterprises in both Chinese and English and will be filed, prior to Dec. 31, 2009 according to Appendix 12 (the list shall be forwarded to liujl@aqsiq.gov.cn in the form of excel.)

In the event of any registration predicament by the import country/region, each bureau shall report to the General Administration for review and approval. The General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C. shall organize a sampling group of experts to test before circulating a notice of recommendation. The results of registration shall be published on the General Administration for the Division of Animal and Plant website.

2. Establish a Scientific Mode of Export Supervision

By the way of risk analysis, a scientific mode of export supervision shall be gradually established. This will be on the basis of self-inspection and self-control, consisting mainly of official supervision while being supplemented by spot tests. Each bureau shall put the emphasis on supervision and management of change in suppliers of materials, safety and health control, critical control points and referring to the Supervisory Manual for Exported Feeds for guidance.

3. Inspection, Quarantine and Issue of Certificates

The inspection and quarantine origin rules shall be strictly complied with. The application for inspection must not be

filed in any city other than the origin. The to-be-exported feeds must have an outgoing quality certificate provided by the producer, and be self inspected by the producer's set of evaluation through daily supervision, safety and health management, on-site examination and produce pre-export spot test as necessary.

The General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C. shall gradually enter into agreements with major import countries on form of health certificate and forward it to each bureau for implementation. A uniform health certificate shall be issued for feeds that are to be exported to import countries with which an agreement has been reached. For feeds to be exported to other countries, a health certificate shall be issued according to the previous form and requirements. For countries where no health certificate is required, feeds to be exported shall be inspected and quarantined before released.

4. Filing of Export Enterprises

Each bureau shall submit to the Division of Animal and Plant of the General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C. (an electronic form forwarded to siliao@aqsiq.gov.cn) a list of feed exporters under their jurisdiction prior to Dec. 31, 2009. This list will include names, addresses and contact information of the enterprises, the respective varieties of feeds to be exported, and whether or not such enterprises are feed producers. Each bureau shall report to the General Administration of any change in the list semi-annually.

III. Supervision and Control of Risks Related to Import and Export of Feeds

The General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C. will formulate a guidebook for supervision of safety and health of imported and exported feeds. Each bureau shall build a feed safety panel, which will determine the supervised items and supervision frequency based on the risk analysis and conduct risk control according to the supervisory guidebook by the General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C.

IV. Enhance Supervision and Investigation, Severely Punish Illegal Activities

Each bureau shall enhance supervision and examination by severely punishing illegal activities, such as concealment, inclusion, fabricating and use of spurious certificates, and exporting products by non-registered enterprises, maintain a fair and healthy environment for import and export trades, reinforce supervision and monitoring of inspectors, and investigate and punish according to laws and regulations in case of the import or export of any disqualified product due to incompliance with the working rules and any bad influence incurred thereafter.

V. Reinforce Assurance Measures and Ensure the Implementation of the Measures

Each bureau shall support and facilitate development of feed import and export inspection and quarantine procedures in terms of labours, facilities and expenses, enhance coordination between departments, cooperate with the administrations for agriculture and feed safety in order to jointly popularize feed safety knowledge and applicable regulations, and create a good domestic environment for the enforcement of feed inspection and quarantine in import and export grades.

VI. Other Issues

1. Report of Disqualification

Each bureau shall report to the Division of Animal and Plant of the General Administration in a timely manner of any disqualification found in daily supervision and management in the form of Disqualification in Inspection and Quarantine of Feeds and Feed Additives for Imports and Exports (Appendix 13).

2. Report of Data on Feed Import and Export Trades

Henceforth from Oct. 1, 2009, each bureau shall, before ending of the fourth working day of each month, report to the Division of Animal and Plant of the General Administration of all feed import and export data in the previous month in their jurisdiction with accordance to the requirements referred to in Appendix 14 [fax to 010 - 82260158, or e-mail electronic version to siliao@aqsiq.gov.cn titled XX Bureau (year) (month)].

3. Medicated Feed Additive

Import and export of medicated feed additives shall be supervised and managed by the administration for veterinarians with accordance to the Animal Drug Administration Regulations of the People's Republic of China. For enterprises producing or processing medicated feed additives that having been registered, the registration shall be written off. Each bureau shall report to the General Administration of Quality Supervision, Inspection and Quarantine of the P.R.C in a timely manner in case of any problem discovered or encountered in the implementation of the Measures.

24 August, 2009

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