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GOVERNMENT POLICY

Voluntary - Public

Date: 9/8/2009

GAIN Report Number: CH9071

China - Peoples Republic of

Post: Beijing

New Feed Quarantine Regulation

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 regulation related to quarantine inspection for feeds and feed additives. This regulation will go into force on September 1. This regulation has the potential to significantly increase the registration and oversight burden facing U.S. exporters of feed and feed additives to China. This report contains an UNOFFICIAL translation of the regulation.

General Information:

Summary:

On July 20, the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) published a final regulation related to quarantine inspection for feeds and feed additives. This regulation will go into force on September 1. This regulation was originally sent to the WTO in July 2008 as SPS/109. The United States and other countries commented on the draft.

Analysis of the regulation in consultation with the Chinese Government is ongoing. Initial indications are that the registration requirements may be delayed for companies that have a prior history of exporting to China as AQSIQ creates and distributes internal guidance and discusses aspects of the regulations with trading partners. However, this regulation has the potential to significantly increase the registration and oversight burden facing U.S. exporters of feed and feed additives to China.

This GAIN report contains an UNOFFICIAL translation of the regulation.

BEGIN TRANSLATION

No. 118 Decree of 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

July 20, 2009

No. 118 Decree

The Supervision and Management Measures for the Inspection and Quarantine of Import and Export Feed and Feed Additives (hereinafter referred to as the "Measures") has been approved on February 23, 2009 on the meeting held by AQSIQ. It is hereby proclaimed and shall come into force as of September 1, 2009.

Director
July 20, 2009

Supervision and Management Measures for the Inspection and Quarantine of Import and Export Feed and Feed Additives

Chapter I General Provisions

Article 1. In order to regulate the supervision and management works related to the inspection and quarantine of import and export feed and feed additives, improve the safety level of import and export feed and feed additives, and safeguard the health of animals and human beings, the Measures are formulated according to the *Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine* and its enforcement regulations, *Law of The People's Republic of China on Import and Export Commodity Inspection* and its enforcement regulations, *Special Regulations of the State Council on Enhancing the Supervision and Management of the Safety of Food and Other Products* and other related laws and regulations.

Article 2. The Measures shall apply to the supervision and management for the inspection and quarantine of import, export and transit of feed and feed additives (hereinafter referred to as "Feed").

Animals, plants and relevant products that are taken as feeds shall be managed according to regulations of the Measures.

The Measures are inapplicable to medicated feed additives.

Article 3. AQSIQ shall take charge of the unified inspection and quarantine of import and export feeds in China.

The various local entry and exit inspection and quarantine agencies (hereinafter referred to as "Inspection and Quarantine Agencies") under AQSIQ shall be responsible for the inspection and quarantine of import and export feeds in the local area.

Chapter II Risk Management

Article 4. AQSIQ shall enforce risk management on import and export feeds, including the gradation of product risk, classification of enterprises, examination of supervision and management systems, risk monitoring, risk alarm and other measures based on risk

analysis.

Article 5. The inspection and quarantine agencies shall, according to the grade of product risk, take different supervision and management modes for inspection and quarantine and, at the same time, adjust the measures from time to time.

Article 6. The inspection and quarantine agencies shall classify and manage the registered overseas enterprises engaging in the production, processing and storage of feed (hereinafter referred to as “overseas enterprises”) as well as the domestic enterprises engaging in the production, processing and storage of feed (hereinafter referred to as “domestic enterprises”) according to their respective grade of product risk, enterprise credibility, capability of safety and health control and the efficiency of supervision and management system. What is more, the inspection and quarantine agencies shall take different supervision and management modes for inspection and quarantine and, at the same time, adjust the measures from time to time.

Article 7. AQSIQ shall formulate respective requirements for the inspection and quarantine of import feeds as per the product categories. In addition, AQSIQ shall perform risk analysis on the countries and regions that export feeds to China for the first time, and perform retrospective inspection on the countries and regions that has exported or are exporting feeds to China, especially on their feed safety supervision and management systems. Then, according to the results of the said risk analysis or the retrospective inspection, AQSIQ shall formulate, adjust and make public the list of approved countries and regions as well as feed categories for import.

Article 8. AQSIQ shall carry out risk monitoring over the import and export feeds, work out the annual plan for the risk monitoring over import and export feeds, and compile the corresponding annual risk monitoring report. The inspection and quarantine bureaus directly under AQSIQ shall formulate and implement specific implementation plans according to their local conditions.

Article 9. AQSIQ shall, based on the results of risk analysis, release risk alarm information in time according to the safety situation of import and export feeds, problems detected during inspection and quarantine, problems reported by related domestic and overseas organizations and feed safety problems that have happened to domestic and overseas markets.

Chapter III Import Inspection and Quarantine

Section 1 Registration

Article 10. AQSIQ shall implement the registration system for the feed producers from the countries and regions approved for feed import. The imported feeds shall come from the registered overseas feed producers.

Article 11. The overseas feed producer shall comply with the requirements stipulated in relevant laws and regulations of the exporting countries or regions and, in the meantime, in accordance with equivalent requirements stated in relevant Chinese laws and regulations, as well as standards. After being approved in the examination held by the competent authorities in the exporting countries and regions, the overseas feed producers can be recommended to AQSIQ by the said authorities. The recommendation documents shall include:

(I) Enterprise information: Name, address and official approval number of the enterprise.

(II) Information of registered products: Name, main ingredient and purposes of the registered product.

(III) Official certification: It shall certify that the recommended enterprise has been approved by competent authorities and its products are allowed to be sold freely in the exporting countries and regions.

Article 12. AQSIQ shall examine the aforesaid recommend documents. As to the unqualified documents, AQSIQ shall notify the competent authorities of the exporting countries or regions to rectify or amend. As to the qualified documents, after consulting with the competent authorities of the exporting countries or regions, AQSIQ shall designate experts to the said countries or regions to inspect the supervision and management systems on feed safety and carry out random a spot check on the enterprises that apply for registration in China. Enterprises that disqualify in the random spot check shall not be registered in China and AQSIQ shall notify relevant reasons to the competent authorities of the exporting countries or region; enterprises that qualify in the random spot check or other recommended enterprises that were not selected for random spot check shall be registered in China and AQSIQ shall announce relevant information on its official website.

Article 13. The registration of overseas enterprises shall keep valid for five years.

For overseas enterprises that intend to renew their registration, the competent authorities of the exporting countries or region shall, six months prior to expiry of the registration, propose the renewal of registration to AQSIQ. If necessary, AQSIQ shall appoint experts to perform retrospective inspection on the feed safety supervision and management system in the exporting countries or regions, conduct random spot check on the overseas enterprises that apply for the renewal of registration, or renew the registration of applicant overseas enterprises that qualify in the random spot check or those were not selected for random check for another five years.

Article 14. Provided that the registered overseas enterprises stop production, change their lines of production, go bankrupt, or are deprived of their production permits and business licenses by the competent authorities in the exporting countries or regions, AQSIQ shall write off their registration.

Section 2 Inspection and Quarantine

Article 15. If the permit for the quarantine of entry animals and plants is required for the import feeds, the enterprise concerned shall, according to relevant regulations, apply for the permit.

Article 16. The consigner or its agent shall, prior to or upon the entry of import feeds, apply to the inspection and quarantine agencies for the quarantine inspection of the feeds with certificate of origin, business contract, letter of credit, bill of lading and invoices. Besides, the consigner or its agent shall, according to different requirements for various products, present the permit for the quarantine of entry animals and plants, inspection and quarantine certificates of the exporting countries or regions, and the *Registration Certificate of Import Feed and Feed Additive Products* (duplicate).

Article 17. The inspection and quarantine agencies shall perform the inspection and quarantine over import feeds as per the following requirements:

- (I) Relevant Chinese laws and regulations, mandatory national standards and other related inspection and quarantine requirements promulgated by AQSIQ;
- (II) Bilateral agreements, protocols and memorandums, and;
- (III) Requirements specified in the *Permit for the Quarantine of Entry Animals and Plants*.

Article 18. The inspection and quarantine agencies shall perform field checks over import feeds according to the following requirements:

- (I) Verify the commodity certificates: Verify whether the commodity certificates conform to the name, quantity, weight, package, date of manufacture, number of container, exporting country or region, and the name and registration number of producer;
- (II) Check the labels: Check whether the product labels comply with national feed labeling standard;
- (III) Sensory check: Check whether the package or vessel is complete, whether it has exceeded the shelf life, whether it is decayed, whether it brings harmful organisms, and whether it has soil, dead animals, animal excretion and other substances that are strictly prohibited from entering China.

Article 19. In case of any of the following conditions, the inspection and quarantine agencies shall issue the *Advice Note for the Handling of Inspection and Quarantine* to the consigner or its agent. The consigner or its agent shall, under the supervision of the Inspection and Quarantine Agencies, return or destroy the unqualified commodities:

- (I) The exporting country or region is not included in the list of countries and regions approved for the import of commodities;
- (II) The products come from the unregistered overseas enterprises;
- (II) The products are unregistered ones from the registered overseas enterprises;
- (IV) The commodities do not comply with relevant certificates;
- (V) The product label does not conform to relevant standard and cannot be rectified;
- (VI) The product has exceeded the shelf life or has decayed, or;
- (VII) Soil, dead animals, animal excretion and other harmful organisms are found and cannot be effectively processed in quarantine.

Article 20. If the packages are found loose or the vessels are found broken, the consigner or its agent shall be responsible for fixing them. If the package is broken and imposes the threat of epidemic animal and plant diseases, quarantine treatment shall be applied to the contaminated site, articles and vessels.

Article 21. The inspection and quarantine agencies shall, according to corresponding modes for the supervision and management of inspection and quarantine, sample the products from different overseas enterprises, issue the *Warrant for Random/Sampling*, and send

the samples to labs for the test of safety and sanitation items.

Commodities that are sampled for lab test shall be transported to storage site designated by AQSIQ, and wait testing result.

Article 22. For the commodities qualified in the inspection and quarantine, the inspection and quarantine agencies shall grant them the *Certificate for the Inspection and Quarantine of Entry Commodity* and allow the clearance.

For the commodities not qualified in the inspection and quarantine, the inspection and quarantine agencies shall issue them the *Advice Note for the Handling of Inspection and Quarantine* to the consigner or its agent. The consigner or its agent shall, under the supervision of the Inspection and Quarantine Agencies, disinfect, return or destroy the unqualified commodities. After that, the commodities qualified in the disinfection treatment shall be allowed to enter China. As to the commodities involving in the claim for compensation by overseas enterprises, the inspection and quarantine agencies issue relevant certificates. The inspection and quarantine agencies shall report to AQSIQ the information about the import feeds unqualified in inspection and quarantine.

Article 23. Before getting the *Certificate for the Inspection and Quarantine of Entry Commodity*, the consigner or its agent is not allowed to transfer, sell or use the import feeds.

Article 24. If the import feeds are unloaded at different ports, the inspection and quarantine agency of the first port for unloading shall inform in writing the inspection and quarantine agencies at other unloading ports of the information related to the treatment and result of the inspection and quarantine. If there is the need for a qualification certificate, the final port for unloading shall summarize relevant information and issue the qualification certificate.

Section 3 Supervision and Management

Article 25. The package of import feed shall be provided with labels in Chinese. The labels shall comply with relevant Chinese standards on feed labeling.

For the bulk feed imports, the importing enterprise shall pack and label the bulk feeds on the site designated by the inspection and quarantine agencies before their entry. For the bulk feeds that are directly delivered to the enterprises designated by the inspection and quarantine agencies for the purpose of feed production, labels are not necessary.

If there are national regulations restricting the usage scope of the import animal-source feeds, the animal-source feeds shall be sold on Chinese market with explicit indication of their usage scope on the packages.

Article 26. The inspection and quarantine agencies shall implement filing management of the feed importing enterprises (hereinafter referred to as “importing enterprises”). The importing enterprises shall, prior to or upon the application for inspection, present duplicates of their business license to local inspection and quarantine agencies for the sake of filing.

Article 27. The importing enterprises shall establish operation files recording the information including the inspection number, product name, quantity, weight, package, exporting country or region, overseas exporter, name and registration number of overseas enterprises, *Certificate for the Inspection and Quarantine of Entry Commodity*, and information about the distribution of import feeds. The records shall be kept for at least two years.

Article 28. The inspection and quarantine agencies shall perform regular examination over the operation files of recorded importing enterprises, add the unqualified enterprises to the list of underperformed importing enterprises, and carry out more rigid inspection and quarantine on the feeds imported by the unqualified importing enterprises.

Article 29. If the import feeds have involved in the overseas feed safety accidents, or the domestic authorities or user concerned have reported the safety problems of the imported feeds, the inspection and quarantine agencies shall carry out a relevant traceability investigation and handle the problems as per relevant national regulations.

If the import feeds involve in the said problems might pose threat to the physical health and safety of animals and human beings, the importing enterprises concerned shall take initiatives to recall the defective feeds and report relevant information to the inspection and quarantine agencies. If the importing enterprises refuse to fulfill their responsibility of recalling the defective feeds, the inspection and

quarantine agencies shall order the importing enterprises to do so and, in the meantime, add the importing enterprises involved to the list of underperforming enterprises.

Chapter IV Export Inspection and Quarantine

Section 1 Registration

Article 30. AQSIQ shall implement a registration system on the enterprises engaging in the production of export feeds. The export feeds shall come from the registered exporting enterprises.

Article 31. Enterprises applying for registration shall comply with the following conditions:

(I) Workshop, process, equipments and other establishments

1. The site of the plant shall be kept away from industrial pollution sources and be constructed in certain distance from breeding farm, slaughterhouse and residential communities;
2. The workshops shall be arranged in reasonable layout and kept away from the living quarters and office areas;
3. The processes are feasibly designed to comply with relevant safety and sanitation requirements;
4. The enterprise is equipped with workshops, equipments and storage facilities corresponding to its production capacity, and;
5. The enterprise possesses the prevention and control facilities for harmful organisms (including the rodent, flies, pests at warehouses and birds).

(II) The enterprise has appropriate quality management organizations and professional technicians corresponding to its products;

(III) The enterprise has the testing capacity corresponding to safety and sanitation control.

(IV) Management system

1. Post responsibility system;
2. Personnel training system;
3. Employee vocational health check system;
4. Establish the quality management system according to the principles of hazard analysis and critical control point (HACCP) and implement self-check and self-control on the basis of risk analysis;
5. Sanitation standard operating procedure (SSOP);
6. Appraisal and acceptance check system for raw materials, accessories, wrappers and qualified suppliers;
7. Feed label management system and product traceability system;
8. Waste and wastewater treatment system;
9. Customer complaint handling system, and;
10. Qualified safety emergency responding system.

(V) AQSIQ shall respectively formulate the requirements for export inspection and quarantine as per the categories of feed products.

Article 32. The exporting enterprises shall apply to the local inspection and quarantine agencies for registration and submit the following documents (three copies):

(I) *Application Form for the Inspection and Quarantine Registration of Enterprise Engaging in the Production, Processing and Storage of Export Feeds*;

(II) Business license (duplicate);

(III) Certificate of organization code (duplicate);

(IV) If the national feed authorities set out requirements related to approval, production permit and product approval document number, the enterprise shall present the said documents as required;

(V) If the feeds relate to environmental protection, the enterprise concerned shall provide the documentary evidence issued by the environmental protection authorities above county-level;

(VI) The management system as stipulated in (IV) of Article 31;

(VII) Process flow chart that indicates necessary technical parameters (excluding those related to commercial secrets);

(VIII) Plan and colored photo of the plant (including the panoramic view, major equipments, labs, raw materials warehouses, packaging workshop, finished products warehouse, sample storage site, and file storage site, etc.); and

(IX) Products and list of raw materials involving in the application for registration.

Article 33. The local inspection and quarantine bureau concerned shall promptly investigate the application documents, make decisions within five days on the approval or disapproval of the application according to the following conditions, and notify in writing relevant results to the applicants:

- (I) If the application documents include mistakes that can be corrected on site, the applicant is allowed to rectify the mistakes on site;
- (II) If the application documents are incomplete or do not agree with statutory formats, the inspection and quarantine bureau shall promptly, or within five days notify the applicant in writing all the contents need to be supplemented by the latter. If the inspection and quarantine bureau fails to notify the said information to the application within five days, the application documents shall be deemed as having been accepted as of the date of receipt;
- (III) If the application documents are complete or agree with statutory formats, or the applicant has submit all supplementary materials as required, the applications shall be accepted by local inspection and quarantine bureau.

Article 34. Within 10 days after the acceptance of the application, the local inspection and quarantine bureau shall organize a review team for the on-site evaluation of the exporting enterprises applying for registration.

Article 35. The review team shall, upon the closing of the on-site evaluation, promptly submit an evaluation report to the local inspection and quarantine bureau.

Article 36. Upon the receipt of the evaluation report, the local inspection and quarantine bureau shall make the following decision within 10 days:

- (I) The enterprise qualified in the evaluation shall be approved for registration and be granted the *Certificate for the Inspection and Quarantine Registration of Enterprise Engaging in the Production, Processing and Storage of Export Feeds* (hereinafter referred to as “Registration Certificate”), which shall be delivered to the applicant within 10 days after making the decision on approving its registration;
- (II) The enterprise disqualified in the evaluation shall be issued the *Notice for the Failure in the Application for the Inspection and Quarantine Registration of Enterprise Engaging in the Production, Processing and Storage of Export Feeds* by local inspection and quarantine bureau.

Article 37. The Registration Certificate shall come into force and be valid for five years as of the date of issuance.

The exporting enterprises shall respectively apply for the registration if they belong to the same enterprise, are located at different sites, have independent production lines and quality management systems.

Each registered exporting enterprise shall adopt only one registration number. The registration number for each registered exporting enterprise shall be for the exclusive use by a given enterprise.

Article 38. If the exporting enterprise changes its name, its legal representative, lines of product and producing capacity, it shall, within 30 days after the change, submit a written application to local inspection and quarantine bureau, fill out the *Application Form for the Inspection and Quarantine Registration of Enterprise Engaging in the Production, Processing and Storage of Export Feeds*, and submit documents (in three copies) related to the change.

If the exporting enterprise changes its name and legal representative, it shall, after verifying its relevant documents in the local inspection and quarantine bureau directly complete the formalities for the changes.

If the exporting enterprise changes its lines of product or producing capacity, the local inspection and quarantine bureau shall examine its relevant documents and organize for on-site evaluation. The enterprise qualified in the evaluation shall complete the relevant formalities for the changes.

If the exporting enterprise is relocated, it shall reapply to local inspection and quarantine bureau for the completion of registration formalities.

If the enterprise no longer engages in exporting feeds due to the stop of production, change of business, bankruptcy or other reasons, it shall complete relevant formalities for cancellation in local inspection and quarantine bureau.

Article 39. The registered exporting enterprise intending to renew its registration term shall, according to the regulations in the Measures, apply for the renewal three months prior to the expiration of its registration.

Article 40. The local inspection and quarantine bureau shall, within 30 days after accomplishing the registration, change or cancellation of exporting enterprises, report relevant information to AQSIQ for filing.

Article 41. If the importing countries or regions require that the list of registered exporting enterprises be provided, the local inspection and quarantine bureau shall, after approving relevant exporting enterprises, report the list to AQSIQ. Then, after the spot check and evaluation of the exporting enterprises, AQSIQ shall recommend the exporting enterprises to the importing countries or regions, and transact relevant formalities.

Section 2 Inspection and Quarantine

Article 42. The inspection and quarantine agencies shall perform inspection and quarantine over the export feeds as per the following requirements:

- (I) Inspection and quarantine requirements formulated by the importing countries or regions;
- (II) Bilateral agreements, protocols and memorandums;
- (III) Inspection and quarantine requirements stipulated in relevant Chinese laws and regulations, mandatory standard and promulgated by AQSIQ, and;
- (IV) Inspection and quarantine requirements stipulated in business contracts or the letter of credit.

Article 43. Before the feeds are exported, the consigner or its agent shall apply to local inspection and quarantine agency for inspection with relevant documents including the business contract, letter of credit, Registration Certificate (duplicate), ex-factory qualification certificate and so on. The local inspection and quarantine agency shall examine the submitted documents and accept the qualified documents for inspection.

Article 44. Upon accepting the qualified documents for inspection, the inspection and quarantine agencies shall perform field inspection and quarantine as per the following requirements:

- (I) Verify the commodity certificates: Verify whether the commodity certificates conform to the name, quantity, weight, date of manufacture, batch number, package, shipping mark and the name and registration number of exporting enterprises;
- (II) Check the labels: Check whether the product labels comply with relevant national standard;
- (III) Sensory check: Check whether the package or vessel is complete, whether it decays, whether it brings harmful organism, whether it accompanies soil, animal corpse and animal excretion, etc.

Article 45. The inspection and quarantine agencies shall, according to corresponding modes for the supervision and management of inspection and quarantine, sample the products from different exporting enterprises, issue the *Warrant for Random/Sampling*, and send the samples to labs for the test of safety and sanitation items.

Article 46. The enterprise qualified in the inspection and quarantine shall be granted the *Customs Clearance Form of Export Commodity* or the *Voucher for Changing the Certificate of Export Commodity*, Certificate of Inspection and Quarantine and other relevant certificates; for the enterprise disqualified in the inspection and quarantine, if it undergoes the treatment of efficient measures and qualifies in recheck, it shall be allowed for customs clearance with relevant certificates; for the enterprise that cannot be treated with efficient measures or still disqualifies in recheck after the treatment, it shall not be allowed for customs clearance and shall be issued the *Notice for the Failure of Export Commodity in Inspection and Quarantine*.

Article 47. The inspection and quarantine agencies at the port of departure shall, according to relevant regulations for inspecting the certificate changing of export commodity, investigate whether the commodity certificates comply with relevant requirements. If the commodity certificates comply with relevant requirements, the exporting enterprise shall be granted the *Customs Clearance Form of Export Commodity* with the *Voucher for Changing the Certificate of Export Commodity* or relevant electronic exchange bills issued by the inspection and quarantine agencies in the place of origin. If the commodity certificates fail to comply with relevant requirements, the exporting enterprise shall not be allowed for customs clearance.

Article 48. The inspection and quarantine agencies in the place of origin and the port of departure shall exchange information with each

other in time.

If safety and sanitation problems are found during the inspection and quarantine, the inspection and quarantine agencies concerned shall take corresponding remedial measures and report relevant information to AQSIQ as soon as possible.

Section 3 Supervision and Management

Article 49 The feed producing and processing enterprises that have acquired the registration for inspection and quarantine shall comply with the following requirements:

- (I) Efficient operation of the self-check and self-control systems;
- (II) Export products according to the standards of the importing countries or regions, or the requirements stated in the contract;
- (III) Abide by relevant Chinese regulations on the management of drug and additives; do not store and apply the drugs and additives that are strictly prohibited by China and the importing countries and regions;
- (IV) The package, vessel and transportation vehicle for export feeds shall conform to relevant safety and sanitation requirements; the label of export feeds shall comply with the requirements stipulated by the importing countries or regions; the name or registration number of the exporting enterprise, and the purpose of the product shall be expressly indicated on the package or label of the product;
- (V) The exporting enterprises shall establish operational files recording the name, quantity, weight and supplier of raw materials and accessories, acceptance check of raw materials, self-check and self-control of semi-processed products and finished products, warehousing, ex-warehouse, export, control of harmful organisms and recall of products. The records shall be kept for at least two years;
- (VI) The exporting enterprises shall faithfully fill out the *Supervision and Management Manual of Export Feeds* that records the inspection, management, sampling, check, annual check by local inspection and quarantine agencies as well as the review by overseas official organizations;

The feed storage enterprises that have acquired the registration for inspection and quarantine shall establish their operation files recording the name, quantity, weight, owner, warehousing, ex-warehouse, and control of harmful organisms of the feeds. The records shall be kept for at least two years.

Article 50. The inspection and quarantine agency shall take charge of the daily supervision and management of the registered local exporting enterprises. Its daily tasks include:

- (I) Environmental sanitation;
- (II) Prevention and control of harmful organisms;
- (III) Efficiency for the self-check and self-control of noxious and harmful substances;
- (IV) Changes in the supplier of raw materials, accessories or other materials;
- (V) Wrapper, matting materials and the warehouse of finished products;
- (VI) Safety and sanitation of production equipments, tools and transportation facilities;
- (VII) Management of product batch and label;
- (VIII) Other content related to product safety and sanitation, and;
- (IX) Records in the *Supervision and Management Manual of Export Feeds*.

Article 51. The inspection and quarantine agencies shall perform annual check of the registered exporting enterprises and add the record of qualified annual check on the Registration Certificate (duplicate).

Article 52. The inspection and quarantine agencies shall implement filing management for the feed exporting enterprises (hereinafter referred to as "exporting enterprises"). The exporting enterprises shall, prior to their application for inspection for the first time, submit the duplicates of their business licenses to local inspection and quarantine for filing.

If the exporting enterprise and the producing enterprise are the same, it doesn't need to transact the formalities for filing.

Article 53. The exporting enterprises shall establish their operational files and accept the investigation of local inspection and quarantine agencies. The operational files shall record the inspection number, product name, quantity, weight, package, importing countries or regions, overseas importers, name and registration number of supplier, *Customs Clearance Form of Export Commodity* and other relevant information. The records shall be kept for at least two years.

Article 54. The inspection and quarantine agencies shall establish the credibility files of registered exporting enterprises and respectively create the list of enterprises with good credibility and the list of enterprises with bad credibility.

Article 55. If the domestic and overseas inspection and quarantine agencies find epidemic diseases, overdosed noxious substance or other safety and quality problems in the export feeds, the inspection and quarantine agencies concerned shall, after verifying relevant condition, exercise more rigid supervision and management measures for inspection and quarantine.

Article 56. If the registered exporting enterprise and the filed exporting enterprises find the relevant products produced or operated by them have been possibly contaminated or affected the feed safety, or the feeds exported by them result in feed safety accident in overseas countries, the exporting enterprises concerned shall, within 24 hours, report relevant information to local inspection and quarantine agencies and take controlling measures to prevent the unqualified products from leaving the plant. Upon receiving the report from the exporting enterprises, the inspection and quarantine agencies shall, within 24 hours, report relevant information level by level to AQSIQ.

Article 57. If the registered exporting enterprise involves in any of the following conditions, the local inspection and quarantine bureau shall revoke its registration:

- (I) Significant changes have happened to the objective condition on which the registration is based, thus failing to meet the requirements for registration;
- (II) The content of registration has changed but no formalities have been transacted to confirm the change; or
- (III) The exporting enterprise disqualifies in the annual check.

Article 58. If the exporting enterprise involves in any of the following conditions, the local inspection and quarantine bureau shall, according to the request from the interested parties or its own authority, revoke the registration of the enterprise:

- (I) The personnel of the local inspection and quarantine bureau approve the registration of the enterprise by misuse of authority or negligence of duties;
- (II) The personnel of the local inspection and quarantine bureau approve the registration of the enterprise by exercise the rights exceeding his or her legitimate authority;
- (III) The personnel of the local inspection and quarantine bureau approve the registration of the enterprise by violating the legal procedures;
- (IV) The personnel of the local inspection and quarantine bureau approve the registration of the enterprise that is not eligible for the application of registration or fails to meet relevant legal requirements; or
- (V) Other conditions that might result in the write-off of the registration.

If the exporting enterprise acquires the registration by cheating, bribery or other illegal means, its registration shall be revoked by local inspection and quarantine agency.

Article 59. Under any of the following conditions, the local inspection and quarantine bureau shall complete the registration write-off formalities according to relevant laws and regulations:

- (I) The registration term expires and is not renewed;
- (II) The exporting enterprising legally is terminated according to the law;
- (III) The enterprise no longer engages in exporting feeds due to the cessation of production, change in the line of production, bankruptcy and other reasons;
- (IV) The registration of the enterprises is revoked, withdrawn or cancelled according to law;
- (V) The matters related to registration cannot be implemented due to force majeure; or
- (VI) Other condition that demands write-off of the registration according to relevant laws and regulations.

Chapter V Transit Inspection and Quarantine

Article 60. For the transit shipment of feed passing through China, the carrier or the supercargo shall, with the shipping list and the certification documents issued by the exporting countries or regions, apply to the inspection and quarantine agency at the port of entry for inspection, and submit to the latter the transit roadmap.

Article 61. The transportation facilities, wrappings and vessels loading the feeds of transit shipment shall be complete and be checked by the inspection and quarantine agency at the port of entry. If it is found that the transportation facilities, wrappings and vessels might result in the leakage of feeds, the carrier or supercargo shall, according to the requirements from the inspection and quarantine agency at the port of entry, take airtight measures. If it is unable to take the airtight measures, the transit shipment of feeds shall not be allowed.

Article 62. If the exporting countries or regions are not listed in the list of countries or regions approved for the import of feeds, as it is stipulated in Article 7, the feeds from the said exporting countries or regions shall be allowed for transit shipment only with the approval from AQSIQ.

Article 63. The inspection and quarantine agency at the port of entry shall check the certificates and bills for the feeds of transit shipment. If the feeds comply with relevant certificates and bills, they shall be sealed, marked and then allowed for customs clearance. After that, the inspection and quarantine agency involved at the port of entry shall inform the inspection and quarantine agency involved at the port of departure of relevant information, and the latter shall supervise over the departure of the feeds.

Chapter VI Legal Responsibilities

Article 64. Under any of the following conditions, the inspection and quarantine agency shall exercise punishment according to the *Special Regulations of the State Council on Enhancing the Supervision and Management of the Safety of Food and Other Products*:

- (I) The enterprise stores or uses the drugs, additives or other raw materials and accessories that are strictly prohibited in China or the importing countries or regions;
- (II) The enterprise personates the products of registered exporting enterprise by the products from the unregistered feed production and processing enterprise;
- (III) The enterprise, though having known potential safety hazards, does not report the hazards, refuses to fulfill its obligation of accident report and continues to engage in import and export businesses;
- (IV) The enterprise refuses to fulfill its obligation of recalling defective products.

Article 65. Under any of the following conditions, the inspection and quarantine agency shall, according to the *Implementation Regulations of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine*, punish the enterprise with the penalty of RMB 3,000-30,000 Yuan:

- (I) The enterprise unloads the feed of transit shipment from the transportation facilities or transports them to other places without the prior approval from competent inspection and quarantine agency;
- (II) The enterprise unpacks the feed of transit shipment, or unpacks or damages the seals or marks for the inspection and quarantine of animals and plants without prior permission.

Article 66. Under any of the following conditions, the enterprise shall be investigated for criminal responsibility. If its act does not constitute a crime or constitute a misdemeanor that needs not to be punished severely, the inspection and quarantine agency shall, according to the *Implementation Regulations of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine*, punish the enterprises with the penalty of RMB 20,000-50,000 Yuan:

- (I) The act of the enterprise results in severe animal and plant epidemics;
- (II) The enterprise counterfeits and alters the certificates, bills, seals and marks for the inspection and quarantine of animals and plants.

Article 67. If the enterprise engages in any of the following misbehaviors and gets illegal gains, the inspection and quarantine agency shall punish it with the penalty up to three times of the sum of illegal gains and the maximal penalty shall not exceed RMB 30,000 Yuan. The enterprise that gets no illegal gains but involves in any of the following misbehaviors shall be punished with the penalty no more than RMB 10,000 Yuan:

- (I) The enterprise counterfeits and alters the certificates, bills, seals and marks for the inspection and quarantine of animals and plants.
- (II) The enterprise counterfeits and alters the inspection and quarantine documentary evidence issued by the competent authorities of

the exporting countries or regions;

(III) The enterprise counterfeits and alters other document evidences;

(IV) The enterprise refuses to accept the supervision and management of inspection and quarantine agencies.

Article 68. Administrative sanction shall be imposed on the personnel who come from the inspection and quarantine agency and engage in the abuse of authority, spite, favoritism, counterfeited inspection results, or negligence of duties that results in the delay of inspection. If the act of the personnel constitutes a crime, the personnel involved shall be investigated for criminal responsibilities.

Chapter VII Supplementary Provisions

Article 69. In the Measures, the terms below have the definitions as follows:

Feed: It refers to the products and raw materials that are planted, bred, processed and produced to feed animals. It includes bait for live animals, feed-purpose refrigerated fresh animal products and aquatic products, processed animal protein and grease, pet food and dog chews, forage grass, silage, cereal feed, chaff cake, dregs, processed plant protein and plant powder, compound feed and premixed additive feed, etc.

Feed additives: It refers to the minor or minor substance added during the processing, production and usage of feed. It includes nutritious feed additives and general feed additives, etc.

Processed animal protein and grease: They include powdered meat (livestock and poultry), meat and bone meal (livestock and poultry), fish meal, fish oil, fish grease, shrimp meal, sleeve-fish liver meal, sleeve-fish meal, cuttlefish grease, cuttlefish meal, refined fish meal, refined scallop meal, blood meal, blood plasma meal, hematocyte meal, blood corpuscle meal, blood serum meal, fermented blood meal, animal leftovers meal, feather meal, hydrolyzed feather meal, leather protein meal, hoof meal, horn meal, chicken giblets meal, goldbeater's skin protein meal, gluten, whey meal, dry milk, egg powder, dry silkworm pupa and powder, bone meal, bone ash, bone charcoal, bone di-calcium phosphate, shrimp shell meal, eggshell meal, bone glue, animal oil residue, feed-grade mixed oil, dry worm and its powder, etc.

Ex-factory qualification certificate: It refers to the documents issued by the registered enterprises engaged in the production and processing of export feed or feed additives to prove that their products have been rated as qualified ones via their own self-check and self-control system.

Article 70. AQSIQ shall be responsible for the interpretation of the Measures.

Article 71. The Measures shall come into force as of September 1, 2009. From henceforward, if there are discrepancies between the Measures and other regulations related to the inspection and quarantine of import and export feeds, the Measure shall prevail.

Source (in Chinese): http://www.aqsiq.gov.cn/zwgk/jlgg/zjl/2009/200908/t20090803_123490.htm

END TRANSLATION