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Rules of Inspection and Quarantine on Entry-Exit Aquatic Products

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Report Highlights:

On January 20, 2011, China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) published on its web site the Administrative Measures of Inspection, Quarantine, and Supervision on Entry and Exit Aquatic Products (Final). The Measures, which replace *the Administrative Measures on Inspection and Quarantine on Entry-Exit Aquatic Products* issued on November 6, 2002, will take effect June 1, 2011.

Executive Summary:

On January 20, 2011, China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) published on its web site *the Administrative Measures on Inspection, Quarantine, and Supervision on Entry and Exit Aquatic Products (Final)*. The Measures, which replace the existing *Administrative Measures of Inspection and Quarantine on Entry-Exit Aquatic Products* issued on November 6, 2002, will come into force on June 1, 2011.

A draft version of the Measures was notified to the WTO on April 20, 2010 as G/SPS/N/CHN/205. These Measures establish the requirements of inspection, quarantine and supervision for imported and exported aquatic products. The draft and final versions of these Measures are virtually identical. This report is an informal translation of the document.

General Information:

BEGIN TRANSLATION

Administrative Measures of Inspection, Quarantine, and Supervision on Entry and Exit Aquatic Products (Final)

Chapter I General Rules

Article 1 In order to strengthen the inspection and quarantine of entry and exit aquatic products and the supervision and administration thereof, to guarantee the quality, safety and sanitation of entry and exit aquatic products, prevent the transfer of animal disease in to/out of China, and to protect the safety of fishery production and human health, these Regulations are formulated in accordance with the Law of the People's Republic of China on Import and Export Commodity Inspection and the implementation regulations thereof, the Law of the People's Republic of China on Import and Export Animal and Plant Quarantine and the implementation regulations thereof, the Law of the People's Republic of China on Frontier Sanitation Quarantine and the implementation regulations thereof, the Food Safety Law of the People's Republic of China, the Special Regulations of the State Council for Strengthening Supervision and Management of Safety of Food and other Products, and other relevant laws and regulations.

Article 2 These Regulations shall apply to the inspection and quarantine of entry and exit aquatic products and the supervision and administration thereof.

Article 3 Aquatic products as used in these Regulations shall refer to the aquatic animals and the products thereof for human consumption, including the aquatic animals like scyphozoa, molluse, crustacean, echinodermata, cephalo chordata, fish, amphibian, reptile, aquatic mammal, other aquatic animals, and aquatic plants like algae, etc. and the products thereof (excluding live aquatic animals and the propagation materials thereof, hereinafter the same).

Article 4 The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ) shall administer the entry and exit inspection and quarantine, and the supervision and administration thereof of the whole country in a uniform way. The entry and exit inspection and quarantine bodies set up by the AQSIQ at the localities (hereinafter referred to as the inspection and quarantine bodies) shall be in charge of the inspection and quarantine of entry and exit aquatic products and the supervision and administration thereof within the areas under their respective jurisdictions.

Article 5 In accordance with laws, the inspection and quarantine bodies shall conduct inspection, quarantine, supervision and random inspection of the entry and exit aquatic products, and conduct credit management and category management system on enterprises that manufacture and process entry and exit aquatic products (hereinafter referred to as manufacturing enterprises).

Article 6 Manufacturing enterprises shall conduct manufacture in accordance with laws, administrative regulations and relevant standards, bear responsibilities for society and the public, ensure quality and safety of aquatic products, accept social supervision, and undertake social responsibility.

Article 7 AQSIQ shall adopt archiving management system on the personnel that issue the inspection and quarantine certificates for entry and exit aquatic products, personnel without registration are not allowed to issue certificates.

Chapter II Entry inspection and quarantine

Article 8 Manufacturing enterprises of entry and exit aquatic products shall comply with the provisions of laws, administrative regulations, and national food safety standards of China, inspection and quarantine requirements in the agreements, protocols and MOU's signed between China and exporting country or region, and quarantine requirements indicated in the trade contract.

With regard to importation of aquatic products that do not have a national food safety standard, the consignee shall submit to the inspection and quarantine bodies the permit issued by the health administrative departments of the State Council.

Article 9 In accordance with laws, administrative regulations, national food safety standards of China, and risk assessment results on domestic and foreign aquatic diseases and epidemic situations as well as on toxic and harmful substances, also taking into account the assessment on the effectiveness of the management system of the country/region intending to export aquatic products to China, AQSIQ shall formulate and publish the inspection and quarantine requirements of China for entry aquatic products or sign an inspection and quarantine agreement with the exporting country or region, identifying the inspection and quarantine requirements as well as relevant certificates.

Article 10 AQSIQ shall put into record management the exporters or agents exporting aquatic products to China, and regularly publish the list of those foreign exporters and agents that are qualified for entry of products.

Registration management of foreign manufacturing enterprises is implemented in accordance with relevant regulations of AQSIQ.

Article 11 Inspection and quarantine bodies shall put consignees of entry aquatic products into record management. Only consignees already subject to record management are permitted to go through the entry aquatic product clearance.

Article 12 Consignees of entry aquatic products shall establish an aquatic entry and sale record system. The record shall be true, and kept for no less than two years.

Article 13 With regard to entry amphibians, reptiles and aquatic mammals and other aquatic products of high risk, AQSIQ will implement a quarantine approval system. The consignee of the above mentioned products must go through the inspection approval procedure to get entry animal and plant quarantine permit before signing a trade contract.

According to necessity and relevant regulations, AQSIQ will send officials to exporting countries or regions to conduct inspection in advance of aquatic products.

Article 14 Prior to or during entry of aquatic products, the consignee or the agent shall hold the original inspection quarantine certificate, certificate for country of origin, trade contract, bill of lading, packing sheet, invoice and other documents etc issued by the exporting country or region, and provide to the inspection and quarantine bodies at the entry ports for inspection.

The entry aquatic products shall be accompanied by the inspection and quarantine certificate of the exporting country or region, and shall comply with the requirements of AQSIQ for the certificate.

Article 15 Inspection and quarantine bodies shall examine the relevant documents submitted by the consignee or the agent, accept the application for inspection meeting the requirements, record the quarantine approval number, and issue the clearance certificate for entry goods.

Article 16 The entry aquatic products shall be stored in the cold storage or other places designated by the inspection and quarantine bodies. The entry ports shall possess cold storage with suitable capacity for the quantity of entry aquatic products. The cold storage shall comply with the inspection and quarantine requirements of cold storage for entry aquatic products.

Article 17 Transport means and containers loading and transporting entry aquatic products, shall implement disease prevention and disinfection treatment under the supervision of inspection and quarantine bodies at the entry port.

Article 18 The inspection and quarantine bodies at the entry port shall conduct on-site inspection and quarantine for entry aquatic products. The items subject to on-site inspection and quarantine includes the following:

1. Verify the documents and examine the goods;
2. Check the package to see if the entry aquatic products meets the basic requirements.
3. Conduct phytosanitary quarantine, or when necessary, disinfectant treatment on entry brined or dried aquatic products that are subject to breeding phytosanitary pests.
4. Check whether the goods are rotten, or with foreign matter, are dried, with much iced blood, with much ice or frost.

Article 19 The label in Chinese of entry pre-packaged aquatic products shall comply with mandatory requirements of relevant laws, administrative regulations in China, and technical standards of other countries. Inspection and quarantine bodies shall inspect the label of pre-packaged aquatic products in accordance with regulations.

Article 20 In accordance with regulations, the inspection and quarantine bodies shall collect samples of entry aquatic products, and carry out test or monitor the following items on the basis of requirements of relevant standards, monitoring plans and warning notifications etc:

1. pathogenic microbes, residues of heavy metals, agricultural chemicals, veterinary drugs and other poisons or harmful matters;
2. Epidemic diseases and parasites;
3. Other required items.

Article 21 For the aquatic product that has passed inspection and quarantine, the inspection and quarantine bodies at entry port shall issue the inspection and quarantine certificate for entry goods, which approves the manufacture, processing, sale and use. The inspection and quarantine certificate for entry goods shall specify the traceable information including container number, manufacture batch number, manufacturer, and shipping mark etc.

With regard to the aquatic product that has not passed inspection and quarantine, the inspection and quarantine bodies shall issue a notification of inspection and quarantine treatment. If it is concerning the items other than human safety, health and environmental protection, it may be subject to technical treatment under the supervision of the inspection and quarantine bodies, and may be sold or used after being cleared through inspection and quarantine again.

For the applicant who applies for the certificate concerning the claim for compensation or other certificates, the inspection and quarantine bodies shall issue relevant certificates.

Article 22 The aquatic product shall be returned or destroyed in any one of the following cases:

1. The product, required to apply for entry quarantine approval, does not have valid entry animal and plant quarantine permit;
2. Does not have valid inspection and quarantine certificate issued by official bodies of the exporting country or region;
3. Does not meet requirements of human safety, health and environment protection items.

Chapter III Exit inspection and quarantine

Article 23 The aquatic products for export shall be supervised and spot checked by the inspection and quarantine agency, and then the Customs could allow the aquatic products to pass as per the Customs Clearance Certificate issued hereby.

Article 24 The inspection and quarantine agency shall carry out the inspection and quarantine on the aquatic products and packages thereof in accordance with the requirements as below:

- I. Requirements for inspection and quarantine in the importing country or region;
- II. Requirements for inspection and quarantine as specified by the inspection and quarantine-related agreement, protocol and memorandum signed by and between importing county or region and China;
- III. Requirements for inspection and quarantine as specified by Chinese laws and regulations and AQSIQ;
- IV. Requirements for quality, quantity, weight and packing as officially specified by the importing country or region;

- V. Requirements for quarantine as specified in the trading contract.

Article 25 As permitted and supervised by the fishery administrative department, the inspection and quarantine agency shall carry out the records management on the fishery for export. The producers for exported aquatic products shall adopt the raw materials from the archived fisheries, waters or fishing vessel approved by the fishery administrative department as well as is subject to the requirements for inspection and quarantine in the importing country or region.

Article 26 The aquatic farms recorded shall meet the basic conditions and sanitary requirements as below:

- I. Provided with cultivating permission from the fishery administrative department;
- II. Certain scale of fishery farming shall be available: total area of pond or open maritime space for fishery farming shall be over 50 mu; total area of cement pool for fishery farming shall be over 10 mu. Also, the standardized number for the rearing pond shall be available;
- III. Sufficient water source; the water for fishery farming is subject to the *Water Quality Standard for Fishery*;
- IV. Free from livestock and poultry farm, hospital, chemical factory, dump; also, facilities are available to separate the outside environment; the sanitary environment inside the fishery is good;
- V. Properly arranged to meet the quarantine as required, so as to avoid the cross contamination arising from water supply or drainage;
- VI. The warehouse for medicines and warehouse for forage are respectively established; also, these warehouses shall be kept clean, dry and ventilated. The registrant shall be available to record the warehousing and delivery;
- VII. Cultivating density is appropriate; also, the equipment for oxygen increase shall be fit for the cultivating density;
- VIII. The forage is from the forage processing factory archived by the inspection and quarantine agency as well as subject to the *Measures for Inspection and Quarantine on Forage of Edible Animal* as specified;
- IX. Do not use the drug and other poisonous substances forbidden by China, importing country or region. The adopted drug shall be marked with effective ingredients and records for use as well as strictly follow the drug withdrawal as required;
- X. Complete management and written fishery farming control system (including young fish procurement, cultivating, quarantine and use of drug and forage);
- XI. The qualified fishery technician and quality supervisor shall be available; also, the qualified fishery technician and quality supervisor shall be assumed by different person. The fishery technician shall use the medicine according to the formula, while the medicine shall be issued by the quality supervisor. Both the qualified fishery technician and quality supervisor shall meet the conditions as follows:
 1. Familiar with and follow the inspection and quarantine-related laws, administrative regulations;
 2. Familiar with and follow regulations for aquatic disease and veterinary medicine as specified by the administrative department for agriculture;
 3. Familiar with regulations and standards for medicine residual control as specified by the importing country or region;
 4. Provided with certain cultivating experience or above the degree for cultivating.
- XII. Establishing a timely report system for major epidemic diseases and incidents.

Article 27 Archiving of fishery for exported aquatic products shall follow the procedures as below:

- I. Fishery for exported aquatic products shall apply for archiving and submit relevant documents to the local inspection and quarantine agency;
- II. As per the basic conditions and sanitary requirements in article 26 herein, the inspection and quarantine agency shall examine the candidate fishery for exported aquatic products which could be proved by the inspection and quarantine bureau with the achieving certificate in case the above basic conditions and sanitary requirements are met;
- III. The archiving certificate shall come into force from the date it is issued. The effective period thereof lasts for four years. The renewal thereof shall be proposed by the fishery for exported aquatic products three months ahead of the

effective period;

- IV. In case of a change of address, name, cultivating scale, ownership and legal representative, the archived fishery for exported aquatic products shall timely re-apply for archiving or handle the procedures for change at the local inspection and quarantine agency.

Article 28 The fishery for exported aquatic products shall provide each batch of raw materials for exported aquatic products with supply certification.

Article 29 The agricultural inputs such as forage and veterinary medicine shall be used by the archived fishery for exported aquatic products in accordance with the food safety standards and regulations as specified by the importing country or region or China. Do not purchase or use the agricultural inputs which are not subject to the food safety standards and regulations as specified by the importing country or region or China.

Article 30 The inspection and quarantine agency shall inspect and supervise the archived fishery for exported aquatic products as well as conduct relevant records. The inspection and supervision shall include daily inspection and annual examining.

Based on the risk analysis, the inspection and quarantine agency shall carry out the monitoring of aquatic diseases, veterinary medicine residual, pollutant, water quality and other poisonous substances for the archived fishery for exported aquatic products, so as to set up the perfect safety risk information control system for exported aquatic products.

Article 31 The manufacturers for exported aquatic products shall be archived by the inspection and quarantine agency according to the regulations for archiving management of food manufacturers.

If requirements for registration are raised by the importing country or region for China's manufacturers of exported aquatic products and the registered enterprises are recommended, AQSIQ's relevant regulations shall be followed.

Article 32 The manufacturers for exported aquatic products shall set up the perfect quality safety control system, which is traceable, so as to guarantee that the fresh-keeping agent, antiseptic, water-keeping agent and color-keeping agent are not improperly used in the aquatic products.

The manufacturers of exported aquatic products shall carry out the self-inspection on such poisonous substances as microbe, insecticides and veterinary medicine residual and pollutant on the raw materials and finished products. If the self-inspection is unavailable, the qualified inspection and testing agency shall be entrusted to conduct the inspection.

Article 33 As the aquatic products are processed, the production batch control shall be carried out by the manufacturers for exported aquatic products on the basis of fishery. For the aquatic products from different fisheries, the raw materials thereof shall not be processed as the same production batch. From raw materials to finished products, the production batch number shall be kept unchanged.

The marking of production batch number shall be separately specified.

Article 34 The manufacturers of exported aquatic products shall set up the examining records for raw material procurement and examine the attached supply certificate for the raw materials. The records for supply examining shall be authentic and kept for at least two years.

The manufacturers of exported aquatic products shall set up a system to record the qualification and safety conditions of the aquatic products prior to departure as well as record the name, specification, quantity, production date, production batch number, qualification number, purchaser name and liaison and selling date of the aquatic products.

Examining records for pre departure aquatic products shall be authentic and kept for at least two years.

Article 35 The packing label for the exported aquatic products shall be subject to the requirements as specified by the importing country or region. The importing country or region shall be clearly marked on the package for delivery.

Article 36 As specified by AQSIQ, the manufacturers for exported aquatic products or the agents thereof shall ask the local inspection and quarantine agency to carry out the inspection on the strength of trading contract, manufacturer's test report or ex-work qualification and delivery note.

As the exported aquatic products are delivered for inspection, the written certificate shall be available to verify the content of poisonous substances such as drug residual, heavy metal and microbe, meet the requirements as specified by the importing country or region and China.

Article 37 Based on the risk analysis, the pathogenic microbe, insecticides and veterinary medicine residual and pollutant in the exported aquatic products shall be sampled by the inspection and quarantine agency; also, examining and supervision shall be conducted for the quality safety control system during the production and processing of exported aquatic products.

Article 38 For the exported aquatic products without sampling, the inspection and quarantine agency shall examine the test report and shipment records thereof as required by the importing country or region, so as to carry out the comprehensive appraisal according to the daily supervision, monitoring and sampling. The relevant inspection and quarantine certificate could be issued for meeting the requirements, or the notice for disqualification shall be issued.

Article 39 The manufacturers for exported aquatic products shall ensure that the transportation tools for exported aquatic products are provided with good sealing performance, so as to keep the aquatic products from pollution; also, the temperature demanded for transportation shall be guaranteed. In addition, sterilization shall be carried out as specified and relevant records shall be available.

Article 40 The manufacturers of exported aquatic products shall ensure that the goods are in conformity with the certificate and relevant records for delivery shall be available. The spot check shall be conducted by the inspection and quarantine agency. For the exported aquatic products passing the inspection at local area, they shall not be allowed to pass if the non-conformity thereof to the certificate is found by the inspection and quarantine at the port.

Article 41 The effective period for inspection and quarantine of exported aquatic products shall be:

- I. Chilled (fresh-keeping) products: seven days;
- II. Frozen dry products and independently frozen products: four months;
- III. Other aquatic products: six months.

The exported aquatic products shall be re-inspected in case of exceeding the effective period of inspection and quarantine. Also, the inspection and quarantine of exported aquatic products shall be separately conducted if required particularly by the importing country or region.

Chapter IV Supervision and management

Article 42 AQSIQ shall carry out safety monitoring system for entry and exit aquatic products, formulate monitoring plans on the basis of risk analysis, and real situation for inspection and quarantine, and identify the types and inspection items of entry and exit aquatic products from the country or region to be monitored.

In accordance with annual safety risk monitoring plans by AQSIQ for entry and exit aquatic products, inspection and quarantine bodies shall formulate and implement the implementation scheme of risk management for entry and exit aquatic products in their jurisdiction areas.

Article 43 AQSIQ and inspection and quarantine agency shall carry out the risk management on entry and exit of aquatic products. The specific measures thereof shall be subject to the relevant regulations.

Article 44 The manufacturer, consignee and consignor of aquatic products for entry and exit shall carry out the production and operation legally.

The inspection and quarantine agency shall set up illegal behavior archiving system for the manufacturer, consignee and consignor of aquatic products for entry and exit, so as to archive and disclose the illegal behavior.

Article 45 In accordance with relevant regulations of food safety risk information management, AQSIQ and the inspection and quarantine bodies shall notify relevant departments, bodies and enterprises of safety risk information concerning entry and exit aquatic products, and in accordance with relevant regulations, submit reports.

Article 46 The coordination system shall be enhanced between the inspection and quarantine agency governing the archived fishery for exported aquatic products and that governing the manufacturer for exported aquatic products. The monitoring of fishery shall be regularly informed by the inspection and quarantine agency governing the archived fishery for exported aquatic products to that governing the manufacturer of exported aquatic products; the manufacturer's examining on supply certification as well as quality safety of raw materials and finished products shall be regularly informed by the inspection and quarantine agency governing the manufacturer for exported aquatic products to that governing the archived fishery for

exported aquatic products.

Article 47 In case the imported aquatic products suffers from safety problems, which may or has caused injury to human body and life, the consignee shall actively recall such aquatic products and immediately report such safety problems to the local inspection and quarantine agency. If the consignee fails to make the above recall, the inspection and quarantine agency shall order the consignee to recall the aquatic products with such safety problems.

In case the exported aquatic products suffer from safety problems, which may or has caused injury to human body and life, the manufacturer of exported aquatic products shall adopt measures to avoid or reduce the occurrences of the damage, and immediately report to the local inspection and quarantine agency.

In case of a situation stipulated in the above two clauses, it shall be timely reported by the inspection and quarantine agency to AQSIQ.

Article 48 The archiving of fishery for exported aquatic products shall be cancelled in the situations below:

- I. Use or storage of drug and other poisonous substances forbidden by China and importing country or region; the adopted drug is not marked with the effective ingredient or use of the drug with forbidden medicine and medicine additive; the drug is not suspended as specified during the drug suspension period;
- II. Provision of fake supply certificate, transfer or transfer in disguised form of archiving number;
- III. Concealing of major epidemic disease of aquatic products or failing to report such epidemic disease to the inspection and quarantine agency;
- IV. Refuse the management and monitoring from the inspection and quarantine agency;
- V. Fail to apply for the modification within 30 days after the name and legal representative of archived fishery are changed;
- VI. Fail to report the inspection and quarantine agency within 30 days after the size of fishery is enlarged; new drug or forage is adopted or quality safety system is substantially changed;
- VII. The goods are not exported within a year;
- VIII. The renewal of achieving is not applied as scheduled;
- IX. Fail to pass the annual examining.

Article 49 The inspection and quarantine agency could order the manufacturer to make improvement in case of one of the situations below:

- I. The products are rejected by the importing country or region for the first time due to the disqualification of safety and health-related items such as pathogenic microbe, pollutant, insecticide and veterinary medicine;
- II. The consecutive sampling of three batches of products fails to meet the requirements for safety and health;
- III. The source of raw materials is unknown; batch number control is disordered;
- IV. During the daily inspection, the same disqualified item is found three times within a year;
- V. Failure to establish the product feedback and recall system.

Article 50 If the manufacturers of imported and exported aquatic products have other violations against the law, they shall be punished as per the relevant laws and administrative regulations.

Article 51 If the inspection and quarantine agency and personnel thereof violate laws and regulations and the measures as carrying out the inspection and quarantine on the imported and exported aquatic products, they shall be punished by the competent department at higher level.

Chapter V Supplementary Articles

Article 52 The measures shall be interpreted by AQSIQ.

Article 53 The measures shall be implemented on June 1, 2011. The *Administrative Measures on Inspection and Quarantine of Entry-Exit Aquatic Products* (AQSIQ Decree No. 31), announced on November 6, 2002, shall be abolished simultaneously.

END TRANSLATION