



Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 12/16/2002

GAIN Report #CH2061

China, People's Republic of
Food and Agricultural Import Regulations and
Standards
AQSIQ Announcement No. 31 (Aquatic Products)
2002

Approved by:

Larry M. Senger

U.S. Embassy

Prepared by:

Foreign Agricultural Service

Report Highlights:

This is an UNOFFICIAL translation of the People's Republic of China *Inspection and Quarantine Administrative Measures for Entry and Exit Aquatic Products* and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulation is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1], CH

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products and paid for by the US Codex Office. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, 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.

Summary

These Regulations on the Inspection and Quarantine Administration of Entry and Exit Inspection of Aquatic Products were approved by the State Administration of Quality Supervision, Inspection, and Quarantine (here in after referred to as AQSIQ) Standing Committee on 18 October 2002. The Regulations were subsequently published on the AQSIQ website (www.aqsiq.gov.cn) 6 November 2002 for enforcement from 10 December 2002. The regulations appear to apply to both imported aquatic products and aquatic products designated for processing and re-export. This does not contain a translation of Chapter III on Exit Product Inspection and Quarantine. This document also contains three appendices that pertain to aquatic product entry.

Regulations on the Inspection and Quarantine Administration of Entry and Exit of Aquatic Products

Chapter I. General Provisions

Article 1. The Regulations are made in accordance with the provisions of the Law of the People's Republic of China on Import and Export Commodity Inspection (CH2029) and the related implementation regulations, Law of the People's Republic of China on the Quarantine of Entry and Exit of Animals and Plants and the related implementation regulations (CH2039), Frontier Health and Quarantine Law of the People's Republic of China the related implementation regulations, Food Hygiene Law of the People's Republic of China (CH1042), and other relevant laws and regulations with a view to strengthening the inspection and quarantine of entry and exit of aquatic products and related supervision and administration, guaranteeing the quality, safety and sanitation of entry and exit aquatic products and protecting the safety of fishery production and the health of human beings.

Article 2. The regulations shall apply to the inspection and quarantine of entry and exit aquatic products and related supervision and administration.

Article 3. The aquatic products in the Regulations refer to aquatic animals and their products (excluding live aquatic animals and their breeding materials, the same below), including the aquatic animals of Cephalochordata Vertebrate, Crustaceans Vertebrate, Skin Chordate, Mollusk, Algae and other aquatic plants and their products, that are destined for human consumption.

Article 4. AQSIQ exercises unified administration of the inspection and quarantine of entry and exit aquatic

products and related supervision and administration throughout the country. The inspection and quarantine institutions set up in various parts of the country by the State Quality and Quarantine Administration (also known as the customs, inspection and quarantine institutions, hereinafter referred to as CIQ) are in charge of the inspection and quarantine of entry and exit aquatic products and related supervision and administration in the regions under their jurisdictions.

Chapter II. Entry Inspection and Quarantine

Article 5. The CIQ institutions exercise inspection and quarantine of entry aquatic products and, when necessary, organize and exercise hygienic and hazard-removing treatment of such products in accordance with the inspection and quarantine requirements specified in the provisions of the state laws and administrative regulations and in the stipulations of AQSIQ, as well as in the provisions of the bilateral inspection and quarantine agreements, protocols, memoranda and other documents signed between China and the exporting countries or regions.

Article 6. AQSIQ exercises an examination and approval system for the quarantine of entry aquatic products. The owners of entry aquatic products or their agents should go through the quarantine examination and approval formalities and obtain the Quarantine Permit for Entry of Animals and Plants before signing trade contracts. Aquatic products without the Quarantine Permit for Entry of Animal and Plants are prohibited from being imported.

Article 7. The supervision and administration departments authorized by the state shall exercise a registration system for overseas production and processing enterprises that produce aquatic products listed in the Import Food Catalog for Enterprise Registration. The aquatic products included in this catalog shall be prohibited from entry if their overseas production and processing enterprises are not registered.

Article 8. AQSIQ may, if necessary, dispatch personnel to the exporting countries or regions to conduct advance inspection of entry aquatic products.

Article 9. Entry aquatic products must enter China through ports authorized by AQSIQ.

The ports of entry for aquatic products must meet the following requirements:

- (I) They must have warehouses suitable for the quantity and scale of entry aquatic products; the warehouses must meet the Inspection and Quarantine Requirements for the Warehouses for Entry Aquatic Products (see appendix 1) and have registered with the regional CIQ bureaus that are directly in charge of them.
- (II) The CIQ institutions at the ports must have the professional and technical personnel and facilities required for the inspection and quarantine of entry aquatic products.

Article 10. Prior to or when aquatic products enter China, the owner or agent should apply to the CIQ institution at the port of entry for inspection and quarantine with the quarantine permit for animals and plants, the original copy of the inspection and quarantine certificate issued by the official institution of the exporting country or region, the place of origin certificate, the trade contract, the letter of credit, the bill of lading, the invoice and other related documents. Registration numbers should be provided when applying for inspection and quarantine of aquatic products included in the Import Food Catalog for Enterprise Registration. The accompanying official inspection and quarantine certificate issued by the exporting countries or regions should meet the Basic Requirements for the Official Inspection and Quarantine Certificates Issued by the

Exporting Countries or Regions for Import Aquatic Products (see appendix 2).

Article 11. The inspection and quarantine institutions shall conduct a preliminary examination of the relevant documents submitted by the owners of the cargo or their agents, officially accept the application for inspection and quarantine if the submitted documents meet the requirements, and verify the approved quantity specified in the Quarantine Permit for Entry Animals and Plants. The inspection and quarantine institutions shall return or destroy the cargo in one of the following cases:

- (I) The applicant fails to obtain the Quarantine Permit for Animals and Plants by going through the quarantine examination and approval formalities according to the law, or its Quarantine Permit for Animals and Plants is invalid;
- (II) The applicant has no inspection and quarantine certificate issued by the official institution of the exporting country or region, or the inspection and quarantine certificate does not meet the requirements;
- (III) The production enterprise whose aquatic products are included in the Import Food Catalog for Enterprise Registration fails to obtain the said registration.

Article 12. The means of transport carrying import aquatic products from epidemic-stricken regions should be subjected to quarantine and sterilization treatment under the supervision of the inspection and quarantine institutions at the ports of entry. Without the permission of the inspection and quarantine institutions, no unit or individual is allowed to unload entry aquatic products from the means of transport.

Article 13. The inspection and quarantine institutions should exercise on-the-spot inspection and quarantine in accordance with the following requirements and collect samples for laboratory tests as required:

- (I) Check documents and inspect cargo;
- (II) Inspect whether packaging meets the Basic Requirements for Packaging Entry Aquatic Products (see appendix 3);
- (III) Exercise plant quarantine for the entry salted or dried aquatic products that are likely to breed plant pests.

Article 14. Entry aquatic products shall be returned or destroyed in one of the following cases after on-the-spot inspection and quarantine:

- (I) The cargo does not match the documents or meet the inspection and quarantine requirements;
- (II) The cargo is rotten or deteriorated or polluted with toxic or harmful substances;
- (III) The packaging does not meet the Basic Requirements for Entry Aquatic Products.

Article 15. The entry aquatic products that have passed on-the-spot inspection and quarantine should be transported to and stored in the aquatic products warehouses, which have been filed with the relevant inspection and quarantine bureaus for laboratory tests. They are not allowed to be transferred or processed without permission.

Article 16. With regard to all the aquatic products that have been included in the state annual plan for residual substance control, the inspection and quarantine institutions must conduct laboratory tests in keeping with the requirements of the said plan, apart from conducting other necessary laboratory tests as required.

Article 17. The inspection and quarantine institutions should conduct perceptual, physical, chemical and microorganism laboratory tests on the samples as required and determine the specific test items according to the degree of risks of entry aquatic products.

Article 18. The inspection and quarantine institutions at the ports of entry should, based on the results of laboratory tests, conduct the following treatment according to the regulations on visa administration:

- (I) They should issue a Certificate of Inspection and Quarantine for Entry Goods for products that have passed inspection and quarantine;
- (II) They should issue a Notice of Inspection, Quarantine and Disposal for Entry Goods for products that have failed to pass inspection and quarantine, and supervise the hazard-removing treatment or have the said products returned or destroyed.

The cargo owners who need to claim compensation from foreign countries or regions may apply to the inspection and quarantine institutions at the ports of entry for the issuance of relevant documents.

Chapter IV. Risk Warning Administration

Article 30. AQSIQ exercises a system of risk warning administration for entry aquatic products according to the relevant stipulations.

Article 31. With regard to the entry and exit aquatic products for which risk warning measures or rapid reaction measures have been taken, the relevant stipulations on risk warning administration should also be enforced apart from enforcing the relevant provisions of the Regulations.

Chapter V. Supplementary Provisions

Article 32. According to the provisions of the relevant laws and regulations, punishment should be given to those who have violated the provisions of the regulations.

Article 33. The regulations shall be interpreted by AQSIQ.

Article 34. The regulations shall come into force from 10 December 10 2002. The regulations on the Inspection General Administration of Export Aquatic Products promulgated on 12 April 1996 by the former State General Administration for Inspection of Import and Export Commodities [document No. guojianjian (1996) 82] shall be annulled simultaneously.

Appendix 1: Requirements of Warehouse Inspection and Quarantine for Entry Aquatic Products

I. Basic Requirements for Warehouses

(I) The warehouse must be located in a place with convenient transportation and within the scope of the jurisdiction of the port of entry. It must have an operating space convenient for loading and unloading and have a storage capacity of at least 3,000 tons;

(II) The warehouse must have no source of pollution in its surroundings, be environmentally friendly, have well-maintained roads, and have no accumulated rainwater or exposed earth surface;

(III) The warehouse must have facilities to prevent pests, rats and mold, and its interior must have no dirt or peculiar smells, be clean and tidy and have a rational layout;

(IV) The warehouses used to store frozen aquatic products must be a specialized refrigerated warehouse for aquatic products, which cannot be used for other purposes. The temperature in the warehouse should be below minus 18 degrees centigrade, with the day-night variance not exceeding one degree centigrade. The warehouse must be equipped with devices that can automatically record temperature and with non-mercury thermometers;

(V) The hygiene quality control system is suggested to have the following contents:

1. Principle and target of hygiene quality;
2. Organization and related duties;
3. Requirements for production and management personnel;
4. Requirements for environmental hygiene;
5. Requirements for the sanitation of warehouse (refrigerated warehouse) and facilities;
6. Requirements for hygienic storage and transportation;
7. Control of toxic and harmful substances;
8. Quality record;
9. Internal examination and verification of quality control system.

II. Warehouse Entry Management

(I) The warehouse should check the original copy of the first page of the Notice of Entry Goods issued by the inspection and quarantine institution for the entry aquatic products to be stored in the warehouse, and should keep a photocopy of such a page.

(II) The warehouse should refuse to accept entry aquatic products in one of the following cases and should inform the relevant inspection and quarantine institution in a timely manner.

1. The cargo does not match the related documents and is in bulk, mixed or neutral packaging;
2. The cargo is rotten or deteriorated or has peculiar smells.

(III) Different products (including those in different varieties, from different places of origin, entering

warehouses at different times and belonging to different owners) are not allowed to be stored in a mixed manner in the general-purpose area of the warehouse. At the same time, they are not allowed to be stored in the same warehouse with domestic-produced cargo. The interior of the warehouse should be clean and tidy, and no barrier is allowed inside.

(IV) The warehouse should have an entry registration and checking system, and should assign special personnel to be in charge of entry registration (including the registration of the information about the cargo and the owner), and hygiene and quarantine. It should cooperate with the inspection and quarantine institution in checking and supervision.

(V) The warehouse must complete the Manual for Quality Supervision and Control of Entry Aquatic Products in Warehouse (hereinafter referred to as the manual) so as to facilitate checking by the CIQ institution.

III. Delivery Management

(I) For the delivery of entry aquatic products, the warehouse must have the original copy of the first page of the Certificate of Inspection and Quarantine of Entry Goods issued by the inspection and quarantine institution and must keep a photocopy of the said page.

(II) Warehouses must have special personnel to register delivery when products are delivered from the warehouse.

(III) After products are delivered from the warehouse, the warehouse must clean up the residues and carry out the necessary sanitation.

IV. Supervision and Control

(I) The warehouse should provide necessary equipment and conditions for the work of the inspection and quarantine personnel. When the CIQ institution exercises quarantine supervision over the warehouse, the warehouse must cooperate closely and is not allowed to conceal information or refuse to accept checking.

(II) The CIQ institution organizes and executes supervision and control over warehouses that are under its jurisdiction. The supervision and control should include: dispatching personnel regularly or irregularly to the warehouses to check the storage of entry aquatic products, the relevant entry and delivery registration, the operation of the quality control system, the compliance with the laws and regulations on inspection and quarantine, including whether illegally entered aquatic products are stored, whether illegally entered aquatic products are discovered but are not reported to the inspection and quarantine institutions, and whether the inspection and quarantine marks and seals are opened or damaged during the storage of goods.

(III) When CIQ institutions discover any violations of the relevant regulations by the warehouses when checking, they should order the warehouses to make corrections within a time limit. If the violations are serious in nature, the CIQ institutions should give the warehouses a warning, a suspension of storing entry aquatic products or cancel their credentials.

(IV) The warehouses should, on a regular basis, submit their records on the entry and delivery of entered aquatic products in the previous month to the CIQ institutions for checking.

(V) When the warehouses need to change their structures for repairs or other reasons, they should obtain prior approval from the CIQ institutions and do a good job in quarantine under the guidance of the latter.

(VI) The waste left over in the course of the entry and delivery of import aquatic products must be collected and placed at a designated place for hazard-removing treatment as required by the CIQ institutions.

Appendix 2: Basic Requirements for the Official Inspection and Quarantine Certificate for an Entry Aquatic Product from the Exporting Country(Region)

I. Certificate should specify: variety name (and official name), production area, catch area, processing method, name and registration number of processing plant, name of department issuing the certificate, means of transportation (including vessel name, number, and container number), seal number, consignee name, consignor name, quantity, weight, and production date.

II. Certificate shall not be tampered with. Certificate shall be accompanied with an official stamp and the signature of the inspector. Destination shall be indicated as the People’s Republic of China.

III. Each batch of aquatic products shall carry an original certificate. The certificate shall be in both Chinese and English languages.

IV. Certificate shall carry the following contents:

(Chinese then English) This is to certify that:

1. (Chinese then English) The above fishery products were come from the establishment approved competent authority.
2. (Chinese then English) The products were produced, packed, stored, and transported under sanitary condition, which were under the supervision of competent authority.
3. (Chinese then English) The products were inspected and quarantined by competent authority and not found any pathogenic bacteria, harmful substances and foreign substances regulated in the P.R. China.
4. (Chinese then English) The products meet veterinary sanitary requirements and fit for human consumption.

Date of Issue

Stamp

Official Veterinary Signature

Appendix 3: Basic Requirements for Entry Aquatic Products Packaging

The entry aquatic products should have complete and unbreakable outer packaging and brand-new, toxic-free and harm-free outer and inner packaging. In order to protect the consumers' right to know, both the outer and inner packaging should carry firm, clear and readable indications in both Chinese and English, which should include the following contents:

- (I) The commercial and scientific names, specification, date of production, batch number, and storage requirement of the aquatic products;
- (II) The mode of production, including ocean fishing, fresh-water fishing, or aquaculture;
- (III) The place of production, including the fishing ground of the ocean fishermen, the country or region of origin of the fresh-water fishermen, and the country or region of the last breeding period of the farm products;
- (IV) The name and registration number of the production and processing plant;

It must be noted that the destination is the People's Republic of China.