

Measures for the Administration of Inspection, Quarantine, and Supervision on the Fruit Entering China

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The Measures for the Administration of Inspection, Quarantine, and Supervision on the Fruit Entering China were deliberated and adopted at the executive meeting of the State Administration of Quality Supervision, Inspection and Quarantine on December 24, 2004. They are hereby promulgated and shall be implemented as of July 5, 2005.

Director Li Changjiang
January 5, 2005

Article 1 For the purposes of preventing the fruit from spreading and carrying quarantine harmful organisms and poisonous and harmful substances and protecting the agricultural production, ecological safety and human health of our country, the present Measures are formulated in accordance with the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine and the implementation regulations thereof, the Law of the People's Republic of China on Import and Export Commodity Inspection and the implementation regulations thereof, and the Food Hygiene Law of the People's Republic of China.

Article 2 These Measures shall apply to the inspection, quarantine and supervision and control of the fresh fruit entering China (hereinafter referred to as the fruit).

Article 3 The State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the SAQSIQ) shall carry out unified supervision and control over the inspection and quarantine of the fruit throughout the country. The entry and exit inspection and quarantine institutions set up throughout the country by the SAQSIQ (hereinafter referred to as the inspection and quarantine institutions) shall be responsible for the supervision and control over the inspection and quarantine of the fruit within their respective jurisdiction.

Article 4 It is forbidden to carry or post any fruit into China unless it is otherwise provided in the laws and regulations.

Article 5 Before concluding a contract or agreement on the trade of the fruit, one shall file an application to the SAQSIQ for going through the examination and approval formalities for the quarantine and inspection of the fruit and shall obtain an Entry Animal and Plant Quarantine License of the People's Republic of China (hereinafter referred to as the EAPQL).

Article 6 The fruit owner or its agent shall provide the EAPQL (original) and the plant quarantine certificate issued by the official quarantine and inspection department of the exporting country or region (hereinafter referred to as the PQC) (original) to the inspection and quarantine institution when applying for inspection and quarantine.

Article 7 A PQC shall meet the following requirements:

- (1) Its content and format shall meet the requirements in the Guidelines for Phytosanitary Certification (ISPM No.12) in the International Standards for Phytosanitary Measures;
- (2) Where the fruit enters China by means of containers, the PQC shall clearly state the container number; and
- (3) Where there is an agreement (including agreement, protocol, memorandum, etc. the same below) between the export country or region and China, the PQC shall conform to the requirements as stipulated in the agreement as well.

Article 8 An inspection and quarantine institution shall carry out the inspection and quarantine over the fruit pursuant to the following provisions:

- (1) Chinese laws, regulations, standards and relevant provisions on inspection and quarantine;
- (2) The bilateral agreements signed by the Chinese government and the governments of export countries or regions;
- (3) The protocols concluded between the SAQSIQ of China and the inspection and quarantine departments of export countries or regions; and
- (4) The pertinent requirements as listed by the EAPQL.

Article 9 The fruit shall meet the following inspection and quarantine requirements:

- (1) Mixed loading of any other fruit, which is not listed on the PQC, is not allowed;
- (2) The name and origin of the fruit, name or code of the packing factory shall be stated on the packages in Chinese or in English;
- (3) Without quarantine harmful organisms, soil and plant debris like leaves, branches, which are forbidden to enter the territory of China;
- (4) The detected amount of poisonous and harmful substances shall not exceed the relevant Chinese standards on safety and hygiene; and
- (5) If the export country or region has signed an agreement or protocol with China, the requirements as stipulated in the agreement or protocol shall be met as well.

Article 10 An inspection and quarantine institution shall conduct on-the-spot inspection and quarantine over the fruit according to the pertinent working procedures and standards:

- (1) To check whether the fruit is in conformity with the certificate;
- (2) To check against the PQC and the related information and official quarantine marks on the packages in accordance with the requirements of Articles 7 and 10;

(3) To check whether the fruit is accompanied with polypide, symptom of disease, branches, leaves, soil, and condition of plant disease or insect pest. If a suspicious epidemic situation is found during the quarantine on the spot, the fruit shall be sent to the laboratory for quarantine and verification; and

(4) To take samples from the fruit and send them to the laboratory for testing under the relevant provisions and standards.

Article 11 An inspection and quarantine institution shall carry out laboratory inspection and quarantine under the relevant working procedures and standards.

It shall verify the polypides, germs, weeds etc. found on the spot or in the laboratory, shall test if the samples taken from the spot contain toxic and harmful substances and shall issue inspection and quarantine results.

Article 12 An inspection and quarantine institution shall deal with the fruit in light of the inspection and quarantine results, respectively:

(1) The fruit that has passed the inspection and quarantine shall be given a certification for inspection and quarantine of entry goods and shall be allowed to enter China;

(2) When it is found through quarantine that there are quarantine harmful organisms or other harmful organisms of quarantine significance, such treatment as disinfection and disinfestation must be conducted and an Inspection and Quarantine Treatment Notice shall be issued. The fruit that passes the inspection and quarantine after the treatment of disinfection and disinfestation shall be allowed to enter China; or

(3) If the fruit is not in conformity with any of the requirements as described in Article 10 of the present Measures, if the fruit is not in conformity with the certificate, or if the fruit fails to pass the quarantine and inspection and there is no effective disinfection and disinfestation treatment method, an Inspection and Quarantine Treatment Notice shall be issued and such fruit shall be returned or destroyed under the supervision of the inspection and quarantine institution.

If it is necessary to claim compensation from a foreign country, a relevant Inspection and Quarantine Certificate shall be issued.

Article 13 Where the fruit entering China is under any of the following circumstances, the SAQSIQ shall suspend the import of such fruit or suspend the import of fruit from the relevant production areas, orchards and packing factories according to the actual circumstances:

(1) A serious epidemic situation of plants breaks out in the orchard, processing area or the surrounding area thereof;

(2) Upon inspection and quarantine, quarantine harmful organisms about which China is concerned are found;

(3) Upon inspection and quarantine, it is found that the amount of poisonous and harmful substances in the fruit exceeds the pertinent Chinese safety and hygienic standards; or

(4) It is inconsistent with the relevant Chinese laws and regulations on inspection and quarantine, bilateral agreements or pertinent international standards.

If it is necessary to resume the import of the fruit suspended from import as mentioned in the preceding paragraph, it shall be confirmed by the SAQSIQ under the relevant provisions.

Article 14 The fruit to enter China by transiting Hong Kong or Macao shall be transported through containers and shall enter China with the original cases, original packages and original PQC (hereinafter referred to as the “three originals”). Before the fruit enters China, the inspection institution in Hong Kong or Macao, which is authorized by the SAQSIQ, shall verify whether the fruit falls within the scope of fruit allowed to enter China and shall check it under the three originals. After confirming it to be up to standard, the inspection institution in Hong Kong or Macao, which is authorized by the SAQSIQ shall attach sealing marks on the containers, issue corresponding confirmation certification documents, give a clear indication of the sealing number, original certificate number and original sealing number, and simultaneously send the certification documents to the inspection and quarantine institution of the entry port in time. As to a batch of fruit packed in several containers, it may be accompanied by one plant quarantine certificate, but it must be simultaneously confirmed by the inspection institution of Hong Kong or Macao as authorized by the SAQSIQ.

The owner or its agent shall submit the confirmation certification documents (original) issued by the above mentioned inspection institution in Hong Kong or Macao when applying for quarantine. If the certification documents are inconsistent with the confirmation information sent by the inspection institution in Hong Kong or Macao, the application for quarantine shall be rejected.

Article 15 Depending on the demand of inspection and quarantine, the SAQSIQ may, with the consent of the governmental quarantine institutions of export countries or regions, assign quarantine personnel to the places of origin for pre-inspection, supervision over packing or investigation of epidemic situation of the places of origin and the situation of the application of chemicals.

Article 16 The fruit on which the inspection and quarantine hasn't been completed yet shall be stored in the places as designated by the inspection and quarantine institutions. No one may move, sell or use such fruit without approval. The storage places of fruit entering China shall be supervised and managed by the local inspection and quarantine institutions. They shall meet the following conditions:

- (1) Having sufficient independent storage space;
- (2) Having necessary facilities for guaranteeing the quality and keeping the fruit fresh;
- (3) Conforming to the requirements of quarantine and epidemic prevention; and
- (4) Having the conditions for disinfection and disinfestation.

Article 17 If, for the purposes of academic research, donation, or exhibition, it is necessary to import the fruit prohibited from entering our country, the owners or their agents must file an application with the SAQSIQ or its authorized inspection and quarantine institutions for going through the formalities of examination and approval of special permit quarantine in advance. When entering China, they shall file an application with the inspection and quarantine institutions of the entry port for fruit quarantine and accept the quarantine.

During the period of exhibition, the fruit shall be supervised and controlled by the inspection and quarantine institution and must not be used, donated, sold or transferred without the approval from the inspection and quarantine institution. After the exhibition is finished, the fruit shall be returned or destroyed under the supervision of the inspection and quarantine institution.

Article 18 Anyone who violates the provisions of these Measures shall be punished by the inspection and quarantine institutions in accordance with the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine and the implementation regulations thereof, the Law of the People's Republic of China on Import and Export Commodity Inspection and the Food Hygiene Law of the People's Republic of China.

Article 19 The power to interpret the present Measures shall remain with the SAQSIQ.

Article 20 The Present Measures shall be implemented as of July 5, 2005. The Measures for the Administration of Quarantine of Fruit Entering China promulgated by the former State Administration of Entry-Exit Inspection and Quarantine on December 9, 1999 shall be repealed simultaneously.