Administration Measures for the Supervision, Inspection and Quarantine of Aquatic Products at Import and Export

Chapter 1 General guidelines

Article 1 [Purpose and basis]

For the purpose of reinforcing the inspection, quarantine and supervision of aquatic products at import and export, ensuring the quality and safety of aquatic products at import and export, preventing animal epidemic diseases from entering into and exiting from our country, protecting the production safety of fisheries as well as human health, on the basis of the Law of the People's Republic of China on the Inspection of Import and Export Commodities and the regulations for the implementation thereof, the Law of the People's Republic of China on the Quarantine of Animals and Plants at Import and Export and the regulations for the implementation thereof, the Law of the People's Republic of China on the Frontier Hygiene and Quarantine and the detailed guidelines for the implementation thereof, the Law of the People's Republic of China on Food Hygiene and the Special Guidelines of the State Council on Strengthening the Supervision and Management of the Safety of Food and Other Products, and other relevant administrative regulations, the present Measures are formulated.

Article 2 [Application scope]

The present Measures are applicable to the inspection, quarantine and supervision of aquatic products at import and export.

Article 3 [Definition of Aquatic products]

The term "Aquatic products" as mentioned in the presenting Measures refers to the products produced from aquatic animals and which are edible by human beings, including the aquatic animal products such as cephalochordata, acalephae, mollusca, crustaceans, echinoderms, amphibians, reptiles, aquatic mammals and products made from aquatic plants such as algae, etc., where any live aquatic animals and the propagation materials thereof are not inclusive in this category.

Article 4 [Responsibility assignment]

The General Administration of Quality Supervision, Inspection and Quarantine of the State (hereafter referred to as the AQSIQ) takes charge of the administration of the inspection, quarantine and supervision of import/export aquatic products for the whole country.

The inspection and quarantine institutions (hereafter referred to as the Inspection and Quarantine Institutions) of import and export set up by the AQSIQ at all levels shall be responsible for the inspection, quarantine and supervision of import/export aquatic products within the areas under their respective jurisdictions.

Article 5 [Management mode]

On the basis of laws and according to any supervision demands and the relevant regulations specified by the AQSIQ, the Inspection and Quarantine Institutions shall perform the inspection and quarantine, supervision and random inspections of the import and export of aquatic products, conducting credit and classification management systems to enterprises that produce and process import/export aquatic products (hereinafter referred to as producers).

Article 6 [Subject responsibilities of the producers]

The producers of import/export aquatic products shall operate their production activities in accordance with all laws, administrative regulations and relevant criteria, shall be responsible for the effects to society and the general public, ensuring the quality and safety of the aquatic products, accepting public supervision and undertaking social responsibilities.

Chapter 2 Import Inspection and Quarantine.

Article 7 [Import criterion and safety assessment]

Import aquatic products must comply with the national standards and requirements for food safety which are set out in the relevant Chinese laws and administrative regulations, and must comply with the inspection and quarantine requirements which are set out in the inspection and quarantine bilateral agreements, protocols and memos signed by China and the exporting countries or regions, as well as comply with the quarantine requirements detailed in the trade contracts.

With regards to importing aquatic products from countries which do not have a national standard for food safety, the consignee of the involved product shall submit a license certificate issued by the State Council department responsible for health administration to the Inspection and Quarantine Institution.

Article 8 [Risk analysis]

In accordance with Chinese laws, the guidelines specified in administrative regulations and the requirements of the National Standard for Food Safety, the risk analysis result on toxic and harmful substances and the epidemic situations of aquatic products inside and outside of China, combine with the effective evaluation situations of the quality and safety management system of the countries and regions exporting aquatic products to China, the AQSIQ shall draw up and publish the inspection and quarantine requirements on the aquatic products entering into China; or the AQSIQ shall sign inspection and quarantine agreements with countries and regions exporting aquatic products to China, determine the inspection and quarantine requirements and any relevant certificates.

Article 9 [Record-keeping of exporters and agents]

The AQSIQ shall maintain and manage records of the exporters or agents exporting aquatic products to China, and regularly publish the qualified overseas producers and the names of the exporters and agents.

The registration management of the overseas producers of import aquatic products shall be conducted in accordance with the relevant regulations specified by the AQSIQ.

Article 10 [Record-keeping of consignees]

The Inspection and Quarantine Institutions shall keep records of the consignees of the aquatic products entering China. Only consignees included in the records are permitted to complete the aquatic products import formalities.

Article 11 [Recording system of import sales]

The consignees of any aquatic products entering China shall set up a recording system for product import and sales. The record must be accurate and shall be kept for at least two years.

Article 12

[Quarantine examination and approval and advance inspections]

With regard to any aquatic animal products such as amphibians, reptiles and aquatic mammals entering China, as well as other aquatic products with higher hygiene and safety risks, the AQSIQ shall conduct quarantine examination and approval system. The consignees of the above mentioned products must go through the quarantine examination and approval formalities and must have obtained the License for Quarantine of Import Animals and Plants before signing any trade contracts.

The AQSIQ may, on the basis of the needs and according to relevant regulations, send personnel to the exporting countries or regions to conduct advance inspections to aquatic products planned to be exported to China.

Article 13

[Import quarantine inspection application]

Before or when aquatic products enter into China, the consignees or the agents responsible shall apply to the inspection and quarantine institutions at the entry port for inspection and quarantine by presenting relevant documents, including (the original copy of) the official inspection and quarantine certificates issued by the authorities of the government of the exporting country or region, the certificate of product origin, the trade contract, container receipts, bills of lading and invoices.

The official inspection and quarantine certificates issued by the authorities of the government of the exporting countries and regions which are attached to the aquatic products entering into China, shall conform to the requirements of the AQSIQ for such certificates.

Article 14

[Acceptance of quarantine inspection application]

The Inspection and Quarantine Institutions shall perform a preliminary examination to the relevant documents submitted by the consignees or the agents of the products. If the requirements are met, the application for quarantine inspection shall be accepted, and the scope of the quarantine examination shall be verified and written off; meanwhile the customs clearance certificate of import goods shall be issued.

Article 15 [Refrigerated warehouses]

Imported aquatic products shall be stored in refrigerated warehouses which are designated by the Inspection and Quarantine Institutions. An entry port shall have refrigerated warehouses that are appropriate for the quantity of imported aquatic products. The conditions of the refrigerated warehouses

shall conform to the inspection and quarantine requirements of refrigerated warehouses for imported aquatic products.

Article 16 [Sterilization treatments of the transportation vehicles]

The transportation vehicles and containers of imported aquatic products shall be subjected to sterilization for prevention of epidemics under the supervision of the Inspection and Quarantine Institutions at the entry port. No imported aquatic product is permitted to be unloaded from the transportation vehicles or containers without the approval of the Inspection and Quarantine Institutions.

Article 17 [Spot inspection and quarantine]

The Inspection and Quarantine Institutions at entry port shall conduct spot inspections and quarantines to the imported aquatic products at the port. The spot inspection and quarantine process shall include the following provisions:

- (1) To check whether the documents conform to the goods;
- (2) To check whether the packaging of the products conform to the basic packaging requirements for imported aquatic products;
- (3) To implement plant quarantine on salt products or dried aquatic products entering China which are excellent breeding environments for veterinary pests; conduct pest treatments when necessary;
- (4) To check whether there is any sign of product spoiling or putridity, whether there are any impure substances, whether the products are too dry, whether there is frozen blood or excess ice, etc.

Article 18 [Label inspection]

The Chinese labels on the packaging of any imported aquatic products shall conform to the requirements of the relevant laws, the administrative regulations and the label regulations for Chinese food labels, as well as any compulsory technical standard requirements of other countries. The Inspection and Quarantine Institutions shall conduct inspections of the labels of the aquatic product packaging, in accordance with the regulations.

Article 19 [Sampling inspection]

According to the requirements of the relevant standards, monitoring plans and alert notification, the Inspection and Quarantine Institutions shall take samples from imported aquatic products to conduct inspections of and to monitor the following items:

- (1) Toxic and harmful substances such as pathogenic micro-organisms, heavy metals, residues of agricultural and veterinary products;
- (2) Epidemics and parasites;
- (3) Other required items.

Article 20

[Inspection and quarantine result settlement]

The inspection and quarantine institutions of the entry ports shall issue a Certificate of Inspection and Quarantine for Imported Goods to the inspection and quarantine examination approved imported aquatic

products. Aquatic products which have passed the inspection and quarantine examination, shall be permitted for the production, processing and using thereof, the numbers of the containers, the production batches and the producers and the details of any traceable information shall be clearly stated on the said Certificate.

If any aquatic product fails to pass the inspection and quarantine examination, a Notice of Disposal for Inspection and Quarantine shall be issued. Any unqualified items (apart from those involving the health and safety of human beings and environmental protection) can be subjected to technical treatment under the supervision of the Inspection and Quarantine Institutions. After the said product is re-inspected and requarantined and gualified, it can then be sold or used.

Where it is necessary to provide proof for damage claims, the Inspection and Quarantine Institutions shall issue the relevant proof documents.

Article 21 [Returning and destroying]

In the case of any one of the following circumstances, the procedure for goods returned or destroyed shall be implemented:

- (1) The product requires going through import quarantine and examination procedures, and has not yet obtained an effective licence for the quarantine of imported animals and plants;
- (2) The product does not have an effective official inspection and quarantine certificate issued by the authority of the exporting country or region.
- (3) The product has unqualified inspected items involving the health and safety of human beings and environmental protection.

Chapter 3 Export inspection and quarantine

Article 22

[Export inspection and quarantine]

All export aquatic products shall be supervised, and sample inspected by the Inspection and Quarantine Institutions. The Customs officials shall permit customs clearance on the basis of clearance certificate issued by the inspection and quarantine institutions.

Article 23

[Requirements of export inspection and quarantine]

The Inspection and Quarantine Institutions shall carry out inspections and implement quarantine on export aquatic products according to the requirements stated below:

- (1) The requirements of inspection and quarantine of the export destination country or region;
- (2) The requirements of inspection and quarantine as provided in the agreements, protocols, or memorandums signed by the Government of the People's Republic of China and the export destination country or region;
- (3) The requirements of inspection and quarantine specified in Chinese laws and administrative regulations and as provided by the AQSIQ;
- (4) The requirements of the export destination country or region in respect of the qualities, quantities, weight and packaging of the products;
- (5) The quarantine requirements stated in the trade contract.

Article 24 [Record-keeping of aquaculture farm]

Under the permission and supervision of the Department of Fishery Administration, the inspection and quarantine institutions files records for the aquaculture farms which produce export aquatic products. The resources used by the producers of any export aquatic products shall be from the aquaculture farms which have records filed, water areas or fishing vessels permitted by the Department of Fishery Administration, and which conform to the requirements of inspection and quarantine of the export destination country or region.

Article 25

[Record-keeping requirements of aquaculture farms]

Farms producing export aquatic products which have records filed shall meet the following basic conditions and hygiene requirements:

- (1) Must have obtained farming permission from the Department of Fishery Administration;
- (2) With a certain farm size: the total water surfaces area of farming ponds or open farming sea areas shall be above 50 acres, the total water surface area of man-made farming ponds shall be above 10 acres; farming ponds within this area must be serial numbered;
- (3) Must have abundant water resources, the quality of the water used for aquaculture farming conforms to the water quality standard for fisheries;
- (4) There must not be any pollution sources such as fowl and livestock farms, hospitals, chemical plants or refuse dumps. They must be equipped with facilities to keep separated from external environment, and have good internal environment hygiene;
- (5) Must have a reasonable layout, must comply with the requirements of health epidemic prevention, and must avoid cross contamination from water intake and drainage;
- (6) Must have independently established warehouses for drugs and feed, the warehouses must be kept clean and dry with good ventilation, there shall be specifically appointed personnel to record the goods taken into and out of the warehouses;
- (7) Must have the appropriate farming density, with equipped oxygenation facilities suitable for this density;
- (8) The feed provided shall come from the feed processing factories which have records filed by the Inspection and Quarantine Institutions, and which must comply with the requirements set out in the Regulations for the Examination and Quarantine of Feeds for Food Animals for Export;
- (9) Must not store or use drugs and other toxic and harmful substances forbidden by China and the export destination country or region. The active ingredients of the drugs used shall be clearly stated, there shall be a drug application record, and follow close to the guidelines of the drug withdrawal time line;
- (10) There shall be perfect organisation and management, together with a written management system for aquaculture farming (including the purchase of germchit, farming production, health epidemic prevention and application of drugs and feed);
- (11) Farms shall be provided with corresponding intelligence farming technicians and quality supervisors, the farming technician and quality supervisor shall be different persons. The farming technician shall administer drugs according to the prescription; any drug shall be distributed by the quality supervisor. The farming technician and quality supervisor shall meet the following conditions:

- (a) Be familiar with and comply with the guidelines specified in the relevant laws and administrative regulations for inspections and quarantines;
- (b) Be familiar with and comply with the guidelines specified in the literature on aquatic animal diseases and cures from the Department of Agriculture Administration;
- (c) Be familiar with the relevant regulations and standards on the residue control of the drugs applied by the export destination country or region;
- (4) Have certain farming experience or have higher than a professional agricultural qualification from a technical college.
- (12) Set up a report system to promptly report major diseases and important issues.

Article 26

[Filing procedures of aquaculture farms]

The farms producing export aquatic products should file records using the following procedures:

- (1) Farms producing export aquatic products shall apply to the local inspection and quarantine institutions where the farms are located for filing records, and submit the required relevant documentation;
- (2) According to the basic conditions and hygiene requirements specified in Article 26 of these current measures, the inspection and quarantine institutions shall carry out inspection of the filing applications submitted by the aquaculture farms. Farms meeting the basic conditions and hygiene requirements shall be approved by their respective inspection and quarantine institution and issued a record filing certificate;
- (3) The record filing certificate shall be valid from its issue date and carries a four year validation period. The farms shall apply for revalidation within three months of the validation period expiring;
- (4) If there are any changes to the addresses, names, farm sizes, ownerships or legal representatives of any farm producing export aquatic products, the farm shall re-apply to its local inspection and quarantine institution for record filing or undergo modification formalities.

Article 27 [Product delivery proof]

Farms producing export aquatic products shall issue a document to prove the delivery of each batch of resource materials used to produce the export aquatic products.

Article 28

[Requirements on drug application]

According to the National Food Safety Standard and any relevant regulations of China and the export destination country or region in terms of agricultural applications such as feeding fodder or drugs, record filed farms producing export aquatic products shall be strictly forbidden from purchasing or using any agricultural drug which does not comply with the National Food Safety Standard of China and the export destination country or region.

Article 29

[Supervision of record-keeping farms]

Inspection and quarantine institutions shall carry out supervised management of the record–keeping farms, organise supervised inspections, and make a good record of any relevant information. Supervised inspections include daily supervised inspections and annual audits.

The inspection and quarantine institutions shall carry out monitoring for situations such as aquatic animal diseases, agricultural pesticides or veterinary drug residues, environmental contamination, water quality and other toxic or harmful substances, and set up systems to improve the safety and risk information management for export aquatic products.

Article 30

[Record-keeping of export aquatic product producers]

The inspection and quarantine institutions shall file records for the export aquatic product producers in accordance with the record-keeping regulations for enterprises producing export food.

Should Chinese producers of aquatic products for export be required by any export destination country or region to register, or if any of the registered enterprises require recommendation to foreign countries, the relevant regulations of the AQSIQ shall be observed.

Article 31

[Quality system and enterprise self-inspection]

Enterprises producing export aquatic products shall set up perfect and traceable quality and safety control systems, ensuring that any preserving agents, antiseptic agents, water absorbent or colour absorbent materials are not used in the export aquatic products, from any original material resources to the finished products.

Article 32 [Production batch management]

The production and processing of export aquatic products shall be subject to production batch management in individual units; aquatic products from different aquaculture farms must not be treated as the same production batch sources for production processing purposes. From the original aquatic product to the finished products the batch number for both production and processing shall remain the same.

The marks for the batch number of production and processing shall be indicated separately.

Article 33 [Record checking]

The producers of export aquatic products shall set up a source material purchasing checking record system, to verify the goods supply certificate attached to the source materials. The record for source material purchasing must be true and shall be kept for at least two years.

The producers of export aquatic products shall set up a final factory inspection record system, to verify the inspection qualifying certificate and safety of the aquatic products leaving the factory, and truthfully record details such as the names, specifications, quantities, production dates, numbers of production batches, numbers of inspection qualifying certificates, the names and contacts methods of the goods purchasers, sales dates of the aquatic products.

The final factory inspection record of an aquatic product shall be true, and the record shall be kept for at least two years.

Article 34 [Packaging identification]

The packaging of export aquatic products shall be marked with the requirements of the export destination country or region must be clearly stated on the transportation packaging.

Article 35 [Export quarantine inspection application]

The producer or the agent of an export aquatic product shall meet the customs declaration requirements of the AQSIQ, based on the documents such as the trade contract, the inspection report or final factory qualifying certificate of the producer, shipment documents, etc., in order to apply to the inspection and quarantine institution at product origin for quarantine inspection.

When applying for quarantine inspection for an export aquatic product, a written document shall be submitted which states the presence of any toxic and harmful substance information such as drug residue, heavy metals, or micro-organisms contained in the source materials. The document must comply with the requirements of China and the export destination country or region.

Article 36 [Sampling inspection]

The inspection and quarantine institutions shall carry out a sampling inspection on the basis of the risk analysis of toxic and harmful substances such as pathogenic micro-organisms, and agriculture and veterinary drug residues, environmental contamination, and carry out verification and supervision of the quality safety control system during the process of producing and processing of export aquatic products.

Article 37 [Qualifying assessment]

With regard to any export aquatic product which has not been sample inspected, the inspection and quarantine institution shall – according to the requirements of the export destination country or region – verify the inspection report, shipping record of the export aquatic product; which is combined with situations such as the daily supervised management, monitored inspection and sampling inspection, in order to carry out a comprehensive assessment. Products meeting the regulation requirements shall be issued with a relevant inspection and quarantine certificate; products which do not meet the regulation requirements shall be issued with an unqualified notice.

Article 38 [Shipping requirements]

The producers of export aquatic products shall ensure that the product transportation vehicles are sealed tight, that the packaging and transportation method can effectively separate the aquatic product from contamination, that it can ensure the required temperature conditions during transportation, carry out cleaning and disinfection according to the regulations, and keep a satisfactory written record.

Article 39 [Port inspection]

The producers of export aquatic products shall ensure the goods comply with the certificates, and keep satisfactory shipping records. The inspection and quarantine institutions shall conduct random sample inspections. If an export aquatic product is qualified from the inspection and quarantine at its origin, but the inspection and quarantine institution at the port then discovers that the documentation provided does not comply with the product, then the products shall not be permitted for customs clearance.

Article 40 [Export period]

The validation period of the inspection and quarantine of any export aquatic product is as below:

- (1) Cooled (kept fresh) aquatic products: seven days;
- (2) Dry-frozen and single-frozen products: four months;
- (3) Other aquatic products: six months.

Any export aquatic product which exceeded its inspection and quarantine validation period, shall re-apply for quarantine inspection. Any other requirements specified by the export destination country or region shall be handled as required.

Chapter 4 Supervision management

Article 41

[Safety monitoring system]

The AQSIQ carries out safety monitoring for import/export aquatic products, and according to the risk analysis and the actual situation of inspection and quarantine, draws up monitoring plans, determines the types and inspecting items of the import/export aquatic products of the monitored country or region.

In accordance with the annual safety and risk monitoring plans of the import/export aquatic products of the AQSIQ, an inspection and quarantine institution shall be drawn up to conduct the actual requirements of the import/export aquatic product risk management within its area.

Article 42 [Risk management and rapid response mechanism]

The AQSIQ and the inspection and quarantine institutions shall carry out risk management inspections for import/export aquatic products. The specific measures shall be conducted in accordance with relevant regulations.

Article 43 [Integrity management]

The producers, consignees and consignors of import/export aquatic products shall execute a legal production and operating process.

The inspection and quarantine institutions shall set up a reporting system for the illegal activities of the producers, consignees and consignors of import/export aquatic products, in order to record and declare these illegal activities.

Article 44 [Bulletin system]

The AQSIQ and the inspection and quarantine institutions must act in accordance with the relevant guidelines for food safety and risk information management, must notify the safety and risk information for import/export aquatic products to the relevant departments, institutions and enterprises, and, according to any relevant guidelines, must report the information to an upper level.

Article 45

[Co-operation system of inspection and quarantine institution]

The inspection and quarantine institutions at both the recorded aquaculture farms of export aquatic products and the producers of the export aquatic products shall work together in co-operation. The inspection and quarantine institution at a recorded aquaculture farm shall regularly notify the circumstances of the supervised management of the farm to the inspection and quarantine institution where the producer

of the export aquatic product is located. The inspection and quarantine institution where the producer of the export aquatic product is located shall regularly notify the verification circumstances of the goods delivery certificate, the source materials and the safety situations of the finished products to the inspection and quarantine institution at the recorded aquaculture farms of the export aquatic products.

Article 46 [Recall system]

If any aquatic product has entered into China and has safety issues, and might be able to or might already have caused harm to human health and life safety, the consignee of the product must actively recall the product and immediately report the situation to the local inspection and quarantine institution. If the consignee of the product fails to make the recall, then the inspection and quarantine institution shall order the recall procedures in accordance with the relevant regulations.

If any export aquatic product has safety issues, and might be able to or might already have caused harm to human health and life safety, the producer of the product must actively recall the product and immediately report the situation to the local inspection and quarantine institution.

If there are any issues with the recall of any import/export aquatic product, the inspection and quarantine institutions shall report the situation to the AQSIQ promptly.

Article 47 [Removal of recorded farms]

If the farm of any export aquatic product carries out any of the following activities, then its record shall be removed from the files: commit

- (1) Stores or uses any drugs and other toxic and harmful substances which are forbidden by China or the export destination country or region, or if the permitted drugs used contain any active ingredients which are not clearly stated, or if any prohibited materials and medicated premixes are used, or if during the off-drug period the application of the drugs is still continued;
- (2) Provides fake goods delivery documents, transfers or permits unauthorised transfer of the record filing numbers;
- (3) Conceals serious farming aquatic diseases or fails to promptly report such situations to the inspection and quarantine institutions;
- (4) Refuses to accept the supervised management from the inspection and quarantine institutions;
- (5) If the name, legal representative of a record-keeping farm has changed, and the farm fails to apply for the modification within 30 days of the changes;
- (6) When farm sizes are increased, new drugs or new feed are applied, or any large changes occur to the quality and safety system, but the change is not reported to the inspection and quarantine institutions within 30 days of the changes;
- (7) Fails to make any export supply in twelve (12) months;
- (8) Is overdue for and has failed to apply for continued record-keeping;
- (9) Fails to pass the annual review;

Article 48

[Rectifying and improving of rule violating producers]

If producers of any export aquatic product experience any of the following, the inspection and quarantine institution can order the enterprise to rectify and improve the situation until the enterprise complies with requirements:

- (1) If goods are returned from export destination countries or regions for the first time due to unqualified items that threaten safety and hygiene such as pathogenic micro-organisms, environmental contamination and residues from agriculture and veterinary drugs;
- (2) If sample inspections are selected from a quarantine inspection application, but there are three continuously unqualified safety and hygiene risk factors;
- (3) If the resource of any original material is not clear, and the batch management is not in order;
- (4) If, during twelve (12) months of daily supervision inspection, an item is discovered which failed on three occasions;
- (5) If a product traceability system and recalling system is not set up.

Article 49 [Legal responsibilities]

If any producing or operating enterprise of any import/export aquatic product conducts any other illegal activity, punishment shall be given in accordance with the guidelines of relevant laws, and administrative regulation.

Article 50

[Legal responsibilities of administrative personnel]

During inspection from the inspection and quarantine institution and its staff, of the import/export aquatic products, if the products are found to breach any laws and regulations or the guidelines set out in the current Measures, then the personnel shall be investigated and prosecuted by its unit or authority department at an upper level.

Chapter 5 Supplementary articles

Article 51 [Interpretation]

The AQSIQ is responsible for the interpretation of these measures.

Article 52 [Implementation timeframe]

These measures shall come into force from / / /2010. The Administration Measures for the Inspection and Quarantine of Aquatic Products at Import and Export implemented by the AQSIQ since December 10, 2002 will therefore cease to be valid at this time.