

**Decree of the State Council of the People's Republic of China**

**No. 447**

Regulations on Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection adopted by the 101st Executive Meeting of the State Council on August 10, 2005, are hereby promulgated and shall be effective as of December 1, 2005.

Premier: Wen Jiabao

August 31, 2005

**Regulations on Implementation of the Law of the People's Republic of China  
on Import and Export Commodity Inspection**

(Adopted at the 101st Executive Meeting of the State Council on August 10, 2005  
and effective as of December 1, 2005)

**Chapter I General Provisions**

**Article 1** These Regulations are formulated in accordance with the Law of the People's Republic of China on Import and Export Commodity Inspection (hereinafter referred to as the Law on Commodity Inspection).

**Article 2** The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as AQSIQ) takes principal charge of the work of import and export commodity inspection nationwide.

The entry-exit inspection and quarantine bureaus and their branches established by the AQSIQ in provinces, autonomous regions and municipalities directly under the Central Government and at ports and distribution centers of import and export commodities (hereinafter referred to as entry-exit inspection and quarantine authorities) take principal charge of the work of import and export commodity inspection within the areas under their jurisdictions.

**Article 3** AQSIQ shall, in accordance with the provisions of Article 4 of the Law on Commodity Inspection, formulate and adjust the Catalogue of Import and Export Commodities Subject to Compulsory Inspection (hereinafter referred to as the Catalogue), and publish it for implementation.

The Catalogue shall be published at least 30 days before the date of its entry into force; in case of emergency, the Catalogue shall be published no later than the date of its entry into force.

When formulating or adjusting the Catalogue, AQSIQ shall solicit opinions from relevant sides such as the competent foreign trade department of the State Council and the General Administration of Customs.

**Article 4** Entry-exit inspection and quarantine authorities conduct inspection on import and export commodities listed in the Catalogue and other import and export commodities that must be inspected by the entry-exit inspection and quarantine authorities in accordance with the provisions of laws or administrative regulations (hereinafter referred to as the statutory

inspection).

Entry-exit inspection and quarantine authorities conduct random inspection on import and export commodities other than those subject to statutory inspection in accordance with the provisions of the State.

**Article 5** The quality inspection on import and export drugs, the calibration of weighing value of measuring instruments, the supervision and inspection on safety of boilers and pressure vessels, the specifications survey of vessels (including offshore platforms, essential equipment and materials of vessels) and containers, the airworthiness inspection on aero-planes (including engines and airborne equipment), the safety inspection on nuclear pressure equipment, etc. shall be conducted by the institutions provided by the relevant laws or administrative regulations.

**Article 6** Product samples, gifts, goods admitted temporarily and other nontrade articles that enter or exit the territory are exempted from inspection, unless otherwise provided by laws or administrative regulations.

The import and export commodities listed in the Catalogue that meet the conditions for inspection exemption stipulated by the State may be exempted from inspection by entry-exit inspection and quarantine authorities if the application for inspection exemption made by consignees, consignors or manufacturers are examined and approved by AQSIQ.

Specific measures for inspection exemption shall be formulated by AQSIQ in consultation with the relevant departments.

**Article 7** Import and export commodities subject to statutory inspection shall be inspected by entry-exit inspection and quarantine authorities in accordance with the provisions of Article 7 of the Law on Commodity Inspection.

AQSIQ may, in light of the actual need of the work of import and export commodity inspection and in accordance with the relevant international standards, formulate technical specifications and standards on methods of import and export commodity inspection.

Such technical specifications, standards, and technical specifications and standards on inspection methods as are applied or referred to in the inspection on import and export commodities shall be published at least six months before the date of their entry into force; in case of emergency, they shall be published no later than the date of their entry into force.

**Article 8** Entry-exit inspection and quarantine authorities, in light of the need to facilitate foreign trade, exercise classified administration on import and export enterprises and conduct inspection on import and export commodities in accordance with the approach of inspection and supervision determined on the basis of the international practice of conformity assessment procedures.

**Article 9** The contents of import and export commodity inspection conducted by entry-exit inspection and quarantine authorities include whether the commodities conform to the requirements on safety, sanitation, health, environmental protection, fraud prevention, etc., and to the relevant items of quality, quantity, weight, etc.

**Article 10** Entry-exit inspection and quarantine authorities shall, in accordance with the provisions of the Law on Commodity Inspection, exercise certificate verification control on the import and export commodities subject to licensing or compulsory certification stipulated by the State, by examining the relevant certificates and documents and verifying that such certificates and documents and the goods tally with each other.

The catalogue of import and export commodities subject to certificate verification control shall be formulated, adjusted and published by AQSIQ after consulting with the relevant departments.

**Article 11** A consignee or consignor of import and export commodities may go through inspection declaration procedures by itself, or entrust an inspection declaration agency with the inspection declaration. Where the commodities are imported or exported by means of express delivery, the consignee or consignor shall entrust an entry-exit express delivery enterprise with the inspection declaration.

**Article 12** A consignee or consignor of import and export commodities that goes through inspection declaration procedures shall, in accordance with law, submit a report thereon to the entry-exit inspection and quarantine authority for the record.

An inspection declaration agency or entry-exit express delivery enterprise that conducts the business of inspection declaration, shall procure a registration from the entry-exit inspection and quarantine authority in accordance with law. An enterprise that fails to procure a registration from the entry-exit inspection and quarantine authority in accordance with law shall not conduct the business of inspection declaration.

An inspection declarant shall procure a practitioner registration in accordance with law, and conduct the business of inspection declaration with license. An individual who fails to procure the practitioner registration of inspection declaration shall not conduct the business of inspection declaration.

Inspection declaration agencies, entry-exit express delivery enterprises and inspection declarants shall neither illegally act as agents of inspection declaration, nor conduct the business of inspection declaration beyond their business scopes.

**Article 13** Where an inspection declaration agency accepts the entrustment of a consignee or consignor of import and export commodities and goes through the inspection declaration

procedures in the name of the entrusting party, such agency shall submit a power of attorney to the entry-exit inspection and quarantine authority and comply with the provisions on entrusting parties in these Regulations; when going through inspection declaration procedures in its own name, the agency shall assume the same legal liabilities as those of the consignee or consignor.

Where an entry-exit express delivery enterprise accepts the entrustment of a consignee or consignor of import or export commodities, it shall go through the inspection declaration procedures in its own name and assume the same legal liabilities as those of the consignee or consignor.

When entrusting an inspection declaration agency or an entry-exit express delivery enterprise with the inspection declaration, the entrusting party shall provide such agency or enterprise with truthful information about the entrusted matters. When accepting the entrustment of the entrusting party, the inspection declaration agency or the entry-exit express delivery enterprise shall make reasonable examination on the truthfulness of the information provided by the entrusting party.

**Article 14** AQSIQ shall establish an early-warning system against risks arising from import and export commodities, whereby collecting information concerning import and export commodity inspection, making risk assessment, determining types of the risks, taking corresponding precautions and adopting timely response measures.

AQSIQ and entry-exit inspection and quarantine authorities shall, in a timely manner, provide information about import and export commodity inspection to the relevant sides.

**Article 15** Where a staff member of the entry-exit inspection and quarantine authority performs his duties in accordance with law, units and individuals concerned shall render cooperation and no unit or individual may illegally interfere in or obstruct his work.

## **Chapter II      Inspection on Import commodities**

**Article 16** A consignee of import commodities subject to statutory inspection shall, on the basis of the contract, invoice, packing list, bill of lading and other necessary vouchers, as well as related approval documents, declare for inspection to the entry-exit inspection and quarantine authority at the place where the customs declaration is made. Within 20 days after the release by the customs, the consignee shall, in accordance with the provisions of Article 18 of these Regulations, apply for inspection to the entry-exit inspection and quarantine authority concerned.

No import commodities subject to statutory inspection may be sold or used without being inspected.

With regard to import commodities subject to certificate verification control, the consignee shall apply for certificate verification to the entry-exit inspection and quarantine authority at the place where the customs declaration is made. The entry-exit inspection and quarantine authority shall conduct the certificate verification in accordance with the provisions of AQSIQ.

**Article 17** With regard to import commodities subject to statutory inspection or certificate verification control, the customs shall give clearance on the basis of the note for customs clearance issued by the entry-exit inspection and quarantine authority.

**Article 18** Import commodities subject to statutory inspection shall be inspected at the destination declared by the consignee in inspection declaration.

Bulk commodities, perishable commodities, solid wastes that may be used as raw materials, and commodities found damaged or deficient shall be inspected at the port of discharge.

With regard to commodities specified in the preceding two paragraphs, AQSIQ may, in light of the need to facilitate foreign trade and the work of import and export commodity inspection, designate another place for inspection.

**Article 19** Unless otherwise provided by laws or administrative regulations, the entry-exit inspection and quarantine authority shall order the party concerned to destroy import commodities subject to statutory inspection that fail the inspection on items related to safety of human lives and property, health or environmental protection, or issue a rejection notice and inform the customs in writing. With the rejection notice the customs shall go through the formalities for shipping back the commodities in question. With regard to commodities that fail the inspection on other items, technical treatment may be given under the supervision of the entry-exit inspection and quarantine authority and re-inspection conducted; and only the commodities that have passed re-inspection may be sold or used. If a party applies to the entry-exit inspection and quarantine authority for the issuing of a certificate, the authority shall issue the certificate in a timely manner.

With regard to imported complete sets of equipment and their components that fail the inspection, the entry-exit inspection and quarantine authority shall issue a notice prohibiting installation and operation. Only those that have undergone technical treatment and passed the re-inspection by the entry-exit inspection and quarantine authority may be installed and operated.

**Article 20** Where import commodities other than those subject to statutory inspection fail the random inspection conducted by the entry-exit inspection and quarantine authority, they shall be handled in accordance with the provisions of Article 19 of these Regulations.

Where import commodities subject to certificate verification control fail the inspection conducted by the entry-exit inspection and quarantine authority, they shall be handled with reference to the provisions of Article 19 of these Regulations or be transferred to the relevant departments for handling.

Where a consignee of import commodities other than those subject to statutory inspection applies for the issuing of a certificate upon finding the import commodities not meeting the quality requirements, damaged or deficient, the entry-exit inspection and quarantine authority shall, after inspection, issue the certificate in a timely manner.

**Article 21** With regard to import commodities subject to statutory inspection that concern the State's economy and the people's livelihood, have fairly high value or involve high technical sophistication, as well as other important import commodities and large-sized complete sets of equipment, manufacture supervision, pre-shipment inspection or loading supervision shall be conducted in accordance with the stipulations in the relevant foreign trade contracts. The consignees reserve their rights of final inspection and claim for compensation after arrival of goods.

Entry-exit inspection and quarantine authorities may, when necessary, assign inspectors to participate in or organize the manufacture supervision, pre-shipment inspection or loading supervision.

**Article 22** The State adopts a registration system for foreign suppliers and domestic consignees of imported solid wastes that may be used as raw materials. Before signing a foreign trade contract, such foreign suppliers or domestic consignees shall procure a registration from AQSIQ or the entry-exit inspection and quarantine authority. The State adopts a pre-shipment inspection system for the import of solid wastes that may be used as raw materials, under which the consignee shall, when importing such commodities, present the pre-shipment inspection certificate issued by the entry-exit inspection and quarantine authority or the inspection body designated by AQSIQ.

The consignees of used mechanical and electrical products permitted by the State to be imported shall report the import for the record to AQSIQ or the entry-exit inspection and quarantine authority before signing the foreign trade contract. With regard to the imported used mechanical and electrical products that have fairly high value or concern the safety of human lives and property, health or environmental protection, pre-shipment inspection shall be conducted according to relevant provisions of the State; and the consignee shall, when importing such commodities, present the pre-shipment inspection certificate issued by the entry-exit inspection and quarantine authority or the inspection body designated by AQSIQ.

Upon arrival of imported solid wastes that may be used as raw materials, or arrival of used mechanical and electrical products permitted by the State to be imported, the entry-exit inspection and quarantine authority shall conduct inspection in accordance with law.

**Article 23** Upon arrival of imported motor vehicles, the consignee shall apply to the vehicle administration authority for vehicle plate and license with the inspection certificates and documents for imported motor vehicles issued by the entry-exit inspection and quarantine authority and other documents and certificates issued by the relevant departments. Where any quality defects affecting the safety of human lives and property are found in the use of such vehicles, the entry-exit inspection and quarantine authority shall make a disposition in a timely manner.

### **Chapter III      Inspection on Export Commodities**

**Article 24** A consignor of export commodities subject to statutory inspection shall, by presenting necessary vouchers such as contracts and related approval documents, apply for inspection to the entry-exit inspection and quarantine authority at the place and within the time limit uniformly provided by AQSIQ. No export commodities subject to statutory inspection that are not inspected or fail the inspection may be exported.

The inspection on export commodities shall be conducted at the place where they are manufactured. AQSIQ may, in light of the need to facilitate foreign trade and the work of import and export commodity inspection, designate another place to conduct the inspection.

With regard to export commodities subject to certificate verification control, the consignor shall apply for certificate verification to the entry-exit inspection and quarantine authority. The entry-exit inspection and quarantine authority shall conduct the certificate verification in accordance with the provisions of AQSIQ.

**Article 25** Where export commodities inspected at the place where they are manufactured need to replace certificate for export at the port, the entry-exit inspection and quarantine authority at the place where such commodities are manufactured shall issue the inspection certificate replacement note in accordance with the relevant provisions. The consignor shall, within the specified time limit, apply for examination to the entry-exit inspection and quarantine authority at the port by presenting the inspection certificate replacement note and other necessary documents. With regard to those that have passed the examination, the entry-exit inspection and



quarantine authority at the port shall issue the note for customs clearance.

**Article 26** With regard to export commodities subject to statutory inspection or certificate verification control, the customs give clearance on the basis of the note for customs clearance issued by the entry-exit inspection and quarantine authority.

**Article 27** Where export commodities subject to statutory inspection fail the inspection conducted by the entry-exit inspection and quarantine authority or the examination conducted by the entry-exit inspection and quarantine authority at the port, technical treatment may be conducted under the supervision of the entry-exit inspection and quarantine authority; and only those that have passed the re-inspection may be exported. If no technical treatment can be conducted for such export commodities or they fail the re-inspection even after technical treatment, they shall not be exported.

**Article 28** Where export commodities other than those subject to statutory inspection fail the random inspection conducted by the entry-exit inspection and quarantine authority, they shall be handled in accordance with the provisions of Article 27 of these Regulations.

Where export commodities subject to certificate verification control fail the certificate verification conducted by the entry-exit inspection and quarantine authority, they shall be handled with reference to the provisions of Article 27 of these Regulations or be transferred to the relevant department for handling.

**Article 29** Manufacturers of packaging containers for export dangerous goods shall apply to the entry-exit inspection and quarantine authority for performance survey of such packaging containers. No packaging containers may be used for containing dangerous goods before passing the performance survey conducted by the entry-exit inspection and quarantine authority and being granted the survey certificate.

Manufacturers of export dangerous goods shall apply to the entry-exit inspection and quarantine authority for employment identification of the packaging containers. No dangerous goods that use packaging containers without employment identification or fail the employment identification may be exported.

**Article 30** With regard to containers, cabins, aeroplanes, vehicles and other means of transport for carrying export perishable foods or frozen goods, the carrier, packing unit or their agents shall, before shipment, apply to the entry-exit inspection and quarantine authority for worthiness inspection on cleanness, sanitation, freezing efficiency, sealing and tightness, etc. Those that are not inspected or fail the inspection shall not be shipped.

## **Chapter IV      Supervision and Administration**

**Article 31** Entry-exit inspection and quarantine authorities may, in light of the need to facilitate foreign trade, conduct quality supervision, administration and inspection on export commodities listed in the Catalogue before they leave the factory, and exercise registration administration on important export commodities concerning safety of human lives, property and health. Export commodities subject to registration administration shall not be exported until they procure the registration.

The contents of before-leaving-factory quality supervision, administration and inspection conducted by the entry-exit inspection and quarantine authority include the supervision and inspection on quality control measures of the manufacturer and the inspection on the export commodities before they leave the factory.

**Article 32** The State exercises hygiene registration administration on import and export food manufacturers. An export food manufacturer shall not produce, process or store export foods until it has procured the hygiene registration. Only the foods produced by import and export food manufacturers that have procured the hygiene registration may be imported or exported.

Import food manufacturers subject to hygiene registration administration shall, in accordance with relevant provisions, apply to AQSIQ for hygiene registration.

Export food manufacturers subject to hygiene registration administration shall, in accordance with relevant provisions, apply to the entry-exit inspection and quarantine authority for hygiene registration.

Where an export food manufacturer needs to procure the hygiene registration from a foreign country, it shall first procure the hygiene registration in accordance with the provisions of the third paragraph of this Article and the formalities for foreign hygiene registration shall be gone through by AQSIQ in a unified way.

**Article 33** The State exercises hygiene registration administration on import and export cosmetics manufacturers. Specific measures thereof shall be formulated by AQSIQ in consultation with the competent health department of the State Council.

**Article 34** Prior to import or export of foods or cosmetics, the business operators or their agents shall accept the inspection conducted by the entry-exit inspection and quarantine authority on the labels of such import or export foods or cosmetics in terms of the compliance with the requirements in laws or administrative regulations and in terms of the truthfulness and accuracy of the contents concerning quality, and procure the label inspection certificate for import or

export foods or cosmetics issued by AQSIQ or the entry-exit inspection and quarantine authority authorized by AQSIQ.

**Article 35** Entry-exit inspection and quarantine authorities may, when necessary, affix commodity inspection marks to import or export commodities that have passed the inspection, and affix seals to import or export commodities that have passed the inspection and other import or export commodities that need to be sealed. The specific measures therefor shall be formulated by AQSIQ.

**Article 36** Entry-exit inspection and quarantine authorities may take samples of import or export commodities under inspection in accordance with the relevant provisions and, after inspection, notify the relevant unit to take back the remainder of the samples within a specified time limit. If such unit fails to do so, the entry-exit inspection and quarantine authority shall make a disposal thereof.

**Article 37** Where anyone making an inspection declaration of import or export commodities is opposed to the inspection results made by the entry-exit inspection and quarantine authority, it may, within 15 days from the date of receipt of such inspection results, apply for re-inspection to the entry-exit inspection and quarantine authority that makes the results or to the entry-exit inspection and quarantine authority at a higher level up to AQSIQ. The entry-exit inspection and quarantine authority receiving the application for re-inspection or AQSIQ shall, within 60 days from the date of receipt of the application for re-inspection, make a conclusion of re-inspection. If it is unable to make a conclusion of re-inspection within the specified time limit due to sophisticated technology, the time limit may be extended appropriately with the approval of the responsible person of the corresponding authority, but the period of extension shall not exceed 30 days.

**Article 38** AQSIQ or entry-exit inspection and quarantine authorities may, in light of the need of the work of import and export commodity inspection, designate domestic or foreign testing and inspection bodies that have relevant qualifications to undertake the inspection and testing of import and export commodities entrusted by entry-exit inspection and quarantine authorities. Where the testing and inspection bodies designated are found through inspection not meeting the relevant requirements, AQSIQ or entry-exit inspection and quarantine authorities may cancel the designation.

**Article 39** An inspection body established within the territory of the People's Republic of China that engages in the inspection and survey of import and export commodities shall meet the conditions in terms of registered capital, technological capacity, personnel qualifications etc. that are provided by relevant laws, administrative regulations or rules, and shall not accept the

entrustment to engage in the inspection and survey of import and export commodities until such body has been approved by AQSIQ and related competent departments, acquired the relevant license, and gone through the procedures of industrial and commercial registration in accordance with law.

**Article 40** Where anyone is opposed to the inspection and survey activities of an inspection body, it may lodge a complaint to AQSIQ or the entry-exit inspection and quarantine authority.

**Article 41** When exercising supervision and administration or conducting investigation into suspected violations of the laws or administrative regulations on inspection on import and export commodities, AQSIQ or entry-exit inspection and quarantine authorities have the authority to look through or copy relevant contracts, invoices, accounting books and other materials of the relevant parties. Where an entry-exit inspection and quarantine authority has the ground to believe that the import and export commodities fail to meet the requirements on items concerning safety of human lives and property, health, or environmental protection, such authority may, with the approval of its responsible person, seal up or impound the commodities in question except goods under customs control.

**Article 42** AQSIQ and entry-exit inspection and quarantine authorities shall, in light of the need to facilitate foreign trade, take effective measures to simplify the procedures and facilitate import and export.

Those going through formalities for inspection declaration, inspection, survey, etc. of import and export commodities may use electronic data files where relevant conditions are met.

**Article 43** Entry-exit inspection and quarantine authorities may, in accordance with relevant provisions of laws or administrative regulations, issue certificates of origin under Generalized System of Preference, certificates of origin under regional preference, and specialized certificates of origin. Anyone applying for a certificate of origin shall procure a registration from the entry-exit inspection and quarantine authority in accordance with law.

The issuing of certificates of origin under non-preferential rules of origin for export commodities shall comply with the provisions of the relevant laws and administrative regulations.

**Article 44** With regard to the inspection administration by the entry-exit inspection and quarantine authorities over goods entering and exiting bonded zones, export processing areas and other areas under special customs control and over import and export commodities in small-volume border trade, AQSIQ shall formulate separate measures in consultation with the General Administration of Customs.

## **Chapter V      Legal Liability**

**Article 45** Where anyone sells or uses without authorization import commodities subject to statutory inspection for which no inspection declaration has been made or no inspection conducted, or sells or uses without authorization import commodities for which import certificate verification has not been applied as it shall, the entry-exit inspection and quarantine authority shall confiscate the illegal gains and concurrently impose a fine of not less than 5% but not more than 20% of the value of the commodities. If a crime is constituted, criminal liability shall be investigated for in accordance with law.

**Article 46** Where anyone exports without authorization export commodities subject to statutory inspection for which no inspection declaration has been made or no inspection conducted, or exports without authorization export commodities for which export certificate verification has not been applied as it shall, the entry-exit inspection and quarantine authority shall confiscate the illegal gains and concurrently impose a fine of not less than 5% but not more than 20% of the value of the commodities. If a crime is constituted, criminal liability shall be investigated for in accordance with law.

**Article 47** Where anyone sells or uses import commodities that fail the statutory inspection, random inspection or certificate verification, or exports commodities that fail the statutory inspection, random inspection or certificate verification, the entry-exit inspection and quarantine authority shall order it to stop such selling, using or exporting, confiscate the illegal gains and the commodities illegally sold, used or exported, and concurrently impose a fine of not less than the value of the commodities illegally sold, used, or exported but not more than three times that value. If a crime is constituted, criminal liability shall be investigated for in accordance with law.

**Article 48** Where a consignee, consignor or inspection declaration agency of import and export commodities, an entry-exit express delivery enterprise, or an inspection declarant acquires the relevant certificates and documents from the entry-exit inspection and quarantine authority by not providing truthful information about import or export commodities, or evades from import and export commodity inspection by not applying for inspection on import and export commodities subject to statutory inspection, the entry-exit inspection and quarantine authority shall confiscate the illegal gains, and concurrently impose a fine of not less than 5% but not more than 20% of the value of the commodities; if the circumstances are serious, the registration for inspection declaration or practitioner registration for inspection declaration thereof shall be revoked.

Where a consignee or consignor of import and export commodities who entrusts an

inspection declaration agency or entry-exit express delivery enterprise with inspection declaration acquires the relevant certificates and documents from the entry-exit inspection and quarantine authority by not providing truthful information about the entrusted items of inspection declaration to the entrusted inspection declaration agency or entry-exit express delivery enterprise, the entrusting party shall be punished in accordance with the provisions of the preceding paragraph.

Where an inspection declaration agency, an entry-exit express delivery enterprise, or an inspection declarant fails to reasonably examine the truthfulness of the information provided by the entrusting party, or its or his negligence results in the fraudulent acquisition of relevant certificates and documents from the entry-exit inspection and quarantine authority, the entry-exit inspection and quarantine authority shall impose a fine of not less than 20,000 yuan but not more than 200,000 yuan on the inspection declaration agency or entry-exit express delivery enterprise; if the circumstances are serious, the registration for inspection declaration or practitioner registration for inspection declaration thereof shall be revoked.

**Article 49** Where anyone forges, alters, buys, sells or steals inspection certificates or documents, stamps, marks, seals or notes for customs clearance; or uses forged or altered inspection certificates or documents, stamps, marks, seals, or notes for customs clearance, thereby constituting a crime, it shall be investigated for criminal liability in accordance with law; if such act is not serious enough for criminal punishment, the entry-exit inspection and quarantine authority shall order it to make corrections, confiscate the illegal gains and concurrently impose a fine of not more than the value of the commodities.

**Article 50** Where anyone changes without authorization the samples taken by the entry-exit inspection and quarantine authority or the import and export commodities that have passed the inspection by the entry-exit inspection and quarantine authority, the entry-exit inspection and quarantine authority shall order it to make corrections, give it a warning and, if the circumstances are serious, concurrently impose a fine of not less than 10% but not more than 50% of the value of the commodities.

**Article 51** Where anyone exports commodities over which the State exercises export commodity registration administration and for which no registration has been procured, the entry-exit inspection and quarantine authority shall order it to stop exporting, confiscate the illegal gains and concurrently impose a fine of not less than 10% but not more than 50% of the value of the commodities.

**Article 52** Where anyone imports or exports foods or cosmetics produced by a manufacturer over which the State exercises hygiene registration administration and for which no

hygiene registration has been procured, the entry-exit inspection and quarantine authority shall order it to stop importing or exporting, confiscate the illegal gains and concurrently impose a fine of not less than 10% but not more than 50% of the value of the commodities.

Where a manufacturer of import and export foods or cosmetics for which hygiene registration has been procured is found through inspection not meeting the relevant requirements, AQSIQ or the entry-exit inspection and quarantine authority shall order it to make corrections within a specified time limit; if the requirements are still not met after the corrections are made or other illegal acts are found, and the circumstances are serious, its hygiene registration certificate shall be revoked.

**Article 53** Where, in import of solid wastes that may be used as raw materials, a foreign supplier or domestic consignee fails to procure the registration or fails to conduct the pre-shipment inspection, it shall be ordered to make due return of goods in accordance with the relevant provisions of the State; if the circumstances are serious, the entry-exit inspection and quarantine authority shall concurrently impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan.

Where a foreign supplier or domestic consignee of solid wastes that may be used as raw materials, which has procured the registration, violates the relevant provisions of the State and the circumstances are serious, the entry-exit inspection and quarantine authority shall revoke its registration.

Where anyone importing used mechanical and electrical products permitted by the State to be imported fails to go through the formalities for recordation or fails to conduct the pre-shipment inspection as required, it shall be ordered to make due return of goods in accordance with the relevant provisions of the State; if the circumstances are serious, the entry-exit inspection and quarantine authority shall concurrently impose a fine of not more than 1,000,000 yuan.

**Article 54** Where anyone provides or uses dangerous goods packaging containers that are not surveyed by the entry-exit inspection and quarantine authority, the entry-exit inspection and quarantine authority shall impose a fine of not more than 100,000 yuan.

Where anyone provides or uses dangerous goods packaging containers that fail the survey by the entry-exit inspection and quarantine authority, the entry-exit inspection and quarantine authority shall impose a fine of not more than 200,000 yuan.

**Article 55** Where anyone provides or uses containers, cabins, aeroplanes, vehicles or other means of transport that have not undergone the worthiness inspection by the entry-exit inspection and quarantine authority to carry perishable foods or frozen goods for export, the entry-exit

inspection and quarantine authority shall impose a fine of not more than 100,000 yuan.

Where anyone provides or uses containers, cabins, aeroplanes, vehicles or other means of transport that fail the worthiness inspection by the entry-exit inspection and quarantine authority to carry perishable foods or frozen goods for export, the entry-exit inspection and quarantine authority shall impose a fine of not more than 200,000 yuan

**Article 56** Where anyone, without authorization, changes, damages or destroys commodity inspection marks or seals affixed by the entry-exit inspection and quarantine authority, the entry-exit inspection and quarantine authority shall impose a fine of not more than 50,000 yuan.

**Article 57** Where an inspection body engaging in inspection and survey of import and export commodities exceeds its business scope or, in violation of the relevant provisions of the State, disturbs the order of inspection and survey, the entry-exit inspection and quarantine authority shall order it to make corrections, confiscate the illegal gains and may concurrently impose a fine of not more than 100,000 yuan, and AQSIQ or the entry-exit inspection and quarantine authority may suspend its inspection and survey business for not more than six months; if the circumstances are serious, AQSIQ shall revoke its qualification certificate for inspection and survey.

**Article 58** Where anyone engages in inspection declaration without registration, the entry-exit inspection and quarantine authority shall order it to stop the illegal business activities, confiscate the illegal gains and concurrently impose a fine of not less than one time but not less than three times the value of the illegal gains.

When an inspection declaration agency or entry-exit express delivery enterprise, in violation of the relevant provisions of the State, disturbs order of inspection declaration, the entry-exit inspection and quarantine authority shall order it to make corrections, confiscate the illegal gains and may concurrently impose a fine of not more than 100,000 yuan, and AQSIQ or the entry-exit inspection and quarantine authority may suspend its inspection declaration agency business for not more than six months; if the circumstances are serious, its registration for inspection declaration shall be revoked.

Where an inspection declarant, in violation of the relevant provisions of the State, disturbs the order of inspection declaration, AQSIQ or the entry-exit inspection and quarantine authority may suspend him from practice for not more than six months; if the circumstances are serious, his practitioner registration for inspection declaration shall be revoked.

**Article 59** Where a staff member of the entry-exit inspection and quarantine authority abuses his power to intentionally create difficulties for the parties, commits illegalities for personal interests or by fraudulent means to falsify inspection results; or neglects his duty to



delay the inspection on commodities or the issuing of certificates, he shall be given an administrative sanction in accordance with law; if he issues certificates of origin for export goods in violation of the relevant provisions of laws or administrative regulations, he shall be given an administrative sanction in accordance with law and the illegal gains shall be confiscated; if a crime is constituted, the criminal liability shall be investigated for in accordance with law.

**Article 60** The income obtained from disposing confiscated commodities in accordance with law, the illegal income confiscated and fines collected by the entry-exit inspection and quarantine authority shall be turned over to the State treasury.

## **Chapter VI      Supplementary Provisions**

**Article 61** Where a party is dissatisfied with the re-inspection conclusion made by an entry-exit inspection and quarantine authority or by AQSIQ, or is dissatisfied with the penalty decision made by AQSIQ or an entry-exit inspection and quarantine authority, it may apply for administrative reconsideration in accordance with law, or bring suit in a people's court in accordance with law.

Where a party neither complies with the penalty decision within the specified time limit, nor applies for administrative reconsideration, nor bring suit in a people's court, the authority making penalty decision may apply to a people's court for enforcement.

**Article 62** Entry-exit inspection and quarantine authorities conducting statutory inspection and the licensed inspection bodies engaging in inspection and survey may collect fees in accordance with the relevant provisions of the State.

**Article 63** These Regulations shall be effective as of December 1, 2005. The Regulations for Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection approved by the State Council on October 7, 1992 and promulgated by the former State Administration of Import and Export Commodity Inspection on October 23, 1992 shall be repealed simultaneously.