

MEASURES GOVERNING INSPECTION, QUARANTINE, AND SUPERVISION ON THE FRUIT ENTERING THE PRC

State Administration of Quality Supervision, Inspection and Quarantine

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The Measures Governing Inspection, Quarantine, and Supervision on the Fruit entering the PRC 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 come into force as of July 5, 2005.

Director of the State Administration of Quality Supervision, Inspection and Quarantine Li Changjiang

Article 1

In order to prevent the fruit from carrying and spreading harmful organisms and poisonous and harmful substances subject to quarantine and to protect the agricultural production, ecological safety and human health in the PRC, 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 the PRC.

Article 3

The State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the SAQSIQ) shall exercise unified supervision and control over the inspection and quarantine of the fruit entering the PRC throughout the country.

The entry and exit inspection and quarantine institutions founded throughout the country by the SAQSIQ (hereinafter referred to as the inspection and quarantine institutions) shall assume the responsibility for the supervision and control over the inspection and quarantine of the fruit entering the PRC within their respective jurisdiction.

Article 4

No fruit may be carried or posted into the PRC unless otherwise provided in the laws and regulations.

Article 5

Before a contract or agreement is concluded on the trade of the fruit entering the PRC, an application shall be filed 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 present the EAPQL (original) and the plant quarantine certificate (hereinafter referred to as the PQC) (original) released by the official quarantine and inspection department of the exporting country or region to the inspection and quarantine institution when filing an application 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) In case the fruit enters China by means of containers, the PQC shall clearly state the container number; and
- (3) In case there is an agreement (including agreement, protocol, memorandum, etc. the same below) concluded between the exporting country or region and the PRC, the PQC shall observe the requirements as stipulated in the agreement as well.

Article 8

An inspection and quarantine institution shall exercise the inspection and quarantine over the fruit in accordance with the following provisions:

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

Article 9

The fruit shall meet the following inspection and quarantine requirements:

- (1) No mixed loading of any other fruit off the list in the PQC is allowed;
- (2) The name and origin of the fruit, name or code of the packing factory shall be specified on the packages in Chinese or in English;
- (3) With no harmful organisms, soil and plant debris like leaves, branches subject to quarantine, which are forbidden to enter the territory of the PRC;
- (4) The amount of poisonous and harmful substances detected shall not exceed the relevant standards on safety and hygiene in the PRC; and
- (5) If the exporting country or region has reached an agreement or protocol with the PRC, the requirements as stipulated in the agreement or protocol shall be conformed to as well.

Article 10

An inspection and quarantine institution shall conduct on-the-spot inspection and quarantine over the fruit following pertinent working procedures and standards:

- (1) To check out 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 out whether there are polypites, symptoms of disease, branches, leaves, soil, and condition of plant disease or insect pest with the fruit. If a suspicious epidemic 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 exercise laboratory inspection and quarantine under the relevant working procedures and standards.

It shall verify the polypites, 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 accordance with 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 the PRC;
- (2) Where 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) In case the fruit is inconsistent with any of the requirements as described in Article 10 of the present Measures or with the certificate, or 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.

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

Article 13

When the fruit entering the PRC is under any of the following circumstances, the SAQSIQ shall suspend the importing of such fruit or suspend the importing of fruit from the relevant production areas, orchards or 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, harmful organisms subject to quarantine are found which are paid close attention by China;
- (3) Upon inspection and quarantine, it is found that the amount of poisonous and harmful substances in the fruit exceeds the pertinent safety and hygienic standards in China; or
- (4) It is inconsistent with the relevant Chinese laws and regulations on inspection and quarantine, bilateral agreements or pertinent international standards.

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

Article 14

The fruit entering the PRC via Hong Kong or Macao shall be transported through containers and shall enter the PRC with the original cases, original packages and original PQC (hereinafter referred to as the "three originals"). Before the fruit enters the PRC, 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 the PRC and shall verify the three originals. After confirming that it is up to standard, the inspection institution in Hong Kong or Macao, which is authorized by the SAQSIQ shall attach sealing marks on the containers, release 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 in Hong Kong or Macao as authorized by the SAQSIQ.

When applying for quarantine, the owner or its agent shall submit the confirmation certification documents (original) issued by the above-mentioned inspection institution in Hong Kong or Macao. In case the certification documents are not in conformity 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 exporting 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 is allowed to move, sell or use such fruit without approval.

The storage places of fruit entering the PRC shall be supervised and managed by the local inspection and quarantine institutions, and they shall meet the following conditions:

- (1) With sufficient independent storage space;

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

Article 17

If, with a view of academic research, donation, or exhibition, it is necessary to import the fruit prohibited from entering the PRC, the owners or their agents must file an application with the SAQSIQ or authorized institutions for inspection and quarantine for going through the formalities of examination and approval of a permit for special 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.

For fruit to be exhibited, 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 in violation of 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 be vested in the SAQSIQ.

Article 20

The Present Measures shall come into force as of July 5, 2005. The Measures Governing the Quarantine of Fruit Entering the PRC promulgated by the former State Administration of Entry-Exit Inspection and Quarantine on December 9, 1999 shall be annulled henceforth.

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