

CHINA

Administrative Measures on Quarantine of Articles Carried by Entry and Exit Passengers (Decree of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China No. 146)

(Quarantänmaßnahmen für Gegenstände, die von Passagieren bei der Einreise und Ausreise mitgeführt werden (Verordnung der General Administration of Quality Supervision, Inspection and Quarantine der Volksrepublik China Nr. 146)

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Administrative Measures on Quarantine of Articles Carried by Entry and Exit Passengers adopted by the ministerial meeting of the General Administration of Quality Supervision, Inspection and Quarantine on June 27, 2012, are hereby promulgated and shall enter into force as of Nov. 1, 2012.

Minister

Aug. 2, 2012

Administrative Measures on Quarantine of Articles Carried by Entry and Exit Passengers

Chapter I General Provisions

Article 1 For the purpose of preventing human infectious diseases and their medical vector organisms, infectious or parasitic diseases of animals, diseases, insect pests and weeds dangerous to plants, and other harmful organisms from spreading into or out of the country and protecting the human health and safety of agriculture, forestry, animal husbandry, fishery and environment, the 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 regulations for its implementation, the *Frontier Health and Quarantine Law of the People's Republic of China* and the specific rules for its implementation, the *Regulations on Administration of Agricultural Genetically Modified Organisms Safety* and the *Regulations of the People's Republic of China on Administration of Import and Export of Endangered Wild Animals and Plants* and other relevant laws and regulations.

Article 2 "Entry and exit passengers", as mentioned in the Measures, refers to any entry and exit passengers (including diplomatic agents enjoying diplomatic or consular privileges and immunities) and crew members of transportation conveyances as well as other persons.

“Articles”, as mentioned in the Measures, refers to articles carried by entry and exit passengers and articles consigned by entry and exit passengers on transportation conveyances such as vehicles, ships, aircrafts, as well as unaccompanied articles.

Article 3 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 supervision and administration on the quarantine of articles carried by entry and exit passengers nationwide.

Entry-exit inspection and quarantine authorities established by AQSIQ (hereinafter referred to as “inspection and quarantine authorities”) at the local areas are responsible for the work of quarantine of articles carried by entry and exit passengers and of its supervision and administration within the areas under their jurisdiction.

Article 4 Entry and exit passengers carrying the following articles should declare and accept the quarantine inspection on the articles by the inspection and quarantine authorities:

- (1) Entry animals and plants, their products and other quarantine objects;
- (2) Entry and exit biological species resources, endangered wild animals and plants as well as their products;
- (3) Exit wild animals and plants under primary protection of the State and their products;
- (4) Entry and exit special articles as microzoaria, human tissue, biologicals, blood and hemoproducts, etc. (hereinafter referred to as “special articles”);
- (5) Entry and exit corpses and human remains;
- (6) Entry and exit luggage and articles from epidemic areas, contaminated by infectious diseases, likely to transmit a communicable disease;
- (7) Other articles that shall be declared to and quarantined by inspection and quarantine authorities, specified by AQSIQ.

Article 5 Entry and exit passengers are prohibited from carrying the following articles into the country:

- (1) pathogenic micro-organisms (including seed cultures of bacteria and viruses, etc.) of animals and plants, insect pests and other harmful organisms;
- (2) relevant animals and plants, their products and other quarantine objects from countries or regions with prevalent epidemic animal or plant diseases;
- (3) animal carcasses;
- (4) soil;
- (5) Articles listed in the Catalogue of Animals and Plants, and Animal and Plant Products Prohibited from Being Carried or Mailed into the People's Republic of China;
- (6) Waste and used articles, radioactive substance and other objects prohibited from entering the country in accordance with the State provisions.

Article 6 Upon quarantine by the inspection and quarantine authorities, if any serious quarantine risks are determined in the carried articles, the Risk Pre-warning and Rapid Response Mechanism shall be immediately launched by the inspection and quarantine authorities.

Chapter II

Quarantine Examination and Approval

Article 7 Whoever carries animals and plants, their products that are subject to the examination and approval of quarantine inspection into the country shall make an application to AQSIQ and go through the formalities thereof in advance.

Article 8 Whoever carries plant seeds, seedlings or other propagating materials into the country, being unable to apply and go through the formalities for examination and approval of quarantine inspection in advance because of special reasons, shall make a post-application for the approval in accordance with relevant provisions.

Article 9 Whoever, because of special needs such as scientific research, carries articles prescribed in item (1) to (4), Article 5 of the Measures, shall apply for the special permission of examination and approval of quarantine inspection (hereinafter referred to as "special permission") to AQSIQ and go through its formalities in advance.

Article 10 Articles listed in the Catalogue of Animals and Plants, and Animal and Plant Products Prohibited from Being Carried or Posted into the People's Republic of China, which are approved by relevant administrative authorities of the State, and with the quarantine certificates issued by the official authorities of the exporting countries or regions, can be carried into the country.

Article 11 Whoever carries special articles into or out of the country shall go through the examination and approval formalities for health quarantine conducted by the inspection and quarantine bureaus directly under AQSIQ in advance.

Chapter III

Declaration and On-the-spot Quarantine

Article 12 Whoever carries articles as prescribed in Article 4 into the country shall make a declaration in accordance with relevant provisions, and accept quarantine inspection on the articles by the inspection and quarantine authorities.

Article 13 Inspection and quarantine authorities may perform on-the-spot quarantine inspection on articles at transportation conveyances, passenger ways, luggage claim or consignment areas, etc.. The on-the-spot inspection may be carried out with X-ray machines, quarantine detective dogs and by other means.

As for those who may possibly carry articles subject to declaration stipulated in the Measures and have not made the declaration, inspection and quarantine authorities may make enquiries and perform selective inspection, and if necessary, carry out open-package inspection.

Article 14 Entry and exit passengers shall be subject to inspection, and cooperate with the inspection and quarantine officials.

Entry animals and plants, their products and other quarantine objects carried by foreign organizations and personnel enjoying diplomatic or consular privileges and immunities, for either official or private use, shall be subject to quarantine performed by the inspection and quarantine authorities; the

inspection and quarantine must be conducted in the presence of the diplomatic agent or its authorized personnel.

Article 15 For declared articles and articles found in on-the-spot quarantine listed in Article 4 of the Measures, the inspection and quarantine authority shall perform on-the-spot quarantine.

Article 16 Whoever carries plant seeds, seedlings and other propagating materials into the country shall submit the Approval Certificate for Imported Seeds and Seedlings or the Approval Certificate for Forest Seeds, Seedlings and Other Propagating Materials to the inspection and quarantine authority.

Whoever carries animals and plants, their products and other quarantine objects subject to quarantine examination and approval except the articles prescribed in paragraph 1 of this Article, as well as entry articles prohibited into the country subject to the special permission, shall submit the License for Entry Animal and Plant Quarantine of the People's Republic of China (hereinafter referred to as "Quarantine License") issued by AQSIQ and other relevant documents to the inspection and quarantine authorities.

Inspection and quarantine authorities shall perform on-the-spot quarantine on the animals and plants, their products as well as other quarantine articles specified in paragraphs 1 and 2 of this Article in accordance with the requirements of Approval Certificate for Imported Seeds and Seedlings, the Approval Certificate for Forest Seeds, Seedlings and Other Propagating Materials, the Quarantine License and other relevant documents as well as relevant provisions.

Article 17 Live animals carried into the country are restricted to dogs or cats (hereinafter referred to as the "pets"), and limited to only one per person each time.

Whoever carries pets shall submit valid quarantine and vaccination certificates issued by the official animal quarantine authority of the exporting country or region to the inspection and quarantine authority. The pet shall have microchip or other valid identity certification.

Article 18 Whoever carries agricultural genetically modified organisms (GMOs) shall submit the Agricultural GMOs Safety Certificate and the quarantine certificate issued by the official authority of the exporting country or region to the inspection and quarantine authority. Entry GMOs listed in the Catalogue of Agricultural GMOs subject to Labeling shall be labeled in accordance with the provisions, and the entry and exit passenger shall also submit the examination and approval document of agricultural GMOs label issued by the competent authorities of agriculture administration under the State Council.

Article 19 Whoever carries special articles into or out of the country, the Approval Certificate of Import/Export Special Articles for Verification of Health and Quarantine shall be submitted to the inspection and quarantine authority, and shall accept the health quarantine on the articles.

Where any entry and exit passenger carries organs and bone marrow stem cells for transplantation into or out of the country and fails to go through the examination and approval formalities for health quarantine because of special reasons, the above mentioned articles may be released first by the inspection and quarantine authority upon exit and entry, and the owner or its agent shall submit the post-application for the approval within 10 working days after its release.

Whoever carries hemoproducts or biologicals for personal use and only for the purpose of prevention or treatment of diseases does not need to go through the examination and approval formalities for health quarantine, but shall submit relevant certificates issued by hospitals, and quantities permitted to

be carried of such products are limited to the dosage of one course of treatment recommended in the prescription or instruction manual.

Article 20 For corpses or human remains carried into or out of the country, death certificate and other relevant documents of the deceased shall be submitted to the inspection and quarantine authorities in accordance with relevant provisions.

Inspection and quarantine authorities shall perform health quarantine on the entry and exit corpses or human remains in accordance with relevant laws and regulations.

Article 21 Whoever carries endangered wild animals and plants as well as their products into or out of the country, or carries wild animals and plants under primary protection of the State and their products out of the country, shall enter and/or leave the country at the designated port specified in the *Regulations of the People's Republic of China on the Administration of the Import and Export of Endangered Wild Animals and Plants*, and the entry and exit passenger shall submit the import and export certificate to the inspection and quarantine authority.

Article 22 Inspection and quarantine authorities shall verify the Quarantine License and other relevant documents submitted by the entry and exit passenger, and shall perform on-the-spot quarantine on the articles with qualified documents. The articles, which pass the on-the-spot quarantine and need no further laboratory quarantine, isolation quarantine or other quarantine treatment, may be released immediately.

Articles that are inconsistent with the Quarantine License or other relevant documents submitted shall be returned within a specified time limit or destroyed.

Article 23 In any one of the following circumstances, inspection and quarantine authorities shall detain the articles in accordance with law:

- (1) Laboratory quarantine and isolation quarantine is needed;
- (2) Quarantine treatment is needed;
- (3) Articles need to be returned within a specified time limit or destroyed;
- (4) The Quarantine License as well as other relevant documents fail to be submitted where the submission is required;
- (5) Articles need to be transferred to other relevant departments.

The inspection and quarantine authorities shall issue a Voucher of Detaining/Quarantine Treatment for the articles detained in accordance with law, and the period of detention shall be no more than 7 days.

Article 24 Whoever carries exit animals and plants, their products and other quarantine objects subject to declaration in accordance with law shall declare to the inspection and quarantine authority and submit relevant documents and certificates in accordance with relevant provisions.

In case the importing countries, regions or entry and exit passengers have requirements for quarantine inspection on the exit animals and plants, their products and other quarantine objects, upon application of the entry and exit passenger, the inspection and quarantine authority may perform quarantine inspection in accordance with laws and issue relevant certificates and documents.

Article 25 Inspection and quarantine authorities shall perform quarantine supervision and administration on articles carried by entry transfer passengers.

Airline companies shall adopt separate building-up or subdivision carrying for articles carried by the entry transfer passengers, and affix obvious marks on the outer packing of articles carried by the entry transfer passengers. Inspection and quarantine authorities may perform an in-flight supervision in the domestic leg where necessary.

Chapter IV Quarantine Treatment

Article 26 Detained articles shall be sealed and kept or isolated at areas designated by the inspection and quarantine authorities.

Article 27 Where articles need to be laboratory or isolation quarantined are detained and passed the quarantine performed by the inspection and quarantine authorities, the entry and exit passengers shall take back the articles on the strength of the Voucher of Detaining/Quarantine Treatment within the specified time limit, otherwise, such articles shall be deemed as voluntary abandonment; articles that fail in the quarantine and can not be treated with effective methods shall be returned within the specified time limit or destroyed.

Articles that fail to be taken back within the specified time limit or are declared by the entry and exit passengers to give up in writing shall be deemed as voluntary abandonment, and shall be disposed of by the inspection and quarantine authorities in accordance with relevant provisions.

Article 28 Entry pets shall be isolated for quarantine for a period of 30 days (including the detention period).

Pets from the rabies-endemic countries or regions are subject to isolation quarantine for a period of 30 days at the isolation area designated by the inspection and quarantine authorities.

Pets from the rabies-free countries or regions are subject to isolation quarantine for a period of 7 days at the isolation area designated by the inspection and quarantine authorities, and then be isolated for the rest 23 days at other areas designated by the inspection and quarantine authorities.

Pets that belong to working dogs, such as guide dogs, search and rescue dogs, etc. with the relevant certificates of professional training, may be exempted from the isolation quarantine.

Inspection and quarantine authorities shall perform observation and examination on the pets isolated for quarantine.

Article 29 Whoever carries pets into the country but fails to submit quarantine certificates and vaccination certificates issued by official animal quarantine authorities of the exporting countries or regions, or the quantitative limit of pets is exceeded, the pet(s) in question shall be returned within specified time limit or destroyed by the inspection and quarantine authority. For working dogs that only fail to submit the vaccination certificates, upon application by the entry and exit passenger, the inspection and quarantine authority may vaccinate the working dog against rabies.

If such pets need to be returned within the specified time limit, the entry and exit passengers shall take them back within the period on the strength of the Voucher of Detaining/Quarantine Treatment issued by the inspection and quarantine authorities, and carry them to leave the country; otherwise, such pets shall be treated as voluntary abandonment.

Article 30 For articles that are detained due to failure of providing the Quarantine License and other relevant documents, the entry and exit passenger shall submit the required documents within the

detention period, if the documents are qualified upon the verification of the inspection and quarantine authorities, and no further laboratory quarantine or isolation quarantine or other quarantine treatment is required, the articles shall be released; for those valid certificates and documents can not be submitted within the detention period, such articles shall be returned within specified time limit or destroyed.

Where any entry and exit passenger carries agricultural GMOs into the country and are unable to submit agricultural GMOs safety certificate and relevant approval documents, or articles are inconsistent with the certificate and the approval document, such articles shall be returned within the specified time limit or destroyed. Agricultural GMOs carried into the country that fail to be labeled in accordance with the provisions shall not enter the country until they are relabeled.

Article 31 In any of the following circumstances, articles shall undergo disinfection and disinfestation treatment or sanitary treatment:

- (1) Any diseases, insect pests and harmful organisms as specified have been found in entry animals and plants, their products and other quarantine objects;
- (2) Any entry and exit corpses or human remains that do not meet sanitary requirements;
- (3) Any entry and exit luggage and articles from the areas stricken by epidemic-disease, contaminated by infectious diseases, or likely to transmit a communicable disease;
- (4) Any other objects that shall undergo the disinfection and disinfestation treatment or sanitary treatment.

Article 32 In any of the following circumstances, articles shall be returned within a specified time limit or destroyed by the inspection and quarantine authorities in accordance with relevant provisions, unless otherwise provided by laws and regulations:

- (1) In any circumstances listed in Articles 22, 27, 29 and 30 of the Measures;
- (2) Articles that are prohibited from entering into the country as stipulated by laws and regulations as well as other provisions of the State;
- (3) Other articles that shall be returned within a specified time limit or destroyed.

Chapter V

Legal Liabilities

Article 33 Whoever carries animals and plants, their products or other quarantine objects, in any of the following acts, shall be imposed a fine of no more than 5,000 yuan by the inspection and quarantine authority:

- (1) Failing to declare to inspection and quarantine authorities where the declaration is required;
- (2) Where the animals and plants, their products or other quarantine objects declared for quarantine inspection are inconsistent with the articles carried by the entry and exit passengers;
- (3) Failing to go through formalities for examination and approval of quarantine inspection in accordance with law;
- (4) Failing to follow the provisions on examination and approval of quarantine inspection.

In case of any acts as prescribed in Article 33(2), the quarantine certificates already obtained shall be revoked.

Article 34 Whoever, in violation of law, commits any of the following acts shall be given a warning or imposed a fine of not less than 100 yuan but not more than 5,000 yuan by the inspection and quarantine authority:

- (1) Refusing to accept the quarantine inspection or sanitary treatment on the articles;
- (2) Forging or altering health and quarantine certificates and documents;
- (3) Concealment in declaring of carrying such articles as microzoaria, human tissue, biologicals, blood and hemoproducts which are prohibited from entering into the country or other animals and objects which may cause the spread of epidemic diseases;
- (4) Loading or unloading any luggage without the permission of inspection and quarantine authorities;
- (5) Carriers do not adopt separate building-up or subdivision carrying for articles carried by the entry transfer passengers.

Article 35 Whoever removes or transports, without authorization, corpses or human remains without sanitary treatment conducted by inspection and quarantine authorities shall be imposed a fine of not less than 1,000 yuan but not more than 10,000 yuan.

Article 36 Whoever commits any of the following acts shall be imposed a fine of not less than 3,000 yuan but not more than 30,000 yuan by inspection and quarantine authorities:

- (1) Unloading animals or plants, their products or other quarantine objects entering or transiting through the country from the means of transport or transporting or delivering the above objects without the permission of the inspection and quarantine authorities;
- (2) Transferring or disposing of, without the permission of the inspection and quarantine authorities, articles subjected to detention and isolation in a isolated area designated by the inspection and quarantine authorities;
- (3) Opening, removing or damaging, without authorization, the seals or marks for animal and plant quarantine.

Article 37 Whoever forges or alters animal and plant quarantine certificates and documents, stamps, marks or seals shall be transferred to the public security organ in accordance with law. If a crime is not yet constituted, or if a criminal punishment is not needed to be sentenced according to law because the criminal cases are obviously slight, the inspection and quarantine authority shall impose a fine of not less than 20,000 yuan but not more than 50,000 yuan.

Article 38 Any waste and used articles entering or exiting the country carried by the entry and exit passenger without permission, failing to be declared to the inspection and quarantine authority, and/or not being conducted sanitary treatment and accompanied by relevant documents, the inspection and quarantine authority shall impose a fine of not less than 5,000 yuan but not more than 30,000 yuan.

Article 39 Whoever buys or sells animal and plant quarantine certificates and documents, stamps, marks, seals, or forged or altered plant and animal quarantine certificates and documents, stamps, marks, seals, with illegal income, shall be imposed a fine of no more than 3 times of the illegal income

by the inspection and quarantine authority, up to 30,000 yuan; if with no illegal income, shall be imposed a fine of no more than 10,000 yuan by the inspection and quarantine authority.

Whoever buys or sells health quarantine certificates and documents, or forged or altered health quarantine certificates and documents, with illegal income, shall be imposed a fine of no more than 3 times of the illegal income by the inspection and quarantine authority, up to 5,000 yuan; if with no illegal income, shall be imposed a fine of not less than 100 yuan but not more than 5,000 yuan by the inspection and quarantine authority.

Article 40 Whoever commits any of the following acts shall be imposed a fine up to 1,000 yuan by the inspection and quarantine authority:

- (1) Stealing animal and plant quarantine certificates and documents, stamps, marks, seals, or using forged or altered plant and animal quarantine certificates and documents, stamps, marks, seals;
- (2) Stealing health quarantine certificates and documents, or using forged or altered health quarantine certificates and documents;
- (3) Using forged or altered foreign official quarantine certificates.

Article 41 Entry and exit passengers refuse or obstruct inspection and quarantine authorities and their staff to perform their official duties shall be transferred to and handled by the relevant authorities in accordance with law.

Article 42 Any staff of inspection and quarantine authorities shall enforce law impartially, perform duties faithfully and shall not abuse their powers, neglect their duties or practice favoritism and commit irregularities; those who violate the law or neglect their duties, shall be investigated for liabilities in accordance with law.

Chapter VI Supplementary Provisions

Article 43 "Unaccompanied articles", as mentioned in the Measures, refers to luggage and personal belongings entering or exiting the country within 6 months (including the sixth month) after the entry or prior to the exit of passengers in the way of consignment.

Article 44 Inspection and quarantine authorities shall collect fees, if necessary, in accordance with relevant provisions.

Article 45 Whoever violates the Measures and constitutes a crime shall be investigated for criminal liabilities in accordance with law.

Article 46 The Measures are interpreted by AQSIQ.

Article 47 The Measures shall enter into force as of Nov 1, 2012. The Administrative Measures on Quarantine of Articles Carried by Entry and Exit Passengers (AQSIQ Decree No.56) issued by AQSIQ on November 6, 2003 shall be repealed simultaneously.