

CHINA

Regulations on the implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, Order No. 447 of the State Council

(中华人民共和国进出口商品检验法实施条例) (2022年修订版全文) 国务院令 第447号)

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Regulations on the implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection, Order No. 447 of the State Council

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

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 Customs takes principal charge of the work of import and export commodity inspection nationwide.

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

Article 3 the General Administration of Customs 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, the General Administration of Customs shall solicit opinions from relevant sides such as the competent foreign trade department of the State Council and other relevant parties.

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 official inspection).

Entry-exit inspection and quarantine authorities conduct random inspection on import and export commodities other than those subject to official 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 the General Administration of Customs.

Specific measures for inspection exemption shall be formulated by the General Administration of Customs in consultation with the relevant departments.

Article 7 Import and export commodities subject to official 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.

The General Administration of Customs 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, hygiene, 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 document 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 document control shall be formulated, adjusted and published by the General Administration of Customs 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 shall apply for inspection and and shall file with the entry-exit inspection and quarantine agency in accordance with the law.

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 The General Administration of Customs 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.

The General Administration of Customs and entry-exit inspection and quarantine authorities shall, in a timely manner, provide information about import and export commodity inspection to the relevant parties.

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.

II. Inspection on Import commodities

Article 16 A consignee of import commodities subject to official inspection shall, on the basis of the contract, invoice, packing list, bill of lading and other necessary vouchers, as well as related approval documents, apply for inspection to the entry-exit inspection and quarantine authority at the place where the customs declaration is made. Within 20 days after customs clearance and release, 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 official inspection may be sold or used without being inspected.

With regard to import commodities subject to certificate check, 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 check in accordance with the provisions of the General Administration of Customs.

Article 17 With regard to import commodities subject to official inspection or certificate check, 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 official 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, the General Administration of Customs 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 official inspection that fail the inspection on items related to safety of human lives and property, health or environmental protection, or issue a rejection notice. 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 official 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 check 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 disposal.

Where a consignee of import commodities other than those subject to official 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 official 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 the General Administration of Customs 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 agency designated by the General Administration of Customs.

With regard to the import of used mechanical and electrical high-risk 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.

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 the law.

Article 23 Upon arrival of imported motor vehicles, the consignee shall apply to the vehicle administration authority for a license plate 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.

III. Inspection on Export Commodities

Article 24 A consignor of export commodities subject to official inspection shall, by presenting necessary documents 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 the General Administration of Customs. No export commodities subject to official 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. The General Administration of Customs 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 check, the consignor shall apply for certificate check to the entry-exit inspection and quarantine authority. The entry-exit inspection and quarantine authority shall conduct the certificate check in accordance with the provisions of the General Administration of Customs.

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 official inspection and certificate check, the customs conducts customs clearance procedures according to legal provisions.

Article 27 Where export commodities subject to official 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. 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 official 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 check fail the certificate check 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 disposal.

Article 29 Manufacturers of packaging containers for export of dangerous goods shall apply to the entry-exit inspection and quarantine authority to perform a 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 exporting dangerous goods shall apply to the entry-exit inspection and quarantine authority for the identification of the packaging containers. No dangerous goods that use unidentified packaging containers or fail the identification may be exported.

Article 30 With regard to containers, cabins, airplanes, vehicles and other means of transport for carrying export perishable foods or frozen goods, the carrier, packing unit or their agents shall 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.

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.

Entry-exit inspection and quarantine authorities conduct quality supervision, administration and inspection before they leave the factory, including 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 the General Administration of Customs 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 the General Administration of Customs in a unified way.

Article 33 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 the General Administration of Customs.

Article 34 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 35 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 the General Administration of Customs. The entry-exit inspection and quarantine authority receiving the application for re-inspection or the General Administration of Customs 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 36 the General Administration of Customs 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, the General Administration of Customs or entry-exit inspection and quarantine authorities may cancel the designation.

Article 37 Where anyone is opposed to the inspection and survey activities of an inspection body, it may lodge a complaint to the General Administration of Customs or the entry-exit inspection and quarantine authority.

Article 38 The General Administration of Customs and entry-exit inspection and quarantine authorities shall have the right to inspect and copy the relevant contracts, invoices, account books and other relevant material. Entry-exit inspection and quarantine agencies may seal up or detain imported and exported commodities that are unqualified for items involving personal and property safety, health, and environmental protection, with the approval of the person in charge of the agency.

Article 39 The General Administration of Customs 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 40 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.

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 41 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, the General Administration of Customs shall formulate separate measures in consultation with the General Administration of Customs.

V. Legal Liability

Article 42 Where anyone sells or uses without authorization import commodities subject to official 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 check 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 43 Where anyone exports without authorization export commodities subject to official inspection for which no inspection declaration has been made or no inspection conducted, or exports without authorization export commodities for which export certificate check 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 44 Where anyone sells or uses import commodities that fail the official inspection, random inspection or certificate verification, or exports commodities that fail the official 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 three times the value of the commodities illegally sold, used, or exported. If a crime is constituted, criminal liability shall be investigated for in accordance with law.

Article 45 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 official 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.

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.

Article 46 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 47 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 48 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, the General Administration of Customs 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 49 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 50 Where anyone provides or uses dangerous goods packaging containers that are not identified 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 identification 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 51 Where anyone provides or uses containers, cabins, airplanes, 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, airplanes, 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 52 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 53 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 the General Administration of Customs or the entry-exit inspection and quarantine authority may suspend its inspection and survey business for not more than six months.

Article 54 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 the General Administration of Customs or the entry-exit inspection and quarantine authority may suspend its inspection declaration agency business for not more than six months.

Article 55 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 and 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 56 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.

VI. Supplementary Provisions

Article 57 Where a party is dissatisfied with the re-inspection conclusion made by an entry-exit inspection and quarantine authority or by the General Administration of Customs, or is dissatisfied with the penalty decision made by the General Administration of Customs 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 58 Entry-exit inspection and quarantine authorities conducting official inspection and the licensed inspection bodies engaging in inspection and survey may collect fees in accordance with the relevant provisions of the State.

Article 59 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.