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REGULATIONS ON PLANT QUARANTINE

[Note]=(Promulgated by the State Council on January 3, 1983, amended and promulgated in accordance with the Decision of the State Council Concerning the Amending of Regulations on Plant Quarantine on May 13, 1992, and effective as of May 13, 1992)

Full Text

Article 1 These Regulations are formulated for the purpose of preventing harmful diseases, insect and weeds dangerous to plants from spreading, and of protecting agriculture and forestry safety production.

Article 2 The competent agricultural department and the competent forestry department under the State Council shall be in charge of the plant quarantine work throughout the country. The competent agricultural departments and the competent forestry departments of various provinces, autonomous regions and municipalities directly under the Central Government shall be in charge of plant quarantine work in their own regions.

Article 3 The plant quarantine organs of the competent agricultural departments and the competent forestry departments above county level shall carry out the State plant quarantine tasks.

Plant quarantine inspectors who enter into a station, an airport, a seaport, a warehouse and other related sites for performing quarantine inspection shall wear their quarantine uniforms and bear their quarantine marks.

Article 4 All dangerous diseases, insect and weeds that occur in parts of an area and can spread with plants and plant products shall be classified into plant quarantine objects. The lists of plant quarantine objects of agriculture and forestry and plants and plant products that should be quarantined shall be worked out by the competent agricultural department and the competent forestry department under the State Council. The competent agricultural departments and the competent forestry departments of various provinces, autonomous regions and municipalities directly under the Central Government, in the light of the local need, may work out the supplementary quarantine catalogues of their own regions, and report to the competent agricultural department and the competent forestry department under the State Council for the record.

Article 5 An area where a plant quarantine object occurs shall be designated as an epidemic area. Preventive measures such as blockading and eradication shall be taken so as to prevent the plant quarantine object from spreading out. In case of widespread epidemic occurrence, non-epidemic areas shall be designated as protection areas to prevent plant quarantine objects from spreading in.

In the light of the spreading situation of plant quarantine objects, local geographical environment, transport conditions and requirements of measures for blockading and eradication, an epidemic area shall be designated and brought under strict control.

In an epidemic area, the plant quarantine organs shall send inspectors to participate in the work of local road jointinspection stations or timber inspection stations. In case of the most serious epidemic, plant quarantine inspection shall be set up for performing plant quarantine inspection after approval

by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 6 The designation of an epidemic area and a protection area shall be made by the competent agricultural departments and the competent forestry departments of provinces, autonomous regions and municipalities directly under the Central Government and shall be approved by their own local people's governments, then shall be reported to the competent agricultural department and the competent forestry department under the State Council for the record.

A proposed designation of an epidemic area and a protection area covering more than one province or autonomous region or municipality directly under the Central Government shall jointly be made by the competent agricultural departments and the competent forestry departments of the related provinces, autonomous regions and municipalities under the Central Government and reported to the competent agricultural department and the competent forestry department under the State Council for approval.

The procedures of change and withdrawal of an epidemic area and a protection area are similar to that of designation.

Article 7 The plants and plant products for transfer shall be subject to quarantine inspection in the case as follows:

(1) Plants and plant products listed in the catalogues of quarantine shall be subject to quarantine inspection before they are transported from a county administration area where an epidemic is occurring.

(2) Plant seeds, seedlings or other propagating materials whether they are listed or not in the quarantine catalogues of plants and plant products and wherever they are transported shall be subject to quarantine inspection before their transportation.

Article 8 On discovering of no plant quarantine object of plants and plant products subject to quarantine inspection specified in Article 7 of these Regulations, their quarantine certificates shall be issued. On discovering of plant quarantine objects, but a thorough disinfection treatment can be carried out, consignors shall conduct disinfection treatment at a designated site according to the requirements of plant quarantine organs. After they pass the quarantine inspection, their plant quarantine certificates shall be issued. In case of no disinfection treatment can be carried out, their transfer shall be stopped.

The model of plant quarantine certificates shall be formulated by the competent agricultural department and the competent forestry department under the State Council.

Packaging materials, means of transport, sites and warehouses which are possibly contaminated by plant quarantine objects shall be subject to quarantine inspection. If they are contaminated, consignors shall carry out treatments according to the requirements of the plant quarantine organs.

The expenses for vehicle parking and boat berthing, and transport, unpacking, sampling, storing and disinfection of goods required by quarantine inspection shall be covered by consignors.

Article 9 Plants and plant products which must be subject to quarantine inspection specified in Article 7 of these Regulations shall be transported or posted by the transportation department and the post department on the strength of the quarantine certificates. The quarantine certificates shall be transmitted along with goods. The specific measures shall be formulated by the competent agricultural department and the competent forestry department under the State Council together with departments of railways, communications, civil aviation and post and telecommunications.

Article 10 For plants and plant products subject to quarantine inspection specified in Article 7 of this Regulations transferred between provinces, autonomous regions and municipalities directly under the Central Government, the import unit shall seek a permission beforehand from the plant quarantine organ of its own province or autonomous region or municipality directly under the Central Government and shall put forward the requirements of quarantine inspection to the export unit. The

export unit shall make an application for quarantine inspection to the plant quarantine organ of its own province or autonomous region or municipality directly under the Central Government. The plant quarantine organ of province or autonomous region or municipality directly under the Central Government where import unit is located shall check the quarantine certificates of entry plants and plant products, and shall, if necessary, perform re inspection.

The quarantine measures for transferring plants and plant products within provinces, autonomous regions and municipalities directly under the Central Government shall be formulated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 11 The breeding and propagating units of plant seeds, seedlings or other propagating materials must establish seeds and seedling bases and maternal tree breeding bases free of plant quarantine objects in a planned way. Plant seeds, seedlings and other propagating materials for experiment and extension may not carry plant quarantine objects. Plant quarantine organs shall perform original planting area quarantine inspection.

Article 12 Any unit importing seeds and seedlings from foreign countries shall make an application to the local plant quarantine organ in the province or autonomous region or municipality directly under the Central Government and go through the formalities for examination and approval of quarantine inspection. However, Beijing-based units affiliated to the concerned department under the State Council importing seeds and seedlings from foreign countries shall submit their applications to the plant quarantine organs affiliated to the competent agricultural department and the competent forestry department under the State Council and go through the formalities for examination and approval of quarantine inspection. Specific measures shall be formulated by the competent agricultural department and the competent forestry department under the State Council.

Seeds, seedlings and other propagating materials for import which are suspected of carrying dangerous diseases and insect must be isolated for trial planting. Only after approval by the plant quarantine organs through investigation, observation and quarantine inspections that they are free of dangerous diseases and insect can they be distributed for planting.

Article 13 Agricultural and forestry colleges and universities as well as experiment and research institutions may not conduct research on plant quarantine objects in nonepidemic areas. However, when it is needed for the purpose of teaching and research to use plant quarantine objects specified by the competent agricultural department and the competent forestry department under the State Council, it shall be approved by the competent agricultural department and the competent forestry department under the State Council; for the plant quarantine objects specified by provinces, autonomous regions and municipalities directly under the Central Government, it shall be subject to the approval by the competent agricultural departments and the competent forestry departments in provinces, autonomous regions and municipalities directly under the Central Government. Strict measures shall be taken to prevent proliferation.

Article 14 For newly discovered quarantine objects and other dangerous diseases, insect and weeds, the plant quarantine organs must conduct a timely investigation of the situation, report at once to the competent agricultural departments and the competent forestry departments in provinces, autonomous regions and municipalities directly under the Central Government as well as take measures for a complete eradication. They also shall report to the competent agricultural department and the competent forestry department under the State Council.

Article 15 Epidemic information shall be released by the competent agricultural department and the competent forestry department under the State Council.

Article 16 The expense and allowance for emergency control needed in epidemic survey and taking measures for epidemic eradication as stipulated in paragraph 1 of Article 5 and in Article 14 of these Regulations shall be allocated out of the annual plant protection and forest protection expenditure

of provinces, autonomous regions and municipalities directly under the Central Government or out of the production expenditure of state farms. The State shall provide subsidy for the control of the most serious epidemic according to specific circumstances.

Article 17 The people's government shall offer rewards to units and individuals who have made remarkable contributions in plant quarantine work.

Article 18 Whoever commits any of the following acts shall be ordered to correct and may be fined by the plant quarantine organ; he shall be responsible for compensation if causing any loss; criminal responsibility shall be investigated according to law by the judicial authorities if the offense constitutes a crime:

(1) Failing to go through the formalities for a plant quarantine certificate as stipulated in these Regulations or acting dishonestly in applying for quarantine inspection;

(2) Forging, altering, trafficking or transferring quarantine certificates, stamps, marks or seals;

(3) Failing to transport or isolate for trial planting or produce plants and plant products subject to quarantine inspection according to these Regulations;

(4) In violation of these Regulations and without authorization, unpacking the packing of plants and plant products, changing plants and plant products or altering the specified use of plants and plant products;

(5) In violation of these Regulations, causing epidemic proliferation.

For any of the acts mentioned in Items (1), (2), (3) and (4) of the above paragraph but not constituting a crime, the plant quarantine organs may confiscate the illegal income.

For plants and plant products for transfer in violation of these Regulations, plant quarantine organs have the right to seal up for safekeeping, confiscate, destroy or order the change of use. Expenses involved in destruction shall be born by the party responsible.

Article 19 If a plant quarantine functionary or a concerned functionary from a transportation department or a post department, during quarantine inspection, transportation and posting of plants and plant products, practices favouritism and embezzlement, or neglects his or her duty, he or she shall be subject to administrative sanctions by the unit where he or she works or by the responsible department at a higher level; if the offense constitutes a crime, criminal responsibility shall be investigated according to law by the judicial authorities.

Article 20 If the party is not satisfied with the decision on administrative punishment made by a plant quarantine organ, it may, within 15 days of receiving the notification of punishment, apply for reconsideration to the organ at the level next higher over the one making the decision of punishment; if dissatisfied with the decision of reconsideration, the party may, within 15 days of receiving the decision of reconsideration, bring a suit to a people's court. If the party doesn't apply for reconsideration within the prescribed period, or neither brings a suit nor complies with the decision of punishment, the plant quarantine organ may apply to the people's court for compulsory execution or exercise compulsory execution according to law.

Article 21 A plant quarantine organ may collect fees for performing quarantine service. Specific measures shall be formulated by the competent agricultural department and the competent forestry department under the State Council.

Article 22 Quarantine inspection of import and export plants shall be performed according to the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine.

Article 23 The rules for implementation of these Regulations shall be formulated by the competent agricultural department and the competent forestry department under the State Council. Provinces, autonomous regions and municipalities directly under the Central Government may formulate their

implementing measures according to these Regulations and their implementing rules while taking into consideration their specific local conditions.

Article 24 These Regulations shall come into force as of the date of promulgation. The Interim Measures for Domestic Plant Quarantine approved by the State Council and promulgated by the Ministry of Agriculture on December 4, 1957 shall be annulled as of the same date.