

FEED AND FEED ADDITIVES LEGISLATION

People's Republic of China

Chapter one General legislation

No 1. The aims of the legislation are to strengthen the administration of feed and feed additives, improve their quality, increase the development of the feed industry and animal production, and enhance public health safety.

No 2. "FEED" in this legislation means material to be used as animal food after industrial manufacture, including single feeds, feed premixes, concentrate feeds, compound feeds and concentrate supplements; "FEED ADDITIVES" means material to be added in small or micro quantities during feed manufacture, including nutritional or non-nutritional additives. The categories of feed additives are registered and ordained by the Ministry of Agriculture of the State Council.

No 3. The Ministry of Agriculture of the State Council is responsible for the national administration of feed and feed additives; the feed and feed additives administrative department of the County government is responsible for local feed and feed additives administration.

Chapter two Administration of evaluation, registration and importation

No 4. The government encourages research and the creation of new feeds and feed additives.

Before the manufacture of new feeds and feed additives, the researcher or manufacturer (hereafter called the 'applicant') must put forward an application for evaluation of the new product to the Ministry of Agriculture of the State Council. Feed analysis and feeding trials are conducted by an organization assigned by the Ministry. The National Feed Evaluation Council evaluates the results of the feed analysis and feeding trials, the safety, availability and impact on the environment. The Ministry of Agriculture of the State Council will issue the new product registration and approval after the evaluation is accepted.

The National Feed Evaluation Council is made up by scientists in animal husbandry, feed manufacture, animal nutrition, toxicology, pharmacology, metabolism, food hygiene, chemistry, biotechnology, quality standards and environmental protection.

No 5. The following information should be provided together with samples of the new product when the applicant submits the application:

- (1) Name, composition, and physical and chemical characteristics of the new product;
- (2) Research method, production technology, quality standards and analytical procedure used for the new product;

- (3) Feeding results, degradation, residues and toxicology of the new product;
- (4) Report of the environmental impact and measures taken to prevent pollution.

No 6. The quality standard of the proclaimed product is the industrial standard. If a national standard is required, the procedure will be conducted according to the National Standard Law.

No 7. When feed or feed additives are imported for the first time, application for registration should be made to the Ministry of Agriculture of the State Council. In addition to samples of the feed or feed additives, the applicant should provide the following information:

- (1) Trademark, label and history of use [in the producing country];
- (2) Certificate of registration of manufacture and sale in the producing country and registration documents from other countries;
- (3) Information required in No 5. [above];

The Ministry of Agriculture of the State Council will issue the product registration certification after receipt the documents in No 7.

Chapter three Administration of manufacture and sale

No 8. Besides complying with the appropriate laws or administrative regulations of the enterprise, the following conditions are required for the establishment of feed or feed additives enterprises:

- (1) Plant, equipment, technology and storage building for feed or feed additives manufacture;
- (2) Full-time technicians for feed or feed additives manufacture;
- (3) Department, technician and equipment for quality control of produced feed or feed additives;
- (4) Production conditions in accordance with the safety and sanitation requirements of the National Legislation;
- (5) Measures for pollution prevention in accordance with the National Legislation;

The enterprise can be registered only after it has been evaluated and approved by the Ministry of Agriculture of the State Council or the Feed Administrative Office of the Provincial Government.

No 9. Any enterprise for manufacturing feed additives or premixes is evaluated first by the Feed Administrative Office of the Provincial Government, and is then issued the Manufacturing Clearance by the Ministry of Agriculture of the State Council.

After the issue of the Manufacture Clearance, the enterprise can be registered by the Feed Administrative Office of the Provincial Government.

No 10. An enterprise for manufacturing feed additives or premixes should organize production, maintain a system of production records and samples for testing, according to prescribed quality standards.

No 11. Veterinary drugs or other prohibited drugs should not be added directly to feed or feed additives; the permitted drugs can only be added after diluting with suitable materials in 'drug containing feed additives'. No feed should contain hormone material.

No 12. The feed or feed additives should be subject to quality control tests. The record should be attached to the qualified products, otherwise the products should not be sold.

No 13. The packaging of feed or feed additives should comply with the National Regulations on safety and hygiene.

The flammable feed or feed additives, or those with special requirements, should carry the appropriate symbol and instructions for transport.

The packaging of feed or feed additives should not be used repeatedly unless there is agreement between the producer and the user.

No 14. The packaging of feed or feed additives should carry a label. The label should show the name, ingredients, composition, net weight, date of production, expiry date, manufacturer's name and address, and the code number of the quality standard applied to the product.

The label on feed additives should also give the instructions for use and warnings.

The label on feed containing 'drug feed additives' should be marked "containing drug feed additives" and at the same time give its chemical name, content, usage and warnings.

The label on feed additives or premix feed should carry the Registration Number and the Clearance Number.

No 15. Enterprises selling feed or feed additives should comply with the following conditions:

- (1) Storage conditions required for the management of feed or feed additives;
- (2) Professional technicians required for the use, storage and repackaging of feed or feed additives;
- (3) An appropriate quality control system.

No 16. Enterprises selling feed or feed additives should check the label and quality certification of the product when they accept the product.

Feed or feed additives without the quality standard, quality certification, production clearance or production registration number are prohibited from sale.

No 17. Feed or feed additives which have been stopped, forbidden, abandoned or not approved are prohibited from production or sale.

No 18. Feed or feed additives which are proved harmful to animals, humans or the environment will be restricted, stopped or prohibited, and this will be announced by the Ministry of Agriculture of the State Council.

No 19. It is prohibited to advertise feed or feed additives for the purpose of preventing or treating animal diseases; but feed or feed additives containing drug additives must carry their functional instructions.

No 20. The organizations which verify the quality of feed or feed additives can operate only after they are approved by the Quality Supervision Bureau or the Administration Branch of Agriculture of the State Council or Provincial Government.

No 21. The Ministry of Agriculture of the State Council may supervise or spot-check the quality of feed or feed additives according to the National Quality Supervision Plan formulated by the of the State Council; but repetition of the procedure should be avoided.

The Feed Administration Office of the County Government may supervise or spot-check the quality of feed or feed additives according to the Feed or Feed Additives Quality Supervision Plan and announce the result together with the Quality Supervision Bureau of the County Government.

Chapter Four Punishment

No 22. An enterprise which contravenes the legislation by manufacturing feed or feed additives without manufacturing clearance will be closed by The Feed Administration Office of the County Government, the product and the income will be confiscated, and a fine imposed up to five times the income. An enterprise with manufacturing clearance but without the product registration certification will be ordered to stop manufacture and complete the registration certification in a given time.

No 23. An enterprise contravening the legislation by handling feed or feed additives without quality certification or product labelling will be ordered to stop trading, the product and the income will be confiscated, and a fine imposed the equivalent of the income by the Feed Administration Office of the County Government.

No 24. Packaging of feed or feed additives that contravenes No. 13 of the legislation or its label contravenes No. 14 of the legislation will be ordered to take corrective action in a given time, otherwise the enterprise will be fined the equivalent of the income by the Feed Administration Office of the County Government.

No 25. Enterprises handling feed or feed additives without the conditions required by No. 15 of the legislation will be ordered to take corrective action in a given time. Otherwise the enterprises will be ordered to stop trading, confiscate the income, and may be fined one to three times the income by the Feed Administration Office of the County Government.

No 26. Enterprises contravening the legislation by manufacturing feed or feed additives that are stopped, forbidden, abandoned or not approved will be closed, the product and the income will be confiscated, and a fine imposed up to five times the income by The Feed Administration Office of the County Government.

No 27. Enterprises contravening the legislation for one of the following reasons will be closed, the product and the income will be confiscated, and a fine imposed up to five times the income by The Feed Administration Office of the County Government. If the consequences are serious, the manufacturing clearance will be cancelled by the Ministry of Agriculture of the State Council. If there is criminal intent, a penalty will be imposed accordingly.

- (1) Replacing feed or feed additives with other materials, or changing the name of feed or feed additives;
- (2) The composition of the feed or feed additives are not in accordance with those on the label;
- (3) Feed or feed additives manufactured or traded are not in accordance with the quality standard of the product;
- (4) Feed or feed additives traded are ineffective, stale or expired.

No 28. Enterprises trading in imported feed or feed additives which are not registered by the Ministry of Agriculture of the State Council will be closed, the product and the income will be confiscated, and a fine imposed up to five times the income by the Feed Administration Office of the County Government.

No 29. Enterprises forging, falsifying or exchanging the manufacturing clearance, the product certification or the registration certification will be punished by the cancellation of the manufacture clearance, the product certification or the registration certification by the Ministry of Agriculture of the State Council or the Feed Administration Office of the County Government. will be closed, the product and the income will be confiscated, and a fine imposed up to five times the income by The Feed Administration Office of the County Government. If the consequences are serious, the manufacturing clearance will be cancelled by the Ministry of Agriculture of the State Council. If there is criminal intent, a penalty will be imposed accordingly.

Chapter Five Bylaw

No 30. The meaning of the terms in this legislation:

- (1) Nutritional feed additives mean small or micro quantities of material for supplementing the nutrients of feeds, including amino acids, vitamins, macro or micro minerals, enzymes and non-protein nitrogen, etc.
- (2) General feed additives mean materials adding to the feed in order to ensure or improve the quality and efficiency of the feed.
- (3) Drug feed additives mean diluted drug premixes for the prevention or treatment of animal diseases, including coccidiostats, anthelmintics and antibacterial agent, etc.

No 31. The administration of drug feed additives is conducted according to "the Legislation on Veterinary Medicine Administration" .

The No 31 will take effective from the issuance of this legislation.