

Measures for the Supervision and Administration of Inspection and Quarantine of Outbound Fruits

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The “Measures for the Supervision and Administration of Inspection and Quarantine of Outbound Fruits”, which were deliberated and adopted at the executive meeting of the State Administration of Quality Supervision, Inspection and Quarantine on November 27, 2006, are hereby promulgated, and shall come into force on February 1, 2007.

Director General Li Changjiang
December 25, 2006

Measures for the Supervision and Administration of Inspection and Quarantine of Outbound Fruits

Chapter I General Provisions

Article 1 The present Measures are formulated in accordance with the “Law of the People’s Republic of China on the Entry and Exit Animal and Plant Quarantine” and the Regulation for the Implementation Thereof, the “Law of the People’s Republic of China on Import and Export Commodity Inspection” and the Regulation for the Implementation Thereof, the “Food Hygiene Law of the People’s Republic of China”, as well as other relevant laws and regulations for the purpose of regulating the inspection and quarantine as well as supervision and administration of outbound fruits, and improving the quality and safety of outbound fruits.

Article 2 The present Measures shall apply to the inspection and quarantine as well as the supervision and administration of the outbound fresh fruits (including frozen fruits, hereinafter referred to as fruits) of China.

Article 3 The State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the SAQSIQ) shall uniformly administer the inspection and quarantine as well as the supervision and administration of outbound fruits throughout China.

The entry and exit inspection and quarantine institution established by the SAQSIQ at each locality (hereinafter referred to as the inspection and quarantine institution) shall take charge of the inspection and quarantine as well as supervision and administration of the outbound fruits of its own jurisdiction.

Article 4 Where any bilateral agreement or protocol, etc. concluded between China and the importing country or region clearly prescribes, or any of the laws and regulations of the importing country or region requires, that the orchard and the packing factory of the fruits entering that country or region shall be registered, the inspection and quarantine institution shall, in accordance with legal provisions, register the orchard and the packing factory of the outbound fruits exported to that

country or region.

Where no bilateral agreement or protocol between China and the importing country or region has any clear provision, nor does any law or regulation of the importing country or region so require clearly, the orchard or the packing factory of the outbound fruits may apply to the inspection and quarantine institution for registration.

Chapter II Registration

Article 5 An orchard of outbound fruits shall, if applying for registration, meet the following conditions:

- (1) It plants fruits within an entire area of 100 mu or above;
- (2) There is no polluting source around, which affects the production of fruits;
- (3) It has full-time or part-time plantation custodians who take charge of monitoring, preventing and controlling harmful organisms within the orchard;
- (4) It has built up a sound quality management system. The quality management system documents shall contain relevant materials on organizational structure, trainings of staff, monitoring and control of harmful organisms, use and management of agricultural chemicals, and nice agricultural operation norms, etc.;
- (5) No major epidemic situation of plant has taken place within the latest two years; and
- (6) Where there are particular provisions in any bilateral agreement, protocol or any law or regulation of the importing country or region regarding the registration, such provisions shall also apply.

Article 6 A packing factory of outbound fruits shall, if applying for registration, meet the following conditions:

- (1) The factory area is neat and clean, and there are raw material sites and finished product warehouses meeting the requirements for storage of fruits;
- (2) The functional areas for depositing, processing, treatment and storage of fruits are relatively independent, the layout is reasonable, and measures are taken to separate the functional areas from the living area by keeping a proper distance;
- (3) It has the washing, processing, anti-pest, anti-disease and disinfection treatment facilities meeting quarantine requirements;
- (4) The water sources and agricultural chemicals used to process the fruits must meet the relevant requirements on food hygiene and those of the importing country or region;
- (5) It has a sound hygienic quality management system, including the management in the steps of supply, processing, packing and storage, etc. of fruits; and has detailed records on the information on the sources of fruits, epidemic prevention and monitoring measures, harmful organisms, and toxic and harmful substance test;
- (6) It has staffed full-time or part-time plantation custodians who shall take charge of fulfilling the epidemic prevention measures in the steps of inspection, acceptance, processing, packing and depositing, etc. of raw material fruits, control of toxic and harmful substances, treatment of abandoned fruits, self-test of finished fruits, and so on;
- (7) It has orchards suitable for its processing capacity, which supply fruits, or has fixed supply relationships with the supplying orchards; and
- (8) Where there are particular provisions in any bilateral agreement, protocol or any law or regulation of the importing country or region regarding the registration, such provisions shall also apply.

Article 7 An orchard applying for registration shall file a written application to the local inspection and quarantine institution, and submit the following materials (in duplicate) :

- (1) the “Application Form for Registration of the Orchard of Outbound Fruits”;
- (2) the effective testimonials on lawful operation and management of the orchard (effective testimonials on contracting, lease or use of the land of the orchard) as well as the sketch map and

ichnography of the orchard;

(3) quality management system documents of the orchard; and

(4) a photocopy of the plantation custodians' relevant qualification certificates or corresponding technical diplomas.

Article 8 A packing factory shall, if applying for registration, file a written application to the local inspection and quarantine institution, and submit the following materials (in duplicate):

(1) the "Application Form for Registration of the Packing Factory of Outbound Fruits";

(2) a photocopy of the business license;

(3) the ichnography of the packing factory area, as well as the workflow and a brief introduction on the packing factory;

(4) a name list of the orchards that supply fruits, and a photocopy of the relevant contracts concluded between the packing factory and each orchard on production and purchase of fruits; and

(5) its hygienic quality management system documents .

Article 9 An inspection and quarantine institution shall check the application materials in accordance with legal provisions, determine whether the materials are complete and whether they meet the requirements in the relevant provisions, make a decision on accepting or not accepting the application, and issue a written voucher. If the submitted materials are incomplete or unlawful, it shall, either on the spot or within 5 work days after receipt of the application, notify the applicant once for all to make supplement. If it fails to notify the applicant within the time limit, it shall be deemed to have accepted the application as of the date when it receives the application materials.

After accepting the application, the inspection and quarantine institution shall check the application materials submitted by the orchard or the packing factory of outbound fruits that applies for registration, and organize an expert panel to make on-the-spot assessment.

Article 10 An inspection and quarantine institution shall, within 20 work days as of receipt of the application, make a decision on permitting or not permitting the registration (excluding the time of on-the-spot assessment).

Where a branch inspection and quarantine institution accepts an application, it shall, within 10 work days as of receipt of the application, complete the preliminary examination of the application materials; if the application is found to be qualified from the preliminary examination, it shall submit the application to the directly subordinate entry and exit inspection and quarantine bureau (hereinafter referred to as the directly subordinate inspection and quarantine bureau), and the directly subordinate inspection and quarantine bureau shall, within 10 work days, make a decision on permitting or not permitting the registration.

The directly subordinate inspection and quarantine bureau shall submit the name list of the registered orchards and packing factories to the SAQSIQ for archival filing.

Article 11 The valid term of a registration certificate shall be 3 years. The orchard or the packing factory shall, 3 months prior to expiry of the valid term of the registration certificate, apply to the local inspection and quarantine institution for change of the certificate.

Article 12 Where an registered orchard or packing factory is under any of the following circumstances, it shall apply to the inspection and quarantine institution for going through modification procedures:

(1) The orchard's plantation area is enlarged;

(2) The contract undertaker, the person-in-charge, or the plantation custodians of the orchard have been changed;

(3) The legal representative or the person-in-charge of the packing factory has been changed;

(4) The registered orchard that supplies sources of fruits to the packing factory has been changed;

- (5) The variety of the packing factory's processed fruits has been changed; or
- (6) Other major modifications.

Article 13 Where a registered orchard or packing factory is under any of the following circumstances, it shall re-apply to the inspection and quarantine institution for registration:

- (1) The location of the orchard or the variety of the fruits has been changed;
- (2) The packing factory has been rebuilt, enlarged and moved; or
- (3) Other major modifications.

Article 14 Where any bilateral agreement or protocol, etc. concluded between China and the importing country or region clearly prescribes, or any of the laws and regulations of the importing country or region requires, that the orchard and the packing factory of the fruits entering that country or region shall be registered, the orchard or the packing factory of the outbound fruits shall not export fruits to the relevant countries until it has been recommended by the SAQSIQ in a centralized way, and has been accredited by the inspection and quarantine department of the importing country or region.

Chapter III Supervision and Administration

Article 15 An inspection and quarantine institution shall monitor the harmful organisms as well as the toxic and harmful substances in the orchards and the packing factories of outbound fruits within its jurisdiction, and shall also supervise and administer such orchards and packing factories in this regard. The monitoring result and the supervision facts shall be used as the important basis for classified administration of the outbound fruits for inspection and quarantine.

Article 16 The orchard or packing factory of outbound fruits shall take effective measures to monitor, prevent and comprehensively manage harmful organisms, avoid and control the quarantine of harmful organisms to which the importing country or region pays attention. The orchard or packing factory of outbound fruits shall abide by the relevant regulations and standards, safely and reasonably use agricultural chemicals, and shall not purchase, deposit or use the chemicals prohibited by China or the importing country or region from being used on fruits.

The packing materials of outbound fruits shall be clean and hygienic, never used, and meet relevant hygienic quality standards. If the importing country or region has particular requirements, the fruits packing boxes shall be, in light of the requirements, indicated with the variety of the fruits, the place of origin, the name or code of the orchard and that of the packing factory, and other relevant information.

Article 17 The contents subject to the inspection and quarantine institution's supervision and administration of the orchard of outbound fruits shall include the following:

- (1) the surrounding environment of the orchard, the growth of the fruits, and the information on the managers;
- (2) the occurrence, monitoring, prevention and control of harmful organisms of the orchard, and relevant records ;
- (3) the records on depositing, purchasing, obtaining and using agricultural chemicals of the orchard;
- (4) the records on the test of toxic and harmful substances of the orchard's fruits; and
- (5) the implementation of relevant provisions in the bilateral agreement, protocol or the importing country or region's laws and regulations.

Article 18 The contents subject to the inspection and quarantine institution's supervision and administration of the packing factory of outbound fruits shall include the following:

- (1) the environment and hygienic situation of the packing factory, the use of the production facilities and packing materials, and the information on the managers;
- (2) the records on depositing, purchasing, obtaining and using chemicals;

- (3) the relevant records on the sources, processing, self-test, storage and export, etc. of the fruits;
- (4) the records on test and control of the toxic and harmful substances of the fruits;
- (5) the use of refrigerating facilities, the hygienic situation on epidemic prevention, and the records on control of humidity and temperature; and
- (6) the implementation of relevant provisions in the bilateral agreement, protocol or the importing country or region's laws and regulations.

Article 19 Where an orchard or packing factory of outbound fruits is under any of the following circumstances, the inspection and quarantine institution shall order it to make a rectification within a time limit, and suspend accepting its application for quarantine until it is found qualified after the rectification:

- (1) It fails to follow provisions to use agricultural chemicals;
- (2) There is any environmental pollution source around;
- (3) The source of the packing factory's fruits is unclear;
- (4) The fruits of different sources within the packing factory are mixed up, without any separation and epidemic prevention measure, and are hard to be distinguished from each other;
- (5) It fails to follow the legal provisions to indicate the relevant information or to add marks on packages;
- (6) The packing factory's quarantine treatment facilities meet with a major technical problem;
- (7) It is found by the inspection and quarantine institution from quarantine that any harmful organism or toxic and harmful substance to which attention is paid abroad exceeds the standard; or
- (8) It is found by the importing country or region from quarantine that any harmful organism or toxic and harmful substance exceeds the standard.

Article 20 An inspection and quarantine institution shall, before the fruits collection quarter in each year, make annual checks on the registered orchard and packing factories of outbound fruits, and the orchards and packing factories assessed to be unqualified from the annual checks shall make rectifications within a time limit.

Article 21 Where a registered orchard or packing factory of outbound fruits is under any of the following circumstances, it shall be disqualified from registration:

- (1) It fails to meet the requirements after making a rectification within a time limit;
- (2) It conceals or reports by omission any quality and safety problem;
- (3) It refuses to accept the supervision and administration of the inspection and quarantine institution; or
- (4) It fails to re-apply for registration in accordance with Article 13.

Article 22 The orchard or the packing factory of outbound fruits shall build up stable supply and cooperation relationships with each other. The packing factory shall require the orchard to strengthen the monitoring, prevention and control of the epidemic situation as well as toxic and harmful substances, and guarantee the provision of high-quality and safe sources of fruits.

A registered orchard shall, with respect to the packing factory's outbound fruits carried outbound the jurisdiction of the local inspection and quarantine institution, apply to the local inspection and quarantine institution for the supply testimonial of the place of origin, indicating such information as the name and quantity of the fruits, the name or registration number of the orchard, etc.

Chapter IV Exit Inspection and Quarantine

Article 23 The party concerned shall apply to the inspection and quarantine institution at the locality of the packing factory for quarantine of outbound fruits, and provide relevant documents in accordance with the provisions on applying for quarantine.

Where the outbound fruits come from a registered orchard or packing factory, the party concerned

shall, when applying for quarantine, provide a photocopy of the registration certificate, in addition; for any other registered orchard out of the jurisdiction, the inspection and quarantine institution at the locality of the registered orchard shall issue a fruit supply testimonial of the place of origin; if the outbound fruits come from a unregistered orchard or packing factory, the party concerned shall indicate the name, address and other information of the sourcing orchard or packing factory on the application list for quarantine.

Where the source of outbound fruits is unclear, the application for quarantine shall not be accepted.

Article 24 An inspection and quarantine institution shall, in accordance with provision of the importing country or region on inspection and quarantine of inward fruits, on the basis of the registered information on the orchard or the packing factory, and in light of daily supervision and administration, implement corresponding exit inspection and quarantine measures.

Article 25 An inspection and quarantine institution shall inspect and quarantine outbound fruits in light of the following requirements:

- (1) the bilateral quarantine agreements concluded between China and the importing country or region (including agreements, protocols and memorandums, etc.) ;
- (2) the provisions or requirements of the importing country or region on inspection and quarantine of inward fruits;
- (3) international plant quarantine measures and standards;
- (4) provisions of China on the inspection and quarantine of outbound fruits; and
- (5) the inspection and quarantine requirements set forth in the trade contract and letter of credit, etc.

Article 26 An inspection and quarantine institution shall implement the on-the-spot inspection and quarantine and laboratory test according to relevant work procedures and technical standards:

- (1) Checking whether the goods and the documents conform to each other;
- (2) Whether the relevant information on the plant quarantine certificate and the packing boxes meet the requirements of the importing country or region;
- (3) Inspecting whether the fruits are accompanied with polypides, symptoms of disease, branches, leaves, soil, and condition of plant disease or insect pest. If a suspicious epidemic situation is found, the relevant samples and disease polypides shall be sent to the laboratory for quarantine and authentication in accordance with the relevant provisions.

Article 27 An inspection and quarantine institution shall implement exit inspection and quarantine as well as daily supervision and administration on outbound fruits.

Where the outbound fruits are found qualified from inspection and quarantine, the relevant inspection and quarantine certificates such as the inspection and quarantine certificate, the customs release list for the outbound goods, or the voucher on re-issuance of the certificate for the outbound goods, etc. shall be issued in accordance with the relevant provisions, and the outbound goods shall be permitted to exit. No outbound goods shall be permitted to exit if they have not been inspected and quarantined or are found unqualified from the inspection and quarantine.

Where the outbound fruits are found unqualified from inspection and quarantine, the inspection and quarantine institution shall feed back relevant information to the orchard or the packing factory of outbound fruits, assist in investigating the cause, and take improvement measures. If the orchard or the packing factory of outbound fruits is not within the jurisdiction, the inspection and quarantine institution that conducts the inspection and quarantine shall timely notify relevant information to the local inspection and quarantine institution at the locality of the orchard or the packing factory of outbound fruits.

Chapter V Supplementary Provisions

Article 28 The following terms in the present Measures shall have their meanings as follows:

(1) The term “orchard” shall mean a piece of continuous plantation land of a single variety of fruits without being separated by barriers (such as road, channel or speedway).

(2) The term “packing factory” shall mean a fixed place for a series of operations after collection of fruits, such as selection, classification, processing, packing, storage, etc., and may, in general, be a preliminary selection area, a processing and packing area, or a storage warehouse, etc.

(3) The term “frozen fruits” shall mean processed fruits which shall be stored or transported below - 18°C.

Article 29 Where any relevant entity or individual violates the “Law of the People’s Republic of China on the Entry and Exit Animal and Plant Quarantine” and the Regulation for the Implementation Thereof, the “Law of the People’s Republic of China on Import and Export Commodity Inspection” and the Regulation for the Implementation Thereof, the “Food Hygiene Law of the People’s Republic of China”, the inspection and quarantine institution shall give penalties in accordance with the relevant provisions.

Article 30 In case of any of the following circumstances, the inspection and quarantine institution may give a fine of up to 30,000 Yuan:

(1) The fruits sourced from a registered orchard or packing factory are mixed with fruits sourced from an unregistered orchard or packing factory;

(2) The party concerned embezzles the registration number of the orchard or the packing factory;

(3) The party concerned forges or alters a supply testimonial of the place of origin;

(4) The fruits that are found to be qualified from inspection and quarantine have been replaced; or

(5) Other acts violating the present Measures and causing serious safety or hygienic quality accidents.

Article 31 Where any inspection or quarantine staff member resorts to fraud for private purposes, neglects duties, or violates any relevant law, regulation or the present Measures, he shall be given administrative sanctions in accordance with law; if the circumstance is severe, and a crime is constituted, he shall be subject to criminal liabilities in accordance with law.

Article 32 The power and responsibility to interpret the present Measures shall remain with the SAQSIQ.

Article 33 The present Measures shall come into force on February 1, 2007.