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PROVISIONS OF THE PEOPLE'S REPUBLIC OF CHINA
ON SANITATION OF FOOD FOR EXPORT
(FOR TRIAL IMPLEMENTATION)

(Promulgated by the State Administration of Import and
Export Commodity Inspection and the Ministry of Public
Health of the People's Republic of China on
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COMMODITY

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CHAPTER I GENERAL PRINCIPLES

[Article 1] These provisions are formulated in accordance with the relevant provisions of the "Law of the People's Republic of China on Food Sanitation (For Trial Implementation)" and the "Regulations on the inspection of Import and Export Commodities of the People's Republic of China" for the purpose of ensuring sanitary quality of food for export and upholding the national prestige of the country.

[Article 2] The departments engaged in production, processing, trading, handling, storing and transportation of food for export within the territory of the People's Republic of China must abide by these provisions.

[Article 3] These provisions apply to all kinds of food for export (including various kinds of processed foodstuffs and raw materials for human consumption and food added with medicine according to traditional custom); apply to food additives, food containers, packaging and packing materials, utensils and equipment used for export food; and apply to the producing and processing of food for export, the trading location, the installation, the technological process, the means of transportation and the related environment.

CHAPTER II AUTHORITIES OF SUPERVISION, INSPECTION AND ADMINISTRATION

[Article 4] The functions of the State Administration of Import and Export Commodity Inspection of the People's Republic of China (hereinafter called as the State Administration of Commodity Inspection) in exercising sanitary supervision and inspection of food for export are:

(1) To organize and direct the import and export commodity inspection bureaux of the provinces, autonomous regions and municipalities directly under the central government and their branches (hereinafter called as the commodity inspection authorities) to exercise sanitary supervision and inspection on processing factories, slaughter houses, cold storages, storehouses of food for export (hereinafter called as the factories/storehouses of food for export) as well as on food for export.

(2) To formulate and promulgate the "Minimum Sanitary Requirements of Factories/Storehouses of Food for Export" and the "Detailed Regulations for the Registration of Factories/Storehouses of Food for Export" and formulate and promulgate, as necessary, standards and relevant provision for quality inspection of food for export.

(3) To administrate in a unified way the registration of the factories/storehouses of food for export.

[Article 5] The functions of the commodity inspection authorities in exercising sanitary supervision and inspection on the factories/storehouses of food for export and on food for export are:

(1) To supervise the implementation of relevant regulations on sanitation of food for export.

(2) To exercise sanitary supervision and inspection on the factories/storehouses of food for export and on food for export in the regions under their jurisdiction.

(3) To examine and carry out registration of the factories/storehouses of food for export in the regions under their jurisdiction.

CHAPTER III REGISTRATION

[Article 6] The factories/storehouses of food for export must apply to the commodity inspection authorities in their respective provinces, autonomous regions and municipalities directly under the central government for registration in accordance with the "Detailed Regulations for the Registration of Factories/Storehouses of Food for Export".

[Article 7] The factories/storehouses of food for export applying for registration must satisfy the requirements of the "Minimum Sanitary Requirements of Factories/Storehouses of Food for Export"; the factories/storehouses of food for export applying for registration abroad must meet the veterinary and sanitary requirements set forth by the relevant health authorities of the importing countries.

[Article 8] The factories/storehouses of food for export are permitted to produce, process or store food for export only after they have obtained a registration certificate and an approved registration code number.

CHAPTER IV SUPERVISION AND ADMINISTRATION

[Article 9] The commodity inspection authorities exercise sanitary supervision on the factories/storehouses of food for export, and on food for export in the regions under their jurisdiction.

(1) The commodity inspection authorities shall send inspectors to supervise the factories/storehouses of food for export to implement the veterinary and sanitary provisions and to join in the work of sanitary examination of the siting of newly-built, extension, reconstruction of the relative factories/storehouses as well as the work of checking and accepting the engineering projects.

(2) When performing a task, the veterinary and sanitary inspectors may examine the relevant documents of the factories/storehouses of food for export, and ask for copies of them. The relevant departments of producing, processing, trading, storing and transporting food for export must not refuse to provide the documents or conceal them.

(3) The commodity inspection authorities shall supervise and guide the work of the inspection organs of the factories producing food for export and the work of sanitation in the course of producing/processing, packaging/packing, storing, handling and trading of food for export.

[Article 10] The factories/storehouses of food for export must establish sanitary control system and be responsible for the sanitary quality of food for export.

The factories/storehouses of food for export must:

(1) Carry out the relevant provisions of the State law and decrees concerning food sanitation, sanitary standards, veterinary quarantine, etc.

(2) Carry out the sanitary control system and the veterinary and sanitary provisions.

(3) Set up inspection organs directly under the director of the factory and establish a perfect inspection system.

[Article 11] The departments dealing with food for export should furnish the commodity inspection authorities with the laws, regulations, standards, inspection methods, etc. concerning food sanitation of the importing countries and strengthen the control of the sanitary quality of the food for export and reject to buy in any food not up to the standard. The food which has undergone inspection must be properly stored in good sorting and recording order with identified documentation and safe from being contaminated.

[Article 12] The sanitary conditions, temperature, etc. of the vehicles for transport of food for export must meet the technical requirements of food sanitation. When transporting meat for export within China, the relative veterinary quarantine authorities shall check and release the meat against the veterinary certificates issued by the commodity inspection authorities.

CHAPTER V INSPECTION AND RELEASE

[Article 13] All food for export is subject to inspection. No food is permitted to be exported without undergoing inspection or if judged substandard.

[Article 14] The commodity inspection authorities exercise veterinary quarantine inspection and sanitary inspection on any export food and perform the inspection according to the following guidelines:

(1) If the health and sanitation authorities of the importing countries have special requirements for veterinary quarantine and sanitary quality control of the food, the inspections shall be carried out in accordance with the requirements.

(2) If the export contract has specific stipulations for veterinary quarantine and sanitary quality control of the food, the inspections shall be carried out in accordance with the contractual stipulations.

(3) If the export contract has no specific stipulations for veterinary quarantine and sanitary quality control of the food or the importing countries do not require a veterinary certificate or a sanitary certificate, the inspection shall be carried out in accordance with the state food sanitation standards or standards for quality inspection of food for export.

[Article 15] An inspection certificate shall be issued for the food which has passed the inspection by the commodity inspection authorities. Inspection label, if necessary, may be used at the request of the parties involved in trade.

The food for export shall be checked and released by the Customs upon presentation of the inspection certificates issued by the commodity inspection authorities or the seal of the commodity inspection authorities affixed on the Customs declaration.

[Article 16] The food for export for which the inspection certificates have been issued by the commodity inspection authorities or the seal of the commodity inspection authorities has been affixed on the Customs declaration shall be exported within the term of validity of the documents. Those failing to be delivered within the time limit are subject to reinspection accordingly.

CHAPTER VI PUNISHMENT

[Article 17] The following are acts in violation of these provisions:

- (1) A registered factory/storehouse of food for export entrusts an unregistered factory/storehouse with processing, or storing food for export.
- (2) An unregistered factory/storehouse processes, produces or stores food for export under the pretence of a registered factory/storehouse of food for export.
- (3) To process food with unsanitary raw materials or subsidiary materials, or to apply for export permit for the food that is mixed with unsanitary food, or disguised as sanitary food.
- (4) To change without permission the food for export after inspection by the commodity inspection authorities.
- (5) To cross or blot out words on the documents issued by the commodity inspection authorities or change the inspection label.
- (6) To export food which is not inspected.
- (7) To conceal the fact that the food for export after being inspected has been found contaminated or deteriorated.
- (8) To perform other acts in violation of these provisions.

[Article 18] Those committing any one of the acts listed in Article 17, shall be punished by the commodity inspection authorities in accordance with the relevant provisions of the "Regulations on the Inspection of Import and Export Commodities of the People's Republic of China" or given the following administrative disciplinary sanction:

- (1) To give warnings and orders for correction within a time limit.
- (2) To cancel the registration certificate and the approved registration code number.

The cancellation must be approved by the State Administration of Commodity Inspection.

[Article 19] The punishment and administrative sanction shall be carried out by the commodity inspection authorities. Objection, if any, should be raised, the person punished may, within ten days from the receipt of the notification, appeal to the State Administration of Commodity Inspection for final decision.

CHAPTER VII APPENDIX

[Article 20] These Provisions shall come into force for trial implementation as from the 1st of January, 1985.

[Article 21] The State Administration of Commodity Inspection is responsible for the amendment, supplement and explanation of these Provisions.