

## **Administrative Measures for Organic Product Certification**

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Order of the State Administration of Quality Supervision, Inspection and Quarantine  
(No. 67)

The Administrative Measures for Organic Product Certification were deliberated and adopted at the executive meeting of the State Administration of Quality Supervision, Inspection and Quarantine. They are hereby promulgated and shall be implemented as of April 1, 2005.

Director Li Changjiang  
November 5, 2004

### Administrative Measures for Organic Product Certification

#### Chapter I General Provisions

Article 1 For the purposes of promoting the development of organic production, processing and trade, regulating the organic product certification activities, enhancing the quality and management level of organic products and protecting the ecological environment, the present measures have been formulated in accordance with the Regulation of the People's Republic of China on Certification and Accreditation and with the provisions of other laws and administrative regulations.

Article 2 The "organic products" as mentioned in the present Measures refer to the products whose production, processing and selling courses meet the national standards and which are supplied for human consumption or as animals' food

The "organic product certification" as mentioned in the present Measures refers to the activities that the certification institutions assess the production and processing courses of organic products under the national standards on organic products as well as the provisions of the present Measures.

Article 3 Those undertaking the organic product certification activities and organic production, processing and sales activities within the territory of the People's Republic of China shall abide by the present Measures.

Article 4 The Certification and Accreditation Administration of the People's Republic of China (hereinafter referred to as the CNCA) shall be responsible for undertaking unified management, overall coordination and supervision over the certification and accreditation activities.

The local quality technical supervisory departments and the entry-exit inspection and quarantine institutions of all places (hereinafter referred in general as the local certification supervisory departments) shall, under their respective functions, supervise and inspect the organic product certification activities within their respective jurisdiction.

Article 5 The state shall formulate uniform basic norms and rules for organic product certification, uniform conformity assessment procedures, uniform standards and uniform mark.

Article 6 The state shall, under the principle of equality and mutual benefits, carry out international

mutual recognition activities of organic product certification and accreditation.

The institutions undertaking organic product certification (hereinafter referred to as the OPC institutions) shall, under the agreements on mutual recognition of organic product certification concluded by the CNCA and foreign parties, carry out mutual recognition activities.

## Chapter II Administration of Institutions

Article 7 No organic product certification institution may conduct organic product certification activities unless it has been lawfully established, meets the basic requirements as provided for in the Regulation of the People's Republic of China on Certification and Accreditation, has the technical capability to engage in organic product certification and has been accredited by an accreditation institution as determined by the CNCA.

When a foreign organic certification institution carries out organic product certification activities within the territory of China, it shall comply with the Regulation of the People's Republic of China on Certification and Accreditation and other relevant laws, administrative regulations as well as the present Measures.

Article 8 No organic product certification inspector may engage in organic product certification activities unless he has been registered in an accreditation institution.

Article 9 An institution undertaking production place (base) environment testing or sample product testing relating to organic product certification shall have the corresponding testing devices and capabilities and shall have passed the measurement certification or have obtained the lab accreditation.

Article 10 The CNCA shall grant approval to the organic certification institutions which meet the requirements as mentioned in Article 7 of the present Measures.

The CNCA shall regularly announce the directories of the organic product certification institutions and the organic product testing institutions which meet the requirements as mentioned in Articles 7 and 9 of the present Measures. No certification institution or product testing institution outside the aforesaid directories may conduct organic product certification or testing activities.

## Chapter III Implementation of Certification

Article 11 An organic product certification institution shall base the implementation of organic product certification on the national standards on organic products.

The export organic products shall comply with the special requirements of the import countries or regions.

Article 12 An organic product certification institution shall publish the standards as the basis for organic product certification, the basic norms and rules for certification, fee standards and other information.

Article 13 The organic product producing or processing entities and individuals or their agents (hereinafter referred to in general as the applicants) may, on their own initiative, file applications to the organic product certification institutions for organic product certification. The following written materials shall be submitted when an application is filed:

- (1) The name, address and contact way of the applicant;
- (2) The geographical scope of the place of production (base), and the production or processing scale;
- (3) A production, processing or sales plan;

- (4) An account of the environment of the production place (base), processing or sales place;
- (5) The quality management documents on meeting the requirements for the production or processing of organic products;
- (6) The qualification certification materials of the relevant professional technical and managerial personnel;
- (7) A statement of commitment to implement the organic product standards, technical norms and other special requirements; and
- (8) Other materials.

If an applicant isn't the direct producer or processor of organic products, it shall submit the written contract concluded by it and the producer or processor of organic products.

Article 14 An organic product certification institution shall, within 10 days after it receives the written application of an applicant, complete the examination over the application materials and shall decide to accept or reject it. If it makes a decision of rejection, it shall notify the applicant in writing of this decision and make an explanation.

Article 15 After an organic product certification accepts an application for organic product certification, it shall conduct certification activities under the procedures as prescribed by the basic norms or rules for organic product certification so as to ensure that the process of organic product certification be complete, objective and true. It shall make complete transcripts for the certification process and keep them in archives.

Article 16 An organic product certification institution shall timely make a certification conclusion under the pertinent standards or technical norms and shall ensure that it be objective and authentic.

The organic product certification institution shall be liable for the certification conclusion made by it.

Article 17 If an applicant meets the organic product certification requirements, the organic product certification institution shall issue to the applicant an organic product certification certificate and shall permit it to use the China organic product certification mark. If it doesn't meet the certification requirements, it shall notify the applicant in writing and make an explanation.

Article 18 As to the products made under the national organic product standards during the conversion period, or as to the products processed from the products made during the conversion period as raw materials, the certificate shall give a clear indication of the word "CONVERSION" and of the conversion period and shall bear the mark for organic conversion products of China.

Article 19 An organic product certification institution shall make efficient follow-up check on the certified entities and individuals as well as the certified products so as to ensure that the certification conclusions can continuously meet the certification requirements.

Article 20 No organic product certification institution may certify any processed product that contains less than 95% organic ingredients (refers to the weight or liquid cubage, excluding water and salt).

Article 21 The entities and individuals producing, processing and selling organic products as well as the organic product certification institutions shall, under the scope and volume as indicated in the certification certificates, take effective measures to sell the organic products so as to ensure that the production volume of organic products be in conformity with the sales volume thereof.

#### Chapter IV Certification Certificate and Mark

Article 22 The CNCA shall provide for the basic format of organic product certification certificate and the pattern of organic product certification mark.

Article 23 An organic product certification certificate shall contain the following contents:

- (1) The name and address of the certified entity or individual;
- (2) The volume of the certified product, area of the production place and product category;
- (3) The category of organic product certification;
- (4) The standards or technical norms as the basis;
- (5) The range, quantities and form or way of using the organic product mark;
- (6) The issuing institution, date of issuance, valid period and signature of the person-in-charge; and
- (7) As to the products made under the national organic product standards during the conversion period, or as to the products processed from the products made during the conversion period, the certificate shall give a clear indication of the word “conversion” and of the conversion period.

Article 24 The valid period of an organic product certification certificate shall be one year.

Article 25 In case any of the following circumstances occurs to an entity or individual who has obtained an organic product certification certificate during the valid period of the organic product certification certificate, it (he) shall go through the modification formality in the organic product certification institution:

- (1) The certified entity or individual is changed;
- (2) The production, processing entity or individual of organic product is changed;
- (3) The category of products is changed; or
- (4) The organic product conversion period expires and it is necessary to modify it.

Article 26 In case any of the following circumstances occurs to an entity or individual who has obtained an organic product certification certificate, it (he) shall, within the valid period of the organic product certification certificate, file an application with the organic product certification institution for re-certification:

- (1) The production place (base), processing place or business activities are changed; or
- (2) Other circumstances under which it (he) fails to continuously meet the standards or relevant technical norms for organic product.

Article 27 In case an entity or individual who has obtained an organic product certification certificate is under any of the following circumstances, the certification institution shall timely decide to suspend or revoke the certification certificate:

- (1) The certified product fails to continuously meet the standards or technical norms;
- (2) The certified entity or individual is changed;
- (3) The organic product production or processing entity is changed;
- (4) The product category is inconsistent with the certificate; or
- (5) The organic product marks are not attached or used in accordance with the relevant requirements.

The organic product certification institution shall take back the revoked certificate.

Article 28 The organic product certification marks are divided into China organic product certification marks and China organic conversion certification marks. For the patterns, please refer to the annex.

A China organic product certification mark shall bear an indication of the Chinese Characters “中国有机产品” and the corresponding English word “ORGANIC”.

As to the products made during the organic product conversion period or processed from the products made during the conversion period as raw materials, they shall use the China organic conversion product marks. Such a mark shall bear an indication of the Chinese Characters

“中国有机转换产品” and the corresponding English words “CONVERSION TO ORGANIC”.

Article 29 An organic product certification mark shall be used in compliance with the product scope and quantities as specified in the organic product certification certificate.

A certified entity or individual shall attach the organic product certification marks to the certified products or the smallest packages of such products.

A certified entity or individual may print organic product certification marks on the labels, specifications and publicity materials and may increase or decrease the size, but may not change the original pattern or color.

Article 30 When an organic product certification mark is attached to a certified product or its smallest package, the mark or name of the organic product certification institution shall be simultaneously indicated at the contiguous place, but the relevant pattern or characters (words) shall not be bigger than the organic product certification mark.

Article 31 Any uncertified organic product, its package and label shall not bear the indication of “有机产品”, “有机转换产品” (“ORGANIC”, “ONVERSION TO ORGANIC”), “NO POLLUTION”, “NATURAL” and other word expressions misleading the public.

Article 32 As to the processed product that contains 95% or more organic ingredients, this product or its package and label may bear an indication of “ORGANIC”.

As to a processed product that contains 70% up to 95% organic ingredients, this product or its package and label may bear an indication of “ORANANIC INGREDIENT PRODUCTION”.

As to a processed product that contains less than 70% organic ingredients, only the table of ingredients of this product may be indicated that a certain ingredient is “ORGANIC”.

An organic ingredient shall have gone through the organic product certification.

Article 33 When an organic product certification institution decides to revoke or suspend the use of an organic product certification certificate, it shall simultaneously conduct supervision over the relevant entity’s or individual’s suspending of the use, temporary sealing-up or destroying of the organic product certification marks.

## Chapter V Supervision and Inspection

Article 34 The CNCA shall organize the local certification supervisory departments and the relevant entities to conduct supervision and inspection over the certification, production, processing and sale of organic products. Such supervision and inspection may take the following forms:

- (1) Organizing the peer review on an organic product;
- (2) Consulting the opinions of the to-be-certified enterprises or individuals;
- (3) Making spot checks over the certification and relevant testing activities, the certification decisions and testing results;
- (4) Requiring the institutions undertaking the organic product certification and testing activities to report their work;
- (5) Making spot checks over the uses of certificates and marks;
- (6) Checking the organic products being sold ; and
- (7) Accepting complaints and appeals relating to the certification, investigating and punishing the illicit acts involved in the certification.

Article 35 A certified entity or individual for the production or processing of organic product, or an

entity or individual undertaking the sale of organic product shall, in accordance with the national standards for organic products and the requirements of the present Measures, establish a perfect track and check system and an archival system for the production, processing and sale records during the courses of production, processing, packing, transportation, storage and business operations.

Article 36 The imported organic products shall meet the requirements of the relevant Chinese laws, administrative regulations and departmental rules and regulations as well as the national standards for organic products.

Article 37 Where an applicant has objections to the certification conclusion or handling decision of the organic product certification institution, it may appeal to the organic product certification institution that made this certification decision or handling decision. If it still has any objection to the handling conclusion of the organic product certification institution, it may appeal or file a complaint to the CNCA.

#### Chapter VI Punishment Provisions

Article 38 Anyone who certifies a processed product containing less than 95% organic ingredients by violating Article 20 of the present Measures shall be ordered to make corrections and shall be imposed upon a fine of 20, 000 yuan.

Article 39 Anyone who violates Article 21 of the present Measures shall be ordered to make corrections and shall be imposed upon a fine of 10, 000 yuan up to 30, 000 yuan.

Article 40 Anyone who violates Articles 29-31 shall be ordered to make corrections and shall be imposed upon a fine of 10, 000 yuan up to 30, 000 yuan.

Article 41 Anyone who violates Articles 32 shall be ordered to make corrections and shall be imposed upon a fine of 10, 000 yuan up to 30, 000 yuan.

Article 42 Anyone who counterfeits, fraudulently uses others', buys, sells or transfers organic product certification certificates or certification marks or commits any other illegal act shall be punished in pursuance of the relevant laws, administrative regulations and departmental rules and regulations.

Article 43 Where an organic product certification institution, organic product testing institution or a person undertaking organic product certification activities issues a false certification conclusion or a certification conclusion seriously distorting the fact, it (he) shall be punished pursuant to Chapter VI of the Regulation of the People's Republic of China on Certification and Accreditation.

#### Chapter VII Supplementary Provisions

Article 44 The organic product certification fees shall be implemented in accordance with the provisions in the relevant price laws and administrative regulations of the state.

Article 45 The power to interpret the present Measures shall remain with the State Administration of Quality Supervision, Inspection and Quarantine.

Article 46 The present Measures shall be implemented as of April 1, 2005.

Annex: The Pattern of Organic Product Certification Mark (Omitted)