

Measures for the Administration of Forage Product Certification

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Measures for the Administration of Forage Product Certification

(National Certification and Accreditation Administration, and Ministry of Agriculture; Date of Promulgation: December 31, 2003)

Chapter I General Provisions

Article 1 The present Measures are formulated in accordance with the "Certification and Accreditation Regulation of the People's Republic of China" and the "Regulation on the Administration of Forage and Forage Additives" in order to improve the quality, safety and sanitation of forage products, regulate forage product certification, promote the development of forage industry and breeding industry, maintain human health, and protect animal life safety.

Article 2 Forage product certification mentioned in the present Measures shall refer to the activity of the certification institution to assess the quality of the forage and forage additive products as well as the production process thereof in accordance with the relevant standards or technical norms, according to the voluntary application by an enterprise.

The forage products to be certified shall include single forage, additive pre-mixed forage, concentrated forage, compound forage, concentrate supplement and other forage products as well as nutritive forage additives, common forage additives and other forage additive products (hereinafter referred to as forage products).

Article 3 Forage product certification and the supervision and administration thereof inside the territory of the People's Republic of China shall be governed by the present Measures.

Article 4 The National Certification and Accreditation Administration and the Ministry of Agriculture shall, by dividing their work and cooperating with each other, jointly implement the administration and quality supervision of forage product certification nationwide in light of the duties bestowed by the plan of the State Council on determining the authorized size, positions, and number of staff, as well as in accordance with the relevant provisions.

Article 5 Any certification institution lawfully established upon approval of the National Certification and Accreditation Administration may, after being accredited by the accreditation institution, engage in forage product certification activities.

Article 6 Forage product certification shall follow uniform certification standards, technical norms, and qualified assessment procedures. Moreover, uniform forage product certification marks (hereinafter referred to as certification marks) shall be used.

Article 7 The state encourages forage enterprises to apply for forage product certification. For any forage and forage additive under production permit administration or approved code administration, the forage administrative department may, upon strength of the forage product certification letter issued by the certification institution, grant a new approved product code to the certified enterprise without conducting the inspection.

Chapter II Arrangements for Implementation

Article 8 The National Certification and Accreditation Administration shall, jointly with the Ministry of Agriculture, formulate the "Rules for the Implementation of Forage Product Certification".

Article 9 The certification institutions engaging in forage product certification (hereinafter referred to as certification institutions), the certifiers, and the testing institutions undertaking testing tasks for forage product certification (hereinafter referred to as testing institutions) shall meet the qualification and capacity requirements prescribed in the relevant laws, administrative regulations and technical norms.

Article 10 A certification institution shall perform the following duties:

- (1) Carrying out certification within the approved scope of business according to the prescribed requirements;
- (2) Issuing or revoking forage product certification letters for the certified forage products in accordance with the provisions, and deciding on permitting or stopping the use of forage certification marks;
- (3) Conducting follow-up inspections on the use of forage certification marks;
- (4) Conducting follow-up inspections on the sustaining conformity of certification products; and
- (5) Accepting the relevant complaints or claims on certification.

Article 11 The forage product certification shall apply a combined certification mode of focusing on the product sample inspections, on-site inspections of enterprises, and follow-up inspections after certification.

Article 12 An entity or individual who applies for forage product certification (hereinafter referred to as the applicant) shall submit a written application to the certification institution.

Article 13 A certification institution shall, within the prescribed time as of acceptance of the applicant's application for certification, complete the examination on the application documents. Where the documents are examined as not in conformity with the requirements, the certification institution shall notify the applicant in writing.

Article 14 Where, upon the examination of a certification institution, the documents conform to the requirements, it shall notify the applicant, and appoint certifiers to conduct an on-site inspection on the production environment and process, etc. of the enterprise, take samples and entrust a testing institution to test the samples.

Article 15 Where the results from on-site inspection and sample test conform to the requirements, the certification institution shall make a comprehensive appraisal as required by the basic certification norms and certification rules, and shall issue the forage product certification letter within the prescribed time.

Where the aforementioned results do not conform to the requirements, the certification institution shall notify the applicant in writing.

Article 16 A certification institution shall, by regular intervals, conduct follow-up inspections on the sustaining conformity of the certified products, and may also, by irregular intervals, conduct follow-up inspections under specific circumstances.

Article 17 Where an applicant has any dissent against the certification decision or settlement opinion of the certification institution, he may file a claim to the certification institution that made the decision. If he still has any dissent against the further settlement opinion of the certification institution, he may file a claim or complaint to the National Certification and Accreditation

Administration.

Article 18 The National Certification and Accreditation Administration and the Ministry of Agriculture shall, by regular intervals, announce the name list of the products that have passed the forage product certification.

Chapter III Administration of Certificates and Marks

Article 19 The forage product certification letter is a document proving that the forage product conforms to the certification requirements and that the certification mark is permitted to use. The format of a forage product certification letter shall conform to the relevant provisions of the state, and the said letter shall be produced and issued by the certification institution.

A forage product certification letter shall include the following basic contents:

- (1) name of the applicant;
- (2) name, specifications or serial names of the certified forage products;
- (3) name of producer of the forage products, address of the production site;
- (4) certification mode;
- (5) standards or technical regulations the certification is based on;
- (6) date of issuance of the certification letter and the validity period; and
- (7) issuance institution and serial number of the certification letter.

Article 20 Basic pattern and color of the certification mark (omitted)

××××(marked with the name of the certification institution)

One must mark the name of the certification institution under the certification mark it uses.

Article 21 An applicant who has obtained a forage product certification letter (hereinafter referred to as certification letter holder), shall mark the certification mark on his certified products or the packing, and accept the follow-up inspections by the certification institution.

Article 22 Where a certification letter holder is under any of the following circumstances, the certification institution shall write off and take back his forage product certification letter, and notify him to stop using the certification mark:

- (1) The standards applied to the certification are modified, and the certification letter holder is unable to meet the modified requirements;
- (2) The forage product certification letter exceeds the validity period, and the certification letter holder fails to apply for re-examination;
- (3) The certified product is no longer produced; or
- (4) The certification letter holder applies for writing off his forage product certification letter.

Article 23 Where a certification letter holder is under any of the following circumstances, the certification institution shall notify the certification letter holder to temporarily stop using the forage product certification letter and the certification mark:

- (1) The certification letter holder fails to comply with the provisions when using the forage product certification letter and certification mark;
- (2) The certification letter holder violates the requirements of the certification institution; or
- (3) The results from supervision and inspection prove that the production process or the products do not conform to the certification requirements, but there is no need to immediately revoke the forage product certification letter.

Article 24 Where a certification letter holder is under any of the following circumstances, the certification institution shall revoke and take back the forage product certification letter, and notify the certification letter holder to stop using the certification mark:

- (1) The results from supervision and inspection prove that the production process or the products do

not conform to the certification requirements, and it is necessary to immediately revoke the forage product certification letter;

(2) During the period when the forage product certification letter is temporarily stopped from using, the certification letter holder fails to take effective correction measures; or

(3) There is any serious quality, safety or health accident occurring to the product under the certification letter.

Article 25 A certification letter holder may, when marking the certification mark on his certified products or packing, magnify or minify the mark in equal proportion upon the needs, provided that he shall not change the shape or color.

Article 26 No entity or individual shall transfer, trade in, forge, or fake a forage product certification letter or certification mark.

Chapter IV Supervision and Administration

Article 27 The National Certification and Accreditation Administration and the Ministry of Agriculture shall, in light of the division of their duties, lawfully supervise and administer such activities as production, sale of certified products, and use of certification marks, etc.

Article 28 The certification institutions and testing institutions shall abide by the following provisions:

(1) Conducting the certification, certification tests and certification inspections in accordance with the relevant laws and administrative regulations of the state;

(2) Guaranteeing the objectiveness, independence, openness, impartiality, honesty and credibility of the activities of the certification, certification tests and certification inspections, as well as assuming corresponding legal liabilities;

(3) Maintaining the commercial secrets and technical secrets of the certified products, and not illegally occupying the scientific and technological achievements of others;

(4) Not engaging in consulting, product development and marketing, and other similar activities, which are related to their certification work duties; and

(5) Cooperating with the relevant law enforcement department to investigate and punish the acts in violation of laws and rules.

Article 29 A certification letter holder shall abide by the following provisions:

(1) Guaranteeing that he will provide necessary conditions for certification, and accept the follow-up inspections by the certification institution;

(2) Guaranteeing that the certified products will continue conforming to the prescribed standards and technical norms;

(3) Correctly using the forage product certification letter, the certification mark, and not making use of the forage product certification letter or the certification mark to mislead the public; and

(4) Lawfully accepting the supervision and inspection conducted by the relevant law enforcement departments.

Article 30 Whoever violates the relevant laws or administrative regulations of the state shall be punished in accordance with the laws or administrative regulations.

Chapter V Supplementary Provisions

Article 31 For forage product certification and tests, relevant fees may be charged according to the charging rates approved by the price administration under the State Council for product certification and tests.

Article 32 The responsibility to interpret the present Measures shall remain with the National

Certification and Accreditation Administration and the Ministry of Agriculture.

Article 33 The present Measures shall come into force on the date of their promulgation.