

## Procedures for the Certification of Pollution-free Agricultural Product

Promulgation date: 04-17-2003  
Effective date: 04-17-2003  
Department: MINISTRY OF AGRICULTURE  
Subject: AGRICULTURE, ANIMAL HUSBANDRY & FISHERY

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### Procedures for the Certification of Pollution-free Agricultural Product

Article 1 In order to regulate the certification of pollution-free agricultural product and to guarantee the scientific and impartial results of product certification, these Procedures are enacted in accordance with the Measures for the Administration of Pollution-free Agricultural Products.

Article 2 The Agricultural Product Quality Safety Center of the Ministry of Agriculture (hereinafter referred to as Center) shall assume the work of certification of pollution-free agricultural product (hereinafter referred to as product certification).

Article 3 The Ministry of Agriculture and the Certification and Accreditation Administration of the People's Republic of China (hereinafter referred to as CAA) shall promulgate the Catalogue of Products Subject to the Certification of Pollution-free Agricultural Product in accordance with the relevant national standards or industrial standards.

Article 4 With respect to any product listed in the product catalogue, any entity or individual that has obtained the certificate of production area of pollution-free agricultural product may apply for the product certification.

Article 5 An entity or individual applying for product certification (hereinafter referred to as applicant) may apply for the product certification directly with the Center or through the administrative department of agriculture of the people's government of the province, autonomous region, municipality directly under the Central Government, or city directly under State Planning, and shall submit the following materials:

- 1) Application Form for Certification of Pollution-free Agricultural Product;
- 2) Certificate of Production Area of Pollution-free Agricultural Product (duplication);
- 3) Environmental Inspection Report and Environmental Evaluation Report of the production area;
- 4) Scope of the production area and the production scale;
- 5) Production plan of the pollution-free agricultural products;
- 6) Quality control measures for the pollution-free agricultural products;
- 7) Operational rules for production of the pollution-free agricultural products;
- 8) Qualifications of the professional technicians;
- 9) Declaration to guarantee execution of the standards and criteria for pollution-free agricultural products;
- 10) Training information and plan related to pollution-free agricultural products;
- 11) Records of the production process of the products to be certified;
- 12) In case of an applicant in the form of "company plus farmers", the model of the purchase and sale contract signed between the company and farmers, name list of the farmers, and the administrative measures; and
- 13) Other materials to be submitted as required.

The applicant shall apply to the Center for drawing the Application Form for Certification of Pollution-free Agricultural Product and the relevant materials, or download such documents from

www.agri.gov.cn.

Article 6 The Center shall finish the examination of the application materials within 15 workdays from the day of receiving those materials.

Article 7 Where the application materials are not in conformity with the requirements, the Center shall notify the applicant in writing.

Article 8 Where the application materials are not normative, the Center shall notify the applicant in writing to supplement the relevant materials. The applicant shall complete the supplementary materials and submit them to the Center within 15 workdays from the day of receiving the notification. And the Center shall finish the examination of the supplementary materials within 5 workdays.

Article 9 Where the application materials are in conformity with the requirements, but it is needed to make an on-spot inspection over the production area, the Center shall, within 10 workdays, make the on-spot inspection plan and form the inspection group consisting of qualified inspectors, and shall at the same time notify the applicant and ask the applicant to make confirmation. The inspection group shall finish the on-spot inspection within the time prescribed by the inspection plan. In case of failure of the on-spot inspection, the applicant shall be notified in writing.

Article 10 Where the application materials are in conformity with the standards (if no on-spot inspection needs to be made over the production area of the products to be certified), or where both the application materials and the on-spot inspection of the production area are meet the requirements, the Center shall notify the applicant in writing to entrust a qualified testing institution to make selective inspection over the products to be certified.

Article 11 A test institution shall make the inspection pursuant to the corresponding standards and issue the product inspection reports, which shall be sent to the Center and the applicant respectively.

Article 12 Where the products fail the inspection, the Center shall notify the applicant in writing.

Article 13 Where the material examination, on-spot inspection (if needed) and product inspection all meet the requirements, the Center shall make an overall evaluation, and shall make the certification conclusion within 15 workdays.

- 1) If the conditions for certificate issuance are met, the director of the Center shall issue the Certificate of Pollution-free Agricultural Product;
- 2) If the conditions for certificate issuance are not met, the Center shall notify the applicant in writing.

Article 14 Before the 10th of each month, the Center shall submit the catalogue of the products certified as pollution-free agricultural products in the last month to the Ministry of Agriculture and CAA, which shall promulgate such catalogue.

Article 15 The valid term of the Certificate of Pollution-free Agricultural Product is 3 years, for continual use upon expiration, the holder of the certificate shall go through these Procedures over again 90 days prior to the expiry.

Article 16 Any entity or individual (hereinafter referred to as complainer) that has any disagreement with the inspectors and functional of the Center, the certification conclusion, the entrusted testing institution or the party obtaining the certificate etc. may pass on such disagreement to or file the complaint with the Center.

Article 17 The Center shall promptly investigate and handle the complaints, and notify the

complainer of the result, the copies of which shall be sent to the Ministry of Agriculture and CAA.

Article 18 If the complainer still disagrees with the handling result made by the Center, he may pass on such disagreement or file the complaint with the Ministry of Agriculture and CAA.

Article 19 The Center shall, in fixed or unfixed terms, make inspections over the certified products.

Article 20 If a party that has obtained the product certificate is in any of the following situations, the Center shall suspend that party from using the certificate, and order it to correct within prescribed time limit.

- 1) The production process has been changed and the product no longer meet the requirements of the standards for pollution-free agricultural products;
- 2) The products are found, upon inspection, examination and testing, not to meet the requirements of the standards for pollution-free agricultural products.

Article 21 If a party that has obtained the product certificate is in any of the following situations, the Center shall cancel its certificate:

- 1) The party expands the use scope of the mark without permission;
- 2) The party transfers or trades the product certificate or mark;
- 3) The certificate of production area has been cancelled; or
- 4) The party is suspended from using the product certificate and fails to correct within the prescribed time limit.

Article 22 The power to interpret there Procedures shall remain with the Ministry of Agriculture and CAA.

Article 23 These Procedures shall be put into practice as of the date of promulgation.