

## Measures for the Examination of Feed Production Enterprises

Promulgation date: 11-24-2006  
Effective date: 05-01-2007  
Department: MINISTRY OF AGRICULTURE  
Subject: AGRICULTURE, ANIMAL HUSBANDRY & FISHERY

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Order of the Ministry of Agriculture  
(No. 73)

The Measures for the Examination of Feed Production Enterprises, which have been deliberated and adopted at the 28th executive meeting of the Ministry of Agriculture on November 7, 2006, are hereby promulgated and shall come into force as of May 1, 2007.

Annex: Measures for the Examination of Feed Production Enterprises

Minister Du Qinglin  
November 24, 2006

Annex:  
Measures for the Examination of Feed Production Enterprises

### Chapter I General Provisions

Article 1 For the purpose of strengthening the administration of feed production enterprises, safeguarding the quality safety of feed products, promoting the sustainable development of feed industry and aquaculture industry, and maintaining the people's health, these Measures are formulated according to Article 9 of the Regulation on the Administration of Feeds and Feed Additives.

Article 2 These Measures shall be applicable to the examination of the establishment of feed production enterprises except for the production enterprises of feed additives, additive prefix feeds and feeds from animal sources.

Article 3 For the establishment of a feed production enterprise, the enterprise registration formalities shall not be handled until an application has been found to be qualified upon examination of the feed administrative department of the provincial people's government in accordance with the present Measures.

The establishment of a production enterprise of feed additives or additive prefix feeds shall be conducted according to the Measures for the Administration of Production Licenses for Feed Additives and Additive Premix Feeds; and the establishment of a production enterprise of feeds from animal sources shall be conducted according to the Measures for the Administration of the Safety and Hygiene of Feed Products from Animal Sources.

Article 4 The feed administrative department of the local people's government at or above the county level shall be responsible for supervising and administrating the feed production enterprises within its own administrative area.

### Chapter II Conditions for Enterprise Establishment

Article 5 A feed production enterprise shall have plants, technology, equipment and storage facilities

suitable for the production of feeds:

- (1) The plants are away from chemical enterprises or other polluting industrial enterprises, and are at a proper distance from farms, slaughterhouses or settlements;
- (2) The layout of plants and workshops is reasonable, and the production areas are separated from living areas and offices;
- (3) The technical design is proper, and the requirements of quality, safety and hygiene of feeds can be satisfied;
- (4) The facilities meet the production technical procedures and are convenient for maintenance and repair;
- (5) The storage facilities are at a certain distance from producing areas, meet the requirements for storage, and have the equipment against fire, rat, moisture and pollution, etc.; and
- (6) An enterprise that produces both feed additives and additive prefix feeds should have special production lines.

Article 6 A feed production enterprise shall have the professional technical personnel suitable for the production of feeds:

- (1) The persons in-charge of technology and quality shall have an educational background of a junior college or higher, or a middle or higher professional technical title;
- (2) The person in-charge of production shall be familiar with production techniques and have corresponding management ability; and
- (3) The personnel special for inspection, test and centralized control, etc. shall have corresponding professional qualification certificates.

Article 7 A feed production enterprise shall have necessary product quality inspection bodies, personnel and facilities:

- (1) having quality inspection rooms (areas), including instruments rooms (areas), operation rooms (areas), and sample keeping rooms (areas);
- (2) having two or more inspectors; and
- (3) having inspection equipment and apparatus suitable for the raw materials and finished products to be inspected.

Article 8 A feed production enterprise shall establish the following systems:

- (1) post liability system;
- (2) production management system;
- (3) inspection and testing system;
- (4) quality management system;
- (5) safety and hygiene system;
- (6) system for keeping sample products for observation; and
- (7) measurement management system.

Article 9 The production environment of a feed production enterprise shall meet the safety and hygiene requirements of the State, and its pollution prevention and treatment measures shall meet the environmental protection requirements of the State.

### Chapter III Examination Procedures

Article 10 For applying for the establishment of a feed production enterprise, an Application Form for the Establishment of Feed Production Enterprises as well as relevant certification materials meeting the conditions prescribed in Chapter II of these Measures shall be submitted to the feed administrative department of the provincial people's government at the locality of production. The name of the enterprise shall be subject to the advanced examination and approval of the administrative department for industry and commerce.

The feed administrative department of the provincial people's government shall, within 15 days upon acceptance of an application, complete the examination of application materials, and submit

the application to the appraisal team for appraisal.

Where the application materials are incomplete or do not meet the prescribed conditions, the applicant shall be notified once and for all to supplement and correct all the contents that should be supplemented within five days.

Article 11 The appraisal team shall be organized by the feed administrative department of the provincial people's government, and be composed of three to five feed industry managers and relevant experts.

The appraisal team shall carry out the on-site assessment of applicants' production conditions.

Article 12 The feed administrative department of the provincial people's government may entrust the feed administrative department at the lower level to assume the work on receipt, acceptance and examination of application materials.

Article 13 The feed administrative department of the provincial people's government shall, within five days upon receipt of appraisal opinions, make an examination decision. In case an application meets the requirements, a Quality Certificate for the Examination of Feed Production Enterprises shall be issued to the applicant within 10 days, and an announcement shall be made; and in case the conditions do not meet the requirements, the applicant shall be notified of the decision in writing and the reasons shall be explained.

Article 14 Application Forms for the Establishment of Feed Production Enterprises may be obtained free of charge from the feed administrative department of the provincial people's government or be downloaded from <http://www.Chinafeed.org.cn>.

The formats of Application Forms for the Establishment of Feed Production Enterprises and Quality Certificates for the Examination of Feed Production Enterprises shall be uniformly prescribed by the Ministry of Agriculture.

Article 15 An applicant shall apply for registration to the local administrative department for industry and commerce upon the strength of the Quality Certificate for the Examination of Feed Production Enterprises.

Article 16 No fee may be charged from applicants for issuing the Quality Certificates for the Examination of Feed Production Enterprises.

#### Chapter IV Supervision and Administration

Article 17 A feed production enterprise shall, before the end of March every year, report the enterprise production situation to the feed administrative department of the provincial people's government for archival filing. The archival filing forms shall be provided free of charge by the feed administrative department of the provincial people's government, and the enterprises may also download archival filing forms from <http://www.Chinafeed.org.cn>.

The feed administrative department of the local people's government at or above the county level may carry out on-site checks on feed production enterprises.

Article 18 In case the feed administrative department of the local people's government at or above the county level finds, during the processes of archival filing and on-site checks, that the production conditions of a feed production enterprise are significantly changed or under the hidden safety or hygiene trouble, the quality of its products does not meet the safety requirements, or it is under any of the circumstances against these Measures, the feed administrative department shall investigate the relevant conditions according to law, and make a timely decision for treatment.

Article 19 In case the name, production site or legal representative of a feed production enterprise is changed, the enterprise shall apply to the feed administrative department of the provincial people's government for going through the alteration formalities.

Article 20 In case a feed production enterprise adds production lines or moves its production site, it shall file a new application for a Quality Certificate for the Examination of Feed Production Enterprises according to these Measures.

In case a feed production enterprise establishes a branch, it shall obtain a Quality Certificate for the Examination of Feed Production Enterprises separately.

Article 21 In case a feed production enterprise is under any of the following circumstances, the feed administrative department of the provincial people's government shall take back and revoke the Quality Certificate for the Examination of Feed Production Enterprises, and make an announcement:

- (1) Its production conditions are significantly changed, and therefore do not meet the requirements prescribed in Chapter II of these Measures;
- (2) It has stopped its production for more than two years;
- (3) It goes bankrupt or is merged and does not produce feeds any more;
- (4) It fails to notify the department in-charge when it changes its address;
- (5) It buys, sells, transfers or lends the Quality Certificate for the Examination of Feed Production Enterprises; or
- (6) It fails to submit the archival filing materials for two consecutive years, and fails to make correction after being ordered to do so.

Article 22 The entities or personnel for examination, supervision and check of feed production enterprises shall keep confidential the technical materials provided by the enterprises; and shall not, at the time of on-site checks, hamper the normal production and business activities of the enterprises, shall not ask for or accept money or property; and shall not seek for other interests.

#### Chapter V Penalty Provisions

Article 23 In case any functionary or appraiser of the feed administrative department fails to perform the duties of examination, supervision and administration according to law, neglects his duties, misuses his authorities or practices favoritism, he shall be punished according to the relevant provisions; and if a crime is constituted, he shall be subject to criminal liabilities.

Article 24 In case an applicant obtains a Quality Certificate for the Examination of Feed Production Enterprises by frauds, bribes or any other unjustifiable means, the feed administrative department of the provincial people's government shall revoke the Quality Certificate for the Examination of Feed Production Enterprises, make an announcement, and shall not accept the same kind of applications filed by this applicant again within three years.

Article 25 Where any entity or individual commits any of the following illegal acts, if there is no illegal proceeds, a fine of less than 10,000 yuan shall be imposed; and if there is illegal proceeds, a fine of less than three times of illegal proceeds shall be imposed but with the maximum of 30,000 yuan:

- (1) buying, selling, transferring or lending the Quality Certificate for the Examination of Feed Production Enterprises;
- (2) producing feeds without a Quality Certificate for the Examination of Feed Production Enterprises; or
- (3) producing feeds with a counterfeited or forged Quality Certificate for the Examination of Feed Production Enterprises.

Article 26 In case an entity violates Article 19 of these Measures and continues the production

without going through alteration formalities, it shall be given a warning, and be ordered to make correction within a time limit. If it fails to make correction within the time limit or commits the same kind of illegal acts again, it shall be given a fine of less than 1,000 yuan.

Article 27 In case a feed production enterprise does not meet the conditions prescribed in Articles 5 up to 8 of these Measures but has not amounted to the degree prescribed in Item 1 of Article 21, it shall be given a warning, and be ordered to make correction within a time limit. If it fails to make correction within the time limit or commits the same kind of illegal acts again, it shall be given a fine of 1,000 yuan up to 10,000 yuan.

Article 28 In case anyone produces feed products without a Quality Certificate for the Examination of Feed Production Enterprises, it shall be ordered to make correction. Where there is illegal proceeds, a fine of less than two times of illegal proceeds shall be imposed, but with the maximum of 20,000 yuan. Where there is no illegal proceeds, a fine of less than 5,000 yuan shall be imposed.

#### Chapter VI Supplementary Provisions

Article 29 In case the feed administrative department revokes or cancels the Quality Certificate for the Examination of Feed Production Enterprises according to law, it shall timely notify it to the administrative department for industry and commerce.

Article 30 The “days” mentioned in these Measures shall be calculated according to working days, excluding statutory holidays.

Article 31 These Measures shall come into force as of May 1, 2007. The feed production enterprises established before the implementation of these Measures shall obtain a Quality Certificate for the Examination of Feed Production Enterprises within one year after the implementation of these Measures.