

Measures for Supervising and Administering the Inspection and Quarantine of Exit Aquatic Animals

Promulgation date: 08-27-2007 Department: State Administration of Quality Supervision, Inspection and Quarantine

Effective date: 10-01-2007 Subject: Commodity Inspection, Animal and Plant Quarantine

Order of the General Administration of Quality Supervision, Inspection and Quarantine
(No.99)

The Measures for Supervising and Administering the Inspection and Quarantine of Exit Aquatic Animals, which were deliberated and adopted at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine on July 24, 2007, are hereby promulgated and shall become effective as of October 1, 2007.

Director: Li Changjiang
August 27, 2007

Measures for Supervising and Administering the Inspection and Quarantine of Exit Aquatic Animals

Chapter I General Provisions

Article 1 These Measures are enacted according to the Law of the People's Republic of China on Entry & Exit Animal and Plant Quarantine, the regulation on the implementation thereof, the Law of the People's Republic of China on Import and Export Commodity Inspection, the regulation on the implementation thereof, the Food Hygiene Law of the People's Republic of China, the Law of the People's Republic of China on the Quality and Safety of Agricultural Products, Special Provisions of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products, and other laws and regulations for the purpose of regulating the inspection and quarantine of exit aquatic animals and enhancing the safety, hygiene and quality of exit aquatic animals.

Article 2 These Measures are applicable to the inspection and quarantine of exit aquatic animals from aquaculture or wild fishing, as well as the supervision and administration thereof. The aquaculture, fishing, transit, packing, transport and trading of exit aquatic animals shall be governed by these Measures.

Article 3 The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the "AQSIQ") shall be in charge of the inspection and quarantine of exit aquatic animals as well as the supervision and administration thereof across the country.

All the local entry and exit inspection and quarantine agencies established by the AQSIQ shall be responsible for the inspection and quarantine of exit aquatic animals as well as the supervision and administration thereof within their respective jurisdictions.

Article 4 The AQSIQ shall implement a registration system to aquaculture farms and transit farms of exit aquatic animals.

Chapter II Registration

Section 1 Requirements for Registration

Article 5 To apply for registration, an aquaculture farm or transit farm of exit aquatic animals shall meet the following requirements:

1. The hygiene and environment conditions of its surroundings and itself are good, there is no industrial pollution source, domestic waste, any other pollution source or aquatic product processing plant, the farm layout is rational, and the farm partition is scientific and clearly marked;
2. The aquaculture water conforms to national standards for fishery water quality, and there is a valid water quality monitoring or testing report as issued by the competent government organ or the inspection and quarantine agency;
3. It has the facilities, equipment and materials for aquaculture, packing, epidemic prevention, feed and medicine storage, etc. as required for inspection and quarantine;
4. It has special management systems for aquaculture, packing, epidemic prevention, feed & medicine storage and use, treatment of wastes and wastewater, personal management and introduction of aquatic animals, etc. as required for inspection and quarantine;
5. It has the professional technical personnel specialized in aquaculture and epidemic prevention, has a personnel training plan, and its staff members have their health certificates; and
6. The acreage and transit capacity of a transit farm are consistent with its export quantity.

Article 6 In addition to the requirements prescribed in Article 5 of these Measures, in order to apply for registration, an aquaculture farm or a transit farm of exit edible aquatic animals at non-open waters shall also satisfy the following requirements:

1. It has the facilities for segregation from the outside environment or for preventing irrelevant persons and animals from freely entering the farm, such as segregation walls, nets or fences, etc.;
2. An aquaculture farm has a certain scale of waters: generally, there shall be no less than 20 mu of aquaculture area for a cement farm and no less than 100 mu of aquaculture area for a soil farm; and
3. An aquaculture farm has independent segregation pools for introduction of aquatic animals; each aquaculture pool has independent influent and drainage channels, and its influent and drainage channels are separately set up.

Article 7 In addition to the requirements prescribed in Article 5 of these Measures, in order to apply for registration, an aquaculture farm or transit farm of exit edible aquatic animals at open waters shall also satisfy the following requirements:

1. There is no prescribed epidemic disease of aquatic animals in the area for aquaculture, transit or packing; and
2. The acreage of aquaculture waters at an aquaculture farm shall be no less than 500 mu, and the number of cages shall generally be no less than 20 in the case of cage aquaculture.

Article 8 In addition to the requirements prescribed in Article 5 of these Measures, in order to apply for registration, an aquaculture farm or transit farm of exit ornamental or parent aquatic animals at open waters shall also satisfy the following requirements:

1. The farm is located at an area without epidemic diseases of aquatic animals, and no aquatic animal disease that shall be reported as required by the Office International des Epizooties (OIE) or that shall be reported as required by the Ministry of Agriculture has ever occurred to the farm within the latest two years;
2. An aquaculture farm has an independent segregation pool for introduction of aquatic animals and an independent segregation pool for aquaculture of aquatic animals before their export; each aquaculture pool has independent influent and drainage channels, and its influent and drainage channels are separately set up;
3. It has the facilities for segregation from the outside environment or for preventing irrelevant persons and animals from freely entering the farm, such as segregation walls, nets or fences, etc.;
4. An aquaculture farm has a certain scale of waters: generally, there shall be no less than 20 mu of aquaculture area for a cement farm and no less than 100 mu of aquaculture area for a soil farm;
5. The water used for packing export freshwater aquatic animals shall conform to the drinking water standards, and the water used for packing export seawater aquatic animals shall be clean, transparent and effectively disinfected;
6. An aquaculture farm has the ability of self-breeding and self-aquaculture, and has the parent aquatic animals suitable for its aquaculture scale; and

7. It shall not engage in the aquaculture of edible aquatic animals.

Section 2 Registration Application

Article 9 An aquaculture farm or transit farm of exit aquatic animals shall file an application for registration with the local inspection and quarantine agency directly subordinate to the AQSIQ (hereinafter referred to as the “directly subordinate inspection and quarantine agency”), and submit the following materials (in triplicate):

1. an application form for registration;
2. the industrial and commercial business license (photocopy);
3. the aquaculture permit or sea area use certificate (not applicable to the transit farm);
4. the plane sketch and color photos of the farm (including the panorama, gate, aquaculture pools and their serial numbers, medicine warehouse, feed warehouse, packing site, etc. of the farm);
5. the aquatic animal health and quarantine and epidemic reporting system;
6. the management system for introduction of aquatic animals from outside;
7. the management systems for aquaculture, medicine use, feed use and packing materials;
8. the water quality testing report as confirmed by the inspection and quarantine agency;
9. the qualification certificates of professional personnel;
10. the procedures for treatment of wastes and wastewater; and
11. the relevant testing report as required where the import country or region has put forward clear testing requirements for aquatic animal diseases.

Article 10 The directly subordinate inspection and quarantine agency shall timely examine the application materials, make a decision on accepting or rejecting an application within five days in light of the following conditions, and notify the applicant of the decision in writing:

1. If there is any error in the application materials that can be corrected on the spot, the applicant shall be allowed to make correction on the spot;
2. If the application materials are incomplete or do not conform to statutory forms, the agency shall, on the spot or within five days, notify the applicant of all the items that shall be corrected once and for all and in writing; otherwise, an application shall be regarded as having been accepted as of the day when the application materials are received; or
3. If the application materials are complete and conform to statutory forms, or the applicant has submitted all the corrected application materials as required, the agency shall accept the application.

Article 11 Each registered aquaculture farm or transit and packing farm shall use one registration number.

The registration of aquaculture farms or transit farms by one enterprise at all the different places shall be applied for separately.

Section 3 Registration Examination and Decision

Article 12 The directly subordinate inspection and quarantine agency shall, within five days upon acceptance of an application, organize a review team to make on-site review of an aquaculture farm or transit farm that has applied for registration.

Article 13 The review team shall submit its review report to the directly subordinate inspection and quarantine agency within five days upon conclusion of the on-site review.

Article 14 The directly subordinate inspection and quarantine agency shall, within ten days upon receipt of a review report, make the following decisions respectively:

1. If the application passes the review, the agency shall make registration, issue a Registration Certificate for the Inspection and Quarantine of Aquaculture Farms / Transit Farms of Exit Aquatic Animals (hereinafter referred to as the Registration Certificate), and give a report to the AQSIQ; and

2. If the application fails to pass the review, the agency shall issue a Written Notice on Disapproving the Inspection and Quarantine Registration of Aquaculture Farms / Transit Farms of Exit Aquatic Animals.

Article 15 If an import country or region has set down the requirements for registration, the directly subordinate inspection and quarantine agencies shall, after the applications have passed the review, report them to the AQSIQ, and the AQSIQ shall uniformly recommend them to the competent government organ of the import country or region, and handle the relevant formalities. The registration shall not become effective until the competent government organ of the import country or region has confirmed it.

Article 16 A Registration Certificate shall become effective as of the date of issuance, and the validity term thereof shall be five years.

The registration number of a registered aquaculture farm or transit farm shall be used by the farm exclusively.

Section 4 Registration Alteration and Extension

Article 17 If an aquaculture farm or transit farm of exit aquatic animals changes its name, legal representative, aquaculture varieties or aquaculture capability, etc., it shall, within 30 days, file a written application with the local directly subordinate inspection and quarantine agency, fill in a Registration Application Form for the Inspection and Quarantine of Aquaculture Farms / Transit Farms of Exit Aquatic Animals, and submit the materials regarding the altered item (in triplicate).

If an aquaculture farm or transit farm changes its aquaculture varieties or aquaculture capability, the directly subordinate inspection and quarantine agency shall examine the relevant materials and organize an on-site review, and handle the alteration formality after the alteration application passes the review.

If an aquaculture farm or transit farm relocates itself, it shall apply to the inspection and quarantine agency for registration formality once again.

If a registered aquaculture farm or transit farm will not engage in the business of exit aquatic animals any more due to stop of production, change of business or closedown, etc., it shall handle the deregistration formality at the local inspection and quarantine agency.

Article 18 If a registered aquaculture farm or transit and packing farm of exit aquatic animals needs to extend the validity term of registration, it shall, 30 days before the expiry of the said validity term, file an application according to these Measures.

Article 19 The directly subordinate inspection and quarantine agency shall, within 30 days upon completion of registration, alteration or deregistration, report the relevant information within its jurisdiction to the AQSIQ for archival filing.

Chapter III Inspection and Quarantine

Article 20 The inspection and quarantine agency shall implement the inspection and quarantine of exit aquatic animals according to:

1. the requirements and compulsory standards for inspection and quarantine as prescribed in the laws and regulations of China;
2. the bilateral agreements, protocols and memoranda on inspection and quarantine;
3. the requirements for inspection and quarantine as set down by the import country or region; and
4. the requirements for inspection and quarantine as set forth in trade contracts or letters of credit.

Article 21 The owner of exit aquatic animals from wild fishing or its agent shall, no later than three days before the exit of aquatic animals, declare them to the inspection and quarantine agency at the port of exit for inspection and quarantine, and submit the following materials:

1. the fishing ship registration certificate and the fishing permit as issued by the local fishery administrative department at or above the county level;
2. the supply agreement between the fishing ship and the export enterprise (bearing the signature of the person in charge of the fishing ship); and
3. other materials prescribed by the inspection and quarantine agency.

If an import country or region has set down special requirements for the sea area for fishing, the sea area for fishing shall be indicated when the inspection and quarantine is declared.

Article 22 The owner of exit aquatic animals from aquaculture or its agent shall, no later than seven days before the exit of aquatic animals, declare to the inspection and quarantine agency at the locality of the registered aquaculture farm or transit farm for the inspection and quarantine, and shall provide a Registration Certificate (photocopy) and other certificates when the inspection and quarantine is declared, and shall submit other relevant materials as prescribed in the provisions on inspection and quarantine.

If the Registration Certificate can not be provided, the inspection and quarantine agency shall not accept the inspection and quarantine declaration.

Article 23 Except the aquatic animals from wild fishing that are directly exported after fishing, the exit aquatic animals shall come from the registered aquaculture farms or transit farms.

A registered aquaculture farm or transit farm shall ensure that its exit aquatic animals conform to the standards of the import country or region or the contractual requirements, and present an Exit Aquatic Animal Supply Certificate.

A transit farm shall accept aquatic animals according to the Exit Aquatic Animal Supply Certificate as presented by the registered aquaculture farm.

Article 24 After the inspection and quarantine agency at the place of origin has accepted an inspection and quarantine declaration, it shall check the Exit Aquatic Animal Supply Certificate as presented by the registered aquaculture farm or transit farm, and implement the inspection and quarantine of exit aquatic animals from aquaculture according to the monitoring results about epidemic diseases, toxic and harmful substances, daily monitoring records and enterprise classified management, etc.

Article 25 If the aquatic animals pass the inspection and quarantine, the inspection and quarantine agency shall affix inspection and quarantine seals to containers or transport vehicles, issue a Credential for Change of Certificates for Exit Goods or a Customs Clearance Document for Exit Goods, and issue an Animal Health Certificate as required by the import country or region.

The inspection and quarantine agency shall implement irregular inspection of stowage to the exit aquatic animals according to the enterprise classified management conditions.

Article 26 The water, ice, matting and packaging materials, containers, transport vehicles and equipment used for exit aquatic animals shall conform to the relevant provisions and standards of the state as well as the requirements of the import country or region.

Article 27 The outer package or container of exit aquatic animals from aquaculture shall be indicated with the full name of the export enterprise, names and registration numbers of the registered aquaculture farm and the registered transit farm, as well as the variety name, quantity (weight) and specifications, etc. of exit aquatic animals. The aquatic animals from different registered aquaculture farms shall be separately packed.

Article 28 If the exit aquatic animals that are found to be qualified upon inspection and quarantine will exit at a different place without changing original packages, they shall be cleared after the inspection and quarantine agency at the port of exit finds that the goods are consistent with the certificates and the seals are unbroken upon on-site check.

If the change of water, adding of ice, filling of oxygen, meeting or replace of transport vehicle needs to be done at the port of exit, it shall be implemented under supervision of the inspection and quarantine agency at the port of exit and at a place designated by the inspection and quarantine agency, and the aquatic animals will be cleared after having been affixed with seals.

If the change of water, adding of ice or filling of oxygen needs to be done during the process of transporting exit aquatic animals, it shall be implemented at a place designated by the inspection and quarantine agency.

Article 29 The inspection and quarantine agencies at the place of origin and at the port shall timely exchange the information about exit aquatic animals, adopt corresponding measures against epidemic diseases or other health or safety problems found during the process of inspection and quarantine, and timely report them to the AQSIQ.

Chapter IV Supervision and Administration

Article 30 The inspection and quarantine agency shall implement the daily supervision and administration as well as the annual examination system to the registered aquaculture farms and transit farms within its jurisdiction.

Article 31 The AQSIQ shall be responsible for formulating a monitoring plan for the epidemic diseases, toxic and harmful substances in exit aquatic animals.

The directly subordinate inspection and quarantine agency shall formulate an implementation scheme according to the monitoring plan, and submit its annual monitoring report to the AQSIQ.

A registered aquaculture farm or transit farm of exit aquatic animals shall establish a self-inspection and self-monitoring system, and be responsible for the safety, hygiene and quality of its exit aquatic animals.

Article 32 A registered aquaculture farm or transit farm of exit aquatic animals shall work out perfect archives about aquaculture, production, transit and packing, faithfully fill in the Supervisory Brochure for the Inspection and Quarantine of Aquaculture Farms / Transit Farms of Exit Aquatic Animals, explicitly record down the water quality monitoring, introduction of aquatic animals, occurrence of epidemic diseases, procurement and use of medicine and feeds in the production process, as well as the input of seedlings, pool / pond transfer, cage distribution, use of medicine, use of materials and exit of the farm in each batch of aquatic animals, and keep them on archives for future reference.

Article 33 The aquaculture and fishing equipment shall be regularly disinfected. The containers, water and transport vehicles for carrying aquatic animals shall be kept clean, and conform to the requirements for animal epidemic prevention.

Article 34 A registered aquaculture farm or transit farm of exit aquatic animals shall abide by the state provisions on medicine management, and shall not deposit or use the medicine banned by China or by the import country or region; and shall abide by the provisions on the use of medicine and the withdrawal time if the use of medicine is allowed.

During the period of transit, packing and transport, the edible aquatic animals shall not be fed with feeds or medicine, and the disinfection medicine as used shall conform to the relevant provisions of the state.

Article 35 The feeds for exit edible aquatic animals shall conform to the following provisions:

1. the Administrative Measures for the Inspection and Quarantine of the Feeds for Exit Edible Animals;
2. the requirements as set down by the import country or region; and
3. other relevant provisions of our country.

The fresh and live baits shall not come from the epidemic area of aquatic animals or the polluted water area, shall be subject to the quarantine treatment by adopting the method as acknowledged by the inspection and quarantine agency, and shall not contain any medicine banned by China or by the government of the import country or region.

The fresh and live baits of the same variety of aquatic animals (including eggs and larvae) shall not be fed to ornamental or parent aquatic animals.

Article 36 A registered aquaculture farm of exit aquatic animals shall establish a safety assessment system for introducing aquatic animals.

The aquatic animals as introduced shall be subject to approval of the local inspection and quarantine agency.

The aquatic animals as introduced shall be isolated for no less than 30 days, and the epidemic diseases or relevant banned medicine residues shall be tested according to safety assessment results. And the aquatic animals as introduced may not be put into normal production until they have passed inspection and quarantine.

The edible aquatic animals as introduced shall not be exported until they have been cultured in the registered aquaculture farm for a period of 1/3 growth circle of the same variety of aquatic animals and no less than two months.

The transit and packing period of exit aquatic animals shall generally be no more than three days.

Article 37 When any major epidemic disease of aquatic animals that shall be reported as required by the OIE or shall be reported as required by the Ministry of Agriculture occurs to a registered aquaculture farm or transit farm of exit aquatic animals, the farm shall immediately launch the relevant emergency-response plan, take the measures of urgency control and prevention, and report the epidemic disease to the relevant higher level authorities according to the provisions.

Article 38 The items for the inspection and quarantine agency to regularly supervise and administer the registered aquaculture farms or transit farms of exit aquatic animals shall include:

1. environmental sanitation;
2. epidemic control;
3. self-inspection and self-control of toxic and harmful substances;
4. introduction of varieties, input of seedlings, breeding, and production aquaculture;
5. use and management of feeds and baits;
6. use and management of medicine;
7. influent and drainage systems and water quality;
8. segregation and treatment of sick aquatic animals;
9. harmless treatment to dead aquatic animals and wastes;
10. safety and hygiene situations of packages, matting materials, production tools, transport tools, and water or ice used for transportation; and

11. the records about the Supervisory Brochure for the Inspection and Quarantine of Aquaculture Farms / Transit Farms of Exit Aquatic Animals.

Article 39 The inspection and quarantine agency shall implement the annual inspection to the registered aquaculture farms and transit farms within its jurisdiction every year, and affix an annual inspection eligibility record on the Registration Certificate if a farm passes the annual inspection.

Article 40 The inspection and quarantine agency shall establish credit archives for the registered aquaculture farms and transit farms as well as the enterprises for fishing, transport and trade; and establish a list of enterprises with good records and a list of enterprises with bad records according to the conditions about monitoring of epidemic diseases, toxic and harmful substances, daily supervision, annual inspection, inspection and quarantine for the previous year, and implement the classified management to relevant enterprises.

Article 41 If any enterprise engaging in the fishing, transit, packing, aquaculture, transport and trading of exit aquatic animals is under any of the following circumstances, the inspection and quarantine agency may require it to make rectification within a time limit, and may suspend the acceptance of its declaration for inspection and quarantine when necessary:

1. Any disease, toxic or harmful substance or any other safety or hygiene problem is discovered in the exit aquatic animals by the domestic or overseas inspection and quarantine agency;
2. The enterprise illegally introduces aquatic animals without approval of the inspection and quarantine agency or fails to implement the isolated culture for the prescribed time limit after introducing parent aquatic animals;
3. The enterprise fails to go through the formality for registration alteration or deregistration according to these Measures; or
4. There is any unqualified item discovered in the annual inspection.

Article 42 If a registered aquaculture farm or transit farm is under any of the following circumstance, the inspection and quarantine agency shall cancel its registration:

1. The farm fails to go through the extension formality after expiry of the validity term of registration;
2. The farm will not engage in the business of exit aquatic animals any more due to the termination, stop of production, change of business or closedown, etc.;
3. The registration is revoked or withdrawn, or the Registration Certificate is revoked;
4. The farm fails to pass annual inspection, and its rectification within the time limit is found unqualified;
5. The farm has no aquatic animal exited within one year;
6. The registered items can not be implemented due to force majeure; or
7. Any other circumstance prescribed in any law or regulation on inspection and quarantine under which the registration shall be cancelled.

Chapter V Legal Liabilities

Article 43 If an enterprise engaging in the fishing, aquaculture, transit, packing, transport or trading of exit aquatic animals is under any of the following circumstances, the inspection and quarantine agency shall impose a fine of less than 30,000 yuan on it; and if the circumstances are serious, its registration certificate shall be revoked:

1. The enterprise fails to report an epidemic disease that shall be reported;
2. The enterprise changes the water, fills the oxygen, adds the ice, changes the package, meets or changes the transport vehicle at a place not designated by the inspection and quarantine agency;
3. The enterprise artificially destroys the seals of inspection and quarantine;
4. The enterprise keeps the medicine banned by China or by the import country or region; or
5. The enterprise refuses to accept the supervision and administration of the inspection and quarantine agency.

Article 44 If an enterprise engaging in the fishing, aquaculture, transit, packing, transport or trading of exit aquatic animals is under any of the following circumstances, the inspection and quarantine agency shall punish it according to the Special Provisions of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products:

1. The enterprise provides aquatic animals of a non-registered aquaculture farm as those of a registered one;
2. The enterprise provides aquatic animals from aquaculture as the aquatic animals from wild fishing;
3. The enterprise provides or uses a false Exit Aquatic Animal Supply Certificate;
4. The enterprise illegally uses feeds, baits, medicine, aquaculture water or any other agricultural inputs; or
5. The enterprise avoids the inspection and quarantine or practices frauds.

Article 45 If any functionary in the inspection and quarantine agency abuses his authorities, deliberately creates difficulties, practices fraud for personal gains, forges inspection results, or neglects his duties, or delays the issuance of inspection and quarantine certificates, he shall be given an administrative sanction; and if a crime is constituted, he shall be subject to criminal liabilities.

Chapter VI Supplementary Provisions

Article 46 The definitions of the terms used in these Measures:

The “aquatic animals” refers to the live fish, mollusca, crustaceans and other invertebrates living in the water, and includes their sperms and eggs, embryos for breeding.

The “aquaculture farm” refers to the place for hatching, breeding and culturing aquatic animals.

The “transit farm” refers to the place for short-term assembly, storage, classification, processing and sort-out, and packing, etc. of aquatic animals before their exit.

Article 47 The inspection and quarantine of exit tortoises, turtles, snakes, frogs, crocodiles and other amphibians and reptiles as well as the supervision and administration thereof shall be implemented by referring to these Measures.

Article 48 The power to interpret these Measures shall remain with the AQSIQ.

Article 49 These Measures shall become effective as of October 1, 2007. The Administrative Measures for the Quarantine of Exit Ornamental Fish as promulgated by the former State Administration for Entry-Exit Inspection and Quarantine on November 24, 1999 and the Administrative Measures for the Inspection and Quarantine of Edible Aquatic Animals Supplied to Hong Kong and Macao promulgated by the AQSIQ on December 4, 2001 shall be simultaneously repealed as of the date of promulgation of these Measures.