

MEASURES ON THE ADMINISTRATION OF EXAMINATION AND APPROVAL OF THE  
QUARANTINE OF ENTRY ANIMALS AND PLANTS

The State Administration of Quality Supervision, Inspection and Quarantine

Decree of the State Administration of Quality Supervision, Inspection and Quarantine

No. 25

Measures on The Administration of Examination and Approval of the Quarantine of Entry Animals and Plants adopted by the meeting of the State Administration of Quality Supervision, Inspection and Quarantine on July 1, 2002 are hereby promulgated and shall be come into force as of the day of September 1, 2002.

The State Administration of Quality Supervision, Inspection and Quarantine

August 2, 2002

Measures on The Administration of Examination and Approval of the Quarantine of Entry Animals and Plants

Chapter I General Provisions

Article 1

The present Measures are formulated in accordance with the relevant provisions in the "Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine" (hereinafter referred to as the Law on the Quarantine of Entry and Exit Animals and Plants) and the regulation for its implementation as well as the "Regulation on the Administration of the Security of Genetically Modified Agricultural Organisms" in order to further strengthen the administration of the examination and approval of quarantine of entry animals and plants, and prevent infectious or parasitic diseases of animals, insect pests and weeds dangerous to plants, and other harmful organisms from spreading into the country.

Article 2

The present Measures shall apply to the examination and approval of the quarantine of the animals entering the country (including territory-transit animals), animal and plant products, which are required by the Law on the Quarantine of Entry and Exit Animals and Plants, the regulation for its implementation or the relevant state provisions to be approved, and the objects prohibited from entering the country which need to be approved under special license, as well as the territory-transit genetically modified products provided for by the "Regulation on the Administration of the Security of Genetically Modified Agricultural Organisms".

The State Administration of Quality Supervision, Inspection and Quarantine shall, in accordance with the relevant provisions in laws and regulations as well as the catalogue of objects prohibited from entering the country that is promulgated by the relevant department under the State Council, formulate, adjust and promulgate the catalogue of the animals and plants which need to be under quarantine examination and approval as well as their products.

Article 3

The State Administration of Quality Supervision, Inspection and Quarantine shall uniformly administer the examination and approval of the quarantine of entry animals and plants provided for in the present Measures. The State Administration of Quality Supervision, Inspection and Quarantine or other approving institutions authorized by the State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as approving institutions) shall be responsible for issuing the "Permit of the People's Republic of China for the Quarantine of Entry Animals and Plants" (hereinafter referred to as the "Quarantine Permit") and the "Circular on Not Approving the Application for the Permit of the People's Republic of China for the Quarantine of Entry Animals and Plants" (hereinafter referred to as the "Circular on Not Approving the Application for Quarantine Permit").

Each institution of entry and exit inspection and quarantine directly under the State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the preliminary examination institution) shall be responsible for the preliminary examination of the applications for approval of quarantine of entry animals and plants within its own jurisdiction.

## Chapter II Application

### Article 4

An entity applying for going through the formalities of quarantine approval (hereinafter referred to as applicant entity) shall be an entity which has the qualification of independent legal person and is able to directly conclude trade contracts or agreements with others.

The applicant entity of territory-transit animals or territory-transit genetically modified products shall be an entity with independent legal person status and is able to directly conclude trade contracts or agreements with others or an agent of such an entity.

### Article 5

An applicant entity shall, before concluding a trade contract or agreement, file an application to the approving institution and obtain the "Quarantine Permit".

The applicant entity shall, before the territory-transit animals or territory-transit genetically modified products transit the territory, file an application to the State Administration of Quality Supervision, Inspection and Quarantine and obtain the "Quarantine Permit".

### Article 6

An applicant entity shall truthfully fill in and submit the "Application Form for the Permit of the People's Republic of China for the Quarantine of Entry Animals and Plants" (hereinafter referred to as the "Application Form for Quarantine Permit") in accordance with the relevant provisions. In case a preliminary examination is needed, it shall be handled by the preliminary examination institution at the port of entry. For the goods that are not processed or used within the jurisdiction of the preliminary examination institution at the port of entry, the preliminary examination shall, when necessary, be handled by the preliminary examination institution at the locality where such goods are used.

The applicant entity shall provide the preliminary examination institution with the following documents:

(1)

The applicant entity's document proving its legal person status (duplicate);

(2)

If the imported animals need to be quarantined at a temporarily isolated place, the applicant entity shall fill in the "Application Form for Permit for Quarantine of Entry Animal at Temporarily Isolated Places";

(3)

If the meat, viscera, casing for sausages, raw hair (including feather), raw pelts, raw bones, raw horns, raw hooves, silkworm cocoons and aquatic products, etc. of the imported animals are to be produced, processed or deposited by the designated enterprises which are promulgated by the State Administration of Quality Supervision, Inspection and Quarantine, the applicant entity needs to provide the contracts it has concluded with the designated enterprises on the production, processing and deposition;

(4)

For the entry animal and plant products that can be cancelled upon verification according to relevant provisions, the same applicant entity shall, when filing a second application, attach the last "Quarantine Permit" (including the form for cancellation upon verification) in accordance with the relevant provisions;

(5)

To apply for territory transit of animals, the applicant entity shall state the route of transit, and provide the animal sanitation certificate (duplicate) issued by the official quarantine department of the exporting country or region, and the documents of proof on permitting the entry of the animals, which are issued by official quarantine department of the importing country or region;

(6)

To apply for import of the objects prohibited from entering the country under Paragraph 1 of Article 5 of the Law on the Quarantine of Entry and Exit Animals and Plants for the purpose of such particular needs as scientific research, etc., the applicant entity must submit a written application specifying the quantity, usage, method of import, epidemic prevention measures after entry, report on project initiation of the scientific research and the approval documents of the relevant competent department that proves the project initiation;

(7)

Other documents needed to be submitted.

### Chapter III Examination and Approval

#### Article 7

The contents of the preliminary examination carried out by the preliminary examination institution on the applicant entity's application for approval of quarantine shall include:

(1)

Whether the documents submitted by the applicant entity are complete, and whether they conform to Article 4 and Article 6 of the present Measures;

(2)

Whether there is any animal or plant epidemic situation in the exporting country or region or in the countries or regions on the way;

(3)

Whether the application conforms to the relevant provisions of the laws, regulations and departmental rules of China relating to animal and plant quarantine;

(4)

Whether the application conforms to the bilateral quarantine agreements concluded between China and the exporting country or region (including quarantine agreements, protocols, and memorandums, etc.);

(5)

For the animals and their products with the producing or processing process of which being necessary to be under quarantine supervision after entering the country, it shall be examined whether such links as their transport, production, processing, deposition and treatment, etc. conform to the conditions for quarantine, epidemic prevention and supervision, and the quantity imported shall be verified upon the processing capacity of the producing or processing enterprise;

(6)

For the animal and plant products entering the country that may be cancelled upon verification, the information on the use of the "Quarantine Permit" approved at the last time and the cancellation of the said permit upon verification shall be examined in accordance with the relevant provisions.

## Article 8

Where an application is preliminarily examined to be qualified, the preliminary examination institution shall execute the preliminary examination opinion, and meanwhile issue the "Permit for the Quarantine of Entry Animal at Temporarily Isolated Places" to the temporarily isolated place for entry animal quarantine which is appraised to be qualified. For the animal and plant products entering the country that need to be under quarantine supervision, a report on appraising the producing, processing or depositing entity shall be issued when necessary. The preliminary examination institution shall submit all the documents to the State Administration of Quality Supervision, Inspection and Quarantine for examination.

Where an application is preliminarily found to be disqualified upon examination, the application documents shall be returned to the applicant entity.

## Article 9

The same applicant entity may, with regard to the same variety, the same exporting country or region, or the same processing or using entity, apply for the "Quarantine Permit" for only once.

## Article 10

The State Administration of Quality Supervision, Inspection and Quarantine or the preliminary examination institution may, when considering it necessary, organize the relevant experts to carry out risk analysis on the products under application for entry, and the applicant entity shall be obliged to provide the relevant documents and samples for inspection.

## Article 11

The State Administration of Quality Supervision, Inspection and Quarantine shall, pursuant to the examination, issue the "Quarantine Permit" or the "Notice on Not Approving the Application for Quarantine Permit" within 30 working days as of receipt of the documents for preliminary examination submitted by the preliminary examination institution.

With respect to the genetically modified agricultural organisms that transit the territory of the People's Republic of China, the State Administration of Quality Supervision, Inspection and Quarantine shall make a decision on whether approving or not approving the application within the specified time limit, and notify the applicant entity.

## Chapter IV Administration and Use of Documents of Permit

### Article 12

The "Application Form for Quarantine Permit", the "Quarantine Permit" and the "Circular on Not Approving the Application for Quarantine Permit" shall be uniformly printed, produced and distributed by the State Administration of Quality Supervision, Inspection and Quarantine.

The "Quarantine Permits" shall be uniformly numbered by the State Administration of Quality Supervision, Inspection and Quarantine.

### Article 13

A "Quarantine Permit" shall be valid for a term of 3 months or be valid for once. The "Quarantine Permit" shall not be used with two or more different calendar years being covered, unless it is issued for living animals.

### Article 14

Where, with respect to the animal and plant products entering the country which may be cancelled upon verification according to relevant provisions, the "Quarantine Permit" are used within the scope of permitted quantity for import by installments and for inspection report for more than one time, the institution of inspection and quarantine at the port of entry shall conduct the registration of cancellation upon verification in the form on cancellation upon verification of quarantined objects entering the country, which is attached to the "Quarantine Permit".

### Article 15

In case of any of the following circumstances, the applicant entity shall apply again for obtaining a "Quarantine Permit":

(1)

The variety of the quarantined objects entering the country is changed or the permitted quantity is exceeded by 5% or more;

(2)

The exporting country or region is changed;

(3)

The port of entry, the designated place or the transport route is changed.

#### Article 16

In case of any of the following circumstances, the "Quarantine Permit" shall be invalidated, abrogated or terminated for use:

(1)

It shall be automatically invalidated if the validity period has expired;

(2)

If, within the permitted scope, the animals or their products are imported by installments and reported for inspection for more than one time, and all the permitted quantity have been cancelled upon verification, the "Quarantine Permit" shall be automatically invalidated;

(3)

After the state has promulgated the announcement or ban on prohibiting the relevant objects to be quarantined from entering the country in accordance with the law, the issued "Quarantine Permit" shall be automatically abrogated;

(4)

If the applicant entity violates the relevant provisions on the quarantine approval, the State Administration of Quality Supervision, Inspection and Quarantine may terminate the use of the issued "Quarantine Permit".

#### Article 17

The applicant entity shall not sell or transfer the permit after obtaining it. The port institution of inspection and quarantine must, when accepting the report for quarantine, examine whether the applicant entity for the permit consists with the consignee on the inspection and quarantine certificate and the contracting party of the trade contract, and shall not accept the report for quarantine in case of inconsistency.

#### Chapter V Supplementary Provisions

#### Article 18

Where an applicant entity violates the present Measures; it shall be punished by the institution of inspection and quarantine in accordance with the relevant laws and regulations.

#### Article 19

Any institution of inspection and quarantine and its functionaries must, when examining and approving the quarantine of entry animals and plants, comply with the principles of openness, justness and transparency, execute administrative powers in accordance with the law, be devoted to their duties, and consciously accept the public supervision.

Where any functionary in an institution of inspection and quarantine violates the laws, regulations or the present Measures by abusing his power, committing malpractice for personal gain, or deliberately making things difficult for others, he shall be investigated and punished by the entity where he works or the institution at a higher level in accordance with the relevant provisions.

#### Article 20

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

#### Article 21

The present Measures shall enter into force on September 1, 2002.

The State Administration of Quality Supervision, Inspection and Quarantine 2002-08-02