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Regulation on Inspection and Quarantine of Entry-Exit Meat Products

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Approved By:

Scott Sindelar

Prepared By:

Joshua Lagos and Wu Bugang

Report Highlights:

On January 20, 2011, China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) published on its web site the Administrative Measures for Inspection, Quarantine and Supervision of Inbound and Outbound Meat Products. The Measures, which replaces *the Administrative Measures for Inspection and Quarantine of inbound and outbound Meat Products* issued on October 1, 2002, will take effect on June 1, 2011.

Executive Summary:

On January 20, 2011, China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) published on its web site *the Administrative Measures for Inspection, Quarantine and Supervision of inbound and outbound Meat Products*. The Measures, which replaces the existing *Administrative Measures for Inspection and Quarantine of inbound and outbound Meat Products* issued on October 1, 2002, will come into force on June 1, 2011.

A draft version of the Measures was notified to the WTO on April 21, 2010 as G/SPS/N/CHN/207. These Measures establish the requirements of inspection, quarantine and supervision on import and export meat products. This report is an informal translation of the document.

General Information:

BEGIN TRANSLATION

Administrative Measures for Inspection, Quarantine and Supervision of inbound and outbound Meat Products

Chapter I: General Provisions

Article 1 [Purpose and Basis] For the purposes of reinforcing the inspection, quarantine and supervision of inbound and outbound Meat Products, ensuring the quality safety of inbound and outbound Meat Products, preventing epidemic diseases of animals from spreading into or out of the territory of the People's Republic of China ("China" or the "Territory"), and protecting production safety of agriculture and animal husbandry as well as human health in accordance with the *Law of the People's Republic of China on Import and Export Commodity Inspection* and the regulations for implementation thereof, the *Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine* and the regulations for implementation thereof, the *Frontier Health and Quarantine Law of the People's Republic of China* and the detailed rules for implementation thereof, the *Food Safety Law of the People's Republic of China* and the regulations for implementation thereof, the *Special Rules of the State Council on Strengthening the Supervision and Management of the Safety of Food and Other Products* and other relevant laws and regulations.

Article 2 [Scope of Application] These Measures shall apply to inspection, quarantine and supervision of inbound and outbound Meat Products.

Article 3 [Definition of Meat Product] For the purpose of these Measures, "Meat Product" refers to any part of a slaughtered animal that is edible for humans, including the body, viscera, byproducts and products made thereof (excluding canned products).

Article 4 [Division of Duties] The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China ("AQSIQ") is the competent authority for nationwide inspection, quarantine and supervision of inbound and outbound Meat Products.

Local entry-exit inspection and quarantine offices ("Local Offices") of AQSIQ shall take charge of

inspection, quarantine and supervision of inbound and outbound Meat Products under their respective purview.

Article 5 [Management Mode] Local Offices shall conduct inspection, quarantine and random examination of inbound and outbound Meat Products in accordance with laws and apply credibility management and classified management to enterprises that manufacture or process inbound and outbound Meat Products (“Manufacturers”) in line with regulatory needs.

Article 6 [Responsibility of Manufacturers] Manufacturers of Inbound and Outbound Meat Products shall carry out production and operation activities in accordance with relevant laws, regulations and standards, perform social and public responsibility, ensure quality safety of Meat Products and accept community supervision.

Chapter II: Entry Inspection and Quarantine

Article 7 Inbound Meat Products shall comply with the laws, regulations and national food safety standards of China, inspection and quarantine requirements set out in relevant agreements, protocols and memorandums made between China and the countries or regions of origin as well as quarantine requirements set out in trade contracts.

The consignees of any imported Meat Product for which the national food safety standard is not available shall submit to the Local Office the documentary evidence of permission issued by the health administration department of the State Council.

Article 8 [Risk Analysis] AQSIQ shall lay down and publish the inspection and quarantine requirements of China on inbound Meat Products in accordance with the laws, regulations and national food safety standards of China and in line with the epidemic situation and diseases of domestic and overseas Meat Products as well as the risk analysis results of toxic and hazardous substances, taking into account the assessment of effectiveness of quality safety management systems of countries or regions that export Meat Products to China, or enter into inspection and quarantine agreements with countries or regions that export Meat Products to China to define inspection and quarantine agreements and relevant certificates required.

Article 9 [Registration of Exporters, Agents and Overseas Manufacturers] AQSIQ shall maintain a registry of exporters or agents that export Meat Products to China and regularly publish the list of registered exporters and agents.

Registration of Overseas Manufacturers of inbound Meat Products shall be managed in accordance with relevant requirements of the General Administration.

Article 10 [Registration of Consignees] Local Offices shall maintain a registry of consignees of inbound Meat Products. Unregistered consignees shall not be allowed to go through entry formalities of Meat Products.

Article 11 [Import and Distribution Records] Consignees of inbound Meat Products shall maintain entry and distribution records of such Meat Products. Records shall be true and retained for at least two years.

Article 12 [Quarantine Approval and Pre-clearance] AQSIQ shall establish and maintain a quarantine approval system for inbound Meat Products. Consignees of inbound Meat Products shall go through the quarantine approval formalities and obtain the inbound animal and plant quarantine permit prior to entering into the trade contract.

AQSIQ may assign personnel to the countries or regions of origin as necessary for pre-clearance of inbound Meat Products in accordance with relevant provisions.

Article 13 [Point of Entry] Inbound Meat Products shall enter the Territory through the point of entry designated by the General Administration.

The Local Office at the point of entry shall be equipped with equipment, facilities and specialists for onsite examination and laboratory inspection and quarantine of inbound Meat Products.

Inbound meat products shall be stored in cold storages facilities or other places authorized by Local (CIQ) Offices and recorded by AQSIQ. The point of entry for meat products shall be equipped with cold storage facilities that are suitable for the quantity of inbound meat products. Cold storage facilities shall meet inspection and quarantine requirements on cold storage of inbound meat products.

Article 14 [Packaging Requirements on Inbound Fresh and Frozen Meat Products] Inbound fresh and frozen Meat Products shall meet the following requirements:

- (1) Inner and outer packaging shall be made of nontoxic and non-hazardous materials, complete and free of any damage;
- (2) Inner and outer packaging shall indicate the country of origin, name of product, registration number of manufacturer, and product batch number;
- (3) Outer packaging shall indicate the specifications, place of origin (prefecture or province or municipality), place of destination (the People's Republic of China), date of manufacture, shelf life and storage temperature in Chinese language and bear the official inspection and quarantine marks of the country of origin.

Article 15 [Request for Entry Inspection] Upon or before entry of inbound Meat Products, the consignee or its agent shall file a request for inspection with the Local Office at the point of entry by submitting inbound animal and plant quarantine permit, the original of relevant certificate issued by the competent authority of the country or region of origin, trade contract, bill of lading, packing list and invoice.

The official inspection and quarantine certificate issued by the country or region of origin that accompanies inbound Meat Products shall meet relevant requirements on the General Administration.

Article 16 [Acceptance of Request for Inspection] The Local Office shall review relevant documents submitted by the consignee or its agent, and, if such documents are found compliant, accept the request

for inspection, clear the quarantine-approved quantity and issue the inbound commodity clearance certificate.

Article 17 [Disinfection of Containers for Epidemic Prevention] The transportation vehicles and containers for shipment of inbound Meat Products shall be disinfected for epidemic prevention under the oversight of the Local Office at the point of entry. Inbound Meat Products shall not be unloaded from transportation vehicles or containers without permission by the Local Office.

Article 18 [Onsite Inspection and Quarantine] The Local Office at the point of entry shall conduct onsite inspection and quarantine on inbound Meat Products, including:

- (1) Checking transport vehicles for cleanliness, hygiene and odor, checking temperature control equipment or facilities for proper functioning, and checking temperature records for compliance;
- (2) Checking the commodity and documents for consistency, including container number, seal number, name of commodity, quantity or weight, country or region of origin, name or registration number of manufacturer, date of manufacture, packaging, shipping marks, reference number of the certificate issued by the competent authority of the country or region of origin, identification or seal;
- (3) Checking packaging for compliance with applicable national food safety standards;
- (4) Checking the label of prepackaged Meat Products for compliance;
- (5) Checking fresh and frozen Meat Products for compliance of freshness, and central temperature; for presence of any pathological changes; and for any visible parasitic cyst, home pest, impurities or any other abnormalities; conducting the boiling or steaming test as necessary.

Article 19 [Designated Place of Storage] Inbound fresh and frozen Meat Products that have been accepted during onsite inspection and quarantine shall be stored at a place designated by the Local Office.

Article 20 [Sample Test] The Local Office shall sample inbound Meat Products as required and test or monitor samples in accordance with relevant standards, monitoring plan and warning notice.

Article 21 [Actions Based on Inspection and Quarantine Results] The Local Office at the point of entry shall take the following actions based the inspection and quarantine results of inbound Meat Products:

- (1) If inspection and quarantine results are compliant, issuing the Inspection and Quarantine Certificate for Inbound Commodities and granting the approval for manufacture, processing, sale and use; the Inspection and Quarantine Certificate for Inbound Commodities shall indicate the container number, batch number, name and registration number of manufacturer, shipping marks and other traceability information of inbound Meat Products; or
- (2) If inspection and quarantine results are non-compliant, issuing the notice of inspection and quarantine actions. Any of the following circumstances shall lead to return or destruction:
 - (i) A valid inbound animal and plant quarantine permit is not provided;
 - (ii) Relevant certificate issued by the competent authority of the country or region of origin is not provided;
 - (iii) The manufacturer of inbound Meat Products is not registered; or
 - (iv) Any non-compliance is found in respect of personal safety, health or environment protection.

(3) In the case of any non-compliance other than in respects of personal safety, health or environmental protection found during inspection and quarantine, technical treatment may be conducted under the oversight of the Local Office and, if compliance is demonstrated after such technical treatment, sale or use may be permitted.

(4) Issuing relevant certificate if any claim for damages is needed.

Article 22 [Transit Pre-clearance] Where the inbound Meat Products whose place of destination is the Chinese mainland are unloaded from the initial ship in Hong Kong or Macao and transhipped by land from Hong Kong or Macao to the Chinese Mainland, or the meat products are unloaded at Hong Kong or Macau ports and reloaded at other ports for destination in mainland China, the consigner shall file a request for transit pre-clearance with the inspection agency designated by the General Administration. Inbound Meat Products shall not be transhipped to the Chinese mainland if they are not submitted for pre-clearance inspection or not pre-cleared.

The designated inspection agency shall conduct pre-clearance inspection pursuant to requirements of AQSIQ and, if pre-clearance is granted, attach a new seal and issue the pre-clearance certificate, which shall be verified by the Local Office at the point of entry when it accepts the request for inspection.

Chapter III: Exit Inspection and Quarantine

Article 23 [Exit Inspection and Quarantine] Outbound Meat Products shall be supervised and random inspected by Local Offices, and shall not be released by the customs until the clearance certificate is issued by Local Offices.

Article 24 [Exit Inspection and Quarantine Requirements] Local Offices shall conduct inspection and quarantine of outbound Meat Products pursuant to the following requirements:

- (1) Inspection and quarantine requirements of the country or region of destination;
- (2) Inspection and quarantine requirements set out in the inspection and quarantine agreements, protocols and memorandums made between Chinese government and the country or region of origin;
- (3) Inspection and quarantine requirements set out in laws and regulations of China or imposed by the General Administration;
- (4) Requirements on quality, quantity, weight and packaging imposed by the competent authority of the country or region of origin; and
- (5) Inspection and quarantine requirements set out in the trade contract.

Article 25 [Registration of Manufacturers of Outbound Meat Products] Local Offices shall maintain a registry of manufacturers of outbound Meat Products in accordance with provisions on registration of manufacturers of exported food products

Where the country or region of designation imposes any registration requirement on Chinese manufacturers of outbound Meat Products and referral of registered manufacturers is required, relevant provisions of AQSIQ shall apply.

Article 26 [Farm Registration] Animals for the manufacture of outbound Meat Products shall be sourced from farms registered with the Local Office.

Local Offices shall, based on risk analysis, monitor registered farms in respect of epidemic diseases of animals, residual pesticides or veterinary drugs, environment pollutants and other toxic or hazardous substances.

Animals shall not be slaughtered or processed for the manufacture of outbound Meat Products if they are not issued with the quarantine certificate by the local agricultural administration department or that are found non-compliant in respect of epidemic diseases of animals, residual pesticides or veterinary drugs or other toxic or hazardous substances.

Article 27 [Supply Certificate] Registered farms or slaughterhouses of animals for the manufacture of outbound Meat Products shall issue the supply certificate for each batch of raw materials of outbound Meat Products they produce.

Article 28 [Total Process Quality Safety Control System] Manufacturers of outbound Meat Products shall establish an effective and traceable quality safety control system that covers the total process encompassing raw and auxiliary materials, manufacture, processing, storage, transportation and exit of outbound Meat Products.

Manufacturers of outbound Meat Products shall be staffed by full-time or part-time personnel in charge of veterinary hygiene and food safety.

Article 29 [Inspection Records] Manufacturers of outbound Meat Products shall establish and maintain records of incoming material inspection and examine the supply certificate accompanying raw materials. Records of incoming material inspection shall be true and retained for at least two years.

Manufacturers of outbound Meat Products shall establish and maintain records of outgoing inspection, examine the inspection certificate and safety condition of outgoing Meat Products, and accurately record the name, specifications, quantity, date of manufacture, batch number, inspection certificate number, name and contact information of purchaser and date of sale of their Meat Products.

Records of outgoing inspection of Meat Products shall be true and retained for at least two years.

Article 30 [Self-inspection and Independent Inspection] Manufacturers of outbound Meat Products shall conduct self-inspection of raw and auxiliary materials of outbound Meat Products or, if they are not capable of self-inspection, designate a qualified testing agency to conduct an independent inspection and issue a valid test report.

Article 31 [Sample Test] Local Offices shall, based on risk analysis, conduct sample test on outbound Meat Products in respect of pathogenic microbes, residual pesticides or veterinary drugs, environment pollutants or other toxic or hazardous substances, and validate and oversee the quality safety control system throughout the manufacturing process of outbound Meat Products.

Article 32 [Packaging] Packaging materials for outbound Meat Products shall meet food safety standards. The Packaging shall indicate such information as required by the country or region of origin.

Packaging for transportation shall indicate the country or region of destination.

Article 33 [Resident Supervisors] Local Offices may assign official veterinarians or inspection or quarantine officers to manufacturers of outbound Meat Products as necessary to oversee manufacturers of outbound Meat Products.

Article 34 [Request for Exit Inspection] The consigner or its agent shall, prior to shipping the outbound Meat Products, file a request for exit inspection with the Local Office where the manufacturer of outbound Meat Products is located pursuant to requirements of the General Administration.

Article 35 [Shipment] The consigner or its agent shall ensure that the transportation vehicle of outbound Meat Products has sound sealing performance and refrigeration equipment, protect carried Meat Products from contamination, ensure the required temperature during transportation, clean and disinfect the transportation vehicle as required and keep a proper record thereof.

The consigner shall ensure consistency between commodities shipped and those submitted for exit inspection and keep a proper shipping record.

Article 36 [Compliance Assessment] Local Offices shall review test reports and shipping records, among others, of outbound Meat Products submitted for exit inspection and conduct compliance assessment thereof based on day-to-day oversight, monitoring and sample test. Relevant inspection and quarantine documents shall be issued if compliance is demonstrated; the notice of non-compliance shall be issued if non-compliance is demonstrated.

Article 37 [Marks or Seals] Local Offices shall affix marks or seals to the outbound Meat Products that demonstrate compliance during inspection and quarantine and their containers and transportation vehicles in accordance with relevant provisions where necessary.

Article 38 [Transit Storage Supervision] Transit cold storage facilities for storage of outbound Meat Products shall be registered with and supervised by the Local Office.

Outbound Meat Products that arrive at the transit cold storage facility shall be declared to the Local Office. The Local Office where the transit cold storage facility is located shall supervise admission of outbound Meat Products by examining inspection and quarantine documents issued by the Local Office where the manufacturer is located.

Article 39 [Time Limit for Exit] Outbound frozen Meat Products shall exit the Territory within six months of manufacture or processing. Outbound iced fresh Meat Products shall exit the Territory within 72 hours of manufacture or processing. Where the country or region of destination has any different requirements, such requirements shall prevail.

Article 40 [Outbound Wildlife Administration] Wildlife for the manufacture of outbound Meat Products shall meet relevant legal and regulatory requirements of the country or region of origin and obtain approval from the competent authority of China.

Chapter IV: Transit Inspection and Quarantine

Article 41 [Transit Supervision] Meat products that transit through the Territory shall be subject to prior approval by AQSIQ and transit through the designated point and route.

The carrier or supercargo shall submit shipping documents and certificates issued by the country or region of origin to the Local Office at the point of entry for review upon entry. The Local Office at the point of entry shall notify the Local Office at the point of exit, and the Local Office at the point of exit shall supervise exit of transit Meat Products.

The Local Office at the point of entry may assign official veterinarians or other inspection or quarantine officers to supervise transit to the point of exit.

Article 42 [Transportation Vehicles and Containers] Upon arrival of transit Meat Products at the point of entry, the surface of their transportation vehicles and containers shall be disinfected by the Local Office at the point of entry.

Transportation vehicles, packaging and containers of transit Meat Products shall be in good condition. Where the Local Office finds transportation vehicles, packaging or containers in such a condition that may cause leakage, the carrier or supercargo shall take sealing measures as required by the Local Office; any failure to take sealing measures shall result in prohibition of transit.

Article 43 [Transportation of Transit Meat Products] Upon arrival of transit Meat Products at the point of exit, the Local Office at the point of exit shall confirm that original containers and seals of such Meat Products remain unaltered.

Transit Meat Products shall not be unpacked or unloaded from the transportation vehicle without approval of the Local Office during transit.

Article 44 [Re-packaging] Transit Meat Products that are re-packaged within the Territory shall be subject to inspection and quarantine requirements imposed on inbound Meat Products.

Chapter V: Supervision and Administration

Article 45 [Safety Monitoring Process] AQSIQ shall establish and maintain a safety monitoring process for inbound and outbound Meat Products, develop a focused monitoring plan in line with risk analysis and inspection and quarantine conditions, and identify categories and test items of inbound or outbound Meat Products from or to countries or regions subject to particular monitoring.

Local Offices shall develop and implement an action plan for risk management of inbound Meat Products under their respective purview in accordance with the annual plan for safety risk monitoring of imported and exported foods issued by the General Administration.

Article 46 [Risk Management and Quick Response Measures] AQSIQ and Local Offices shall impose

risk management to inbound and outbound Meat Products. Specific measures shall be subject to relevant provisions.

Article 47 [Communication] AQSIQ and Local Offices shall communicate information on safety risk of inbound and outbound Meat Products to relevant authorities, institutions and enterprises on a timely basis. Any detected or reported safety incident of inbound and outbound Meat Products shall be immediately communicated to the health and agricultural administration departments and reported to the competent authority in accordance with relevant provisions.

Article 48 [Integrity Management] Manufacturers, consignees and consigners of inbound and outbound Meat Products shall engage in manufacture and operation in accordance with laws.

Local Offices shall create records of violations committed by consignees and consigners of inbound Meat Products and manufacturers of outbound Meat Products. Violations receiving administrative punishment can be listed and public in illicit company list.

Article 49 [Recall] Where inbound Meat Products have any safety problem or may cause or has caused any damage to human health or life, the consignee shall recall such products and immediately report to the Local Office. The Local Office shall issue an order of recall if the consignee fails to recall such products.

Where outbound Meat Products have any safety problem or may cause or has caused any damage to human health or life, the manufacturer of outbound Meat Products shall recall such products and immediately report to the Local Office.

The Local Office shall report any recall of inbound or outbound Meat Products to the Generation Administration.

Article 50 [Farm Deregistration] Any registered farm that produces animals for the manufacture of outbound Meat Products shall be deregistered in any of the following circumstances:

- (1) Any drug or any other toxic or hazardous substance prohibited by China or the country or region of origin is stored or used; any drug used does not indicate active ingredients or any prohibited drug or drug additive is used, or the use of drug is not suspended as required during the withdrawal period;
- (2) Any false supply certificate is provided, or the registration number is transferred either directly or in a disguised manner;
- (3) Any major epidemic disease of animal is held back or not promptly reported to the Local Office;
- (4) Refusing to accept supervision by the Local Office;
- (5) A request for change is not filed within thirty days upon alteration of the name or legal representative of the registered farm;
- (6) Expansion of the farm, use of any new drug or feed or any major change in the quality safety system is not reported to the Local Office within thirty days thereafter; or
- (7) No supply is made to any exporter for one year.

Article 51 [Legal Liability] Any other violation of law by manufactures of inbound or outbound Meat Products shall be subject to punishment in accordance with relevant laws and regulations.

Article 52 [Legal Liability of Administrative Personnel] Any Local Office or its personnel carrying out inspection, quarantine or supervision of inbound or outbound Meat Products in violation of laws or regulations shall be punished by the competent authority or their employers, as the case may be.

Chapter VI: Supplementary Provisions

Article 53 [Interpretation] These Measures shall be subject to final interpretation by the Generation Administration.

Article 54 [Effective Date] These Measures shall become effective on June 1, 2011. The *Administrative Measures for Inspection and Quarantine of inbound and outbound Meat Products* that were issued on 1 October 2002 by AQSIQ by its Order [2002] No. 26 shall be repealed at the same time.

END TRANSLATION