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China, Peoples Republic of

Food and Agricultural Import Regulations and Standards

Fairs Update: New Quarantine Rules of Entry Fruit 2000

Approved by:
LaVerne E. Brabant, Director, ATO Shanghai
US Consulate General Shanghai

Prepared by:
Mabel Zhuang, Agricultural Assistant

Report Highlights:

This report contains a translation of the new “Chinese Quarantine Rules of Entry Fruit,” which took effect on January 1, 2000. According to the new rules, China will adopt modern international quarantine & inspection practices. To take advantage of China’s more open fruit market, U.S. exporters should work with their Chinese importers to strictly comply with the new quarantine inspection procedures.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Shanghai ATO [CH2], CH

FAIRS UPDATE REPORT

I. SECTOR /PRODUCT/AND OR REGULATORY ENVIRONMENT AFFECTED:

Imported fresh fruits and tomatoes, eggplants, and the genus Capsicum.

II. FAIRS FORMAT SECTION SUBTITLE(S) TO BE INTEGRATED

EXECUTIVE SUMMARY; SECTION V, OTHER REGULATIONS AND REQUIREMENTS.

III. SUMMARY OF ACTION:

EXECUTIVE SUMMARY

Starting on January 1, 2000, new quarantine rules governing the entry of fruit in China take effect. The State Administration for Entry-Exit Inspection and Quarantine of the People's Republic of China (CIQ) promulgated these new rules for temporary implementation, replacing the old rules from 1988. The following is a brief summary of the quarantine inspection procedures that importers have to adhere to.

First, importers should apply for the quarantine inspection before importing the fruit. The Application for License for CIQ Animal and Plant Quarantine should be completed and submitted to CIQ, Beijing. It normally takes three working days for CIQ to approve the application and issue CIQ License for Animal and Plant Quarantine.

Second, importers should apply for the physical inspection with the port CIQ with standard shipping documents, including the above mentioned license, the phytosanitary certificate, Certificate of Origin, Bill of Lading, Invoice, etc. The port CIQ will spend one working day to check these documents to make sure that the fruits are from the approved countries under the protocol. They will then issue the customs pass to the importer.

Third, bearing a Customs pass, an importer can pay the tariff and clear Customs. The port CIQ will complete the physical inspection, including site inspection and laboratory inspection. Theoretically, the inspection will take five working days, but in practice, the inspection could be shortened to 1-2 working days, unless it is a first-time shipment. The CIQ inspector will not only inspect the fruit, but also its packaging.

Chapter I General Provisions

Article 1

These rules are formulated in accordance with “The Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine” for the purpose of preventing harmful organisms dangerous to plants from entering and spreading into China, and protecting the safety of fruit production, as well as human health.

Article 2

These rules apply to the entry quarantine of fresh fruits and tomatoes, eggplants, and the genus *Capsicum*.

Article 3

The State Administration for Entry-Exit Inspection and Quarantine of the People's Republic of China (CIQ) shall conduct overall administration of the entry and exit quarantine for the whole country. The port entry and exit inspection quarantine administration (the port CIQ), set up by CIQ, shall be in charge of the quarantine inspection and supervision in their respective administrative districts.

Article 4

Fruits from the Mediterranean-fruit-fly-infected countries or regions are prohibited from importation. First time entry of fruits from epidemic areas shall not be allowed to enter the country until a pest risk analysis has been conducted and a quarantine protocol has been signed with the exporting country.

Article 5

The entry of fruits by carriers or mail is prohibited unless otherwise stated by law.

Chapter II Quarantine Examination and Approval

Article 6

The owner (or his or her agent) shall apply for the quarantine inspection before the entry of fruits, and shall go through the formalities for the examination and approval in advance of the trade contract and the agreement.

Article 7

Only when the following requirements are met can an application for quarantine inspection and approval be processed:

- 1) There is no severe epidemic occurring in the exporting country or region;
- 2) The application conforms with the relevant provisions and laws of the People's Republic of China on the Entry and Exit Animal and plant Quarantine;
- 3) The application conforms with the relevant bilateral quarantine agreements, including the quarantine protocol and the memorandum, etc., between China and the exporting country.

Article 8

The formalities of quarantine inspection for entry fruits are:

1) The owner (or his or her agent) shall fill in “ The Application for the License of CIQ on Entry Animal and Plant Quarantine” in advance, then apply to CIQ;

For the purposes of trade exhibitions, entry fruits must be, with the consent of the port CIQ, located in the exhibition area;

Entry fruits for use and sale on direct transit trains, ships, pre-customs duty free shops, or foreign-invested hotels, must be approved by the port CIQ.

2) With respect to entry fruits that pass the quarantine inspection, CIQ will issue a “CIQ License for Entry Animal and Plant Quarantine.” With respect to entry fruits that fail the quarantine inspection, CIQ will not issue the license and will notify the applicant of the reason(s).

Article 9

When entry fruits that pass the quarantine inspection are involved in any of the following circumstances, the owner (or his or her agent) shall re-apply for quarantine inspection:

- 1) the species of the entry fruit is changed or the quantity is increased;
- 2) the importing country or region is changed;
- 3) the entry port is changed;
- 4) the stipulated valid period of quarantine is exceeded.

Chapter III Entry Quarantine

Article 10

The owner (or his or her agent) shall submit an application for quarantine inspection to the port CIQ before or upon the entry of the fruits, and meanwhile also apply for the “CIQ License for Entry Animal and Plant Quarantine,” presenting documents such as a phytosanitary certificate issued by the animal and plant quarantine office of the exporting country or region, the certificate of origin, the contract, and the invoice.

Article 11

The entry port CIQ can either return or destroy the entry fruits which are not accompanied by a phytosanitary certificate issued by the animal and plant quarantine office of the exporting country or region, and which have not gone through quarantine inspection procedures in accordance with the law.

For fruits purchased in the Special Administrative Region (SAR) areas of Hong Kong and Macao, the owner shall apply for quarantine inspection presenting the above-mentioned relevant documents. If no phytosanitary certificate issued by the exporting country or region can be presented, then a certificate issued by the Hong Kong and Macao agriculture quarantine

authorities ratified by the CIQ will be issued.

An advance approval by the directly affiliated entry quarantine office shall be required for small-amount cross-border entry of fruits, if no plant quarantine certificate can be presented due to the limitations of small-scale border trade.

Article 12

The entry fruits quarantine is based upon the following:

- 1)The Chinese laws and regulations on plant quarantine;
- 2)The bilateral agreements signed by the Chinese government and the exporting country or region;
- 3) The agreements signed by CIQ and the plant quarantine departments of the exporting country or region, including the protocols and memorandums;
- 4) The quarantine requirements of the quarantine license;
- 5)The quarantine requirements stipulated in the trade contract.

Article 13

Upon entry, the fruits shall conform to the following quarantine requirements:

- 1) Be in conformity with the relevant bilateral quarantine agreements signed by China and the exporting country or region;
- 2) Be free of harmful organisms dangerous to plants and prohibited to enter China, as well as any branches, leaves, and soil;
- 3) Be imported in the original packaging with clear identification of the production area;
- 4) Conform with the other requirements of bilateral agreements

Article 14

When performing quarantine inspection, CIQ shall verify whether the goods corresponds to the respective documents from the actual loading; CIQ shall take random samples in accordance with relevant procedures and standards, and after verification, release the fruits by actual species, quantity, and quality.

Article 15

The indoor quarantine inspection shall be conducted in accordance with the fruit production area, species, possibility of carrying diseases and insects/pests, as well as relevant procedures and standards. After the quarantine inspection, a “Laboratory Report of the Quarantine Inspection” shall be filled out.

Article 16

After the entry fruits have gone through the quarantine inspection, the results could be one of the

following:

- 1) With respect to fruits that pass the quarantine inspection, “ The CIQ Customs Pass” shall be issued, and the fruits shall be allowed to enter China.
- 2) After the quarantine inspection, if the fruits are found with harmful organisms dangerous to plants, or with normal insects and pests exceeding the standards, such treatment as disinfections and de-infestations shall be conducted. After treatment, the qualified fruits shall be allowed to enter the country. Those fruits that fail to pass the quarantine or have not gone through the de-infestations shall be returned and destroyed.
- 3) When a severe epidemic is discovered, necessary preventive measures shall be taken, and the epidemic shall be reported to CIQ immediately.

Chapter IV Quarantine Supervision

Article 17

CIQ shall adopt a registration system with foreign orchards, packing houses, and storage warehouses that export fruits to China.

CIQ, when necessary and with the approval of the exporting country and region, shall dispatch quarantine personnel to the fruits production area to carry out pre-quarantine inspection, supervise the packing, or conduct a survey of the epidemic situation in the fruits production area.

Article 18

With respect to fruits from an epidemic area used for trade exhibitions, an application shall be submitted to CIQ for special quarantine approval. During the trade exhibition(s), the fruits must undergo supervision by the port CIQ and cannot be used otherwise, given as gifts, sold, and/or be transited without authorization. Abandoned fruits shall be handled under the supervision of the port CIQ.

Article 19

Entry fruits for sale on the Hong Kong and Macao direct transit trains or boats shall be packed in sealed bags which are made under the supervision of the port CIQ.

When carried by passengers entering China, these bags shall be examined and quarantine personnel may take samples for testing if a specific situation merits it.

Article 20

Entry fruits for sale at pre-customs duty-free shops shall be packed in sealed bags which are made under the supervision of the port CIQ, and shall be subject to supervision by the port CIQ.

Article 21

During their stay in China's boundary, personnel on international aircraft, trains, and vessels shall not carry fruits meant for meals out of their transportation carrier. Abandoned peels and pits, as well as waste, shall be disinfested under the supervision of the port CIQ.

If fruits from an animal and plant epidemic area are found on board the vessels, aircraft, and/or trains, they shall be sealed or destroyed. When sealed, the fruits shall not be opened for use during their stay in China or in transit without the permission of the port CIQ.

Article 22

In specific situations, CIQ shall designate the relevant port CIQ to conduct quarantine supervision of fruits in transit.

Article 23

The CIQ shall carry out epidemic monitoring on the sites of airports, ports, railway stations, warehouses, processing factories, etc. where transit of goods is possible.

No one can remove or damage the epidemic monitoring devices without the permission of the port CIQ.

Chapter 5 Supplementary Provision

Article 24

Violators of the Rules shall be penalized in accordance with The Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine as well as its implementing regulations.

Article 25

The CIQ shall be in charge of interpreting the Rules.

Article 26

The Rules entered into effect as of January 1, 2000. The Quarantine Rules of Entry Fruit (for Trial Implementation) promulgated by Chinese Animal and Plant Quarantine on September 12, 1998 shall be annulled as of the same date.

(This is an unofficial translation. In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail).

IV. KEY REGULATORY AGENCY

SEE CHINA COUNTRY FAIRS REPORT.

V. OTHER COMMENTS

According to the new quarantine rules, CIQ will strictly carry out the protocol signed between China and other countries. The port CIQ will give special attention to and identify whether fruits are actually from the orchards, packing houses, and warehouses which have been released from previous bans and have been registered with CIQ and China Customs.

American citrus from approved packing houses in California and Florida can be legally exported to China because the Sino-U.S. Agricultural Agreement finally went into effect on March 28, 2000. Direct trade has boomed since then. Twenty containers of Florida grapefruit and more than 40 containers of California oranges have been imported directly.

However, due to the inexperience of both U.S. exporters and Chinese importers, the direct trade has met with many problems at the initial stage, in one case even developing into a political issue affecting China's PNTR status.

For both Florida and Sunkist citrus, CIQ has found that some shipping marks on the cartons have had discrepancies, indicating that the fruits were from unapproved countries, or the zip codes did not match the ones on the protocol. Thanks to effective negotiation by the USDA/APHIS office, CIQ has agreed to release the first lot of citrus with unapproved origins and other lots with minor problems, such as the zip code. However, when the same mistakes were repeated again and again, CIQ refused to release the citrus from unapproved countries any longer. Therefore, U.S. exporters should ensure that every detail, ranging from shipping documents to packing boxes, to making sure the fruits exported to China, is in accordance with the protocol.