



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

Date: 6/17/2004

GAIN Report Number: CH4017

China, Peoples Republic of

FAIRS Product Specific

AQSIQ Decree No. 62 Administrative Measures of Inspection and Quarantine on Entry-Exit GM Products

2004

Approved by:

Maurice W. House
U.S. Embassy, Beijing

Prepared by:

Ralph Gifford, WU Bugang

Report Highlights:

On May 24, 2004 China's State General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ) Minister signed Decree 62, the Administrative Measures of Inspection and Quarantine on Entry-Exit GM Products that was approved on September 5, 2001. The following is an unofficial translation of Decree 62 that was released to the public through AQSIQs website on June 15, 2004. China has not yet notified the WTO about this regulation due to be effective from the date of promulgation.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1]
[CH]

Table of Contents

Disclaimer..... 3

Background 3

Administrative Measures of Inspection and Quarantine on Entry-Exit GM Products . 4

 Chapter I. General Provisions 4

 Chapter II. Entry Inspection and Quarantine..... 5

 Chapter III. Inspection and Quarantine for Transshipment 6

 Chapter IV. Exit Inspection and Quarantine..... 6

 Chapter V. Supplementary Provisions 6

Disclaimer

Information in this translated report may not be completely accurate either because policies may change when the regulation is adopted, or because clear and consistent information about these policies was not available. Therefore, U.S. exporters should try to verify all import requirements with their foreign customers, who are normally best informed, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry. In the event of any errors or omissions in this translation, the original Chinese version shall prevail.

Background

On June 15, 2004, AQSIQ published Decree 62, the Administrative Measures of Inspection and Quarantine on Entry-Exit GM Products on its website. The language in the Decree indicates the document was approved on September 5, 2001 and signed by AQSIQ's Minister on May 24, 2004. China has not notified the World Trade Organization about this regulation. This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China.

Other relevant Laws and Regulations with UNOFFICIAL English translations include:

Food and Agricultural Import Regulations and Standards China Country Report CH3117 or its most recent version

Law of the PRC on Import and Export Commodity Inspection – CH2029

Law of the PRC on Food Hygiene – CH1042

Law of the PRC on Entry and Exit Animal and Plant Quarantine – CH1051

Implementation Reg. for the Law on Entry and Exit Animal and Plant Quarantine – CH2110

Administrative Regulations on Agricultural GMO Safety – CH1056

BEGIN TRANSLATION

Decree No. 62

The Administrative Measures of Inspection and Quarantine on Entry-Exit GM Products was reviewed and approved by the general conference of the General Administration of Quality Supervision, Inspection and Quarantine on September 5, 2001. It is now published and takes effect upon publication.

Minister

May 24, 2004

Administrative Measures of Inspection and Quarantine on Entry-Exit GM Products

Chapter I. General Provisions

Article 1. Based on relevant laws and regulations such as the *Law of the People's Republic of China on Import and Export Commodity Inspection*, the *Food Hygiene Law of the People's Republic of China*, the *Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine* and its *Implementation Regulations*, and the *Administrative Regulations on Agricultural GMO Safety*, these measures are established to enhance the inspection and quarantine management over entry and exit genetically modified (GM) products, protect human health and the safety of animals, plants, and microorganisms, and preserve the ecological environment.

Article 2. These measures apply to the inspection and quarantine of entry and exit GM products via different means (including trade, processing of supplied materials, mail, carry, production, reproduction, scientific research, exchange, exhibition, aid, donation, etc.).

Article 3. "GM products" mentioned in these measures refer to the agricultural genetically modified organisms (GMOs) prescribed in the *Administrative Regulations on Agricultural GMO Safety* and the GMOs and their products prescribed in other laws and regulations.

Article 4. The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as AQSIQ) is responsible for nationwide management of inspection and quarantine on entry-exit GM products. AQSIQ's local entry-exit inspection and quarantine agencies (hereinafter referred to as "inspection and quarantine agencies") are responsible for the inspection and quarantine and monitoring of entry-exit GM products within their jurisdiction.

Article 5. AQSIQ shall adopt a permit system on cross-border transfer of agricultural GMOs. Cross-border transfer of GM products that are regulated by other government regulations shall be dealt with accordingly.

Chapter II. Entry Inspection and Quarantine

Article 6. AQSIQ will adopt a GMO declaration system for entry animals, plants, microorganisms, their products, and foods.

Article 7. The consignees or their agents should indicate whether the entry goods are GM products under the column of “goods name” in the Declaration Form for Entry Goods when applying for inspection and quarantine. If declared as GM product, the consignee or his/her agent shall, in addition to providing relevant documents and certificates, also supply a law-required Safety Certificate for Agricultural GMOs issued by competent authorities (or relevant approval documents, hereinafter referred to as approval documents) and the Review and Approval Document for the Labeling of Agricultural GMOs.

Article 8. For entry GM products that are subject to labeling management, the inspection and quarantine agency should verify the labeling and release the goods that comply with the Review and Approval Document for the Labeling of Agricultural GMOs. GM products that are not labeled in line with the regulations shall be re-labeled before entry. No entry is permitted if GM products do not have labeling.

Article 9. For entry GM products that are listed in the agricultural GMO catalogue subject to labeling (drafted and published by agricultural administrative department under the State Council), if declared as GM products, the inspection and quarantine agency should conduct proof tests; if declared as non-GM products, the inspection and quarantine agency should conduct random GM tests. For entry animals, plants, microorganisms, their products and foods that are not listed in the catalogue, the inspection and quarantine agency may conduct random GM tests based on circumstances.

The inspection and quarantine agency should conduct GM tests in line with government accredited testing methods and standards.

Article 10. Entry products that have passed GM tests shall be allowed entry. In the case of one of the following situations, the inspection and quarantine agency should inform the consignee or his/her agent to return or destroy the goods.

1. Declared as GM product, but the detected GM components do not comply with the approval documents.
2. Declared as non-GM product, but it has been detected of containing GM components.

Article 11. Entry GM products for exhibition purposes may enter the border after receiving relevant approval documents issued by law-stipulated competent authorities and shall be monitored by inspection and quarantine agencies during the exhibition. All GM products must be returned or destroyed after the exhibition ends. In cases where the purpose changes due to particular reasons, the entry procedures shall be reprocessed based on relevant regulations.

Chapter III. Inspection and Quarantine for Transshipment

Article 12. For transshipment GM products, the consignees or their agents should submit advance applications for a transshipment permit from AQSIQ with the following documents:

1. Application Form for Cross-Border GM Product
2. Certification documents of relevant departments of the exporting country or region indicating that corresponding research has been done or that the product has been approved for corresponding use and has been put in commerce.
3. Usage instructions and proposed safety precautionary measures for the GM product
4. Other related documents

Article 13. AQSIQ will reply within 270 days following receipt of an application. If the application complies with the requirements, AQSIQ will issue a Permit for Cross-Border Transfer of GM Product; if not compliant, a permit (see appendix) prohibiting cross-border transfer of GM product will be issued with explanations.

Article 14. Upon entry of a cross-border transfer GM product, the consignee or his/her agent shall declare to the inspection and quarantine agency at port of entry provided with required papers and permit for cross-border transfer. After (the application) has been reviewed and approved by the inspection and quarantine agency, cross-border transfer will be permitted and exit will be monitored by the inspection and quarantine agency at the port of exit. For cross-border transfer GM products that are intended to change the original packaging and routes, the cross-border transfer procedures shall be reprocessed accordingly.

Chapter IV. Exit Inspection and Quarantine

Article 15. For exit products requiring a GMO test or a GMO-free certificate, the consignee or his/her agent should submit an advance application at the local inspection and quarantine agency by providing an official requirement for entry GM product from the importing country or region.

Article 16. After the inspection and quarantine agency has accepted such an application, it should take the samples to a GMO testing laboratory for GMO tests based on the information that competent authorities approved the biotechnology for use in commercial production. On the basis of the testing report, relevant documents of inspection and quarantine will be issued if the product has been verified as GM product and comply with the requirement for entry GM product from the importing country or region; or a GMO-free certificate will be produced if verified as GMO-free product.

Chapter V. Supplementary Provisions

Article 17. In addition to applying GM tests to entry-exit GM products as stipulated by these measures, other inspection and quarantine items required by law and AQSIQ regulations shall be conducted accordingly.

Article 18. Laboratories undertaking GMO tests must pass the capability verification by the government authorities overseeing certification and accreditation.

Article 19. A violation of these measures will be penalized in accordance with relevant laws and regulations.

Article 20. These measures are subject to interpretation of AQSIQ.

Article 21. These measures shall take effect upon publication.