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## China, Peoples Republic of

### FAIRS Product Specific

## AOSIQ 2004 Decree 68 Fruit Entry Requirements Finalized (SPS/80)

### 2005

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**Report Highlights:**

AOSIQ 2004 Decree No. 68 "Administrative Measures of Inspection, Quarantine, and Supervision on Entry Fruit" is scheduled to enter into force on July 5, 2005 after being finalized on December 24, 2004. The draft language was previously released to China's trading partners in WTO notification G/SPS/N/CHN/80 (GAIN report CH4036). This report is an UNOFFICIAL translation provided by USDA's Agricultural Affairs Office in Beijing for the benefit of American agricultural exports.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
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**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**

China's State General Administration for Quality, Supervision, Inspection, and Quarantine (AQSIQ) Administrator Li Changjiang signed AQSIQ 2004 Decree 68 "Administrative Measures of Inspection, Quarantine, and Supervision on Entry Fruit" on December 24, 2004 which was published in its final form on the AQSIQ website (<http://www.aqsiq.gov.cn/cms/data/2/13589.doc>) on January 17, 2005. The regulation enters into force on July 5, 2005. A draft of the decree (unofficial translation in GAIN CH4036) was circulated for comments on August 6, 2004 through the WTO (G/SPS/N/CHN/80) as a revision to the "Measures" China had in effect from January 1, 2000 (CH1058).

The draft decree was revised to include changes suggested by USDA. The requirement to obtain a Quarantine Import Permit (article 5) before any contract is signed remains.

FAS China's other GAIN reports concerning China's import laws and regulation related to these Administrative Measures on Fruit Entry with unofficial English translations include:

Food and Agricultural Import Regulations and Standards China Country Report - CH4028

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

Implementation Regulations for the Law of the PRC on Entry and Exit Animal and Plant Quarantine – CH3031

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

Law of the PRC on Food Hygiene – CH1042

Fruit Entry Approval List (See Article 10 of these Measures) or its most recent version – CH4029

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**BEGIN TRANSLATION****Admin. Measures of Inspection, Quarantine, and Supervision on Entry Fruit**

Article 1. In an effort to prevent entry fruit from carrying and spreading harmful quarantine organisms and harmful and toxic substances and to protect agricultural production, ecological safety, and the human health of our country, these Measures are established in accordance with the “Law of the People’s Republic of China on Entry and Exit Animal and Plant Quarantine” and its implementation regulations, the “Law of the People’s Republic of China on Import and Export Commodity Inspection” and its implementation regulations, and the “Food Hygiene Law of the People’s Republic of China” and other relevant laws and regulations.

Article 2. These Measures apply to the inspection, quarantine, supervision and management of fresh fruit that enters China (hereinafter referred to as fruit).

Article 3. The State General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ) shall carry out unified supervision and management for the inspection and quarantine of entry fruit throughout the country.

The entry-exit inspection and quarantine agencies set up by the State Administration of Quality Inspection in different localities (hereinafter referred to as the inspection and quarantine agencies) shall be responsible for the supervision and management of inspection and quarantine over entry fruit under their jurisdiction.

Article 4. It is prohibited to carry or mail fruit into the country, unless otherwise specified in laws and regulations.

Article 5. Prior to signing a business contract or agreement on entry fruit, (an importer) should apply for review and approval procedures for entry fruit quarantine in accordance with relevant regulations and obtain an Entry Animal and Plant Quarantine Permit of the People’s Republic of China (hereinafter referred to as the Quarantine Import Permit).

Article 6. The consignee or his/her agent should provide the original Quarantine Import Permit and the original phytosanitary certificate issued by the official inspection and quarantine department of the exporting country or region (hereinafter referred to as the phytosanitary certificate) to in the inspection and quarantine agency when applying for an inspection.

Article 7. The phytosanitary certificate should comply with the following requirements:

- (1) The content and format of the phytosanitary certificate should comply with the requirements of the International Standards for Phytosanitary Measures (ISPM) No. 12 “The Guidelines for Phytosanitary Certificates.”
- (2) When fruit is transported and enters by means of container, the phytosanitary certificate should indicate container number.
- (3) In case an agreement (including agreement, protocol, and memorandum, etc. the same below) has been signed with China, it should also comply with the requirements for the phytosanitary certificate as stipulated in the corresponding agreement.

Article 8. The inspection and quarantine agencies shall conduct inspection and quarantine on entry fruit according to the provisions specified below:

- (1) China's laws and regulations, standards and the relevant stipulations on inspection and quarantine;
- (2) Bilateral agreements signed between the government of China and the exporting country or region;
- (3) Agreements signed between AQSIQ and the inspection and quarantine department of the exporting country or region;
- (4) The requirements specified in the phytosanitary certificate.

Article 9. The entry fruit should comply with the inspection and quarantine requirements specified below:

- (1) It is prohibited to mix or load fruit with other fruit that is not listed on the phytosanitary certificate;
- (2) The package should indicate the fruit name, origin, name or code of packaging plant in Chinese or English;
- (3) Does not carry harmful quarantine organisms that are prohibited from entry by China, soil, and plant remains of branches or leaves;
- (4) The amount of detectable poisonous and harmful substances must not exceed relevant Chinese safety and hygienic standards.
- (5) In case an agreement or protocol between China and the exporting country or region is in place, the requirements stated in the agreement or protocol must be observed.

Article 10. The inspection and quarantine agency shall conduct spot inspection and quarantine for entry fruit according to the corresponding working procedures and standards.

- (1) Check whether the fruit is consistent with the certificate;
- (2) Verify the phytosanitary certificate, relevant information and official quarantine label on the package in accordance with the requirements of Articles 7 and 9;
- (3) Inspect whether polypides, signs of disease, branches or leaves, soil, and signs of pest are accompanying the fruit; If a suspicious epidemic situation is identified at the time of spot inspection, the fruit should be taken to the laboratory for quarantine assessment;
- (4) Take and send samples to the laboratory for testing pursuant to the related provisions and standards.

Article 11. The inspection and quarantine agencies should conduct lab inspection and quarantine in accordance with the relevant working procedures and standards.

Assess whether any harmful organisms such as polypides, germs, weeds, etc. are found on the spot or in the laboratory quarantine. Conduct testing on toxic and harmful substances on samples taken at the spot, and produce a report on the results of inspection and quarantine.

Article 12. The inspection and quarantine agency shall handle the entry fruit based on the inspection and quarantine results as follows:

- (1) Fruit that has passed inspection and quarantine will be issued a certificate of inspection and quarantine for entry goods and be allowed entry.
- (2) When quarantine organisms harmful to plants or other harmful organisms with quarantine importance are found, disinfection and disinfestation treatment must be conducted and a notice on inspection and quarantine treatment be issued. Fruit that has gone through disinfection and disinfestations treatment will be allowed entry.
- (3) In case the fruit does not comply with one of the requirements as described in Article 9 of these Measures, or the fruit is not in consistent with the phytosanitary certificate, or it fails in inspection and quarantine but has yet to go through effective disinfection and disinfestations treatment, a Notice of Inspection and Quarantine Treatment will be issued and the fruit will be returned or destroyed under the monitoring of an inspection and quarantine agency.

In case a compensation claim to the foreign supplier is needed, the relevant inspection and quarantine certificate will be issued.

Article 13. AQSIQ will, based on actual situation, suspend imports of a fruit from a country, producing area, orchard, or packaging plant if one of the following situations is identified in entry fruit:

- (1) Serious epidemic plant disease breaks out in the orchard or in the region or vicinity of a processing plant of the entry fruit;
- (2) Harmful quarantine organisms of China's concern are found during inspection and quarantine;
- (3) The contents of toxic and harmful substances found during inspection and quarantine exceed the requirements of relevant Chinese safety and hygienic standards;
- (4) Fail to comply with the relevant Chinese laws and regulations on inspection and quarantine, bilateral agreements, or relevant international standards.

If fruit suspended from entry as provided in the previous Article needs to resume imports, it has to be confirmed by AQSIQ in accordance with relevant regulations.

Article 14. Fruit transshipped via Hong Kong and Macao Special Administrative Regions (hereinafter referred to as Hong Kong and Macao regions) should be transported in a container and enter the border in original container(s), original package, and with the original phytosanitary certificate ("three originals" in short). AQSIQ's authorized Hong Kong and Macao regional inspection agencies shall confirm whether the fruit is a permitted variety and has the "three originals" before entry. After giving confirmation of eligibility, the AQSIQ authorized Hong Kong and Macao regional inspection agency should apply a seal on the container and issue a corresponding certificate indicating the re-applied sealing number, original certificate and original sealing number, and, at the same time, send the confirmation certificate to the inspection and quarantine agency at the entry port in a timely manner. For a batch of fruit that is shipped in multiple containers, only one quarantine certificate is needed but it has to be confirmed by the AQSIQ authorized Hong Kong and Macao regional inspection agencies.

The consignee or his/her agent shall apply for inspection by providing the aforementioned (original) confirmation document produced by the Hong Kong and Macao regional inspection agency. The application for inspection will not be accepted if the submitted documents fail to comply with the confirmation information transmitted by the Hong Kong and Macao inspection agency.

Article 15. Depending on inspection and quarantine requirements, AQSIQ, with the consent of the inspection and quarantine agency of the exporting country or region, may send quarantine personnel to the origin for pre-inspection, monitoring on packaging, or an investigation of the epidemic situation in the origin as well as chemical application.

Article 16. Entry fruit that has not finished inspection and quarantine should be stored in places designated by the inspection and quarantine agency and should not be moved, sold, or used without authorization.

The storage places for entry fruit should be monitored by the local inspection and quarantine agency according to the law and they should comply with the following requirements:

- (1) Have sufficient independent storage space;
- (2) Possess the necessary facilities to guarantee product quality and freshness;
- (3) Comply with the requirements of quarantine and epidemic prevention;
- (4) Be equipped with facilities for disinfection and disinfestation.

Article 17. For fruit that is prohibited from entry but needs to enter for scientific research, donation, or exhibition purposes, the consignee or his/her agent must apply in advance for a special quarantine permit at AQSIQ or the AQSIQ authorized inspection and quarantine agency; at the time of entry, he/she should report to the inspection and quarantine agency at the entry port and the fruit should receive inspection and quarantine; during the period of exhibition, the fruit should be monitored and managed by the inspection and quarantine agency and must not be transferred, sold, or used without the approval of the inspection and quarantine agency. After the exhibition, the fruit should be returned or destroyed under the monitoring of the inspection and quarantine agency.

Article 18. Violators of these Measures shall be penalized by the inspection and quarantine agency in accordance with the "Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine" and its implementation regulations, 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," and other relevant laws and regulations.

Article 19. AQSIQ is responsible for the interpretation of these Measures.

Article 20. These Measures shall come into force as of July 5, 2005. Meanwhile, the Administrative Measures on Entry Fruit Quarantine published by the former State Administration of Entry-Exit Inspection and Quarantine on December 9, 1999 shall be annulled.

**End Translation**