

Voluntary Report – Voluntary - Public Distribution

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Report Name: China Solicits Feedback In Preparation to Revise Organic Certification Measures

Country: China - Peoples Republic of

Post: Beijing

Report Category: Special Certification - Organic/Kosher/Halal

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Report Highlights:

On April 10, 2020, the State Administration of Market Regulation (SAMR) Certification and Accreditation Administration of China (CNCA) announced it is soliciting feedback in preparation to revise the existing Administrative Measures on Organic Product Certification. In the announcement, CNCA stated that due to COVID-19, the agency was unable to conduct field visits and was instead soliciting feedback through the use of a written questionnaire. This opportunity to provide feedback to CNCA before the revisions are drafted is unique. The deadline for comments is May 11, 2020. This GAIN report contains unofficial English translations of the April 10 announcement and questionnaire.

Summary:

The current Administrative Measures for Organic Product Certification (“Administrative Measures”) regulate organic product certification, production, processing, and marketing in China and have been in place since 2014 (see GAIN Report [CH14001](#)). On April 10, 2020, CNCA published an announcement through the SAMR website soliciting feedback on the current Administrative Measures in preparation for revising the regulations. The announcement invites feedback from a diverse group of stakeholders, including government regulators, certification bodies, producers, and importers. To assist and direct the solicitation of comments, CNCA drafted a questionnaire and concordance table. Comments should be e-mailed to CNCA by May 11, 2020.

Background:

China’s current organic certification framework requires all organic certification bodies engaged in certifying products to the Chinese organic standards be approved by CNCA. Prior to widescale government reorganization in 2018, CNCA was part of the Administration of Quality Supervision, Inspection and Quarantine (AQSIQ). AQSIQ was dissolved during the reorganization and this specific regulatory authority was moved to the newly formed SAMR.

CNCA recently revised many parts of China’s organic certification framework. In August 2019, CNCA released revisions to the national standard for organic products. In November, CNCA released revisions to the organic certification rules and the eligible product catalogue. None of these standards or measures were notified to the WTO. For more information on these standards and regulations, please see GAIN Report [CH2019-0175](#). The above changes all went into effect on January 1, 2020.

April 10 Announcement and Questionnaire:

The April 10 announcement was posted as a letter on SAMR’s website. Link [here](#) (in Mandarin Chinese). Below is an unofficial English translation of this announcement. This broad solicitation for comments *before* the release of the draft revised regulations is fairly uncommon. CNCA stated that the reason it used this format is because of the COVID-19 restrictions.

The announcement states that all relevant parties may submit comments, including:

administrative law enforcement agencies, organic certification agencies, inspection and testing laboratories, organic product manufacturing enterprises, organic product processing enterprises, input products and additives, and other manufacturing enterprises, vendors (including online vendors and Platform), agents, importers and consumers.

The questionnaire is linked at the bottom of the announcement page as an editable word document and can be accessed [here](#) (in Chinese). Below is an unofficial translation of the questionnaire.

Comments are due to CNCA by May 11, 2020 and should be sent by e-mail to suncy@ccai.cc or spncprzc@samr.gov.cn. The subject line of the e-mail should read: "Revision of Organic Measures".

UNOFFICIAL TRANSLATION OF APRIL 10, 2020 SAMR ANNOUNCEMENT

(Begin translation)

Letter on soliciting comments from all parties in the society regarding the revision of the "Administrative Measures for Organic Product Certification"

Released on April 10, 2020

Released by the Certification and Supervision Department (SAMR)

Questionnaire on the Revision of Administrative Measures for Organic Product Certification

In order to strengthen the responsibility of market entities and facilitate the orderly development of China's organic product certification, the State Administration of Market Regulation (specifically CNCA) has continuously optimized and adjusted the organic product certification system in recent years. To further scientifically regulate the implementation of the system, the Certification and Supervision Department (SAMR) plans to make comprehensive revisions to the "Administrative Measures for Organic Product Certification" in light of the requirements of the "Rules on the Procedures for Establishing Regulations of the State Administration for Market Regulation" and the "Notice on the Implementation of Regulation Clean-up Work" (Shijian Fafa [2020] No. 325).

Influenced by the epidemic, it is inconvenient to carry out an on-site research, so we have adopted a model of fully soliciting comments from all relevant parties through widely distributing questionnaires. The relevant parties involved in this regulation include, but are not limited to, law enforcement agencies, organic certification agencies, inspection and testing laboratories, organic product manufacturing enterprises, organic product processing enterprises, manufacturing enterprises of inputs and additives, and vendors (including online vendors and platforms), agents, importers, and consumers. This questionnaire is used only for the revision of the "Administrative Measures for Organic Product Certification". All organizations and individuals are requested to actively cooperate and support this survey.

After completing this questionnaire, please get back to suncy@ccai.cc or spncprzc@samr.gov.cn before May 11. The subject of the email should be indicated with "Revision of Organic Measures".

(End translation)

UNOFFICIAL TRANSLATION OF THE QUESTIONNAIRE

(Begin translation)

Questionnaire on Revision of “the Administrative Measures for Organic Product Certification”

Information about the participant of the questionnaire:

Organization name (optional): _____

Contact name, position (optional): _____

Contact information (required): _____

Representing agency (required): (certification bodies, laboratories, law enforcement and regulatory agencies, production/processing facilities, buyers, sellers, importers, consumers, etc.) _____

Survey content: (Please mark "V" before the answer you selected, and attach more pages if needed)

1. In your opinion, what are the issues during the implementation of the "Administrative Measures for Organic Product Certification"? (Multiple choice)

- ☐ In the process of implementation, there are inconsistencies with relevant laws and regulations.
- ☐ There are issues that are inconsistent with the requirements for deepening the reform or the reform policies that have been issued.
- ☐ There are issues that may hinder market opening and fair competition.
- ☐ The rights and obligations, powers and responsibilities of the interested parties are not equal, ununiform and unscientific.
- ☐ The current regulations do not reflect the regulatory responsibilities and methods over emerging business formats such as online sales.
- ☐ The organic product certification supervision is not effectively connected with such market supervision means as credit supervision.
- ☐ There exist issues where certification bodies provide one-stop service of “guaranteed passage” to the enterprise, certification bodies lower the certification criteria without authorization, and the certification bodies attract the business by providing commissions. These issues need to be addressed by the Measures.
- ☐ There is phenomenon where the responsibilities of organic production and operation are not fulfilled. This needs to be further regulated through the Measures.
- ☐ Weak enforcement of regulation
- ☐ Too weak on penalties
- ☐ Other: _____

2. In your opinion, what should be the focus of the revisions of the "Administrative Measures for Organic Product Certification"? (Multiple choice)

- ☐ The responsibilities of related parties should be further clarified.
- ☐ Further enforce the main responsibilities of the certification body for the certification results.

Specific suggestions:

- ☐ Further strictly implement the corporate responsibility for product quality.

Specific suggestions:

- ☐ Highlight and improve the law enforcement mechanism of market supervision (such as the integration of market supervision methods and adding supervision on new business models such as online sales).
- ☐ Improve the provisions on certificates and labels.
- ☐ Improve the provisions on penalties.
- ☐ Increase the entry threshold for organic certification agencies.
- ☐ Establish a unified "Catalogue of Testing Items on Risks of Organic Product Certification".
- ☐ Improve the accountability mechanism on personnel involved in the whole process of certification activities.
- ☐ How to play the role of the technical expert group on organic certification?
- ☐ Others (please specify) _____

3. Other comments and suggestions on the "Administrative Measures for Organic Product Certification" and corresponding regulations? (attach additional pages)

4. Please provide in detail the specific suggestions for the revision of the "Administrative Measures for Organic Product Certification" (refer to the corresponding table of amendments to the Administrative Measures for Organic Product Certification for submission your submission).

(End translation)

Attachments:

No Attachments.