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China, Peoples Republic of

Food and Agricultural Import Regulations and Standards

Import and Export Commodity Sampling Inspection 2003

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Report Highlights:

This is an UNOFFICIAL translation of the People's Republic of China Administrative Measures for Import and Export Commodity Sampling Inspection and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation is accurate.

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

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, 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.

Summary

The *Administrative Measures for Sampling Inspection on Import and Export Commodities* have been adopted as Decree No. 39 at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on December 19, 2002. The Measures were signed by the AQSIQ Director General on December 31, 2002 and shall go into effect as of February 1, 2003. These Measures apply to commodity sampling that is not mandated in other Administrative Measures or Laws.

Administrative Measures for Sampling Inspection on Import and Export Commodities

Chapter I General Provisions

Article 1

In order to strengthen import and export commodity sampling inspection, standardize the acts of sampling inspection, improve supervision and administration of import and export commodities, and safeguard public interest, these Measures are enacted in accordance with the People's Republic of China Law on Import and Export Commodity Inspection (hereinafter referred to as the Commodity Inspection Law) and its relevant implementation provisions.

Article 2

Import and export commodity, as the term is used in these Measures, refers to imported and exported commodities other than those that are subject to inspection as stipulated in the Commodity Inspection Law.

Article 3

Sampling inspection should focus on import and export commodities that involve safety, hygiene, environmental protection, that are repeatedly complained about by domestic and foreign consumers, that are returned in large quantities, that used to have major quality problems and that have new and special technical requirements at home and abroad.

Article 4

AQSIQ administers in a unified manner the national sampling inspection work for import and export commodities, decides, adjusts and publishes the catalog of the categories of import and export commodities subject to sampling inspection. All entry-exit inspection and quarantine organs (hereinafter referred to as CIQ) set up across the country by AQSIQ are responsible for the sampling inspection work of import and export commodities in their respective regions.

Article 5

AQSIQ may, in accordance with actual conditions, publish the sampling inspection results, issue warning notices, take necessary preventive measures or report the sampling inspection conditions to relevant departments.

Article 6

The qualification assessment basis for sampling inspection items of import and export commodities should be the compulsory requirements of the state technical norms or other relevant technical requirements designated by AQSIQ.

Article 7

CIQ, when conducting import and export commodity sampling inspection, may not charge the units being inspected, costs so required should be included in the CIQ annual sampling inspection special budget.

Article 8

All departments concerned should support CIQ in their sampling inspections. The units may not obstruct the sampling inspection. The units being inspected should provide cooperation for the sampling inspection and provide necessary working conditions. The CIQ should, according to the principle of convenience for foreign trade, organize and implement sampling inspections in a scientific manner. The CIQ may not expand the category and scope of sampling inspections, otherwise the enterprises have the right to refuse such sampling inspections.

Article 9

Relevant inspection and quarantine personnel must, in the course of executing the sampling inspection work, be disciplined, perform their duties impartially, and are obligated not to inform the units to be inspected and the category of commodities to be inspected, and are obligated to keep the inspected units production techniques and commercial secrets confidential.

Chapter II Sampling Inspection**Article 10**

AQSIQ designs and announces the import and export commodities sampling inspection plan each year, including names of commodities, inspection criteria, sampling requirements, inspection items, assessment criteria and execution time, etc., and may adjust the sampling inspection plan when necessary, or announce special sampling inspection plans for imported and exported commodities.

Article 11

CIQ should, according to the sampling inspection plans announced by AQSIQ, through necessary investigations in accordance with the actual local conditions of import and export commodity, decide the units subject to sampling inspections, and draft specific execution plans and report them to AQSIQ for the record.

Article 12

CIQ, in accordance with the unified arrangements and requirements of AQSIQ for sampling inspection, should vigorously organize and conduct sampling inspections in their regions.

Article 13

When conducting a sampling inspection, at least two inspectors should be present. The inspectors should present the sampling inspection notice and law enforcement certificates prior to conducting such sampling inspection, and brief the units concerned about the relevant state provisions and requirements on import and export commodity sampling inspection. If the documents and certificates fail to conform to the requirements, the units subject to sampling inspection have the right to refuse sampling inspection.

Article 14

For import commodities subject to sampling inspection, CIQ may take samples at the imported and exported commodity unloading port, station of arrival, or location of the units taking delivery of the commodity. For export commodities subject to sampling inspection, the inspection and quarantine organs may take samples from the export commodity producing unit, commodity distribution centers, or port of departure.

Article 15

Samples taken from the import and export commodity should be provided by the units subject to sampling inspection free of charge. Samples should be taken randomly and should be representative. The amount of samples and standby samples may not exceed the reasonable amount for sampling requirements and inspection.

Article 16

The inspectors should, after taking samples, seal the samples and complete the sampling form. The sampling form should be signed by the inspectors and representatives of the units subject to sampling inspection, and the units subject to sampling inspection should affix their seal on the forms. Under special circumstances, CIQ should confirm and certify the forms.

Article 17

If the sealed samples are difficult to carry, the inspectors may require the units subject to sampling inspection to mail or deliver them to the designated place within a prescribed period of time. The units subject to sampling inspection may not refuse to do so without justifiable cause.

Article 18

Sales agents should timely notify the suppliers to explain the technical specifications and the supply and marketing information for the imported commodities being inspected by CIQ.

Article 19

The inspection units undertaking sampling inspection and quarantine tasks should have corresponding inspection qualifications and capabilities. The inspection units should conduct the inspection according to the stipulated standards, are forbidden to sub-contract the inspection items without approval, and are liable for inspection data confidentiality.

Article 20

The inspection units, after taking delivery of the samples, should verify the amount and conditions of the samples with the sampling form records, complete the inspection within the prescribed period of time, and the original inspection sample records should be properly maintained.

Article 21

The inspection basis and inspection item in the inspection reports must be consistent with the sampling inspection requirements. The inspection reports should be complete in content, accurate in data, and clear in conclusion. The inspection units should submit the inspection reports to CIQ within the prescribed period of time.

Article 22

The inspection units should, within the prescribed period of time, notify the units subject to inspection to claim any extra samples after the inspection. CIQ should dispose of the extra samples if they are not claimed within the prescribed period of time.

Article 23

CIQ, after completing the sampling inspection tasks, should submit the sampling inspection results to AQSIQ within a given period of time, and place relevant materials, spot inspection information, and results on file. CIQ may not release the spot inspection results and relevant materials without approval of AQSIQ.

Chapter III Supervision and Administration

Article 24

CIQ should, according to the sampling inspection results and warning notices issued by AQSIQ, timely inform the enterprises and local departments concerned in how to guide and assist relevant export enterprises in improving their product quality and in how to assist import units concerned in taking the necessary measures to guard against possible risks.

Article 25

A sampling inspection notice shall be issued for imported commodities that meet CIQ standards. Imported commodities that do not meet the standards shall be issued a notice of not passing sampling inspection. Imported commodities that do not meet standards should be handled as follows:

- (1) For imported commodities which require foreign claims, the party taking delivery of the commodities may apply to CIQ for issuing an inspection certificate; if only a claim is required and there is no need to return or replace the commodities, the party taking delivery of the commodities should retain a certain amount of the commodities or samples; if there is need to return or replace the commodities, the party taking delivery of the commodities must properly keep the imported commodities and may not use the commodities prior to the settlement of the claim case.
- (2) For imported commodities that do not meet sampling inspection standards, they must undergo technical treatment under CIQ supervision, and may be marketed or used only after having passed new inspections; if technical treatment is impossible or the commodity does not meet the standard after technical treatment, CIQ should order the parties concerned to return or destroy the commodities.

Article 26

A sampling inspection notice shall be issued for export commodities that meet CIQ standards. Exported commodities that do not meet the standards shall be issued a notice of not passing sampling inspection. Exported commodities that did not meet the standards should undergo technical treatment under CIQ supervision and may be exported only after having passed new inspections. If technical treatment is impossible or the export commodities do not meet the standards after technical treatment, the commodities may not be exported.

Article 27

If a unit refuses sampling inspection without justifiable cause or refuses to mail or send the sealed samples, its products should be regarded as not up to the standards. Enterprises which refuse to accept sampling inspections should be made public according to AQSIQ provisions.

Article 28

CIQ may not conduct repeated sampling inspection of the same batch of commodities. Units subject to sampling inspection should properly maintain the sampling inspection certificate.

Article 29

If a unit subject to sampling inspection objects or disagrees with the CIQ sampling inspection results, it may apply for a new inspection according to the Measures for the Re-inspection of Import and Export Commodities.

Article 30

Any violation of these Measures should be handled in accordance with the relevant provisions of the Commodity Inspection Law and its relevant implementation provisions.

Chapter IV Supplementary Provisions

Article 31

These Measures shall be interpreted by AQSIQ.

Article 32

These Measures shall enter into effect from February 1, 2003. The Administrative Measures for Sampling Inspection on Import and Export Commodities promulgated by AQSIQ on April 5, 1994 shall be annulled at the same time.