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China, People's Republic of

Food and Agricultural Import Regulations and Standards

MOA Circular 190 and Interim Ag GMO Measures 2002

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Report Highlights:

The following is an UNOFFICIAL translation of *MOA Circular 190* and the *Interim Measures for Imported Ag GMO Products* and should be used as a guide only.

Exporters should carefully discuss regulations and their applications with Chinese importers to ensure that their interpretation of the regulation 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 following are unofficial English translations of the Ministry of Agriculture Circular No. 190 and the Management Procedures on Interim Measures for Imported Ag GMO Products. These items were announced in Chinese on 11 March 2002. Please contact the Ag. Affairs Office of the U.S. Embassy in Beijing if you have any questions. NOTE: CIRCULAR 190 AND THE IMPLEMENTATION MEASURES ARE REVISED BY MOA CIRCULAR 222 AND ITS SUBSEQUENT IMPLEMENTATION MEASURES THAT WERE PROMULGATED ON 11 OCTOBER 2002 (CH2052).

Circular of Ministry of Agriculture No. 190

Based on "Ag GMO Safety Administration Regulations" (CH1056) issued by the State Council on 23 May 2001, the Ministry of Agriculture issued "Measures on Ag GMO Safety Evaluation", "Measures on Ag GMO Imports" and "Measures on Ag GMO Labeling" (CH2002) on Jan 5, 2002, which will take effect on March 20, 2002.

Upon issuance of this circular, overseas companies can apply for a GMO Import Safety Certificate from the Ag GMO Safety Administration Office at the Ministry of Agriculture, and MOA will decide whether to approve the application in accordance with relevant regulations. In order to allow normal trade to continue during the 270 days while the application is reviewed, MOA will adopt interim measures as follows:

Overseas companies that export GMO products to China can apply for an "Interim Certificate" from the Ag GMO Safety Administration Office with valid safety evaluation documents issued by the competent authorities of the exporting country or the third country, at the same time as applying for the Safety Certificate. MOA will issue the "Interim Certificate" within 30 days if the documents are verified. The importer can go through formalities of Customs declaration and inspection with the "Interim Certificate" and label the products according to the "Measures on Agricultural GMO Labeling".

This interim measure shall expire on Dec 20, 2002.

Issued by: Ministry of Agriculture
Date: March 11, 2002

Management Procedures on Interim Measures for Imported Ag GMO Products

These procedures are promulgated on the basis of the Ministry of Agriculture Circular No. 190.

1. In accordance with the regulations concerning imported Ag GMOs as processing materials embodied in the Ag Safety Administration Regulations and Ag GMO Implementation Measures, an overseas company shall apply for a safety certificate from the Ag GMO Safety Administration Office at the Ministry of Agriculture (hereinafter referred to as the Office). Overseas firms or trading companies who have submitted such an application may apply for an "Interim Certificate" to export agricultural GMO products to the People's Republic of China.
2. In case an overseas company is unable to submit a complete set of applications in Chinese in a short period of time, English application materials may be provided as a condition to apply for the "Interim Certificate". However, the Office will begin processing a safety certificate application only after an overseas company has successfully submitted a complete set of applications in Chinese.
3. The following materials must be supplied when applying for an "Interim Certificate" from the Office:
 - a) Application Form for Interim Certificate to Import Ag GMO Product
 - b) Valid documents issued by the state safety evaluation authority from the exporting country or a third country.The Office will verify the authenticity of the documents mentioned above.
4. Importers may begin applying to the Office for the endorsement of labeling while the overseas companies are applying for an "interim certificate" from the Office. The Office will verify the applications based on the Measures for Ag GMO Labeling Administration.
5. The Office will issue an "interim certificate" and approval for the labeling respectively within 30 days once the applications have been verified.
6. Importers can begin relevant import formalities when the "Interim Certificate" and the labeling document have been approved.
7. The Ag GMO Safety Administration Office at the Ministry of Agriculture
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