

## **Customs Law of the People's Republic of China**

(Adopted at the 19th Meeting of the Standing Committee of the Sixth National People's Congress on January 22, 1987, Promulgated by Order No. 51 of the President of the People's Republic of China on January 22, 1987, and effective as of July 1, 1987)

### Chapter I General Provisions

Article 1 This Law is formulated for the purpose of safeguarding state sovereignty and interests, strengthening supervision and control by the Customs, promoting exchanges with foreign countries in economic affairs, trade, science, technology and culture, and ensuring socialist modernization.

Article 2 The Customs of the People's Republic of China shall be the state organ responsible for supervision and control over everything entering and leaving the Customs territory (hereinafter referred to as inward and outward persons and objects). The Customs shall, in accordance with this Law and other related laws and regulations, exercise supervision and control over the means of transport, goods, travellers' luggage, postal items and other articles entering or leaving the territory (hereinafter referred to as inward and outward means of transport, goods and articles), collect Customs duties and other taxes and fees, uncover and suppress smuggling, work out customs statistics and handle other Customs operations.

Article 3 The State Council shall set up the General Customs Administration which shall exercise unified administration of Customs establishment throughout the country.

The State shall set up Customs establishments at ports open to foreign countries and regions and at places which call for concentrated Customs operations of supervision and control. The subordination of one Customs establishment to another shall not be restricted by administrative divisions.

Customs establishments shall exercise their functions and powers independently in accordance with the law, and shall be responsible to the General Customs Administration.

Article 4 A Customs establishment shall exercise the following powers:

(1) To check inward and outward means of transport and examine inward and outward goods and articles: to detain those entering or leaving the territory in violation of this Law or other relevant laws and regulations.

(2) To examine the papers and identifications of persons entering or leaving the territory; to interrogate those suspected of violating this Law or other relevant laws and regulations, and investigate their illegal activities;

(3) To examine and make copies of contracts, invoices, book accounts, bills, records, documents, business letters and cables, audio and video products and other materials related to the inward and outward means of transport, goods and articles; to detain those related to the means or other relevant laws and regulations;

(4) To search, within a Customs surveillance zone and the specified coastal or border area in the

vicinity of a Customs establishment, means of transport suspected of involvement in smuggling, and storage places suspected of concealing smuggled goods and articles, and to search persons suspected criminal smuggler may be detained and handed over to judicial organ. Such detention shall not exceed 24 hours and, under special circumstances, may be extended to 48 hours.

The scope of the specified coastal or border area in the vicinity of a Customs establishment shall be defined by the General Customs Administration and the public security department under the State Council in conjunction with the relevant provincial people's governments;

(5) Customs officers may chase means of transport or persons defying and escaping from Customs supervision and control to places beyond a customs surveillance zone or the specified coastal or border area in the vicinity of a Customs establishment and bring them back to be properly dealt with; and

(6) A Customs establishment may be provided with arms for the performance of its duties. Rules governing the carrying and use of arms by Customs officers shall be drawn up by the General Customs Administration jointly with the public security department under the State Council and reported to the State Council for approval.

Article 5 All inward and outward means of transport, goods and articles shall enter or leave the territory at a place where there is a Customs establishment. If, under special circumstances, they have to enter or leave the territory at a place without a Customs establishment as a matter of contingency, permission shall be obtained from the State Council or an organ authorized by the State Council, and Customs formalities shall be duly completed in accordance with this Law.

Article 6 Unless otherwise provided for, all import and export goods shall be declared and duties on them paid by declaration enterprises registered with the Customs, or by enterprises entitled to engage in import and export business. The persons of these enterprises in charge of the declaration shall be evaluated and approved by the Customs.

The Customs formalities concerning declaration of inward and outward articles and payment of duties on them may be completed either by the owner or by a person the owner has entrusted to act as his agent.

The agent entrusted to complete the declaration formalities shall abide by all provisions of this Law applicable to the owner.

Article 7 Customs personnel shall abide by the laws and regulations, enforce the law impartially, be devoted to their duties and render services in a civilized manner.

No unit or individual may obstruct the Customs from performing its duties according to law.

Where a Customs officer meets with resistance while carrying out his duties, the public security organ and the People's Armed Police units performing related tasks shall provide assistance.

## Chapter II Inward and Outward Means of Transport

Article 8 When a means of transport arrives at or departs from a place where there is a Customs establishment, the person in charge of the means of transport shall make a truthful declaration to the Customs, submit the relevant papers for examination and accept Customs control and examination.

The inward and outward means of transport staying at a place with a Customs establishment shall not depart from it without prior permission by the Customs.

Before an inward or outward means of transport moves from one place with a Customs establishment to another place with a Customs establishment, it shall comply with the control requirements of the Customs and complete Customs formalities; no means of transport shall be allowed to change its course and leave the territory unless it has cleared the Customs.

Article 9 An inward means of transport which has entered the territory but has not made its declaration to the Customs or an outward means of transport which has cleared the Customs but has not left the territory shall move along routes specified by competent communications authorities; in the absence of such specification, the routes shall be designated by the Customs.

Article 10 The Customs shall be notified in advance, either by the person in charge of a means of transport or by the relevant transport and communications department, of such details as when an inward or outward vessel, train or aircraft will arrive and depart, where it will stay, what places it will move to during its stay, and when the loading or unloading of the goods and articles will take place.

Article 11 The inward or outward goods and articles being loaded on or unloaded from a means of transport and the inward and outward passengers boarding or getting off a means of transport shall be subject to Customs control.

Upon the completion of such loading or unloading, the person in charge of the means of transport shall submit to the Customs documents and records which reflect the actual situation of the loading and unloading.

Those boarding or getting off an inward or outward means of transport who carry articles with them shall truthfully declare to the Customs and shall be subject to Customs examination.

Article 12 When an inward or outward means of transport is being checked by the Customs, the person in charge of the means of transport shall be present and open the holds, cabins, rooms or doors of the vehicles at the request of the Customs; where smuggling is suspected, such person shall also open or dismantle the part of the means of transport which may conceal smuggled goods and articles or remove the goods and materials. In accordance with work requirements, the Customs may dispatch officers to perform duties on board the means of transport. The person in charge of the means of transport shall provide them with conveniences.

Article 13 An inward means of transport of countries or regions outside the territory or an outward means of transport of units or enterprises inside the territory shall not be transferred or devoted to other uses prior to the completion of Customs formalities and payment of Customs duties.

Article 14 Where inward or outward vessels and aircraft are concurrently engaged in transportation of goods and passengers within the territory, Customs approval shall be obtained and requirements for Customs control shall be fulfilled.

Customs formalities shall be completed with the Customs for an inward or outward means of transport to change to transport business within the territory.

Article 15 Coastal transport vessels, fishing boats and ships engaged in special operation at sea may not carry, obtain on an exchange basis, purchase or transfer inward and outward goods and articles without Customs approval.

Article 16 When, owing to force majeure, an inward or outward vessel or aircraft is forced to berth, land or jettison and discharge goods and articles at a place without a Customs establishment, the person in charge of the means of transport shall report immediately to the Customs establishment nearby.

### Chapter III Inward and Outward Goods

Article 17 All import goods, throughout the period from the time of arrival in the territory to the time of Customs clearance; all export goods, throughout the period from the time of declaration to the time of departure from the territory, shall be subject to Customs control.

Article 18 The consignee for import goods and the consignor for export goods shall make an accurate declaration and submit the import or export license and relevant papers to the Customs for examination. In the absence of import or export license, goods whose importation or exportation is restricted by the State Council Declaration of import goods should be made to the State shall not be released. Specific measures for handling such matters shall be enacted by the Customs by the consignee within 14 days of the declaration of the arrival of the means of transport; declaration of export goods shall be made by the consignor 24 hours prior to loading unless otherwise specially approved by the Customs.

Where the consignee fails to declare the import goods within the time limit prescribed in the preceding paragraph, a fee for delayed declaration shall be imposed by the Customs.

Article 19 All imports and export goods shall be subject to Customs examination. While the examination is being carried out, the consignee for the import goods or the consignor for the export goods shall be present and be responsible for moving the goods and opening and restoring the package. The Customs shall be entitled to examine or reexamine the goods or take samples from them without the presence of the consignee or the consignor whenever it considers this necessary.

Import and export goods may be exempted from examination if an application has been made by the consignee or consignor and approved by the General Customs Administration.

Article 20 Unless specially approved by the Customs, import and export goods shall be released upon Customs endorsement only after the payment of duties or the provision of a guarantee.

Article 21 Where the consignee fails to declare the import goods to the Customs within three months of the declaration of the arrival of the means of transport, the goods shall be taken over and sold off by the Customs. After the costs of transport, loading and unloading and storage and the duties and taxes are deducted from the money obtained from the sale, the remaining sum, if any, shall be returned to the consignee provided he submits an application to the Customs within

one year of the sale of the goods; if nobody applies within the time limit the money shall be turned over to the State Treasury. Inward goods confirmed by the Customs to be misdischarged or over discharged may be returned to the place of consignment or imported upon completion of necessary formalities by the person in charge of the means of transport carrying the goods or the consignee or the consignor for the goods within three months of the discharging. When necessary, an extension of three months may be granted through Customs approval. If the formalities are not completed within the time limit, the goods shall be disposed of by the Customs in accordance with the provisions laid down in the preceding paragraph. Where goods listed in the preceding two paragraphs are not suitable for storage over a long period, the customs may, according to actual circumstances, dispose of them before the time limit is reached.

Import goods declared to be abandoned by the consignee or the owner shall be taken over and sold off by the Customs. The money thus obtained shall be returned over to the State Treasury after the costs of transport, loading, unloading and storage are deducted.

Article 22 Goods that are temporarily imported or exported with the approval of the Customs shall be re-shipped out of or into the territory with six months. An extension may be granted in special circumstances through Customs approval.

Article 23 The operation of the storage, processing and assembling and consignment sales of bonded goods shall be approved by and registered with the Customs.

Article 24 Customs formalities for import goods shall be completed by the consignee at the Customs establishment at the place where the goods enter the territory; those for export goods shall be completed by the consignor at the Customs establishment where the goods depart from the territory.

If applied for by the consignee or the consignor and approved by the Customs, Customs formalities for import goods may be completed at the place of destination where there is a Customs establishment, and those for export goods at the place of consignment where there is a Customs establishment. The transport of such goods from one place with a Customs establishment to another shall comply with the control requirements of the Customs. When necessary, Customs officers may escort the goods in transportation. Where goods enter or leave the territory by electric cables, pipelines or other special means of conveyance, the management units concerned shall report at regular intervals to the designated Customs establishment and complete Customs formalities as required.

Article 25 All transit, transshipment and through goods shall be truthfully declared by the person in charge of the means of transport to the Customs establishment at the place where the goods enter the territory, and shall be shipped out of the territory within the designated time limit. The Customs may examine such goods whenever it considers this necessary.

Article 26 Without Customs approval, no unit or individual may open, pick up, deliver, forward, change, repack, mortgage or transfer goods under Customs control or change the identification marks on such goods.

Seals affixed by the Customs may not be opened or broken by any person without Customs authorization.

The managers of warehouses and places where goods under Customs control are kept shall complete procedures for the receipt and delivery of goods in accordance with Customs regulations.

The storage of goods under Customs control at a place outside a Customs surveillance zone shall be approved by the Customs and subject to Customs control.

Article 27 The General Customs Administration shall draw up, independently or jointly with the relevant departments under the State Council, rules for control over the salvage of inward and outward containers; rules for control over the salvage of inward and outward goods and sunken ships rules for control over inward and outward goods involved in small volumes of border transactions and other inward and outward goods not specified in this Law.

#### Chapter IV Inward and Outward Articles

Article 28 Inward and outward luggage carried by individuals and inward and outward articles sent by post shall be limited to reasonable quantities for personal use and shall be subject to Customs control.

Article 29 All inward and outward articles shall be accurately declared to the Customs by the owner and shall be subject to Customs examination.

Seals affixed by the Customs may not be opened or broken by any person without authorization.

Article 30 The loading, unloading, transshipment and transit of inward and outward mail bags shall be subject to Customs control, and a covering waybill shall be submitted to the Customs by the postal enterprise concerned.

The postal enterprise shall inform the Customs in advance of the schedule for the opening and sealing of international mail bag. The customs shall promptly dispatch officers to supervise checking and examination on the spot.

Article 31 Inward and outward articles sent by post shall be posted or delivered by the Customs.

Article 32 Articles registered with and approved by the Customs for temporarily entering or leaving the territory duty free, shall be taken out or brought into the territory again by the owner. Persons passing through the territory may not leave in the territory, without Customs approval, the articles they carry with them.

Article 33 In accordance with Article 21 of this law, the Customs shall dispose of inward and outward articles declared to be abandoned by the owner; articles to which no one makes a claim or for which Customs formalities are not completed within the time limit set by the Customs; and inward postal items which can neither be delivered nor be returned.

Article 34 Inward and outward articles intended for official or personal use by foreign missions or

personnel enjoying diplomatic privileges and immunities shall be dealt with in accordance with the Regulations of the People's Republic of China on Diplomatic Privileges and Immunities.

## Chapter V Customs Duties

Article 35 Unless otherwise provided for in this Law, Customs duties shall be levied according to the import and export tariff on goods permitted to be imported or exported and articles permitted to enter or leave the territory. The tariff shall be made known to the public.

Article 36 the consignee of import goods, the consignor of export goods and the owner of inward and outward articles shall be the obligatory Customs duty payer.

Article 37 The Customs duty payer of import or export goods shall pay the amount levied within seven days following the date of issuance of the duty memorandum. In case of failure to meet this time limit, a fee for delayed payment shall be imposed by the Customs. Where the delay exceeds three months, the Customs may instruct the guarantor to pay the duties or sell off the goods to offset the duties. The Customs may inform the bank to deduct the amount of duties due from the deposits of the guarantor or the obligatory Customs duty payer when it considers this necessary. The payment of duties on inward or outward articles shall be made, prior to their release, by the obligatory Customs duty payer.

Article 38 The duty-paying value of an import item shall be its normal CIF price, which shall be approved by the Customs; the duty-paying value of an export item shall be its normal FOB price, which shall be approved by the Customs, minus the export duty. Where it is impossible to ascertain the CIF or FOB price, the duty-paying value of an import or export item shall be fixed by the Customs. The duty-paying value of an inward or outward article shall be fixed by the Customs.

Article 39 Duty reduction or exemption shall be granted for import or export goods and inward or outward articles listed below:

- (1) Advertising items and trade samples of no commercial value;
- (2) Materials presented free of charge by foreign governments or international organizations;
- (3) Goods to which damage or loss has occurred prior to Customs release;
- (4) Articles of a quantity or value within the fixed limit;
- (5) Other goods and articles specified by law as items for duty reduction or exemption; and
- (6) Goods and articles specified as items for duty reduction or exemption by international treaties to which the People's Republic of China is either a contracting or an acceding party.

Article 40 Duty reduction or exemption may be granted for import and export goods of the Special Economic Zones and other specially designated areas: for import and export goods of specific enterprises such as Chinese-foreign equity joint ventures, Chinese-foreign contractual joint ventures and enterprises with exclusive foreign investment; for import and export goods devoted to specific purposes; and for materials donated for use by public welfare undertaking. The State Council shall define the scope and formulate the rules for such reduction and exemption. The State

Council or departments empowered by the State Council shall define the scope and formulate the rules for duty reduction exemption or involved in small volumes of border transactions.

Article 41 All import goods and articles for which duty reduction or exemption is granted in accordance with the preceding Article shall be used only in specific areas and enterprises or for specific purposes. They shall not be utilized otherwise unless Customs approval is obtained and duties duly paid.

Article 42 Temporary duty reduction or exemption not specified in Articles 39 and 40 of this Law shall be examined and approved by the general Customs Administration independently or jointly with the financial department under the State Council in accordance with the regulations of the State Council.

Article 43 Temporary duty exemption shall be granted for goods approved by the Customs as temporarily imported or exported items and for bonded goods imported by special permission after the consignee or the consignor of the goods submits to the Customs a guarantee or a deposit of an amount equal to the duties.

Article 44 Where the Customs finds that the duties are short-levied or not levied on a consignment of import or export goods or on an inward or outward article after its release, the Customs shall collect the money payable from the obligatory Customs duty payer within one year of the previous duty payment or the release of the item. If the short-levied or non-levied duties are attributable to the duty payer's violation of the Customs regulations, the Customs may collect the unpaid amount from him within three years.

Article 45 Where the duties are over-levied, the Customs, upon discovery, shall refund the money without delay. The duty payer may ask the Customs for refunding within one year of the date of duty payment.

Article 46 Where the obligatory Customs duty payer is involved in a dispute over duty payment with the Customs, he shall first pay the duties and may, within 30 days of the issuance of the duty memorandum, apply to the Customs in writing for a reconsideration of the case. The Customs shall reach a decision within 15 days of the receipt of the application. If the obligatory customs duty payer refuses to accept the decision, he may apply to the General Customs Administration for a reconsideration of the case within 15 days of the receipt of the decision. If the decision of the General Customs Administration is still considered unacceptable by the obligatory customs duty payer, he may file a suit in a people's court within 15 days of the receipt of the decision.

## Chapter VI Legal Responsibility

Article 47 Evasion of Customs control in one of the forms listed below shall constitute a crime of smuggling:

(1) To transport, carry or send by post into or out of the territory narcotic drugs, weapons or counterfeit currencies which are prohibited by the State from being imported or exported; to

transport, carry or send by post into or out of the territory obscene objects for the purpose of profit-making or dissemination; or to transport, carry or send by post out of the territory cultural relics which are prohibited by the State from being exported;

(2) To transport, carry or send by post into or out of the territory, for the purpose of making a profit, articles in relatively large quantities or of a relatively high value which are prohibited by the State from being imported or exported, but which are not included in Item (1) of this Article; and goods or articles in relatively large quantities or of a relatively high value whose importation or exportation is restricted by the State or which are subject to the collection of Customs duties according to law; or

(3) To sell, without Customs approval and payment of duties, bonded goods imported by special permission or goods listed for special duty reduction or exemption which are in relatively large quantities or of a relatively high value. Any armed smuggling or resistance by violence to Customs examination of smuggled goods or articles shall constitute a crime of smuggling, whatever the quantity or value of the goods or articles involved. The criminal punishments imposed by the people's court to persons guilty of smuggling include imposing a fine and the confiscation of the smuggled goods or articles, of the means of transport used for smuggling and of the illegal proceeds obtained therefrom. Where an enterprise, an institution or a state organ or a public organization is guilty of smuggling, the judicial organ shall investigate and determine the criminal responsibility of the person or person in charge and the person or persons directly answerable for the offence, and issue an order to impose a fine on the unit and confiscate the smuggled goods or articles, the means of transport used for smuggling and the illegal proceeds obtained therefrom.

Article 48 If the smuggled goods and articles involved in one of the acts listed under Items (2) and (3) of Article 47 of this Law are not large in quantity not of high value, or where the carrying or sending by post of obscene objects into or out of the territory does not yet constitute a crime of smuggling, the Customs may, while confiscating the goods, articles or illegal proceeds obtained therefrom, concurrently impose a fine on the person or persons concerned.

Article 49 Any of the following acts shall be dealt with as a crime of smuggling and shall be punishable accordance with the provisions of Article 47 of this law:

(1) To purchase directly and illegally from a smuggler articles which are prohibited by the State from being imported; or to purchase directly and illegally from a smuggler other smuggled goods or articles in relatively large quantities or of a relatively high value; or

(2) To transport, purchase or sell on inland or territorial waters articles which are prohibited by the State from being imported or exported; or to transport, purchase or sell without legal certification goods or articles whose importation or exportation is restricted by the State and which are in relatively large quantities or of a relatively high value. Where an act listed in the preceding paragraphs does not yet constitute a crime of smuggling, punishment shall be applied in accordance with the provisions of Article 48 of this Law.

Article 50 Any individual who carries or sends by post articles for personal use into or out of the territory in a quantity exceeding the reasonable limit and fails to declare them to the Customs shall be made to pay the duties and may be fined.

Article 51 A fine may be imposed for any of the following acts which violate the regulations on Customs control prescribed in this Law:

- (1) For a means of transport to enter or leave the territory at a place without a Customs establishment;
- (2) To fail to inform the Customs of the arrival and departure time of a means of transport and the place where it will stay or any change of such a place;
- (3) To fail to declare truthfully to the Customs the import or export goods or the transit, transshipment and through goods;
- (4) To fail to accept, in accordance with relevant regulations, the checking and examination by the Customs of the means of transport, goods or articles entering or leaving the territory;
- (5) For an inward or outward means of transport to load or unload inward or outward goods or articles or let passengers get on or off without Customs approval;
- (6) For an inward or outward means of transport staying at a place with a Customs establishment to leave without Customs approval;
- (7) For an inward or outward means of transport en route from one place with a Customs establishment to another with a Customs establishment to move out of the territory or to a point in the territory where there is no Customs establishment without completing the clearance formalities and obtaining Customs approval;
- (8) For an inward or outward means of transport to engage concurrently in or change to service within the territory without Customs approval;
- (9) For an inward or outward vessel or aircraft which, by force majeure, stops or lands at a place without a Customs establishment, or jettisons or discharges goods or articles in the territory to fail unjustifiably to report to the Customs authorities nearby;
- (10) To open, pick up, deliver, forward, change, repack, mortgage or transfer goods under Customs control without Customs approval;
- (11) to open or break seals affixed by the Customs without authorization; or
- (12) to violate other provisions specified in this Law concerning Customs control so that the Customs cannot exercise or has to suspend control over inward and outward means of transport, goods or articles.

Article 52 The smuggled goods and articles, illegal incomes and means of transport used for smuggling which are confiscated and the fines which are imposed by order of the people's court shall all be turned over to the State Treasury, and so shall be the smuggled goods and articles and illegal incomes which are confiscated and fines which are imposed by decision of the Customs. It is the responsibility of the Customs to handle all smuggled goods and articles and the means of transport used for smuggling which are confiscated by order of the people's court or by decision of the Customs and to turn them over to the State Treasury in accordance with the regulations of the State Council.

Article 53 If the party concerned objects to the Customs decision of punishment, he may hand in an application for reconsideration of the case, either to the Customs establishment making the decision or to one at the next higher level within 30 days of the receipt of the notification punishment or, in case notification is impossible, within 30 days of the public announcement of

punishment. If the party concerned finds the decision reached after reconsideration still unacceptable, he may file a suit in a people's court within 30 days of the receipt of the decision. The party concerned may also file suit directly in people's court within 30 days of the receipt of the notification on punishment or within 30 days of the public announcement of the punishment. If the party concerned refuses to carry out the Customs decision and fails to apply for a reconsideration of the case or file a suit in people's court within the prescribed time limit, the Customs establishment making the decision of punishment may confiscate the deposit of the party concerned or sell off the goods, articles or means of transport it has detained to substitute for the penalty, or ask the people's court for mandatory execution of the decision.

Article 54 If the Customs causes damage to any inward goods or articles while examining them, it shall make up for the actual loss from such damage.

Article 55 The criminal responsibility of any Customs personnel who divide up confiscated smuggled goods or article among themselves shall be investigated and determined in accordance with Article 155 of the Criminal Law of the People's Republic of China. No Customs personnel shall be allowed to purchase confiscated smuggled goods or articles. Those who have done so shall be made to return the goods or articles, and may be given a disciplinary sanction.

Article 56 Any Customs personnel who abuse their powers and intentionally create difficulties in or procrastinate the control and examination process shall be given a disciplinary sanction. Those who act illegally for personal gains neglect their duties or connive at smuggling shall be given a disciplinary sanction or investigated for criminal responsibility in accordance with the law, depending on the seriousness of the case.

## Chapter VII Supplementary Provisions

Article 57 Terms used in this Law are defined as follows:

The term 'inward and outward means of transport' means various types of vessels, vehicles, aircraft and pack animals which enter or leave the territory carrying persons, goods or articles.

The term 'transit, transshipment and through goods' means goods which come from a place outside the territory and pass through the territory en route to a place outside the territory. Among them, 'transit goods' are those which pass through the territory by land, 'transshipment goods' are those which do not pass through the territory by land but are loaded on a different means of transport at a place with a Customs establishment, and 'through goods' are those which are carried into and out of the territory by the same vessel or aircraft.

The term 'goods under Customs control' means import and export goods and transit goods, transshipment goods and through goods listed under Article 17 of this Law, temporarily imported and exported goods, bonded goods and other inward and outward goods for which Customs formalities have not been completed. The term 'bonded goods' means goods which have entered the territory by approval of the Customs as items for which no formalities have been performed in the way of duty payment and which will be reshipped out of the territory after being stored, processed or assembled on the territory.

The term 'Customs surveillance zone' means any seaport, railway or highway station, airport,

border pass or international postal matter exchange station where there is a Customs establishment, any other place where Customs control is exercised, and any place without a Customs establishment which has been approved by the State Council as a point of entry into and exit from the territory.

Article 58 The Customs, shall reward units or individuals for meritorious service in providing information or assistance which leads to the discovery and seizure of offenders against this Law. It shall keep the identities of such units or individuals strictly confidential.

Article 59 The State Council shall draw up rules governing control over the means of transport, goods and articles going between the Special Economic Zones and other specially designated areas and other parts of the territory.

Article 60 The General Customs Administration shall, pursuant to this Law, formulate rules of implementation to be reported to the State Council for approval before they come into force.

Article 61 This Law shall go into effect as of July 1, 1987. The Provisional Customs Law of the People's Republic of China promulgated by the Central People's Government on April 18, 1951, shall be annulled therefrom.

## **Rules for the Implementation of Administrative Punishments under the Customs Law of the People's Republic of China**

(Approved by the State Council on June 30, 1987, promulgated by the General Administration of Customs on July 1, 1987, amended according to the Reply of the State Council Concerning Revising the Rules for the Implementation of Administrative Punishments Under the Customs Law of the People's Republic of China on February 17, 1993 )

### Chapter I General Provisions

Article 1 These Rules are formulated with a view to implementing the provision legal responsibilities under the Customs Law of the People's Republic of China (hereinafter referred to as the Customs Law) in accordance with Article 60 of the Customs Law.

Article 2 These Rules shall be applied to acts which do not constitute the crimes of smuggling, to acts which constitute the crimes of smuggling but exempted from prosecution or punishment by law, and to acts which violate provisions concerning Customs supervision and control.

### Chapter II Smuggling Acts and their Punishments

Article 3 Any of the following acts shall be regarded as an act of smuggling:

1. without the approval of the State Council or the department empowered by the State Council, to transport or to carry articles prohibited by the State from entering or leaving the territory, and goods and articles restricted by the State in importation or exportation, or legally liable to Customs duties, into or out of the territory at a port where there is no Customs establishment;
2. to transport, carry or send by post articles prohibited by the State from entering or leaving the territory, and goods and articles restricted by the State in importation or exportation or legally liable to Customs duties, into or out of the territory at a port where there is a Customs establishment, by concealment, disguise, incomplete or fraudulent declaration or other means aiming at evading Customs supervision and control;
3. to evade payment of customs duties by incomplete or fraudulent declaration of the price for the import or export goods;
4. to sell without Customs approval and payment of Customs duties specially permitted bonded goods, other goods under Customs control or inward means of transport which are meant to be used outside the territory;
5. to sell without Customs approval and payment of Customs duties goods enjoying specially granted duty reduction or exemption imported for use by designated enterprises or for specified purposes, or to transport without authorization goods enjoying specially granted duty reduction or exemption from the designated areas, where they are intended for use, to other places of China.

Article 4 Any of the following acts shall be regarded and punished as an act of smuggling:

1. to purchase smuggled import goods and articles illegally and directly from the smuggler;
2. to transport, purchase or sell articles prohibited by the State from entering or leaving the territory or to transport, purchase or sell without legal certificates the goods or articles restricted

by the State in importation and exportation, on inland sea or territorial waters.

Article 5 Any act listed in Article 3 and Article 4 of these Rules shall be punished in accordance with the following provisions:

1. The Customs shall confiscate the smuggled articles which are prohibited by the State from entering or leaving the territory and the illegal incomes obtained therefrom, and may impose a fine below 50,000 yuan in RMB at the same time.
2. The Customs shall confiscate the smuggled goods and articles which are restricted by the State in importation or exportation and the illegal incomes obtained therefrom, and may, at the same time, impose a fine below the value of the smuggled goods or articles, or below three times the amount of duties leviable:
3. The Customs shall confiscate the illegal incomes obtained from evading payment of customs duties by incomplete or fraudulent declaration of the price for the import or export goods, and may impose a fine three times the amount of duties evaded.
4. The Customs shall confiscate the goods or the articles used specially to cover up smuggling and confiscate or order the dissembling of specially designed equipment for the concealment of the smuggled goods and articles.

In case the smuggled goods or the articles are not confiscable, the Customs shall order the payment of an amount of money equal to the value of the smuggled goods or articles.

Article 6 Where a smuggling act is done by two or more persons, they shall be punished respectively according to the extent of their involvement and their respective responsibilities. Confiscation of illegal goods incomes shall be imposed on those who do not report the case they know and provide facilities to the smuggler, and a fine below twice the illegal incomes may be imposed at the same time. In case there is no illegal income, a fine below 5,000 yuan in RMB shall be imposed.

Article 7 Any act in the way of preparing devices or creating conditions for smuggling shall be given a lesser punishment by applying *mutatis mutandis* Article 5 of these Rules.

Article 8 Punishments may be exempted or be imposed in lesser degrees in cases where:

1. the smuggling act is of a minor nature;
2. the person in question owns up the case and informs against other offenders;
3. the smuggling is discovered three years later.

The duration specified in item 3 under this Article shall be counted from the day when the smuggling act takes place. In case that the smuggling is of a continuous nature, it shall be counted from the day when the last act of smuggling takes place.

### Chapter III Acts Violating Regulations on Customs Control and the Punishments

Article 9 Acts which violate Customs regulations but do not constitute acts of smuggling shall be considered as acts violating regulations on Customs control.

Article 10 Goods which are imported or exported in violation of the State rules and regulations

governing the importation and exportation or without license or other documents of approval shall be confiscated or ordered to be sent back. In case that a license or a documental approval is obtained afterwards, a fine below the value of the goods shall be imposed.

Article 11 A fine below the value of the goods or articles or below twice the amount of the duties leviable shall be imposed for any of the following acts:

1. to transport, carry or send by post into or out of the territory, with a view to evading Customs supervision and control, goods or articles which are not listed in the categories prohibited by the State from entering or leaving the territory or restricted by the State in importation or exportation, or legally liable to Customs duties;
2. to open, pick up, deliver, forward, change, repack, mortgage or transfer goods under Customs control or incoming and outgoing articles not yet released by the Customs without Customs authorization;
3. to keep untruthful operational records or to fail to give a justifiable reason for shortage of goods in the transportation, storage, processing, assembling and consignment sale of bonded goods;
4. to utilize, without Customs approval, goods and articles enjoying specially granted duty reduction or exemption for other purposes than those provided for;
5. to make untruthful declaration of import or export goods for its name, quantity, standard, price, origin of production, trade manner, country of consumption, country of trading or other items which should be declared;
6. to fail to re-transport temporarily exported or imported goods into or out of the territory within the specified time limit and let the said goods remain inside or outside the territory without authorization;
7. to fail to transport the transit, transshipment or through goods out of the territory within the specified time limit and let the said goods remain inside the territory without authorization;
8. to transfer materials and supplies intended for use by the inward or outward means of transport without obtaining Customs approval or paying Customs duty.

Article 12 A fine below 50,000 yuan in RMB shall be imposed upon any of the following acts:

1. for a means of transport, without approval from the State Council or other department empowered by the State Council, to enter or leave the territory at a place without a Customs establishment;
2. for an inward or outward means of transport staying at the Customs surveillance zone to leave without Customs approval;
3. for an inward or outward means of transport en route from one place with a Customs establishment to another with a Customs establishment to change route midway by moving out of the territory or to a point in the territory where there is no Customs establishment without completing the clearance formalities and obtaining the Customs approval.

Article 13 A fine below 30,000 yuan in RMB shall be imposed upon any of the following acts:

1. for an inward or outward means of transport to fail to submit papers and documents required or submit untrue papers or documents to the Customs after arriving at or before departing from a place with a Customs establishment;
2. to fail to accept the checking and examination by the Customs of the inward or outward

- transport, and goods and articles in accordance with relevant regulations;
3. for an inward or outward means of transport to load or unload inward or outward goods and articles, or to embark or disembark passengers without Customs approval;
  4. for an inward or outward means of transport to engage, without Customs approval, concurrently in cargo or passenger transport in the territory or services other than inward and outward transportation in the territory;
  5. for an inward or outward means of transport to change to transport services within the territory without completing Customs formalities in accordance with the regulations;
  6. for anyone engaged in the storage, processing, assembling and consignment sale of the bonded goods to fail to complete procedures such as receipt, delivery and cancellation in accordance with the regulations or to fail to complete Customs procedures in accordance with the regulations when the relevant contracts have been suspended, prolonged or transferred;
  7. to store goods under Customs control outside the Customs surveillance zone without Customs approval or to fail to accept Customs control over such goods;
  8. to open or destroy, without Customs authorization, seals affixed by the Customs on the means of transport, warehouses or goods.

Article 14 A fine below 20,000 yuan in RMB shall be imposed on any of the following acts:

1. for the inward means of transport which has entered the territory but has not made the declaration to the Customs, or for the outward means of transport which has cleared the Customs but has not left the territory to fail to move along routes specified by competent communications authorities or by the Customs;
2. for the inward and outward vessel or vehicle carrying goods under Customs control to fail to move along the routes specified by the Customs;
3. for the inward and outward vessel or aircraft berthing or landing at a place without a Customs establishment, or jettisoning or discharging goods and articles at such a place owing to force majeure to fail to report to the Customs establishment nearby without justifiable reasons.

Article 15 For any of the following acts, the duty evaded shall be paid or the articles involved sent back, and a fine below the value of the related articles may be imposed at the same time:

1. for a person carrying or sending by post into or out of the territory articles exceeding Customs-specified quantity limits but of small amount or value and intended for personal use to fail to declare them to the Customs;
2. for a person carrying or sending by post articles into or out of the territory, to make untruthful declaration to the Customs or not to accept Customs examination;
3. to fail to take temporarily inward or outward articles exempted from Customs duties upon registration with the Customs out of or into the territory in accordance with the regulations;
4. for a person passing through the territory to leave the articles he carries in the territory without Customs approval.

Article 16 Any of the following acts shall be subject to a fine below 1,000 yuan in RMB:

1. to fail to notify the Customs in advance of the time of arrival of the inward or outward vessel, train or aircraft, the place of its stay or any changes in such time and place without justifiable reasons;

2. to open or damage the seals affixed by the Customs upon the articles without authorization;
3. to violate the Customs law and regulations, so that the Customs cannot exercise or has to suspend control over the inward and outward means of transport, goods and articles.

Article 17 In case truthful report is made prior to Customs examination concerning the carrying or sending by post of articles prohibited by the State from entering for leaving the territory into or out of the territory, the articles concerned shall be confiscated or sent back in accordance with the regulations, and a fine may be imposed at the same time depending on circumstances.

Article 18 Remission or mitigation of punishment may be applied to violations of Customs regulations if the case is of a minor nature or a confession is made by the person involved. Punishments shall be exempted for acts violating the Customs regulations if the case is discovered three years later.

#### Chapter IV Handling of the Smuggling Acts and Acts Violating Regulations on Customs Control

Article 19 Decisions of punishment for smuggling acts and acts violating regulations on Customs control shall be made by the director of the Customs establishment.

Article 20 Detention of goods, articles or means of transport by the Customs shall be made upon the issuance of the Detention Note.

The form of the Detention Note shall be uniformly determined by the General Administration of Customs.

Article 21 In case that the goods, articles or means of transport cannot be detained or are not suitable for detention, a deposit or a mortgage of an equivalent value may be required by the Customs from the person concerned or the person in charge of the means of transport.

Article 22 The goods, articles and means of transport detained by the Customs in accordance with the regulations shall not be disposed of before the verdict by a people's court or the decision of punishment by the Customs comes into force. But in the case where goods and articles are fresh and live, perishable or easy to become ineffective, the Customs may sell them, retain the proceeds and notify the owner of the goods or the articles.

Article 23 Where it is established by the Customs after investigation that the deposits or remittances are obtained illegally from smuggling, the Customs may notify, in writing the bank or the post office concerned, asking it to suspend the payment or delivery of such deposits or remittances and inform the depositor or the remitter at the same time. The duration of the suspension shall not exceed 3 months. The money shall be disposed of by the Customs in accordance with the Customs Law and the present Rules after the decision of punishment made by the Customs has become effective.

Article 24 Where an enterprise, an undertaking, a State department or a social organization violates Customs regulations, the Customs may, besides imposing punishment upon the unit

concerned, imposed a fine below 1,000 yuan in RMB on the person in charge and the person directly answerable for the violation.

Article 25 Where an enterprise, an undertaking, a State department or a social organization violates the Customs Law, the Customs may, according to the seriousness of the case, suspend temporarily the preferential treatment of duty reduction or exemption it enjoys, deprive it temporarily of the right of declaration to the Customs or revoke the Certificate for Declaration of the person in question.

Article 26 After a decision of punishment is made upon a smuggling act or an act violating regulations on Customs control, the Customs shall send a Notification of Punishment to the person in question.

If the person in question finds the Customs decision of punishment unacceptable, he may submit an appeal for reconsideration of the case to either the Customs establishment making the decision or to one at a higher level, within 30 days of receipt of the notification of punishment; the Customs shall make a decision within 90 days of receipt of the appeal and send a Decision of Reconsideration to the person in question.

If the person in question finds the decision made after the reconsideration still unacceptable, he may sue at a people's court within 30 days of receipt of the decision.

The person in question may also sue directly at a people's court within 30 days of receipt of the Notification of Punishment. Where string directly at the people's court is chosen, the person in question may not appeal to the Customs for reconsideration.

The form of the Notification of Punishment and the Decision of Reconsideration of the Customs shall be uniformly determined by the General Administration of Customs.

Article 27 The Notification of Punishment or Decision of Reconsideration may be sent to the person in question by the Customs directly and signed by him to acknowledge the receipt or sent by post. In the latter case, the date indicated on the registration receipt of the post office shall be regarded as the day of receipt. A public announcement shall be made in case the delivery is impossible, and the announcement shall be regarded equally as receipt.

Article 28 If the person in question fails to appeal for reconsideration or sue at a people's court in the specified time limit, the decision of punishment shall enter into force.

The fine, the illegal income and the sum of money equal to the value of the smuggled goods, articles or smuggling means of transport which are confiscated in accordance with the regulations shall be paid within the time limit specified in the decision of punishment of the Customs.

Article 29 If the person punished by the Customs does not have a permanent residence in the territory, the fine, the illegal income and the sum of money equal to the value of the smuggled goods, articles or smuggling means of transport which are confiscated in accordance with the regulations shall be paid prior to his leaving of the territory. Where the person in question fails to accept the decision of punishment by the Customs or cannot pay the amount of money prior to his leaving of the territory, a deposit or a mortgage of a value equal to the amount of money to be paid, or a guarantee which is acceptable to the Customs shall be provided.

Where the person in question executes the decision of punishment by the Customs within the specified time limit, the Customs shall return the deposit or the mortgage provided by him without delay and the guarantee shall cease right away.

Article 30 Where the person in question refuses to execute the Customs decision and fails to appeal for a reconsideration of the case or sue at a people's court within the specified time limit, the Customs making the decision may confiscate the deposit provided by him or take the goods, articles or means of transport detained or kept as a mortgage as substitutes for the money required by the decision of punishment after an assessment made according to the current prices, or request the People's Court for an enforced execution.

Article 31 A fine imposed in accordance with these Rules shall not exempt the person in question from the payment of Customs duties and the completion of the relevant Customs formalities specified by the laws and regulations in case the inward or outward goods, articles or means of transport are not confiscated.

#### Chapter V Supplementary Provisions

Article 32 The Customs personnel who abuse their powers and intentionally create difficulties or procrastinate the control and examination shall be given a disciplinary sanction in accordance with the provisions governing the rewards and punishments of the personnel working for government departments. Those who practice graft, neglect their duties or connive at smuggling shall be given a disciplinary sanction in accordance with the provisions governing the rewards and punishments of the personnel working for the government department or be subject to an investigation of criminal responsibility in accordance with the law, depending on the seriousness of the cases.

Article 33 The following terms used in these Rules shall have the meanings hereunder assigned to them:

"Articles" also include currencies, gold and silver, and other negotiable securities; "Equivalent value" is based on the retail price of the similar product sold at the local State-owned shops. Where such a price is not available, it shall be assessed and determined by the Customs; "Below" or "under" includes the number itself.

Article 34 The list of goods restricted by the State in importation or exportation shall be announced by the competent departments under the State Council.

The list of articles prohibited by the State from entering or leaving the territory shall be decided by the General Administration of Customs in accordance with the Customs Law and other laws and regulations, together with relevant competent departments under the State Council, and made public by the General Administration of Customs.

The list of articles restricted by the State in entering or leaving the territory shall be made public by the General Administration of Customs.

Article 35 The right to interpret these Rules shall reside in the General Administration of Customs.

Article 36 These Rules shall come into effect on July 1, 1987.

# **Procedures of the Customs of the People's Republic of China on the Supervision of Goods Temporarily Carried into or out of the Border**

## Chapter I General Provisions

### Article 1

In order to normalize the supervision of the Customs on goods temporarily carried into or out of the border, these Procedures are formulated in accordance with the "Customs Law of the People's Republic of China" (hereinafter referred to as the "Customs Law") as well as the provisions of other relevant laws and administrative regulations.

### Article 2

These Procedures apply to the goods that are temporarily carried into or out of the border and are re-carried out of or into the border within the prescribed time limit, upon approval of the Customs.

### Article 3

The goods temporarily carried into or out of the border as referred to in these Procedures include:

- (1) Goods that are displayed or used at exhibitions, fairs, conferences or similar activities;
- (2) Articles that are used in cultural or sports exchange activities for performance or contest;
- (3) Apparatus, equipment and articles that are used for making news reportage or producing films or TV programs;
- (4) Apparatus, equipment and articles that are used for conducting scientific research, teaching or medical treatment activities;
- (5) Means of transportation and special vehicles that are used in such activities as listed in Items (1) to (4) of this Paragraph;
- (6) Samples of goods;
- (7) Apparatus, equipment and articles that are used in charity activities;
- (8) Apparatus and tools that are used for installing, debugging, testing and repairing equipment;
- (9) Containers of goods;
- (10) Self-driving vehicles as well as related articles for use in traveling;
- (11) Equipment, apparatus and articles that are used in the engineering construction; and
- (12) Other goods temporarily carried into or out of the border as approved by the Customs.

The goods temporarily carried into the border under the ATA Carnet for the temporarily approved import of goods (hereinafter referred to as the ATA carnet) shall be limited to the goods prescribed in the international conventions relating to the temporarily approved import of goods, which China has acceded to.

### Article 4

The goods temporarily carried into or out of the border shall be free from inspection of license, unless otherwise provided by the international treaties or agreements which China has signed or acceded to, or national laws or administrative regulations, or the regulations of the General Administration of Customs.

#### Article 5

The goods temporarily carried into or out of the border shall be re-carried out of or into the border in the original form except for the depreciation or the wear and tear caused in normal use.

#### Article 6

Application for goods temporarily carried into or out of the border shall be subject to the examination and approval of the Customs directly under the General Administration of Customs, or subject to the examination and approval of the subordinate Customs authorized by the Customs directly under the General Administration of Customs.

#### Article 7

The goods temporarily carried into or out of the border shall be re-carried out of or into the border within six months from the date of carrying the goods into or out of the border.

In case it is necessary to extend the time limit owing to special circumstances, the ATA carnet holder or the consignee or consignor of the goods temporarily carried into or out of the border under the non-ATA carnet may file an application for extending the time limit with the local competent Customs. Upon the approval of the Customs directly under the General Administration of Customs, the time limit may be extended three times at most, with each extension not to exceed six months. After the expiry of the extension, the goods shall be re-carried out of or into the border, or the import or export formalities shall be gone through.

In case the time limit for the goods temporarily carried into or out of the border for use in national key projects or national scientific research projects, and the exhibits for display at exhibitions running for more than 24 months still needs to be extended after the expiry of the 18-month-extension period, the case shall be reported by the local competent Customs directly under the General Administration of Customs to the General Administration of Customs for examination and approval.

#### Article 8

China Chamber of International Commerce shall provide the general guaranty for goods temporarily carried out of the border under ATA carnets to the General Administration of Customs.

Unless otherwise provided, the consignee or consignor of goods temporarily carried into or out of the border under the non-ATA carnet shall lodge with the local competent Customs a deposit equivalent to the tax money or any other guaranty approved by the Customs according to law, as required by the Customs.

Where an exhibition is held at a place designated by the Customs or at a place under the supervision of special personnel assigned by the Customs, no guaranty for the exhibits shall be lodged with the Customs, upon approval of the local competent Customs directly under the General Administration of Customs.

#### Article 9

Where the goods temporarily carried into or out of the border are so damaged by force majeure as to make it impossible to re-carry them out of or into the border in the original form, the ATA carnet holder or the consignee or consignor of the goods temporarily carried into or out of the

border under the non-ATA carnet shall report the matter to the local competent Customs in a timely manner, and may go through the formalities for re-carrying the goods out of or into the border on the strength of the certification materials issued by relevant departments. In case such goods are destroyed or rendered useless by force majeure, they may be regarded as having been re-carried out of or into the border upon the verification of the Customs.

Where the goods temporarily carried into or out of the border are destroyed or rendered useless by causes other than force majeure, the ATA carnet holder or the consignee or consignor of the goods temporarily carried into or out of the border under the non-ATA carnet shall go through the Customs formalities in accordance with the relevant provisions on imports and exports.

#### Article 10

Where the goods temporarily carried into or out of the border are re-carried out or in at another place, the ATA carnet holder or the consignee or consignor of the goods temporarily carried into or out of the border under the non-ATA carnet shall go through necessary formalities with the Customs at the locality where the goods are re-carried out of or into the border by presenting Customs documents affixed with the seal of the local competent Customs. After the goods are re-carried out of or into the border, the local competent Customs shall handle the formalities for verification, cancellation and closure of the case against the said documents.

#### Article 11

Unless otherwise provided in these Procedures, the Customs shall handle the administrative license items relating to goods temporarily carried into or out of the border in accordance with the procedures and time limits prescribed in the “Administrative License Law of the People’s Republic of China” and the “Procedures of the Customs of the People’s Republic of China on Implementing the Administrative License Law of the People’s Republic of China”.

### Chapter II Examination and Approval of Goods Temporarily Carried into or out of the Border

#### Article 12

Application for temporarily carrying goods into or out of the border shall be filed with the local competent Customs.

When applying to the Customs for temporarily carrying goods into or out of the border, the ATA carnet holder shall submit the original of the authentic and valid ATA carnet, the accurate list of goods, as well as other relevant commercial documents or certificates.

When applying to the Customs for temporarily carrying goods into or out of the border under the non-ATA carnet, the consignee or consignor of such goods shall submit the “Application for Temporarily Carrying Goods into/out of the Border” (See Attachment I. for the format), the list of the goods in question, invoice, contract or agreement, as well as other relevant documents as required by the Customs.

#### Article 13

In case of approving the application for temporarily carrying goods into or out of the border under the ATA Carnet, the Customs shall make an endorsement on the ATA carnet, otherwise no endorsement shall be made.

After making an approval or disapproval decision on the application for temporarily carrying goods into or out of the border under the non-ATA carnet, the Customs shall prepare and issue the “Decision of the Customs of the People’s Republic of China on Approval of Application for Temporarily Carrying Goods into or out of the Border” (See Attachment II. for the format) or the “Decision of the Customs of the People’s Republic of China on Disapproval of Application for Temporarily Carrying Goods into or out of the Border” (See Attachment III. for the format).

#### Article 14

Where application is made for extending the time limit for re-carrying out of or into the border the goods temporarily carried into or out of the border, the ATA carnet holder or the consignor or consignee of goods temporarily carried into or out of the border under the non-ATA carnet shall, 30 days before the expiry of the prescribed time limit, apply for the extension of the time limit to the Customs at the locality where the application for temporarily carrying the goods into or out of the border has been examined and approved, and submit the “Application for Extension of the Time Limit for Temporarily Carrying Goods into or out of the Border” (See Attachment IV. for the format) and other relevant application materials.

The Customs directly under the General Administration of Customs that accepts an extension application shall prepare and issue the “Decision of the Customs of the People’s Republic of China on Approval of Application for Extension of Time Limit for Temporarily Carrying Goods into/out of the Border” (See Attachment V. for the format) or the “Decision of the Customs of the People’s Republic of China on Disapproval of Application for Extension of Time Limit for Temporarily Carrying Goods into or out of the Border” (See Attachment VI. for the format) within 20 days from the date of accepting the application.

The subordinate Customs that accepts an extension application shall, within 10 days from the date of accepting the application, carry out an overall examination of the application in accordance with the statutory conditions and procedures, and submit the examination opinions and a complete set of application materials to the Customs directly under the General Administration of Customs in a timely manner. The Customs directly under the General Administration of Customs shall prepare and issue the corresponding decision within 10 days from the date of receipt of the examination opinions.

If the case falls under the circumstances described in Paragraph 3 of Article 7 in these Procedures, the ATA carnet holder or the consignee or consignor of goods temporarily carried into or out of the border under the non-ATA carnet shall submit an application to the local competent Customs directly under the General Administration of Customs. The Customs directly under the General Administration of Customs shall carry out an overall examination of the application in accordance with the statutory conditions and procedures within 10 days from the date of receipt of the extension application and submit the examination opinions and a complete set of application materials to the General Administration of Customs in a timely manner. The General Administration of Customs shall make a decision within 10 days from the date of receipt of the examination opinions.

### Chapter III Supervision of the Goods Temporarily Carried into or out of the Border

#### Article 15

When making a declaration of goods temporarily carried into or out of the border under the ATA carnet, the ATA carnet holder shall submit the valid ATA carnet to the Customs.

When making a declaration of goods temporarily carried into or out of the border under the non-ATA carnet, the consignee or consignor of the goods shall complete the Customs import/export declaration form, and submit the list of goods, the “Decision of the Customs of the People’s Republic of China on Approval of Application for Temporarily Carrying Goods into or out of the Border” and other relevant documents to the Customs.

#### Article 16

The holder of an exhibition within the territory of China or the holder or exhibitor of an exhibition outside the territory of China (hereinafter referred to as the holder or exhibitor) shall, 20 days before the exhibits are carried into or out of the border, submit the filing certificates or approval documents issued by relevant departments, the list of the exhibits and other relevant documents to the local competent Customs and go through the formalities for filing.

Where the exhibition does not belong to the administrative license items of relevant departments, the holder or exhibitor shall submit the letter of invitation from the exhibition, confirmatory document of the exhibition booth, other certification documents as well as the list of the exhibits to the local competent Customs and go through the formalities for filing.

#### Article 17

Where an exhibition is to be held in two or more Customs areas within the territory of China, it is necessary to go through the Customs transition formalities for the exhibits carried into the border in accordance with relevant provisions on the Customs transition supervision. The Customs at the locality of the last exhibition shall take the responsibility of verifying and canceling the exhibits carried into the border and the Customs at the place where the exhibits are carried out of the border shall handle the formalities for re-carrying the exhibits out of the border.

#### Article 18

Where the time limit for an exhibition needs to be extended, the holder or exhibitor shall, before the expiry of the exhibition period, go through the relevant formalities with the Customs at the filing place by presenting the approval document for extension issued by the original approval department.

Where the exhibition does not belong to the administrative license items of the relevant department, the holder or exhibitor shall go through the relevant formalities with the Customs at the filing place by presenting relevant certification documents before the expiry of the exhibition period.

#### Article 19

The holder or exhibitor shall apply to the Customs at the filing place for closure of the case of exhibition within 30 days after the completion of Customs clearance formalities for the exhibits carried into or out of the border.

#### Article 20

The Customs shall check and determine the quantities and total value of the following articles for

consumption or distribution during the period of an exhibition held within the territory of China (hereinafter referred to as the exhibition articles) according to the nature of exhibition, scale of exhibitors, number of visitors and other situations and shall, according to relevant provisions, exempt such articles from Customs duties and import-related taxes within the reasonable range:

- (1) Small samples, including food or beverage samples that are imported in the original packages or that are made from imported bulk raw materials;
- (2) Materials that are consumed or damaged in the demonstrative operation of the machines or devices on display;
- (3) Goods of low value for consumption in the arrangement or decoration of temporary exhibition booths;
- (4) Relevant publicity materials that are gratuitously distributed to the visitors during the exhibition period; and
- (5) Archives, forms and other documents for use at the exhibition.

The goods listed in Item (1) of the preceding Paragraph shall meet the following requirements:

- (1) They are gratuitously provided by the exhibitor and exclusively distributed to the visitors for use or consumption free of charge during the period of exhibition;
- (2) Their unit prices are fairly low and they are used as advertising samples;
- (3) They are not suitable for commercial use and their unit volume are obviously smaller than the volume of the smallest retail packages;
- (4) The food or beverage samples, although not distributed in the packages provided in Item (3) of this Paragraph, are actually consumed in the activities.

#### Article 21

The relevant duty (tax) exemption provisions are not applicable for alcoholic beverages, tobacco products and fuels among the exhibition articles.

For exhibition articles subject to the licensing certificate administration as practiced by the State, it is necessary to submit relevant certificates to the Customs for inspection and go through the import formalities.

Where the exhibition articles listed in Item (1) of Paragraph 1 of Article 20 in these Procedures are imported in quantity beyond the quantity limitation, the excess portion shall be dutiable in accordance with relevant laws; the exhibition articles listed in Items (2), (3) and (4) of Paragraph 1 that have not yet been used or consumed shall be re-carried out of the border, and if not, the import formalities shall be going through according to relevant provisions.

#### Article 22

Exhibits carried into the border shall be stored at the supervision grounds designated by the Customs during the non-display period, and they shall not be moved out without the approval of the Customs. If it is necessary to move them out for special reasons, the case shall be approved by the local competent Customs directly under the General Administration of Customs.

Where the exhibits carried into the border are moved out of the supervision grounds designated by the Customs with the approval of the Customs, but no guaranty was submitted to the Customs at the time of carrying the exhibits into the border, a corresponding guaranty shall be provided separately.

#### Article 23

When the personnel assigned by the Customs execute the supervisory task at the exhibition site, the sponsor or undertaker of the exhibition shall provide offices and essential office apparatus to facilitate the performance of official duties by the Customs personnel.

#### Article 24

The goods temporarily carried into or out of the border for the sake of fairs, conferences or similar activities shall be put under supervision in accordance with relevant provisions of these Procedures on the supervision of exhibits.

#### Article 25

In case goods temporarily carried into or out of the border really need to be imported or exported, the consignee or consignor of the said goods shall submit an application to the local competent Customs within 30 days before the expiry of the time limit for re-carrying the goods out of or into the border, and shall go through the import or export formalities as provided, upon the approval of the local competent Customs directly under the General Administration of Customs.

### Chapter IV Management of ATA Carnets

#### Article 26

China Chamber of International Commerce is the institution that issues and guarantees the ATA carnets in China, and it shall take the responsibilities of issuing ATA carnets for carrying goods out of the border, submitting to the Customs the electronic text in Chinese of the issued carnets, assisting the Customs in confirming the authenticity of the ATA carnets, as well as paying the Customs the relevant duties (taxes) and fines incurred by the ATA carnet holder in violation of the provisions on temporarily carrying goods into or out of the border.

#### Article 27

The General Administration of Customs shall set up an ATA Verification and Cancellation Center at Beijing Customs. The ATA Verification and Cancellation Center shall conduct verification, cancellation, statistics and recourse of the vouchers for carrying goods into or out of the border under ATA carnets, and shall, at the request of the guarantor from any member state and on the basis of the original vouchers, provide certification that the goods temporarily carried into or out of the border under ATA carnets have been already carried into or re-carried out of the border of China, and coordinate and manage the business relating to the verification and cancellation of ATA carnets of the Customs throughout the country as well.

#### Article 28

In business activities, the ATA Verification and Cancellation Center shall uniformly use the “ATA Carnet Recourse Notification”, the “ATA Carnet Verification and Cancellation Notification” and the “ATA Carnet Payment Notification” (See Attachments VII., VIII. and IX. for the format).

#### Article 29

The Customs shall accept only ATA carnets that are completed in Chinese or English language.

#### Article 30

In case the ATA carnet for carrying goods into the border is destroyed, damaged or lost after carrying the goods into the border, the ATA carnet holder shall present the new ATA carnet issued by the original issuing organ to the local competent Customs directly under the General Administration of Customs for confirmation.

The items filled in the new ATA carnet shall be identical with those filled in the original ATA carnet.

#### Article 31

In case of applying for an extension of the time limit for temporarily carrying goods into the border under the ATA carnet beyond the validity period of the ATA carnet, the ATA carnet holder shall apply for renewing the ATA carnet to the original issuing organ. The renewed ATA carnet may replace the original ATA carnet upon confirmation by the local competent Customs.

The renewed ATA carnet can only alter the validity period of the carnet and shall keep other items consistent with those of the original carnet. The original ATA carnet is to become invalid at the time of starting use of the renewed one.

#### Article 32

In the case of the transit, transshipment or through transport of goods under the ATA Carnet, the Customs shall handle the formalities for carrying goods into or out of the border against the transit page of the ATA carnet.

In case the ATA carnet holder needs to change Customs for goods temporarily carried into or out of the border under the ATA Carnet, the Customs shall handle the formalities for changing Customs against the transit page of the ATA carnet.

#### Article 33

Where the goods temporarily carried into the border under the ATA Carnet are not re-carried out of the border or do not pass through the territory of China according to relevant provisions, the ATA Verification and Cancellation Center shall raise a demand for recourse with China Chamber of International Commerce. Where China Chamber of International Commerce provides the Customs with the evidence that the goods have been re-carried out of the border within the prescribed time limit or that the import formalities have been completed, within nine months from the date of raising the demand for recourse, the ATA Verification and Cancellation Center may annul the recourse demand; in case of failure to provide the above-mentioned evidences, China Chamber of International Commerce shall pay the duties (taxes) and fines to the Customs.

#### Article 34

Where the goods temporarily carried into the border under the ATA carnet are re-carried out of the border without having the carnet cancelled or endorsed by a Customs in China for certain reasons, the ATA Verification and Cancellation Center shall verify and cancel the ATA carnet against the endorsement on the ATA carnet by the Customs of another contracting nation to evidence that this batch of goods was carried or re-carried into the border from that nation, or against other documents approved by the Customs in China that can evidence that this batch of goods has

actually left China, which are taken as evidence that those goods have been re-carried out of the territory of China.

In case the circumstance provided in the preceding Paragraph arises, the ATA carnet holder shall pay to the Customs the adjustment fee according to relevant provisions. If the carnet holder, before the Customs of China issues the “ATA Carnet Recourse Notification”, requests a cancellation of the carnet on the strength of the certification issued by the Customs in another country that the goods have left the Customs area of China, the adjustment fee shall be exempted by the Customs.

## Chapter V Supplementary Provisions

### Article 35

Any act in violation of these Procedures that constitutes a case of smuggling, or any act in violation of the Customs supervision provisions, or any other violation of the “Customs Law” shall be handled by the Customs according to the “Customs Law” and the “Regulation of the People’s Republic of China on Implementing the Customs Administrative Punishment”. In case any of such acts constitutes a crime, the wrongdoer shall be prosecuted for criminal liabilities.

### Article 36

Where the goods temporarily carried into the border from outside the territory of China are transferred to the bonded area, export processing zone or any other special Customs supervision area or bonded supervision grounds, such goods shall not be deemed as being re-carried out of the border.

### Article 37

These Procedures are not applicable to the containers carried into or out of the border for shipment of goods under the Customs supervision, and the leased goods carried into or out of the border. These Procedures are not be applicable for the articles temporarily carried into or out of the border for the foreign institutions stationed in China or personnel that enjoy diplomatic privileges and immunities.

### Article 38

The articles temporarily carried into or out of the border in quantities in excess of the reasonable quantity for self use shall be subject to supervision by reference to these Procedures.

### Article 39

The ATA carnet holder, the consignee or consignor of goods temporarily carried into or out of the border under the non-ATA carnet, the exhibition holder or exhibitor may entrust an agent to go through the relevant Customs formalities. In that case, the agent shall provide the Customs with the power of attorney issued by the principal.

### Article 40

Relevant terms used in these Procedures are defined as follows:

Exhibitions, fairs, conferences and similar activities refer to:

- (1) Trade, industrial, agricultural, arts and crafts exhibitions, as well as fairs and expositions;
- (2) Exhibitions or conferences that are organized for the purpose of charity;
- (3) Exhibitions or conferences that are organized to promote scientific and technological, educational, cultural or sports exchanges, or to develop tourist activities or folk friendship;
- (4) Conferences of the representatives of international organizations or international groups; and
- (5) Memorial conferences of representatives held by the government.

Non-public exhibitions that are organized at stores or other business places for the purpose of selling foreign goods are not in the category of the exhibitions, fairs, conferences or similar activities mentioned in these Procedures.

The exhibits refer to:

- (1) Goods displayed at exhibitions;
- (2) Goods used in demonstrating the machines or devices to be displayed at exhibitions;
- (3) Building materials and decoration materials used for setting up temporary booths; and
- (4) Films, slides, video tapes, recording tapes, instructions, advertisements, CDs, display equipment, etc. for advertising goods to be displayed; and
- (5) Other goods to be used for display at exhibitions.

The local competent Customs refers to the Customs at the locality of the exhibition, fair, conference or similar activities held within the territory of China or the Customs at the locality where goods are carried into or out of the border.

#### Article 41

The time limits for the Customs to implement the Customs administrative license as prescribed in these Procedures shall be calculated by the workday, excluding statutory festivals and holidays.

#### Article 42

The General Administration of Customs is responsible for the interpretation of these Procedures.

#### Article 43

These Procedures shall become effective on May 1, 2007. The “Procedures of the Customs of the People’s Republic of China on the Supervision of Exported Exhibits” promulgated on September 20, 1976, the “Procedures of the Customs of the People’s Republic of China on the Supervision of Goods Temporarily Imported” promulgated by the General Administration of Customs on September 3, 1986, the “Procedures of the Customs of the People’s Republic of China on the Supervision of Imported Exhibits” promulgated by Order No. 59 of the General Administration of Customs on February 14, 1997, and the “Procedures of the Customs of the People’s Republic of China on the Supervision of Goods Temporarily Imported or Exported under the ATA Carnets” promulgated by Order No. 93 of the General Administration of Customs on December 24, 2001 shall be repealed as of the same date.

Attachments:

- I. Application for Temporarily Carrying Goods into or out of the Border (omitted)
- II. Decision of the Customs of the People’s Republic of China on Approval of Application for Temporarily Carrying Goods into or out of the Border (omitted)
- III. Decision of the Customs of the People’s Republic of China on Disapproval of Application for

Temporarily Carrying Goods into or out of the Border (omitted)

IV. Application for Extension of the Time Limit for Temporarily Carrying Goods into or out of the Border (omitted)

V. Decision of the Customs of the People's Republic of China on Approval of Application for Extension of Time Limit for Temporarily Carrying Goods into or out of the Border (omitted)

VI. Decision of the Customs of the People's Republic of China on Disapproval of Application for Extension of Time Limit for Temporarily Carrying Goods into or out of the Border (omitted)

VII. ATA Carnet Recourse Notification (omitted)

VIII. ATA Carnet Verification and Cancellation Notification (omitted)

IX. ATA Carnet Payment Notification (omitted)

## **Notice of the General Administration of Customs of PRC on Relevant Issues Concerning Import Taxation Policies for the 2010 Shanghai World Expo**

GAC TAX [2006] No. 3

Attention: The Guangdong Sub-Administration of China Customs, the Supervising Office of General Administration of Customs of PRC in Tianjin, the Supervising Office of General Administration of Customs of PRC in Shanghai and all Customs Districts:

Upon the approval of the State Council, preferential policies on import taxation shall be implemented on import materials for the 2010 Shanghai World Expo (hereinafter referred to as the World Expo). We hereby notify the preferential policies concerning the import taxation and relevant issues in the implementation thereof:

### **I. Specific details of the preferential policies on import taxation**

1. The import duties, import VATs and consumption taxes shall be exempted on the import materials rendered gratis for the World Expo by foreign governments or international organizations and accepted by Shanghai World Expo Coordination Bureau.
2. The import duties and import VATs shall be exempted on such non-trade planning and design materials as models, drawings, plates, e-document optical disks, design illustrations and editions in reduced format imported by Shanghai World Expo (Group) Co., Ltd for the construction of the World Expo pavilions.
3. The import duties and import VATs shall be exempted on facilities that can not be domestically manufactured or the domestically manufactured parts can not meet the needs in terms of product performance, and be exclusively used for the construction of the World Expo pavilions, integrated with the fixed installations, and imported by Shanghai World Expo (Group) Co., Ltd in ordinary trade mode according to relevant policies. The scope and the quantity of facilities imported that can enjoy tax exemption policies shall be examined and verified by the Ministry of Finance after consulting with relevant departments.
4. Exhibits and facilities imported by overseas participants during the period of the World Expo shall be handled according to the provisions on the goods temporarily shipped into the Customs territory. The import duties and import VATs shall be exempted on the exhibits and facilities reshipped out of the Customs territory after the World Expo; formal import formalities shall be gone through for the exhibits and facilities to be continuously used or sold with relevant import duties and import VATs imposed.
5. Non-trade documents imported by overseas participants as publicity materials and design drawings relating to the World Expo, used within the World Expo Park and not entered domestic market shall be administrated according to the provisions of the Customs; the import duties and import VATs on the said non-trade documents shall be exempted on a justified amount.

6. The import duties and import VATs shall be exempted on construction and decoration materials and fixedly installed facilities that is necessary for the construction and layout of pavilions and imported by overseas participants; the scope and quantity of the said construction and decoration materials and fixedly installed facilities that can enjoy tax exemption policies shall be examined and verified by the Ministry of Finance after consulting with relevant departments.

7. The import duties and import VATs shall be exempted on national handicrafts, typical local food, etc. of a justified amount of quantity and value that have to be imported for exhibition activities in the World Expo Park during the World Expo by the Bureau of International Exhibitions, participating countries and regional delegations; the specific variety and amount of quantity and value of the said tax free commodities shall be examined and verified by the Ministry of Finance after consulting with relevant departments.

## II. Relevant issues in implementing the policies

1. The administration of examination and approval formalities for tax exemption on import materials for the World Expo shall be incorporated into the tax reduction and exemption administration system. The customs at the port of entry shall go through the import formalities with tax exemption against the Tax Levying and Exemption Certificate of Import and Export Goods issued by the Shanghai Customs. The modes for the supervision and control of import materials of the World Expo include: ordinary trade (Code No. 0110), temporarily imported or exported goods (Code No. 2600), imported or exported exhibits (Code No. 2700) and materials rendered gratis from foreign governments and international organizations (Code No. 3511). The nature of levy exemption includes: gratis, (Code No. 201) reduction and exemption approved by the State (Code No. 898).

2. Where the scope and amount of quantity and value of the tax free commodities mentioned in preferential policies on import taxation are to be examined and verified by the Ministry of Finance jointly with relevant departments, the customs may handle the clearance formalities for related import materials against tax payment guarantees, and, handle relevant formalities after the scope and amount of quantity and value of the tax free commodities verified.

3. The preferential policies on import taxation for the World Expo shall become effective from December 7, 2005. The taxes already levied on relevant materials before shall not be refunded and the collected tax payment guarantee deposits shall be turned into taxes. The taxes levied and the tax payment guarantee deposits collected for relevant materials from December 7, 2005 to the date of the receipt of this Notice that meet the conditions provided in Item 1 or Item 2 of the above-mentioned preferential policies on import taxation shall be refunded after going through relevant formalities; where the scope and amount of quantity and value of other tax free commodities are to be examined and verified, the formalities for the refund of taxes and tax payment guarantee deposits thereof shall be gone through as provided when the relevant contents are verified.

Please make a timely report to the Customs Duty Department of the General Administration of

Customs of PRC in case of any problems arising from the implementation.  
It is hereby notified.

The General Administration of Customs of the People's Republic of China  
January 4, 2006

## **Frontier Health and Quarantine Law of the People's Republic of China**

(Adopted at the 18th Meeting of the Standing Committee of the Sixth National People's Congress, promulgated by Order No. 46 of the President of the People's Republic of China on December 2, 1986, and effective as of May 1, 1987)

Article 1 This Law is formulated in order to prevent infectious diseases from spreading into or out of the country, to carry out frontier health and quarantine inspection and to protect human health.

Article 2 Frontier health and quarantine offices shall be set up at international seaports, airports and ports of entry at land frontiers and boundary rivers (hereinafter referred to as "frontier ports") of the People's Republic of China. These offices shall carry out the quarantining and monitoring of infectious diseases, and health inspection in accordance with the provisions of this Law. Health administration departments under the State Council shall be in charge of frontier health and quarantine work throughout the country.

Article 3 Infectious diseases specified in this Law shall include quarantinable infectious diseases and infectious diseases to be monitored. Quarantinable infectious diseases shall include plague, cholera, yellow fever and other infectious diseases determined and announced by the State Council. Infectious diseases to be monitored shall be determined and announced by health administration departments under the State Council.

Article 4 Persons, conveyances and transport equipment, as well as articles such as baggage, goods and postal parcels that may transmit quarantinable infectious diseases, shall undergo quarantine inspection upon entering or exiting the country. No entry or exit shall be allowed without the permission of a frontier health and quarantine office. Specific measures for implementation of this Law shall be stipulated in detailed regulations.

Article 5 On discovering a quarantinable infectious disease or a disease suspected to be quarantinable, a frontier health and quarantine office shall, in addition to taking necessary measures, immediately notify the local health administration department; at the same time, it shall make a report to the health administration department under the State Council by the most expeditious means possible, within 24 hours at the latest. Post and telecommunications departments shall give priority to transmissions of reports of epidemic diseases. Messages exchanged between the People's Republic of China and foreign countries on the epidemic situation of infectious diseases shall be handled by the health administration department under the State Council in conjunction with other departments concerned.

Article 6 When a quarantinable infectious disease is prevalent abroad or within China, the State Council may order relevant sections of the border to be blockaded or adopt other emergency measures.

### Chapter II Quarantine Inspection

Article 7 Persons and conveyances on entering the country shall be subject to quarantine inspection at designated places at the first frontier port of their arrival. Except for harbour pilots, no person shall be allowed to embark on or disembark from any means of transport and no articles such as baggage, goods or postal parcels shall be loaded or unloaded without the health and quarantine inspector's permission. Specific measures for the implementation of this Law shall be stipulated in detailed regulations.

Article 8 Persons and conveyances exiting the country shall be subject to quarantine inspection at the last frontier port of departure.

Article 9 When foreign ships or airborne vehicles anchor or land at places other than frontier ports in China, the persons in charge of the ships or airborne vehicles must report immediately to the nearest frontier health and quarantine office or to the local health administration department. Except in cases of emergency, no person shall be allowed to embark on or disembark from the ship or airborne vehicle, and no articles such as baggage, goods and postal parcels shall be loaded or unloaded without the permission of a frontier health and quarantine office or the local health administration department.

Article 10 When a quarantinable infectious disease, a disease suspected to be quarantinable or a death due to an unidentified cause other than accidental harm is discovered at a frontier port, the relevant department at the frontier port and the person in charge of the conveyance must report immediately to the frontier health and quarantine office and apply for provisional quarantine inspection.

Article 11 According to the results of an inspection made by quarantine doctors, the frontier health and quarantine office shall sign and issue a quarantine certificate for entry or exit to a conveyance either uncontaminated by any quarantinable infectious disease or already given decontamination treatment.

Article 12 A person having a quarantinable infectious disease shall be placed in isolation by the frontier health and quarantine office for a period determined by the results of the medical examination, while a person suspected of having a quarantinable infectious disease shall be kept for inspection for a period determined by the incubation period of such disease. The corpse of anyone who died from a quarantinable infectious disease must be cremated at a nearby place.

Article 13 Any conveyance subject to entry quarantine inspection shall be disinfected, deratted, treated with insecticides or given other sanitation measures when found to be in any of the following conditions:

- (1) having come from an area where a quarantinable infectious disease is epidemic;
- (2) being contaminated by a quarantinable infectious disease; or
- (3) revealing the presence of rodents which affect human health or insects which are carriers of disease. Apart from exceptional cases, when the person in charge of the foreign conveyance refuses to allow sanitation measures to be taken, the conveyance shall be allowed to leave the frontier of the People's Republic of China without delay under the supervision of the frontier

health and quarantine office.

Article 14 A frontier health and quarantine office shall conduct sanitation inspections and disinfect, derate, treat with insecticides or apply other sanitation measures to articles such as baggage, goods and postal parcels that come from an epidemic area and are contaminated by a quarantinable infectious disease or may act as a vehicle of a quarantinable infectious disease. A consignor or an agent for the transportation of a corpse or human remains into or out of the country must declare the matter to a frontier health and quarantine office; transport thereof, in either direction across the border, shall not be allowed until sanitary inspection proves satisfactory and an entry or exit permit is given.

### Chapter III Monitoring of Infectious Diseases

Article 15 Frontier health and quarantine offices shall monitor persons on entry or exit for quarantinable infectious diseases and shall take necessary preventive and control measures.

Article 16 Frontier health and quarantine offices shall be authorized to require persons on entry or exit to complete a health declaration form and produce certificates of vaccination against certain infectious diseases, a health certificate or other relevant documents.

Article 17 For persons who suffer from infectious diseases to be monitored, who come from areas in foreign countries where infectious diseases to be monitored are epidemic or who have close contact with patients suffering from infectious diseases to be monitored, the frontier health and quarantine offices shall, according to each case, issue them medical convenience cards, keep them for inspection or take other preventive or control measures, while promptly notifying the local health administration department about such cases. Medical services at all places shall give priority in consultation and treatment to persons possessing medical convenience cards.

### Chapter IV Health Supervision

Article 18 Frontier health and quarantine offices shall, in accordance with state health standards, exercise health supervision over the sanitary condition at frontier ports and the sanitary conditions of conveyances on entry or exit at frontier ports. They shall:

- (1) supervise and direct concerned personnel on the prevention and elimination of rodents and insects that carry diseases;
- (2) inspect and test food and drinking water and facilities for their storage, supply and delivery;
- (3) supervise the health of employees engaged in the supply of food and drinking water and check their health certificates; and
- (4) supervise and inspect the disposal of garbage, waste matter, sewage, excrement and ballast water.

Article 19 Frontier health and quarantine offices shall have frontier port health supervisors, who shall carry out the tasks assigned by the frontier health and quarantine offices. In performing their duties, frontier port health supervisors shall be authorized to conduct health supervision and give

technical guidance regarding frontier ports and conveyances on entry or exit; to give advice for improvement wherever sanitary conditions are unsatisfactory and factors exist that may spread infectious diseases; and to coordinate departments concerned to take necessary measures and apply sanitary treatment.

## Chapter V Legal Liability

Article 20 A frontier health and quarantine office may warn or fine, according to the circumstances, any unit or individual that has violated the provisions of this Law by committing any of the following acts:

- (1) evading quarantine inspection or withholding the truth in reports to the frontier health and quarantine office;
- (2) embarking on or disembarking from conveyances upon entry, or loading or unloading articles such as baggage, goods or postal parcels, without the permission of a frontier health and quarantine office and refusing to listen to the office's advice against such acts. All fines thus collected shall be turned over to the state treasury.

Article 21 If a concerned party refuses to obey a decision on a fine made by a frontier health and quarantine office, he may, within 15 days after receiving notice of the fine, file a lawsuit in a local people's court. The frontier health and quarantine office may apply to the people's court for mandatory enforcement of a decision if the concerned party neither files a lawsuit nor obeys the decision within the 15-day term.

Article 22 If a quarantinable infectious disease is caused to spread or is in great danger of being spread as a result of a violation of the provisions of this Law, criminal responsibility shall be investigated in accordance with Article 178 of the Criminal Law of the People's Republic of China.

Article 23 The personnel of frontier health and quarantine offices must enforce this Law impartially, perform duties faithfully and promptly conduct quarantine inspection on conveyances and persons upon entry or exit. Those who violate the law or are derelict in their duties shall be given disciplinary sanctions; where circumstances are serious enough to constitute a crime criminal responsibility shall be investigated in accordance with the law.

## Chapter VI Supplementary Provisions

Article 24 Where the provisions of this Law differ from those of international treaties on health and quarantine that China has concluded or joined, the provisions of such international treaties shall prevail, with the exception of the treaty clauses on which the People's Republic of China has declared reservations.

Article 25 In cases of temporary contact between frontier defense units of the People's Republic of China and those of a neighbouring country, of a temporary visit at a designated place on the frontier by residents of the border areas of the two countries and of entry or exit of conveyances

and persons of the two sides, quarantine inspection shall be conducted in line with the agreements between China and the other country or, in the absence of such an agreement, in accordance with the relevant regulations of the Chinese Government.

Article 26 Frontier health and quarantine offices shall charge for health and quarantine services according to state regulations.

Article 27 The health administration department under the State Council shall, in accordance with this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 28 This Law shall go into effect on May 1, 1987. On the same day, the Frontier Health and Quarantine Regulations of the People's Republic of China promulgated on December 23, 1957, shall be invalidated.

# **Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine**

Order of the President of the People's Republic of China No.53

The Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine, adopted at the 22nd Meeting of the Standing Committee of the Seventh National People's Congress on October 30, 1991, is now promulgated, and shall enter into force as of April 1, 1992.

President of the People's Republic of China: Yang Shangkun  
October 30, 1991

## Chapter I General Provisions

Article 1 This Law is formulated for the purpose of preventing infectious or parasitic diseases of animals, diseases, insect pests and weeds dangerous to plants, and other harmful organisms (hereinafter referred to, for short, as diseases, insect pests and harmful organisms) from spreading into or out of the country, protecting the production of agriculture, forestry, animal husbandry and fishery as well as human health, and promoting the development of foreign economic relations and trade.

Article 2 Animals and plants, their products and other quarantine objects, containers and packaging materials used for carrying animals and plants, their products or other quarantine objects, as well as means of transport from animal or plant epidemic areas shall, on entry or exit, be subject to quarantine inspection in accordance with this Law.

Article 3 An animal and plant quarantine department shall be instituted under the State Council (hereinafter referred to, for short, as the State animal and plant quarantine department), which shall conduct a unified administration of the entry and exit animal and plant quarantine in the whole country. Port animal and plant quarantine offices set up by the State animal and plant quarantine department at ports open to the outside world and at places busy with entry and exit animal and plant quarantine shall, in accordance with this Law, carry out entry and exit animal and plant quarantine.

The department in charge of the quarantine of animal products leaving the country for trade purposes shall be designated by the State Council as it deems appropriate.

The department of agriculture administration under the State Council shall be in charge of the entry and exit animal and plant quarantine in the whole country.

Article 4 A port animal and plant quarantine office may exercise the following functions and powers when performing quarantine inspection:

- (1) Embarking on a ship, a vehicle or an airplane to perform quarantine under this Law;
- (2) Entering a seaport, an airport, a railway or coach station, a post office or a site where quarantine objects are stored, processed, bred or cultivated, to perform quarantine inspection and collect samples according to relevant regulations;

- (3) Entering a site relating to production or storage according to the needs of quarantine, to carry out epidemic monitoring and investigations or quarantine supervision and control;
- (4) Consulting, making copies of or excerpts from operational diaries, bills of lading, contracts, invoices or other documents relating to the quarantine objects.

Article 5 The State shall prohibit the following objects from entering the country:

- (1) Pathogenic micro-organisms (including seed cultures of bacteria and viruses) of animals and plants, insect pests and other harmful organisms;
- (2) Relevant animals and plants, their products and other quarantine objects from countries or regions with prevalent epidemic animal or plant diseases;
- (3) Animal carcasses; and
- (4) Soil.

When a port animal and plant quarantine office discovers any objects prohibited from entering the country as prescribed in the preceding paragraph, such objects shall be returned or destroyed.

Whoever, because of special needs such as scientific research, imports any objects prohibited from entering the country as prescribed in the first paragraph of this Article, must submit an application in advance, which shall be subject to the approval by the State animal and plant quarantine department.

The catalogues of objects prohibited from entering the country as prescribed in (2) of the first paragraph of this Article shall be worked out and announced by the department of agriculture administration under the State Council.

Article 6 In the event that a serious animal or plant epidemic occurs abroad and is liable to spread into the country, the State Council shall adopt emergent preventive measures and may, when necessary, issue orders to prohibit means of transport from animal or plant epidemic areas from entering the country or to blockade the relevant ports; the local people's governments in areas threatened by the animal or plant epidemic as well as the port animal and plant quarantine offices concerned shall immediately take emergency measures, and, at the same time, report to the people's governments at higher levels and the State animal and plant quarantine department.

The departments of posts and telecommunications and departments of transportation shall give priority to transmitting or transporting reports concerning serious animal or plant epidemic or materials to be sent for quarantine inspection.

Article 7 The State animal and plant quarantine department and port animal and plant quarantine offices shall practise a quarantine supervision system in relation to the procedures in the production, processing and storage of animals and plants and their products for entry or exit.

Article 8 When a port animal and plant quarantine office is carrying out its tasks of quarantine inspection in seaports, airports, railway or coach stations, or post offices, relevant departments such as the Customs, departments of communications, civil aviation, or railways, and postal services shall coordinate therewith.

Article 9 Any quarantine functionary of an animal and plant quarantine organ must be devoted to his or her duties and enforce the law impartially.

No unit or individual may obstruct a quarantine functionary of an animal and plant quarantine organ from carrying out his or her duties according to law.

## Chapter II Entry Quarantine

Article 10 Whoever imports animals, animal products, plant seeds, seedlings or other propagating materials must submit an application in advance and go through the formalities for examination and approval of quarantine inspection.

Article 11 Whoever imports animals and plants, their products or other quarantine objects through trade, scientific and technological cooperation, exchanges, donations or aid shall specify in the contracts or agreements the requirements for quarantine inspection prescribed by China's law and the necessity of quarantine certificates issued by the animal and plant quarantine department under the government of the exporting country or region being appended therewith.

Article 12 The owner or his or her agent shall apply to the port animal and plant quarantine office at the port of entry for quarantine inspection of the animals and plants, their products or other quarantine objects, before or on their entry, on the strength of documents such as the quarantine certificates issued by the exporting country or region and the trade contracts.

Article 13 On arrival at a port of a means of transport for carrying animals, the port animal and plant quarantine office shall for the prevention of epidemics adopt on the spot preventive measures and conduct disinfection of persons embarking on or disembarking from the means of transport or having contacts with the animals, the means of transport for carrying the animals and the contaminated fields.

Article 14 Import animals and plants, their products and other quarantine objects shall be quarantined at the port of entry; without consent of the port animal and plant quarantine office, the same shall not be unloaded from the means of transport.

The import animals and plants that need to be placed in isolation for quarantine inspection shall be quarantined in an isolation court designated by the port animal and plant quarantine office.

By reason of limited conditions at the port of entry, the State animal and plant quarantine department may decide to have the animals and plants, their products or other quarantine objects transported to a designated place for quarantine inspection. In the course of transportation, loading and unloading, the owner or his or her agent shall take preventive measures against epidemics. Designated places for storage, processing, isolated feeding or planting shall conform to the provisions on animal and plant quarantine and epidemic prevention.

Article 15 The import animals and plants, their products or other quarantine objects that pass the quarantine inspection are allowed to enter the country; the Customs shall, after verification, release the same on the strength of the quarantine certificates issued, or the stamps on the customs declaration forms affixed, by the port animal and plant quarantine office.

In respect of the import animals and plants, their products or other quarantine objects that need to be transferred away from a customs surveillance zone for quarantine inspection, the Customs shall,

after verification, release the same on the strength of the Quarantine Transference Notice issued by the port animal and plant quarantine office.

Article 16 In respect of the import animals that fail in the quarantine inspection, the port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the owner or his or her agent to deal with the said animals in either of the following manners:

(1) The animals that are found suffering from Class A infectious or parasitic diseases, shall, together with all the other in-contact animals, be returned or slaughtered with their carcasses destroyed; or

(2) The animals that are found suffering from Class B infectious or parasitic diseases shall be returned or slaughtered; and the other in contact animals shall be placed in an isolation camp or any other designated place for observation.

In respect of import animal products or other quarantine objects that fail in the quarantine inspection, the port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the owner or his or her agent to conduct such treatments as disinfection and disinfestation, returning or destruction. The products or objects that pass the quarantine inspection after a treatment of disinfection and disinfestation are allowed to enter the country.

Article 17 On discovering through quarantine inspection that import plants, plant products or other quarantine objects are contaminated with diseases, pests or weeds dangerous to plants, the port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the owner or his or her agent to conduct such treatments as disinfection and disinfestation, returning or destruction. Those that pass the quarantine inspection after a treatment of disinfection and disinfestation are allowed to enter the country.

Article 18 The catalogues of the Class A and Class B infectious or parasitic diseases of animals specified in Article 16, paragraph 1, Items 1 and 2 of this Law and the catalogues of the diseases, pests or weeds dangerous to plants specified in Article 17 of this Law shall be worked out and announced by the department of agriculture administration under the State Council.

Article 19 On discovering through quarantine inspection that import animals and plants, their products or other quarantine objects are contaminated with diseases, insect pests or harmful organisms which are not covered by the catalogues specified in Article 18 of this Law but are extremely harmful to agriculture, forestry, animal husbandry and fishery, the port animal and plant quarantine office shall, in accordance with relevant regulations of the department of agriculture administration under the State Council, notify the owner or his or her agent to conduct such treatments as disinfection and disinfestation, returning or destruction. Those that pass the quarantine inspection after a treatment of disinfection and disinfestation are allowed to enter the country.

### Chapter III Exit Quarantine

Article 20 The owner, or his or her agent, of exit animals and plants, their products or other quarantine objects shall, before their exit, submit an application for quarantine inspection to the

port animal and plant quarantine office.

The animals that need to be placed in isolation for quarantine inspection before exit shall be quarantined in an isolation court designated by the port animal and plant quarantine office.

Article 21 Export animals and plants, their products or other quarantine objects shall be quarantined by the port animal and plant quarantine office, and those that pass the quarantine inspection or conform to the standards after a treatment of disinfection and disinfestation are allowed to leave the country. The Customs shall, after verification, release the same on the strength of the quarantine certificates issued, or the stamps on the customs declaration forms affixed, by the port animal and plant quarantine office. Those that fail in the quarantine inspection and are unable to be treated by disinfection and disinfestation with effective methods shall not be allowed to leave the country.

Article 22 Where the animals and plants, their products or other quarantine objects that pass the quarantine inspection are involved in any of the following circumstances, the owner or his or her agent shall re-apply for quarantine inspection:

- (1) Where the importing country or region is changed, and the changed importing country or region has different requirements for quarantine inspection;
- (2) Where the packings are changed or the unpacked products or objects are subsequently packed;
- (3) Where the stipulated valid period of quarantine is exceeded.

#### Chapter IV Transit Quarantine

Article 23 Whoever requests a transit of animals through the Chinese territory must obtain in advance and through consultation the consent of China's State animal and plant quarantine department and the transit must be conducted through the designated port and route.

The means of transport, containers, feeding stuffs and bedding materials for the animals in transit must all conform to China's regulations on animal and plant quarantine.

Article 24 The transit of animals and plants, their products or other quarantine objects requires the consignor or the escort to submit at the port of entry the bills of lading and the quarantine certificates issued by the animal and plant quarantine department under the government of the exporting country or region to the port animal and plant quarantine office for quarantine inspection. No further quarantine inspection is needed at the port of exit.

Article 25 The transit animals that pass the quarantine inspection are allowed to pass through the country; and in case any infectious or parasitic disease of animals specified in the catalogues as stipulated in Article 18 of this Law is discovered, the entire flock of the animals shall not be allowed to transit.

The transit animals' feeding stuffs that are contaminated with diseases, insect pests or harmful organisms shall be subjected to such treatments as disinfection and disinfestation, denial of transit or destruction.

The carcasses, excrements, bedding materials and other wastes of the transit animals must be disposed of in accordance with the regulations of the animal and plant quarantine department, and

may not be cast away without authorization.

Article 26 The port animal and plant quarantine office shall examine the means of transport and the packings, in respect of the transit plants, animal and plant products or other quarantine objects, which are allowed to transit through the country if they pass the quarantine inspection; in case any disease, insect pest or harmful organism specified in the catalogues as stipulated in Article 18 of this Law is discovered, it shall be subjected to a treatment of disinfection and disinfestation or denial of transit.

Article 27 Animals and plants, their products or other quarantine objects, in the course of their transit, may not be unpacked or discharged from the means of transport without the approval of the animal and plant quarantine organ.

#### Chapter V Quarantine of Materials Carried by Passengers or by Post

Article 28 Whoever intends to carry or post plant seeds, seedlings or other propagating materials into the country must submit an application in advance and go through the formalities for examination and approval of quarantine inspection.

Article 29 The catalogues of the animals and plants, their products and other quarantine objects that are not allowed to be carried or posted into the country shall be worked out and announced by the department of agriculture administration under the State Council.

In case any animals or plants, animal or plant products or other quarantine objects specified in the catalogues mentioned in the preceding paragraph are carried or posted into the country, they shall either be returned or destroyed.

Article 30 Whoever enters the country carrying animals or plants, animal or plant products or other quarantine objects which are not included in the catalogues specified in Article 29 of this Law shall declare them to the Customs at the port of entry and accept the quarantine inspection by the port animal and plant quarantine office.

Whoever carries animals into the country must hold such papers as quarantine certificates issued by the exporting country or region.

Article 31 The port animal and plant quarantine office shall, in respect of the animals and plants, their products or other quarantine objects not included in the catalogues specified in Article 29 of this Law, carry out quarantine inspection at the International Postage Exchange Bureau, or, when necessary, take the same back to the port animal and plant quarantine office for quarantine inspection; and the same shall not be transported or delivered without undergoing quarantine inspection.

Article 32 Animals or plants, animal or plant products or other quarantine objects that enter the country by post shall be released if they pass the quarantine inspection or conform to the standards after the treatment of disinfection and disinfestation; those that fail in quarantine inspection and are unable to be treated by disinfection and disinfestation with effective methods shall be returned

or destroyed, and the Quarantine Treatment Notice shall be issued.

Article 33 The animals or plants, animal or plant products or other quarantine objects that are carried or posted out of the country shall be quarantined by the port animal and plant quarantine office, upon request by the owner thereof.

#### Chapter VI Quarantine of Means of Transport

Article 34 Ships, airplanes or trains from the animal or plant epidemic areas shall, upon their arrival at the port, be quarantined by the port animal and plant quarantine office. In the event any disease, insect pest or harmful organism specified in the catalogues mentioned in Article 18 of this Law is discovered, the cargoes shall be subjected to such treatments as prohibition from discharge from the means of transport, disinfection and disinfestation, sealing up or destruction.

Article 35 Vehicles entering the country shall be disinfected for epidemic prevention by the port animal and plant quarantine office.

Article 36 The swills and wastes of animal or plant nature on the means of transport entering or leaving the country shall be disposed of in accordance with the regulations of the port animal and plant quarantine office and may not be cast away without authorization.

Article 37 The means of transport carrying export animals and plants, their products or other quarantine objects shall conform to the regulations on animal and plant quarantine and epidemic prevention.

Article 38 The old and disused ships entering the country for disassembling purposes shall be quarantined by the port animal and plant quarantine office. In the event that diseases, insect pests or harmful organisms specified in the catalogues mentioned in Article 18 of this Law are discovered, the said ships shall be subjected to a treatment of disinfection and disinfestation.

#### Chapter VII Legal Responsibility

Article 39 Whoever, in violation of this Law, commits any of the following acts shall be fined by the port animal and plant quarantine office:

- (1) Failing to apply for quarantine inspection or failing to go through the formalities for examination and approval of quarantine inspection in accordance with the law;
- (2) Unloading animals or plants, animal or plant products or other quarantine objects entering the country from the means of transport or transporting or delivering the same, without permission of the port animal and plant quarantine office;
- (3) Transferring or disposing of, without authorization, the animals or plants subjected to quarantine inspection in an isolation court designated by the port animal and plant quarantine office.

Article 40 Where the animals or plants, animal or plant products or other quarantine objects

declared for quarantine inspection do not conform to the actual conditions, the applicant shall be fined by the port animal and plant quarantine office; and the quarantine certificates already obtained shall be revoked.

Article 41 Whoever, in violation of this Law and without authorization, unpacks the packings of transit animals or plants, animal or plant products or other quarantine objects, discharges transit animals or plants, animal or plant products or other quarantine objects from the means of transport, or casts away transit animals' carcasses, excrements, bedding materials or other wastes, shall be fined by the port animal and plant quarantine office.

Article 42 Whoever violates the provisions of this Law and causes a serious animal or plant epidemic shall be investigated for criminal responsibility by applying *mutatis mutandis* the provisions of Article 178 of the Criminal Law.

Article 43 Whoever forges or alters the quarantine certificates, stamps, marks or seals shall be investigated for criminal responsibility in accordance with the provisions of Article 167 of the Criminal Law.

Article 44 If a party is not satisfied with the decision on punishment made by an animal and plant quarantine organ, it may, within 15 days after receipt of the notification of the punishment, apply for reconsideration to the organ at the next higher level over the organ that has made the decision on punishment; the party may also directly bring a suit in a people's court within 15 days after receipt of the notification of the punishment.

The reconsideration organ shall, within 60 days after receipt of the application for reconsideration, make a reconsideration decision. If the party is not satisfied with the reconsideration decision, it may, within 15 days after receipt of the reconsideration decision, bring a suit in a people's court. If the reconsideration organ fails to make a reconsideration decision within the prescribed period, the party may bring a suit within 15 days after the expiration of the period for reconsideration.

If the party neither applies for reconsideration within the time limit, nor brings a suit in a people's court, nor complies with the decision on punishment, the organ that has made the decision on punishment may apply to a people's court for compulsory execution.

Article 45 Where a quarantine functionary of an animal and plant quarantine organ who abuses his or her power, practices favoritism or embezzlement, forges a quarantine result, or neglects his or her duty or delays the performance of quarantine inspection and the issuance of certificates, criminal responsibility shall be investigated according to law if the offence constitutes a crime; if the offence does not constitute a crime, the offender shall be subjected to administrative sanctions.

#### Chapter VIII Supplementary Provisions

Article 46 As used in this Law, the following terms respectively mean:

- (1) "Animals" mean the live animals, whether domesticated or wild, such as livestock, poultry, beasts, snakes, tortoises, fishes, shrimps and prawns, crabs, shellfishes, silkworms and bees;
- (2) "Animal products" mean the no processed products or the processed products, from animals,

still liable to spread epidemic diseases, such as raw hides, hairs, meats, viscerae, fat and grease, aquatic animal products, dairy products, eggs, blood, semens, embryos, bones, hoofs and horns;

(3) "Plants" mean cultivated plants, wild plants, their seeds and seedlings and other propagating materials;

(4) "Plant products" mean the non-processed products or the processed products, from plants, still liable to spread diseases, insect pests or harmful organisms, such as grain, beans, cotton, oils, fibres, tobacco, kernel, dried fruits, fresh fruits, vegetables, raw medicinal herbs, logs and feeding stuffs;

(5) "Other quarantine objects" mean animal vaccine, blood serum, diagnostic reagents, wastes of animal or plant nature.

Article 47 If provisions of this Law contravene those of the international treaties concerning animal and plant quarantine which the People's Republic of China has concluded or to which China is a party, the provisions of the international treaties concerned shall prevail, with the exception of the treaty clauses on which the People's Republic of China has declared reservations.

Article 48 Port animal and plant quarantine offices shall collect fees, according to relevant regulations, for performing quarantine inspection. The measures for the collection of fees shall be worked out by the department of agriculture administration under the State Council together with the competent departments such as the pricing department under the State Council.

Article 49 The State Council shall, on the basis of this Law, formulate the implementing regulations.

Article 50 This Law shall enter into force as of April 1, 1992. The Regulations of the People's Republic of China on the Import and Export Animal and Plant Quarantine promulgated by the State Council on June 4, 1982 shall be annulled simultaneously.

## **Regulations for the Implementation of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine**

(Promulgated by Decree No. 206 of the State Council of the People's Republic of China on December 2, 1996)

### Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the provisions of the "Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine" (hereinafter referred to as the Law on the Entry and Exit Animal and Plant Quarantine).

Article 2 The following objects shall be subject to quarantine in accordance with the provisions of the Law on the Entry and Exit Animal and Plant Quarantine and those of these Regulations:

- (1) Entry, exit or transit animals and plants, their products and other quarantine objects;
- (2) Containers, packaging materials and bedding materials used for carrying animals and plants, their products or other quarantine objects;
- (3) Means of transport from an animal and plant epidemic area;
- (4) Waste vessels for dismantling after entry; and
- (5) Other goods and items subject to entry and exit animal and plant quarantine according to provisions of relevant laws, administrative regulations and international treaties or as agreed upon in trade contracts.

Article 3 The department of agriculture administration under the State Council shall be in charge of the entry and exit animal and plant quarantine in the whole country.

The Bureau of Animal and Plant Quarantine of the People's Republic of China (hereinafter referred to as the State Bureau of Animal and Plant Quarantine) shall exercise unified control over the entry and exit animal and plant quarantine in the whole country, collect information on major animal and plant epidemics at home and abroad and be responsible for international cooperation and exchanges in entry and exit animal and plant quarantine.

The State Bureau of Animal and Plant Quarantine shall establish port animal and plant quarantine organs in open ports and at places where there is concentration of entry and exit animal and plant quarantine operations, and perform entry and exit animal and plant quarantine according to the provisions of the Law on the Entry and Exit Animal and Plant Quarantine and these Regulations.

Article 4 In the event that a serious animal or plant epidemic occurs outside the territory and is liable to spread into the country, the following emergent preventive measures shall be adopted in the light of the prevailing conditions:

- (1) The State Council may take control measures in the border regions concerned and may, when necessary, order the ban of entry of means of transport from the animal and plant epidemic area or seal the ports concerned;
- (2) The department of agriculture administration under the State Council may publish catalogues of animals and plants, their products and other quarantine objects the entry of which shall be banned from the country or region where there is an animal or plant epidemic;

(3) The port animal and plant quarantine organs concerned may take emergent quarantine measures with regard to the entry objects likely contaminated by epidemics or pests as listed in Article 2 of these Regulations; and

(4) The local people's governments of the areas under the threat of animal or plant epidemic may immediately call the departments concerned to work out and implement emergent plans, and simultaneously report to the people's governments at a higher level and the State Bureau of Animal and Plant Quarantine.

The departments of posts and telecommunications and departments of transportation shall give top priority to transmitting or transporting reports concerning serious animal or plant epidemics or materials to be sent for quarantine inspection.

Article 5 Entry of animals and plants, their products and other quarantine objects for either official use or private use by foreign organizations and personnel enjoying diplomatic or consular privileges and immunity shall be subject to quarantine in accordance with the provisions of the Law on the Entry and Exit Animal and Plant Quarantine and those of these Regulations; the port animal and plant quarantine organs shall comply with the provisions of relevant laws when performing inspection.

Article 6 The customs shall, according to law, coordinate with port animal and plant quarantine organs in exercising supervision and control over entry and exit animals and plants, their products and other quarantine objects. Specific measures shall be formulated by the department of agriculture administration under the State Council in conjunction with the General Administration of Customs.

Article 7 The catalogues of animal and plant epidemic areas and countries and regions where there are animal and plant epidemics referred to in the Law on Entry and Exit Animal and Plant Quarantine shall be determined and published by the department of agriculture administration under the State Council.

Article 8 Units and individuals that make outstanding achievements in the implementation of the Law on the Entry and Exit Animal and Plant Quarantine and these Regulations shall be rewarded.

## Chapter II Examination and Approval of Quarantine Inspection

Article 9 The State Bureau of Animal and Plant Quarantine or its authorized port animal and plant quarantine organs shall be responsible for the examination and approval of quarantine inspection with respect to the import of animals, animal products and objects prohibited from entering the country as listed in Item 1, Article 5 of the Law on Entry and Exit Animal and Plant Quarantine. The organs prescribed by the Regulations on Plant Quarantine shall be responsible for the examination and approval of quarantine inspection with respect to the import of plant seeds, seedlings and other propagating materials.

Article 10 Procedures of examination and approval of quarantine inspection for import may be processed when the following conditions are satisfied:

- (1) The exporting country or region has no serious animal or plant epidemic;
- (2) The import of which is in compliance with the provisions of the relevant Chinese laws, regulations and rules on animal and plant quarantine; and (3) The import of which is in compliance with relevant bilateral quarantine agreements (including quarantine agreements and aide memoires, same below) signed between and by China and the exporting countries or regions.

Article 11 Procedures of examination and approval of quarantine inspection shall be completed before the signing of the trade contracts or agreements.

Article 12 For entry into the country of plant seeds, seedlings and other propagating materials by carrying or by post, an application shall be submitted in advance and formalities for the examination and approval of quarantine inspection completed; under extraordinary circumstances when the formalities cannot be completed in advance, the carrier or sender shall complete the formalities for examination and approval of quarantine inspection at the port and the same shall be allowed to enter the country upon the consent of the examination and approval authority and upon quarantine clearance.

Article 13 For request to transport animals in transit, the owner or his or her agent shall submit a written application to the State Bureau of Animal and Plant Quarantine in advance and present certifications on the epidemic situation issued by the animal and plant quarantine authority of the government of the exporting country or region, the certificate issued by the animal and plant quarantine organ of the government of the importing country or region permitting the entry of the same, and illustrate the proposed transit route. The State Bureau of Animal and Plant Quarantine shall issue an "Animal Transit Permit" upon examination and approval.

Article 14 In respect of special needs for scientific research, when processing the formalities of special examination and approval of quarantine inspection for objects prohibited from entry as prescribed in paragraph 1, Article 5 of the Law on Entry and Exit Animal and Plant Quarantine, the consignor, the owner or his or her agent must submit a written application describing quantity, use, mode of entry and epidemic prevention measures after entry, and enclose there marks by the port animal and plant quarantine office concerned.

Article 15 If any of the following circumstances occurs after the completion of the formalities of examination and approval of quarantine inspection, the consignor, owner or his or her agent shall once again apply for the examination and approval of quarantine inspection:

- (1) Change in category or quantity of entry objects;
- (2) Change in the exporting country or region;
- (3) Change in port of entry; or
- (4) Expiration of the validity of the approval of quarantine inspection.

### Chapter III Entry Quarantine

Article 16 The quarantine requirements prescribed by China's law referred to in Article 11 of the

Law on Entry and Exit Animal and Plant Quarantine mean the quarantine requirements prescribed by China's laws, administrative regulations and the department of agriculture administration under the State Council.

Article 17 The State shall practice the registration system for production, processing and stockpiling units of animal and plant products abroad for export to China. The specific measures shall be formulated by the department of agriculture administration under the State Council.

Article 18 For the import of animals or plants, their products or other quarantine objects, the owner or his or her agent shall apply to the animal and plant quarantine office at the place of entry before entry or upon entry for quarantine. In the case of quarantine to be conducted away from the Customs supervision and control area, the owner or his or her agent shall notify the animal and plant quarantine office at the port concerned upon arrival of the same at the designated place. In the case of goods being shipped to another Customs area, the owner or his or her agent shall, upon entry, submit A declaration to the animal and plant quarantine office at the port of entry, and shall submit the same to the port animal and plant quarantine office at the designated place for quarantine upon arrival of the same at the designated place.

For the import of stud stock, their sperms or fetuses, application for quarantine shall be submitted 30 days before entry of the same; for the import of other animals, application for quarantine shall be submitted 15 days before entry of the same; for the import of plant seeds, seedlings or other propagating materials, application for quarantine shall be submitted 7 days before entry of the same.

For the entry of packaging materials or bedding materials of the nature of animal or plant, the owner or his or her agent shall submit the declaration to the port animal and plant quarantine office in time; the animal and plant quarantine office may perform quarantine of the declared objects in the light of specific conditions.

The packaging materials or bedding materials of the nature of animal or plant referred to in the aforesaid paragraph mean the animal products, plants or plant products used directly as packaging materials or bedding materials.

Article 19 An application form for quarantine shall be filled in when applying for quarantine to the port animal and plant quarantine office, and the quarantine certificate issued by the animal and plant quarantine office of the government of the exporting country or region, the certificate of origin, the trade contract, the letter of credit and the invoices, etc. shall be presented; in the case of necessity of formalities of examination and approval of quarantine inspection according to law, an approval document for quarantine inspection shall be submitted. For objects without valid quarantine certificate issued by the animal and plant quarantine office of the government of the exporting country or region or in the case of failure to complete the formalities of examination and approval of quarantine inspection for the same according to law, the port animal and plant quarantine office may return or destroy the same objects in the light of the specific circumstances.

Article 20 On arrival at the port of the imported animals or plants, their products or other quarantine objects, the quarantine functionaries may embark on the means of transport or go to the site of the objects to perform quarantine inspection, to check whether the goods are in

keeping with the certificates, and may collect samples in accordance with regulations. The carrier, the owner or his or her agent shall submit the list of loading and other relevant information to the quarantine functionaries.

Article 21 On arrival at the port of the means of transport loaded with animals, persons embarking or disembarking the same and persons close to the animals shall be subject to epidemic prevention disinfection by the port animal and plant quarantine office, and shall carry out other on-the-spot preventive measures adopted by it.

Article 22 Quarantine functionaries shall perform on-the-spot quarantine according to the following provisions:

(1) For animals: Check to see whether there are clinical symptoms of an epidemic. Upon discovery of animals suspected to have infected with infectious diseases or dead animals, the situation shall be verified and dealt with forth with the cooperation of the owner or the escort. For bedding materials, left-over fodder and excretion of animals, the treatment of removal of harmful effects shall be carried out by the owner or his or her agent under the supervision of the quarantine functionaries.

(2) For animal products: Check to see whether there are signs of staleness or deterioration and whether the containers and packages are in perfect condition. For those in line with the required standards, permission shall be granted for unloading from the means of transport. On discovery of bail-off or broken or cracked containers, permission shall be granted for unloading from the means of transport only when the owner or his or her agent takes the responsibility upon himself or herself to make them good again. Treatment of disinfection shall be carried out with regard to the concerned parts of the means of transport as well as the containers, outer packages, bedding materials and the contaminated sites loading animal products in the light of prevailing circumstances. In case of necessity of laboratory quarantine, samples shall be collected in accordance with regulations. For animal products liable to breed plant insects or animal products mixed with concealed weed seeds, simultaneous plant quarantine shall be performed.

(3) For plants and plant products: Check to see whether the goods and packing contain plant diseases or insect pests and collect samples as prescribed. On discovery of plant diseases or insect pests which are likely to spread, necessary timely epidemic prevention measures shall be taken with respect to such goods, the means of transport and the loading-unloading sites. For plant products from the epidemic area of an animal infectious disease or likely to carry pathogens of animal infectious diseases or parasitic diseases and used as animal fodder, simultaneous animal quarantine shall be performed.

(4) For packing and bedding materials of the nature of animals or plants: Check to see whether they carry diseases or insect pests, are mixed with concealed weed seeds or carry soil with them, and collect samples as prescribed.

(5) For other quarantine objects: Check to see whether the packing are in perfect condition and whether they are contaminated by diseases or insect pests. On discovery of breakage or contamination by diseases or insect pests, treatment for the removal of harmful effects shall be carried out.

Article 23 Inspection shall be carried out at different levels of bulk animal and plant products

carried by ships or trains; inability to carry out on-the-spot inspection in view of limited storage facilities at the port or the railway station, the goods may be unloaded and transported to the designated place for storage with the consent of the port animal and plant quarantine office. On discovery of epidemic in the process of unloading, the unloading operation shall be suspended forthwith, and the owner or his or her agent shall carry out treatment for the removal of harmful effects from the loaded and unloaded goods in accordance with the requirements of the port animal and plant quarantine office.

Article 24 Imported big or medium-size cattle for breeding purposes shall be quarantined in isolation for 45 days in an isolated animal quarantine court set up by the State Bureau of Animal and Plant Quarantine; other imported animals shall be quarantined in isolation for 30 days in an isolated animal quarantine court designated by the port animal and plant quarantine office. Control measures for isolated animal quarantine courts shall be formulated by the department of agriculture administration under the State Council.

Article 25 When the same batch of entry animal or plant products is to be unloaded separately at different ports, the port animal and plant quarantine office shall only perform quarantine of the goods unloaded at the said port. The port animal and plant quarantine office of the first unloading port shall notify in time the port animal and plant quarantine offices of other separate unloading ports of the information on quarantine and treatment; the port animal and plant quarantine office of the last unloading port shall unifiedly issue quarantine certificates, when they are needed, after gathering all necessary information.

Discovery of epidemic in the process of quarantine inspection at the separate unloading port which requires on-board fumigation or disinfection, the port animal and plant quarantine office at the said separate unloading port shall unifiedly issue quarantine certificates and notify in time the port animal and plant quarantine offices at other separate unloading ports.

Article 26 The imported animals and plants, animal and plant products and other quarantine objects shall be quarantined in accordance with the national or industrial standards of China or the relevant provisions of the State Bureau of Animal and Plant Quarantine.

Article 27 For import animals or plants, animal or plant products or other quarantine objects which pass quarantine inspection, the port animal and plant quarantine office shall affix its stamp on the Customs declaration form or issue a "Quarantine Clearance Notice". For goods which require to be transferred from the Customs supervision and control area at the port of entry for quarantine, the port animal and plant quarantine office at the port of entry shall issue a "Quarantine Transfer Notice". The owner or his or her agent shall go through the formalities of Customs declaration, shipment and delivery on the strength of the stamp affixed by the port animal plant quarantine office on the Customs declaration form or on the strength of the "Quarantine Clearance Notice" or "Quarantine Transfer Notice" issued by it. The Customs shall perform inspection on and issue clearance for the import animals or plants, their products or other quarantine objects on the strength of the stamp affixed by the port animal and plant quarantine office on the Customs declaration form or the "Quarantine Clearance Notice" or "Quarantine Transfer Notice" issued by it. The departments of transportation and departments of

posts and telecommunications shall effect shipment and delivery on the strength of the aforesaid form and notices and no further quarantine shall be performed by other quarantine organs in the country during shipment and delivery.

Article 28 For import animals or plants, their products or other quarantine objects that fail to pass quarantine, the port animal and plant quarantine office shall issue a “quarantine treatment notice”, notifying the owner or his or her agent to carry out treatment for the removal of harmful effects under the supervision and technical guidance of the port animal and plant quarantine office; the port animal and plant quarantine office shall issue quarantine certificates for those seeking claims from foreign exporters.

Article 29 The State Bureau of Animal and Plant Quarantine may dispatch quarantine personnel to perform pre-quarantine, supervision over loading or conduct epidemic investigation in the place of origin according to quarantine requirements and with the agreement of the organs concerned of the government of the exporting country or region of the animals or plants or their products after consultation.

Article 30 Illegal entry animals and plants, their products and other quarantine objects intercepted and captured by the Customs, border control departments or other departments shall be handed over to the nearest port animal and plant quarantine office for quarantine.

#### Chapter IV Exit Quarantine

Article 31 The owner or his or her agent shall provide the trade contract or agreement when going through the formalities of application for exit quarantine inspection of animals or plants, their products or other quarantine objects according to law.

Article 32 If the importing country requires China to register the production, processing and stockpiling units engaging in export to their country of animals or plants, their products or other quarantine objects, the port animal and plant quarantine office may practice registration and report to the State Bureau of Animal and Plant Quarantine for the record.

Article 33 Export animals that need to be placed in isolation for quarantine inspection before exit shall be quarantined in an isolation court designated by the port animal and plant quarantine office. Export plants, animal or plant products and other quarantine objects shall be quarantined at the warehouse or depot; they may also be quarantined in the process of production and processing, if necessary.

Exit plants, animal or plant products and other quarantine objects awaiting quarantine inspection shall be complete in quantity, with perfect packing, neat piling and prominent marks.

Article 34 Quarantine inspection of export animals and plants, their products and other quarantine objects shall abide by:

(1) provisions relating to animal and plant quarantine of the importing countries or regions and China;

(2) bilateral quarantine agreements;

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(3) quarantine requirements clearly defined in the trade contracts.

Article 35 The following procedures shall be followed with respect to animals or plants, their products or other quarantine objects that have passed quarantine inspection by the animal and plant quarantine office at the place of consignment upon arrival at the port of exit:

(1) animals shall be subject to clinical quarantine or re-quarantine by the port animal and plant quarantine office at the point of exit;

(2) for exit plants, animal or plant products or other quarantine objects with original means of transport from the place of consignment, clearance shall be given by the exit port animal and plant quarantine office upon examination of the certificates; for those that change the means of transport for exit, clearance shall be given upon change of certificates; and

(3) for plants, animal or plant products or other quarantine objects to be repackaged upon arrival at the exit port, or different quarantine requirements to be followed as a result of change of the importing country or region, or those that exceed the prescribed validity of quarantine, a fresh application for quarantine inspection shall be submitted.

Article 36 When export animals or plants, their products or other quarantine objects which have passed the quarantine inspection of the port animal and plant quarantine office at the place of consignment are to be transported to the exit port, the departments of transportation and departments of posts and telecommunications shall effect shipment and delivery on the strength of the quarantine certificate issued by the port animal and plant quarantine office at the place of consignment, and no further quarantine shall be performed by other quarantine organs in the country.

## Chapter V Transit Quarantine

Article 37 The transit (including trans-shipment, same below) of animals or plants, their products or other quarantine objects requires the carrier or escort to submit the shipping document and the certification issued by the animal and plant quarantine organ of the government of the exporting country or region to the port animal and plant quarantine office at the port of entry for quarantine inspection; for transit of animals, an "Animal Transit Permit" issued by the State Bureau of Animal and Plant Quarantine shall be presented in addition.

Article 38 On arrival of transit animals at the entry port, the entry port animal and plant quarantine office shall carry out treatment of disinfection of the means of transport, the outside of the containers and perform clinical quarantine of the animals, and those having passed the quarantine inspection shall be permitted to transit. The entry port animal and plant quarantine office may send out quarantine personnel to supervise the shipment to the exit port whose animal and plant quarantine office shall perform no further quarantine inspection.

Article 39 The means of transport, packing and containers carrying transit plants, animal and

plant products and other quarantine objects must be in perfect condition. In the case of discovery, upon inspection by the port animal plant quarantine office, of the possibility of disintegration or leakage in transit of the means of transport, the packing or containers, the carrier or escort shall adopt sealing measures as required by the port animal and plant quarantine office; there shall be denial of transit for inability to take sealing measures.

#### Chapter VI Quarantine of Materials Carried by Passengers or by Post

Article 40 Any plant seeds, seedlings or other propagating materials carried or posted into the country without going through the formalities of examination and approval of quarantine inspection in accordance with law, shall either be returned or destroyed by the port animal and plant quarantine office. Reasons for the return of the postal matter shall be given on the said postal matter and its delivery notice by the port animal and plant quarantine office; for the postal matter to be destroyed, the port animal and plant quarantine office shall issue a notice to the sender.

Article 41 Whoever enters the country carrying animals or plants, animal or plant products or other quarantine objects must declare at the Customs and accept quarantine inspection by the port animal and plant quarantine office upon entry. The Customs shall hand over the animals or plants, animal or plant products or other quarantine objects declared or intercepted upon inspection to the port animal and plant quarantine office in time for quarantine inspection. No object shall be carried into the country without quarantine inspection.

Article 42 The port animal and plant quarantine offices may carry out on-the-spot inspections in the passenger passage ways or at the baggage collection points at ports, airports, railway or coach stations, by making inquiries and carrying out sample inspection of the articles of those who may carry animals or plants, animal or plant products or other quarantine products without declaration, or carrying out inspection by opening the packages (cases) when necessary. Animal and plant quarantine inspection counters with marks shall be set up at the inspection site of entry and exit passengers.

Article 43 Whoever carries animals into the country must possess a quarantine certificate issued by the animal and plant quarantine organ of the government of the exporting country or region and clearance shall be given upon passing the quarantine inspection; those who carry dogs, cats or other pets into the country must hold a vaccination certificate in addition. For objects without quarantine certificates or vaccination certificates, the port animal and plant quarantine offices shall direct that either the said objects be returned within a specified time limit or be confiscated and destroyed. For objects to be returned within a specified time limit, those who carry the objects must receive and carry the same out of the country on the strength of the interception and detention voucher issued the port animal and plant quarantine office within the specified time; failure to receive them within the specified time limit shall be deemed as voluntary abandonment. Any plants, animal or plant products or other quarantine objects carried into the country shall be cleared there with upon passing on-the-spot quarantine inspection; for those which need to be either clinically quarantined or quarantined in isolation, the port animal and plant quarantine office shall issue an interception and detention voucher. For those having passed the interception

quarantine, the carrier shall, on the strength of the interception and detention voucher, receive them from the port animal and plant quarantine office; failure to receive the same within the specified time limit shall be deemed as voluntary abandonment.

Animals and plants, animal and plant products and other quarantine objects listed in the catalogues specified in Article 29 of the Law on the Entry and Exit Animal and Plant Quarantine shall be prohibited from being carried or posted into the country.

Article 44 Animals or plants, animal or plant products or other quarantine objects posted into the country shall be quarantined by the port animal and plant quarantine office at the International Postal Exchange Bureau (including international postal express delivery companies and other units engaged in international postal operations, herein after referred to as the post offices). The post offices shall provide the necessary facilities for the work.

For objects passing the quarantine inspection, the port animal and plant quarantine office shall affix the quarantine inspection clearance stamp on them and hand them over to the post offices for transportation and delivery. For those needing to be clinically quarantined or quarantine inspected in isolation, the port animal and plant quarantine office shall go through the formalities of handing-over and taking-over with the post offices; those passing quarantine inspection shall be affixed a quarantine inspection clearance stamp and handed over to the post offices for transportation and delivery.

Article 45 Animals or plants, animal or plant products or other quarantine objects carried or posted into the country, which fail in quarantine inspection and defy effective treatment for the removal of harmful effects, shall either be returned or destroyed with a “Quarantine Inspection Notice” issued to the carrier or sender.

## Chapter VII Quarantine of Means of Transport

Article 46 The port animal and plant quarantine office may carry out on-board on-the-spot quarantine inspection of the ships, airplanes or trains from the animal or plant epidemic areas. The person-in-charge of the means of transport concerned shall take the inquiry of the quarantine personnel and sign the record of inquiry, present the logbook, provide information on the loading of goods and open the holds and cabins for quarantine inspection.

The port animal and plant quarantine office shall carry out quarantine inspection of such places for the storage or use of animal or plant products as the dining cars, pantries, kitchens, stock-rooms, food cabins, and the storage places for swills and wastes of the nature of animal or plant of the means of transport mentioned in the preceding paragraph, which may be hidden with diseases or insect pests, as well as areas or parts of container bodies; treatment of disinfection for epidemic prevention shall be carried out when necessary.

Article 47 Fumigation, disinfection and other treatment for the removal of harmful effects must be carried out for ships, airplanes or trains from the animal or plant epidemic areas upon discovery of diseases or insect pests specified in the catalogues prescribed in Article 18 of the Law on Entry and Exit Animal and Plant Quarantine after quarantine inspection. Animals and plants, their products and other quarantine objects prohibited from entering the country must be sealed up

or destroyed on discovery. The sealed objects shall not be unsealed and used without the permission of the port animal and plant quarantine office during their stay or movement within China. Treatment for the removal of harmful effects shall be carried out of the swills and wastes of the nature of animal or plant as well as the storage places and containers of the means of transport under the supervision of the port animal and plant quarantine office.

Article 48 The port animal and plant quarantine office shall carry out treatment of disinfection and on vehicles entering the country from an animal or plant epidemic area for epidemic prevention. In the case of discovery of diseases or insect pests upon quarantine inspection on vehicles loaded with entry animals or plants, their products or other quarantine objects, the vehicle and the goods shall be treated to remove the harmful effects. For vacant return rolling stocks carrying animals for the supply to Hong Kong or Macao, whole-train disinfection shall be carried out for epidemic prevention.

Article 49 Waste ships entering the country for dismantling shall be quarantined by the port animal and plant quarantine office. In the event that diseases or insect pests are discovered, treatment for the removal of harmful effects shall be carried out under the supervision of the port animal and plant quarantine office. In the event that animals or plants, their products or other quarantine objects prohibited from entering the country are discovered, the same shall be destroyed under the supervision of the port animal and plant quarantine office.

Article 50 For means of transport entering the country from an animal or plant epidemic area, which have passed the quarantine inspection or undergone necessary disinfection, the port animal and plant quarantine office shall issue a “Quarantine Certificate for Means of Transport” or “Disinfection Certificate for Means of Transport” at the request of the person-in-charge or his or her agent of the means of transport.

Article 51 During the stay of the entry or transit means of transport inside China, no transport staff or workers shall carry the animals or plants, their products or other quarantine objects loaded thereon from the said means of transport; in the event that the objects need to be carried away, an application shall be submitted to the port animal and plant quarantine office for quarantine inspection.

Article 52 For means of transport to be loaded with exit animals, disinfection shall be carried out under the supervision of the port animal and plant quarantine office before loading.

Means of transport to be loaded with exit plants, animal or plant products or other quarantine objects shall conform to the provisions of the state concerning animal and plant epidemic prevention and quarantine inspection. In the event that dangerous diseases or insect pests or ordinary diseases or insect pests exceeding the prescribed standards, loading can be carried out only after the treatment for the removal of harmful effects.

## Chapter VIII Quarantine Inspection Supervision

Article 53 The State Bureau of Animal and Plant Quarantine and the port animal and plant

quarantine offices shall practice the supervision system of quarantine inspection over the processes of production, processing and storage of entry and exit animals and plants, and animal and plant products. Specific measures shall be formulated by the department of agriculture administration under the State Council.

Article 54 Entry or exit animals, plant seeds, seedlings or other propagating materials that need to be fed or planted in isolation shall, during isolation, be subject to quarantine inspection supervision by the port animal and plant quarantine office.

Article 55 Units and personnel engaging in business operations of quarantine fumigation and disinfection of entry and exit animals and plants must pass the examination and evaluation of the port animal and plant quarantine offices.

The port animal and plant quarantine offices shall perform supervision over and provide guidance for the work of fumigation and disinfection and shall be responsible for the issuance of the fumigation certificates and certificates of disinfection.

Article 56 Port animal and plant quarantine offices may, according to requirements, carry out animal or plant epidemic monitoring at the production, processing or storage sites of entry or exit animals or plants, animal or plant products or other quarantine objects at airports, ports, railway or coach stations, warehouses, processing plants or farms, and the units concerned shall provide cooperation.

There shall be no shifting or damage of monitoring apparatus without the permission of the port animal and plant quarantine offices.

Article 57 Port animal and plant quarantine offices may, according to requirements, affix seals or marks of animal and plant quarantine inspection on the means of transport or containers carrying and transporting entry or exit animals or plants, animal or plant products or other quarantine objects; no quarantine inspection seals or marks shall be opened, damaged or destroyed without the permission of the port animal and plant quarantine offices.

Animal and plant quarantine inspection seals and marks shall be unifiedly made and issued by the State Bureau of Animal and Plant Quarantine.

Article 58 Entry animals and plants, animal and plant products and other quarantine objects, containers and packing carrying animals or plants, their products or other quarantine objects to be transported to the bonded areas (including the bonded plants and bonded warehouses etc.), shall be quarantined at the port of entry in accordance with law; port animal and plant quarantine offices may carry out quarantine inspection supervision in the light of specific circumstances; for objects to be retrain sported out of the country after processing, formalities shall be gone through in accordance with the provisions of exit quarantine of the Law on Entry and Exit Animal and Plant Quarantine and those of these Regulations.

## Chapter IX Legal Responsibility

Article 59 Whoever, in violation of law, commits any of the following acts, shall be imposed

a fine up to 5, 000 yuan by the port animal and plant quarantine office:

(1) Failing to apply for quarantine inspection, or failing to go through the formalities for examination and approval of quarantine inspection, or failing to comply with the provisions of examination and approval of quarantine inspection; or

(2) The animals or plants, their products or other quarantine objects applying for quarantine inspection do not tally with the actual goods.

Whoever commits the act described in item (2) of the preceding paragraph, his quarantine inspection certificates or vouchers already obtained shall be revoked.

Article 60 Whoever, in violation of law, commits any of the following acts, shall be imposed a fine ranging from 3, 000 to 30, 000 yuan by the port animal and plant quarantine office:

(1) Unloading from the means of transport or transporting and delivering entry or transit animals or plants, their products or other quarantine objects without the permission of the port animal and plant quarantine office;

(2) Transferring or disposing of, without authorization, the animals or plants subjected to quarantine inspection in an isolation court designated by the port animal and plant quarantine office;

(3) Unpacking, without authorization, the packing of transit animals or plants, animal or plant products or other quarantine objects, or unsealing damaging or destroying, without authorization, seals or marks for quarantine inspection; or

(4) Casting away, without authorization, transit animals" carcasses, excrement, bedding materials or other wastes, or failing to dispose of swills and wastes of the nature of animal or plant of the means of transport according to provisions.

Article 61 If any unit registered in accordance with the provisions of Articles 17 and 32 of these Regulations, engaging in the production, processing or storage of animals or plants, animal or plant products or other quarantine objects has aforesaid entry or exit objects failing to pass the quarantine inspection, the said objects shall be returned, destroyed or subject to treatment for the removal of harmful effects in accordance with the provisions of these Regulations and, if the circumstances are serious, the registration of the unit concerned shall be canceled by the port animal and plant quarantine office in addition.

Article 62 Whoever, in violation of law, commits any of the following acts shall be investigated for criminal responsibility; if the act does not constitute a crime or if the circumstances are obviously minor and require no criminal punishment according to law, the port animal and plant quarantine office shall impose a fine ranging from 20, 000 to 50, 000 yuan:

(1) Causing a major animal or plant epidemic; or

(2) Forging or altering the quarantine certificates, stamps, marks or seals.

Article 63 If any unit or its personnel engaging in the business operations of quarantine fumigation and disinfection treatment of entry and exit animals and plants fails to carry out the fumigation or disinfection treatment in accordance with provisions, the port animal and plant quarantine office may revoke their qualifications for fumigation or disinfection according to the nature of the cases.

## Chapter X Supplementary Provisions

Article 64 For the purpose of the Law on the Entry and Exit Animal and Plant Quarantine and these Regulations, the following terms respectively mean:

(1) “Plant seeds, seedlings and other propagating materials” mean whole or part of cultivated or wild plants for propagation, such as plant stems, seedlings (including tube seedlings), kernels, seeds, blocks, ear grafts, cuttings, leaves, buds, sprouts, tubers, tubercles, scaled tubers, pollens and cell cultures, etc.;

(2) “Carrying containers” mean containers used for carrying entry or exit goods which may be repeatedly used and are liable to be contaminated by diseases or insect pests, such as cages, cartons, pails and baskets, etc.;

(3) “Other harmful organisms” mean various bio-organisms and pathogenic micro-organisms harmful to animals or plants other than animal infectious diseases, parasitic diseases or dangerous plant diseases, insect pests or weeds, as well as intermediate hosts and media organisms of dangerous diseases and pests of mollusks, rodents, mites and caterpillars; and

(4) “Quarantine certificates” mean the legally binding papers issued by animal and plant quarantine organs concerning the state of health or hygiene of animals or plants, animal or plant products or other quarantine objects, such as “Animal Quarantine Certificate”, “Plant Quarantine Certificate”, “Animal Health Certificate”, “Veterinary Hygiene Certificate” and “Fumigation/Disinfection Certificate”, etc.

Article 65 The expenses required for or losses incurred from performing quarantine inspection of entry and exit animals and plants, animal and plant products and other quarantine objects or fumigation, disinfection, return and destruction in accordance with provisions shall be borne by the owner of the objects or his or her agent.

Article 66 The port animal and plant quarantine organs shall perform quarantine inspection in accordance with the law. When there is a need to collect samples, a sample collection voucher shall be issued; the left-over samples from inspection shall be taken back by the owner or his or her agents within the prescribed time limit; samples which fail to be taken back at the expiration of the prescribed period shall be handled by the port animal and plant quarantine organs in accordance with regulations.

Article 67 Provisions for quarantine organs for exit animal products for trade shall be worked out by the State Council in accordance with actual conditions.

Article 68 These Regulations shall enter into force as of January 1, 1997.

## **Law of the People's Republic of China on Import and Export Commodity Inspection**

(Adopted at the Sixth Meeting of the Standing Committee of the Seventh National People's Congress on February 21, 1989, promulgated by Order No. 14 of the President of the People's Republic of China on February 21, 1989, and effective as of August 1, 1989)

### Chapter I General Provisions

Article 1 This Law is enacted with a view to strengthening the inspection of import and export commodities, ensuring the quality of import and export commodities, protecting the lawful rights and interests of the parties involved in foreign trade, and promoting the smooth development of China's economic and trade relations with foreign countries.

Article 2 The State Council shall establish an Administration for Import and Export Commodity Inspection (hereinafter referred to as the State Administration for Commodity Inspection), which shall be in charge of the inspection of import and export commodities throughout the country. The local import and export commodity inspection authorities (hereinafter referred to as the commodity inspection authorities) set up by the State Administration for Commodity Inspection shall be responsible for the inspection of import and export commodities within areas under their jurisdiction.

Article 3 The commodity inspection authorities and other inspection organizations designated by the State Administration for Commodity Inspection and the commodity inspection authorities shall, in accordance with the law, perform the inspection of import and export commodities.

Article 4 The State Administration for Commodity Inspection shall, in the light of the needs in the development of foreign trade, make, adjust and publish a List of Import and Export Commodities Subject to Inspection by the Commodity Inspection Authorities (hereinafter referred to as the List of Commodities).

Article 5 Import and export commodities which are included in the List of Commodities and import and export commodities subject to inspection by the commodity inspection authorities under other laws or administrative rules and regulations must be inspected by the commodity inspection authorities or inspection organizations designated by the State Administration for Commodity Inspection or the commodity inspection authorities.

No permission shall be granted for the sale or use of import commodities specified in the preceding paragraph until they have undergone inspection; and no permission shall be granted for the export of export commodities specified in the preceding paragraph until they have been found to be up to standard through inspection.

Import and export commodities specified in the first paragraph of this Article may be exempted from inspection upon the examination and approval of an application from the consignee or consignor by the State Administration for Commodity Inspection.

Article 6 Inspection on import and export commodities performed by the commodity inspection authorities shall cover quality, specifications, quantity, weight, packing and the requirements for safety and hygiene.

Import and export commodities governed by compulsory standards or other inspection standards which must be complied with as provided for by laws or administrative rules and regulations shall be inspected in accordance with such inspection standards; in the absence of such stipulations, import and export commodities shall be inspected in accordance with the inspection standards agreed upon in the foreign trade contracts.

Article 7 Import and export commodities or items subject to inspection by other inspection organizations under laws or administrative rules and regulations shall be inspected in accordance with the provisions of relevant laws or administrative rules and regulations.

Article 8 The State Administration for Commodity Inspection and the commodity inspection authorities shall collect information on the inspection of import and export commodities and make it available to the relevant circles.

## Chapter II Inspection of Import Commodities

Article 9 For import commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignee must register them with the commodity inspection authorities located at the port of discharge or the station of arrival. Import commodities which are included in the List of Commodities shall be checked and released by the Customs upon presentation of the seal of the commodity inspection authorities affixed to the Customs declaration.

Article 10 For import commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignee shall apply to the same authorities for inspection in places and within the time limit specified by them. The commodity inspection authorities shall accomplish the procedures for inspection and issue an inspection certificate within the period of validity of claims prescribed in a foreign trade contract.

Article 11 If import commodities other than those which are subject to inspection by the commodity inspection authorities in accordance with this Law are found to be not up to the quality standard, damaged or short on weight or quantity, the consignee shall apply to the commodity inspection authorities for inspection and the issuance of an inspection certificate if such a certificate is necessary for claiming compensation.

Article 12 For important import commodities and a complete set of equipment in large size, the consignee shall, in accordance with the terms agreed upon in a foreign trade contract, conduct initial inspection or initial supervision over manufacturing or loading in the exporting country before shipment, while the relevant competent departments shall strengthen their supervision. The commodity inspection authorities may, when necessary, dispatch inspection personnel to take part in such inspection and supervision.

### Chapter III Inspection of Export Commodities

Article 13 For export commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignor shall apply to the same authorities for inspection in the places and within the time limit specified by them. The commodity inspection authorities shall accomplish the procedures for inspection and issue a certificate without delaying the prescribed time for shipment.

Export commodities which are included in the List of Commodities shall be checked and released by the Customs upon presentation of the inspection certificate or the paper for release issued by the commodity inspection authorities or the seal of the same authorities affixed to the Customs declaration.

Article 14 Export commodities which have been inspected and passed by the commodity inspection authorities and for which an inspection certificate or a paper for release has been issued by the same authorities shall be declared for export and shipped out of the country within the time limit specified by the same authorities. Failing to meet the time limit shall entail reapplication for inspection.

Article 15 An enterprise manufacturing packagings for dangerous export goods must apply to the commodity inspection authorities for a test of the performance of such packagings. An enterprise producing dangerous export goods must apply to the same authorities for a test of the use of packagings. No permission shall be granted for the export of dangerous goods kept in packagings which have not passed a test.

Article 16 For vessel holds or containers used for carrying perishable foods, the carrier or the organization using the containers shall apply for inspection before loading. No permission shall be granted for loading and shipment until the relevant conditions are passed by the inspectors.

### Chapter IV Supervision and Administration

Article 17 The commodity inspection authorities may make a random inspection of import and export commodities beyond those subject to inspection by the commodity inspection authorities in accordance with this Law. No permission shall be granted for the export of export commodities found to be substandard in a random inspection.

Article 18 The commodity inspection authorities may, when necessary, assign inspection personnel to manufacturers of export commodities which are included in the List of Commodities to take part in supervision over the quality inspection of export commodities before they leave the factory.

Article 19 The commodity inspection authorities may undertake the quality certification of import and export commodities on the basis of agreements signed between the State Administration for Commodity Inspection and the foreign bodies concerned or upon entrustment by the foreign

bodies concerned. They may permit the use of quality certification marks on import and export commodities which have been given quality certification.

Article 20 The State Administration for Commodity Inspection and the commodity inspection authorities shall, on the basis of the requirements in their inspection, entrust competent inspection organizations at home and abroad with the inspection of import and export commodities after examining their qualifications.

Article 21 The State Administration for Commodity Inspection and the Commodity inspection authorities shall exercise supervision over the import and export commodity inspection conducted by the inspection organizations designated or approved by them and may make a random inspection of the commodities which have been inspected by such organization.

Article 22 The State shall, when necessary, institute a quality licence system for important import and export commodities and their manufacturers. The specific measures thereof shall be drawn up by the State Administration for Commodity Inspection in conjunction with the relevant competent departments under the State Council.

Article 23 The commodity inspection authorities may, when necessary, place commodity inspection marks or sealings on import and export commodities proved to be up to standard through inspection.

Article 24 In case an applicant for the inspection of import and export commodities disagrees with the results of inspection presented by the commodity inspection authorities, he may apply for reinspection to the same authorities, to those at the next higher level or to the State Administration for Commodity Inspection. The conclusion on reinspection shall be made by the commodity inspection authorities or the State Administration for Commodity Inspection which has accepted the application for reinspection.

Article 25 The commodity inspection authorities, the inspection organizations designated by them and other inspection organizations approved by the State Administration for Commodity Inspection may handle the business of superintending and surveying import and export commodities as entrusted by parties involved in foreign trade or by foreign inspection bodies.

The scope of business of superintending and surveying import and export commodities shall cover: inspection of the quality, quantity, weight and packing of import and export commodities; inspection of cargoes with respect to general or particular average; inspection of container cargoes; damage survey of import cargoes; inspection of technical conditions for the shipment of exports; measurement of dead tonnage; certification of the origin or value of exports and other superintending and surveying services.

## Chapter V Legal Responsibility

Article 26 Anyone who, in violation of the relevant provisions of this Law, purposely markets or uses import commodities which are included in the List of Commodities or subject to inspection

by the commodity inspection authorities in accordance with other laws or administrative rules and regulations without having such commodities inspected, or purposely exports export commodities which are included in the List of Commodities or subject to inspection by the commodity inspection authorities in accordance with other laws or administrative rules and regulations without having such commodities inspected and proved up to standard shall be fined by the commodity inspection authorities. If the circumstances are serious and cause heavy economic losses, the criminal responsibility of the personnel directly responsible shall be investigated by applying mutatis mutandis the provisions of Article 187 of the Criminal Law.

Anyone who, in violation of the provisions of Article 17 of this Law, purposely exports export commodities which have been found substandard during a random inspection by the commodity inspection authorities, shall be punished in accordance with the provisions of the preceding paragraph.

Article 27 If the falsifying or remaking of the certificates or documents, seals or stamps, marks, sealings or quality certification marks for commodity inspection constitutes a crime, the criminal responsibility of the personnel directly responsible shall be investigated by applying mutatis mutandis the provisions of Article 167 of the Criminal Law; if the circumstances are minor, the offender shall be fined by the commodity inspection authorities.

Article 28 If a party refuses to accept the punishment decision of the commodity inspection authorities, he may, within 30 days of receiving the notice on the punishment, apply for reconsideration to the same authorities which have made the punishment decision, to those at the next higher level or to the State Administration for Commodity Inspection. If the party refuses to accept the decision on the reconsideration, he may, within 30 days of receiving the notice on the reconsideration decision, bring a suit nor complies with the punishment decision within the prescribed time limit, the commodity inspection authorities which have made the punishment decision shall apply to a court of law for compulsory execution.

Article 29 Any functionary of the State Administration for Commodity Inspection or of the commodity inspection authorities or any of the inspection personnel of the inspection organizations designated by the State Administration for Commodity Inspection and the commodity inspection authorities who abuses his power, commits irregularities for the benefit of his relatives or friends, falsifies inspection results or fails to conduct inspection and issue a certificate within the time limit through dereliction shall, depending on the seriousness of the circumstances, be given administrative sanction, or his criminal responsibility shall be investigated according to law.

#### Chapter VI Supplementary Provisions

Article 30 The commodity inspection authorities and other inspection organizations shall collect fees according to relevant provisions for carrying out inspection or performing superintending and surveying services in accordance with the provisions of this Law. The procedures for collecting fees shall be drawn up by the State Administration for Commodity Inspection in conjunction with the competent departments under the State Council.

Article 31 Rules for the implementation of this Law shall be formulated by the State Administration for Commodity Inspection and shall come into force after being submitted to and approved by the State Council.

Article 32 This Law shall come into force as of August 1, 1989. The Regulations of the People's Republic of China on the Inspection of Import and Export Commodities promulgated by the State Council on January 28, 1984 shall be invalidated as of the same date.

## **Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection**

(Approved by the State Council on October 7, 1992 ;Promulgated by the State Administration of Import and Export Commodity Inspection on October 23, 1992)

### Chapter 1 General Provisions

Article 1 These Regulations are formulated in the light of the Law of the People's Republic of China on Import and Export Commodity Inspection (hereinafter referred to as the Law of Commodity Inspection).

Article 2 The State Administration of Import and Export Commodity Inspection of the People's Republic of China (hereinafter referred to as the State Administration of Commodity Inspection) shall be in charge of the inspection work of import and export commodities across the country.

Article 3 The import and export commodity inspection bureaus and their branches (hereinafter referred to as the commodity inspection authorities) set up by the State Administration of Commodity Inspection in the provinces, autonomous regions and municipalities directly under the Central Government, as well as at ports and concentrating and distribution centers of import and export commodities in the regions under their jurisdiction. The commodity inspection authorities are held responsible for inspection and surveying of the import and export commodities, administration and supervision over the quality and inspection work of import and export commodities.

Article 4 In the light of the need in the development of foreign trade, the State Administration of Commodity Inspection shall work out, adjust and publish a "List of Import and Export Commodities Subject to Compulsory Inspection Enforced by the Commodity Inspection Authorities" (hereinafter referred to as the List of Commodities) for those commodities which involve public interest.

Article 5 The compulsory inspection on imports and exports by the commodity inspection authorities or inspections agencies designated by the State Administration of Commodity Inspection or commodity inspection authorities covers:

- (1) inspection of import and export commodities included in the List of Commodities;
- (2) sanitary inspection on the foods for export;
- (3) testing and inspection on the performance and employment of the packages and containers for the outbound dangerous goods;
- (4) suitability inspection on the vessels' holds, containers and other means of transportation for carrying the outbound perishable foods and frozen goods;
- (5) inspection of imports and exports to be conducted by the commodity inspection authorities according to relevant international treaties; and
- (6) inspection of imports and exports to be carried out by the commodity inspection authorities as stipulated in other laws and administrative rules and regulations.

Article 6 Sanitary inspection of imported and exported medicine, calibration of weighing and measuring instruments, supervision and inspection on the safety of imported and exported boilers and pressure vessels, survey of the ships (including offshore platform, main equipment and materials for the ships) and containers in the light of relevant rules and regulations, inspection on flight safety and fitness of the aeroplanes (including the plane's engine and equipment) and safety inspection on nuclear equipment are to be undertaken by other inspection organizations according to the provisions of relevant laws and administrative rules and regulations.

Article 7 The commodity inspection authorities may conduct random inspection of and exercise supervision and control over the import and export commodities other than those subject to compulsory inspection.

With regard to the import and export commodities other than those subject to compulsory inspection for which the commodity inspection authorities shall issue inspection certificates as provided for in the foreign trade contract or as applied for by the receivers and consignors of the commodities, the commodity inspection authorities shall undertake inspection accordingly.

Article 8 Samples of imports and exports, gifts, non- trade exhibits and other non-trade goods may be exempted from inspection, unless otherwise stipulated by the State or specified in the foreign trade contract.

Those import and export commodity inspection authorities, or having been certified with regard to their quality by relevant foreign agencies accredited by the State Administration of Commodity Inspection may be exempted from inspection upon application by the receivers, consignors or manufacturers of the goods and subject to the approval of the State Administration of Commodity Inspection.

The specific provision for the exemption of import and export commodities from inspection shall be worked out by the State Administration of Commodity Inspection.

Article 9 The inspection on import and export commodities by the commodity inspection authorities covers quality, specifications, quantity, weigh, packages, as well as safety and sanitation requirement.

Article 10 The commodity inspection authorities shall conduct inspection on the import and export commodities according to the following standards or practices:

(1) the compulsory standards as specified by laws or administrative rules and regulations or other inspection standards which must be complied with;

(2) in the absence of the compulsory standards or other inspection standards which must be complied with as stated in the preceding paragraph, the import and export commodities shall be inspected according to the standards stipulated in the foreign trade contracts. If the trade is conducted according to the sample, the inspection shall be performed according to the sample provided in addition to other provisions of the contract;

(3) in case the requirements of the compulsory standards or other inspection standards that must be complied with as stated in Paragraph 1 are lower than those of the standards stipulated in the foreign trade contract, the inspection shall be conducted according to the latter. If the trade is

conducted according to the sample, the inspection shall be performed according to the sample provided in addition to other provisions of the contract; and

(4) in the absence of compulsory standards or other inspection standards that must be complied with as stated in Paragraph 1, and in case inspection standards are either absent or not clearly stipulated in the contract, the inspection shall be conducted according to the standards of the producing country, or relevant international standards of the standards designated by the State Administration of Commodity Inspection.

Article 11 Based on the need of foreign trade and inspection work, the State Administration of Commodity Inspection may formulate its specialized standards for the inspection of import and export commodities.

Article 12 The inspection personnel of the commodity inspection authorities should obtain official credentials based on the qualification test before they are allowed to undertake inspection assignments.

While performing their duties according to law, the inspection personnel shall not be interfered with or obstructed without justification.

## Chapter 2 Inspection of Import Commodities

Article 13 For import commodities subject to compulsory inspection, the receivers must make registration for the import commodities with the commodity inspection authorities located at the port of discharge or the station of arrival. The commodities shall be checked and released by the customs authorities upon presentation of the seals of the commodity inspection authorities affixed on the customs declaration.

Article 14 For the import commodities of which the inspection sites are prescribed in the foreign trade contracts or shipping documents, the inspection shall be conducted at the said sites; In the absence of such prescription, the inspection shall be conducted at the port of discharge or the station of arrival or at the sites designated by the commodity inspection authorities.

For large-sized commodities in bulk, and perishable goods and the commodities found damaged or deficient in quantity weight during discharge, the inspection shall be performed at the port of discharge or station of arrival.

For the complete sets of equipment, machinery, electrical equipment and meters and instruments of which inspection must go along with their installations and trial performance and for the commodities whose repacking is impractical after opening up for inspection, the inspection may be conducted at the sites of the receivers.

Article 15 For the import commodities subject to compulsory inspection, the receivers, having made the registration, must apply to the commodity inspection authorities for inspection by presenting the contract, invoice, packing list, bill of lading and other necessary documents at the inspection site within the time limit specified and the commodity inspection authorities shall conduct inspection or organize the departments concerned to carry out inspection. Those that have

not undergone inspection are not permitted to be marketed or otherwise put to use.

For the import commodities other than those subject to compulsory inspection which, however, shall be inspected by the commodity inspection authorities as provided for in the foreign trade contract, the procedures of application for inspection shall be followed as stipulated in the preceding paragraph.

Article 16 For the import commodities which already have been applied For inspection, the commodity inspection authorities shall complete the inspection within the valid time limit of claim. For those found up to standard, reports shall be issued about the results of inspection; for those found substandard or for those subject to certification in order to settle the account according to the foreign trade contract, the inspection certificates should be issued respectively.

Article 17 The import commodities that are found not in compliance with the compulsory standards stipulated by laws and administrative rules or other standards that must be complied with through inspection by the commodity inspection authorities shall undergo technical treatment under the supervision of the commodity inspection authorities; only those proved up to standard through reinspection are permitted to be marked or otherwise put to use. As for those which cannot undergo technical treatment or those found still not up to standard through re-inspection even after technical treatment, the commodity inspection authorities shall instruct the receivers to return or destroy the commodities.

Article 18 For complete sets of equipment and their parts found Substandard through inspection, the commodity inspection authorities shall issue notices to prohibit their installation and operation. Permission of their installation and operation is to be granted only to those found up to standard through re-inspection by the commodity inspection authorities after technical treatment.

Article 19 Upon the arrival of import mobile vehicles, the receivers should procure the license-plates from the traffic control office on the strength of the inspection- certificate for the import vehicles issued by the commodity inspection authorities, and provide the commodity inspection authorities with the vehicle's condition report 30 days prior to the expiration of the validity date of quality warranty.

Article 20 As to the import commodities other than those subject to Compulsory inspection by the commodity inspection authorities, the receivers shall receive the commodity through their own inspection as stipulated in the contract. The commodity inspection authorities are entitled to conduct random and check-up inspection and to supervise the inspection-receiving procedures of the receivers. In case the commodities are found substandard through inspection, for which a claim is to be lodged on the strength of the inspection certificate, the receivers shall apply in time to the commodity inspection authorities at the locality for inspection and certification.

Article 21 For the import commodities found substandard through inspection or random/check-up inspection by the commodity inspection authorities and with a claim already lodged for compensation, a sufficient quantity of the goods or samples should be retained by the receivers provided that the commodities are not to be replaced by or returned to the foreign party; and the

commodities intended for replacement by or return to the foreign party must be kept intact until the settlement of the case.

Article 22 If the import commodities are found damaged or short in quantity/weight during discharge at the port for which a claim for compensation is to be lodged, the receivers should apply in time to the commodity inspection authorities at the port for inspection and certification. The unloading unit should discharge and store damaged goods separately.

Article 23 For those important import commodities and large-sized complete sets of equipment involving the vital interest of the State and the people, or of fairly high value and technical sophistication, the receivers shall stipulate in the foreign trade contracts that the initial inspection be conducted and the manufacturing or loading in the exporting countries be supervised before shipment; and in addition, the right of final inspection after the arrival of goods and the right for lodging a claim should also be reserved and provided for in the clauses of the contract. Thus the receivers shall carry out the initial inspection and supervision over the manufacturing and loading as agreed upon stipulated in the contracts.

The competent authorities of the receivers shall strengthen supervision over the initial inspection and supervision of manufacturing and loading of imported commodities before shipment.

The commodity inspection authorities, when deemed necessary, may dispatch inspection personnel or make arrangement to take part in the initial inspection and supervision over manufacturing and loading.

### Chapter 3 Inspection of Export Commodities

Article 24 For export commodities subject to compulsory inspection according to laws and administrative rules and regulations, the consignors shall apply to the commodity inspection authorities for inspection by presenting the contract and other relevant documents at the site and within the time limit specified by the commodity inspection authorities. The commodity inspection authorities shall conduct inspection or organize the departments concerned to carry out inspection.

For export commodities that are not subject to compulsory inspection, but subject to inspection by the commodity inspection authorities as stipulated in the foreign trade contract, the procedures of application and inspection shall be followed accordingly as stipulated in the preceding paragraph.

Article 25 For the export commodities already applied for inspection, the commodity inspection authorities shall complete the inspection within the time limit of not delaying the shipment. For those found up to standard through inspection, inspection certificates or releasing notices shall be issued as specified or seals for releasing shall be affixed on the customs declaration.

With regard to the export commodities to be inspected at the production site for which however, certification at the outbound port is required, the commodity inspection authorities at the production site shall issue vouchers for shifting the site of certification as specified. The consignors shall apply to the commodity inspection authorities at the port for check-up inspection within the time limit specified. For those checked to be up to standard through inspection, the commodity inspection authorities at the port shall issue inspection certificates or releasing notices

or affix releasing seals on the customs declaration.

Article 26 For export commodities other than those subject to compulsory inspection, the commodity inspection authorities may carry out random inspection at regular or irregular intervals on the basis of the inspection of manufacturers and trade departments.

Article 27 For the export commodities judged up to standard by the commodity inspection authorities, the consignors shall apply for export within 60 days from the date of issuance of the inspection certificates or releasing notices; for the fresh and live export goods, the consignors shall apply for export within the time limit for export, otherwise, the consignors must apply to the commodity inspection authorities for re-inspection.

Article 28 Enterprises manufacturing packages or containers for dangerous goods for export must apply to the commodity inspection authorities for performance testing of the packages and containers. Only those packages and containers meeting the requirements through testing by the commodity inspection authorities with consequent testing certificates procured shall be permitted for carrying the dangerous goods.

Enterprises producing dangerous goods for export must apply to the commodity inspection authorities for the testing of the employment of the packages and containers. Only those packages and containers for dangerous goods meeting the requirements through testing by the commodity inspection authorities with consequent testing certificates procured shall be permitted to be employed for carrying and shipping the dangerous goods.

Article 29 For the vessels' holds, containers and other shipping facilities for carrying perishable foods for export and frozen goods, the carriers and stuffing units or their agents must, before shipment, apply to the commodity inspection authorities for inspector on fitness for carrying the goods in respect to conditions like cleanliness, sanitation, freezing efficiency, and sealing and tightness, etc.. Only those found up to the requirements with certificates procured shall be allowed for shipment.

Article 30 Export commodities subject to compulsory inspection according to laws and administrative rules and regulations shall be released by the customs upon presentation of the certificates, notices or the releasing seals affixed on the customs declarations as prescribed in Articles 25, 28 and 19.

Article 31 No commodities for export that are found substandard through inspection, check-up inspection or random inspection by the commodity inspection authorities shall be permitted for export.

#### Chapter 4 Survey of Import and Export Commodities

Article 32 The commodity inspection authorities, and the inspection agencies designated by the State Administration of Commodity Inspection and the commodity inspection authorities and other inspection agencies approved by the State Administration of Commodity Inspection may

accept the entrustment of the foreign trade parties, relevant parties at home and abroad or foreign inspection agencies for surveying services of import and export commodities within the specified scope and they may issue certificates of survey.

Article 33 The surveying services of import and export commodities include:

- (1) quality inspection, quantity and weight survey, packaging survey and evaluation of Dwight tonnage of import and export commodities;
- (2) supervision over loading/unloading of import or export commodities;
- (3) stowage survey, damage and cargo damage survey of import or export commodities and inspection of cargo in respect to general/particular average;
- (4) inspection on the fitness of vessels, wagons, vehicles, airplanes and containers etc. for the shipping of export commodities;
- (5) sealing of the vessels' holds/tanks, hatch survey and ullage measurement for the shipping of import and export commodities;
- (6) survey of containers and containerized goods;
- (7) estimation and determination of the value, classification, quality, quantity and loss of the assets invested by the foreign business bodies relevant to import and export commodities;
- (8) drawing and sealing of various kinds of samples;
- (9) issuance of certificates of value and other surveying and inspection certificates; and
- (10) other surveying services for import and export commodities.

Article 34 Upon the application of foreign trade parties, the commodity inspection authorities may undertake issuance of certificates of origin in connection with the General System of Preference (G. S. P.) and general certificates of origin according to relevant laws and administrative rules and regulations.

Article 35 When foreign trade parties intend to apply to the commodity inspection authorities for survey services, they should provided the contract, letter of credit and other necessary documents.

## Chapter 5 Supervision and Administration

Article 36 The State Administration of Commodity Inspection and commodity inspection authorities shall exercise supervision and control over the inspection work for the import and export commodities of the receivers, consignors, manufacturers, storage and transport departments and the inspection agencies and personnel designated or accredited by the State Administration of Commodity Inspection and commodity inspection authorities.

Article 37 The State Administration of Commodity Inspection may, when deemed necessary, conclude quality certification agreements on import and export commodities with relevant foreign bodies. The commodity inspection authorities may conduct quality certification for import and export commodities according to the relevant agreement or upon entrustment by relevant foreign bodies.

For those import and export commodities and their manufacturers found qualified through certification procedures, certification vouchers shall be issued, and the commodities shall be

allowed to attach the corresponding quality certification marks. The specific provisions shall be formulated by the State Administration of Commodity Inspection.

Article 38 As required by the State, for important import and export commodities involving safety and sanitation etc. and their manufacturers, an import safety license and export quality license system shall be implemented. The specific provisions shall be made by the State Administration of Commodity Inspection in conjunction with relevant competent departments under the State Council.

No import commodities subject to the import safety license system shall be allowed for import unless they have been granted an import safety license by the State Administration of Commodity Inspection.

No export commodities subject to the export quality license system shall be allowed for export unless they have been granted an export quality license by the State Administration of Commodity Inspection or the State Administration of Commodity Inspection in conjunction with relevant competent departments under the State Council.

Article 39 The State shall implement a sanitary registration/list-entry system for the foods for export and their manufacturers (including slaughter-houses, processing plants, storehouses and cold storage, inclusive hereinafter). The specific provisions shall be formulated by the State Administration of Commodity Inspection along with relevant competent departments under the State Council.

Manufacturers of foods for export which are subject to the above-said system shall apply to the commodity inspection authorities for sanitary registration list-entry; they shall not be allowed to produce, process or store foods for export unless they have obtained the approval from the State Administration of Commodity Inspection.

Manufacturers of foods for export which need overseas registration shall apply to the State Administration of Commodity Inspection for unified handling of the matter after they have gone through registration/list-entry as stipulated in the preceding paragraph.

Article 40 Upon the application of manufacturers of goods for export or at the request of foreign parties, the commodity inspection authorities shall assess their quality assurance system. The specific provisions shall be formulated by the State Administration of Commodity Inspection.

Article 41 In case the manufacturers of import and export commodities which have been approved to use certification marks or granted the import safety license, export quality license or certificates of sanitary registration/list-entry are found not up to the requirements set upon reexamination, the commodity inspection authorities shall instruct them to make improvements within the specified time limit. If they still fail to meet the requirements beyond the time limit, their qualification for using the certification marks shall be canceled or their quality license or certificates of sanitary registration/list-entry shall be rescinded subject to the approval of the State Administration of Commodity Inspection.

Article 42 Based on the need of inspection work, the commodity inspection authorities may dispatch inspectors to the manufacturers of export commodities subject to compulsory inspection

to undertake supervision over the quality inspection of the export commodities before their release from the factories, including examination and supervision over the production and testing conditions and quality assurance system of the manufacturers, and to conduct random inspection on raw materials, parts and finished products, packaging, marking etc. of the export commodities.

Article 43 The commodity inspection authorities may, if necessary, affix commodity inspection marks on the import and export commodities judged up to standard through inspection; and carry out the sealing for the import and export commodities judged up to standard or for those that should be sealed. A system for the commodity inspection marks and seals shall be worked out by the State Administration of Commodity Inspection.

Article 44 The commodity inspection authorities or the inspection agencies designated or accredited by the State Administration of Commodity Inspection or commodity inspection authorities shall carry out sampling of import and export commodities according to relevant stipulations. The relevant departments shall regain the remainder of the samples after inspection within the specified time limit. In case they themselves fail to regain with the time limit, the aforesaid inspection authorities or agencies have the right to dispose of the samples.

Article 45 When the inspection personnel of the commodity inspection Authorities are conducting inspection, survey, supervision and control according to law at the manufacturers, construction sites, harbours, airports, railway stations and storehouses or on vehicles of transport, the departments concerned should provide necessary conditions for their work, including manpower and appliances.

Article 46 The State Administration of Commodity Inspection and commodity inspection authorities may, out of the need for inspection work, accredit the qualified domestic and foreign inspection agencies to undertake the entrusted inspection on import and export commodities or testing on the designated commodities for quality licensing and certification and to under take examination and assessment of the manufacturers.

In case the accredited inspection agencies are found not up to the stipulated requirements upon re-examination, the State Administration of Commodity Inspection and commodity inspection authorities shall cancel their qualification for accredited status.

Article 47 The commodity inspection authorities, when deemed necessary, may accredit the inspection personnel of relevant departments to under take designated tasks of inspection and assessment.

Article 48 Foreign parties that intend to set up agencies for the inspection and survey of import and export commodities within China should obtain approval from the State Administration of Commodity Inspection. They are allowed to undertake entrusted inspection and surveying businesses for import and export commodities within the designated scope only after they fulfil the procedures for approval and registration according to relevant laws and administrative rules and regulations; in addition, they should be subject to the supervision and control of the State Administration of Commodity Inspection and commodity inspection authorities.

Article 49 In case an applicant for inspection of import and export commodities disagrees with the inspection results of the commodity inspection authorities, the applicant may apply to the original commodity inspection authorities or to the higher commodity inspection authorities for reinspection within 15 days from the date when the inspection results are received, and the original or higher commodity inspection authorities shall undertake the re-inspection, the conclusion of which should be made within 45 days from the date of application for re- inspection. In case the applicant for re-inspection still disagrees with the conclusion of reinspection the applicant may apply to the State Administration of Commodity Inspection for re-inspection within 15 days from the date when the said conclusion is received. The conclusion of re- inspection should be made within 60 days by the State Administration of Commodity Inspection and shall be regarded as final.

## Chapter 6 Legal Responsibility

Article 50 Those who violate the Law of Commodity Inspection or These Regulations by committing any one of the following acts, depending on the seriousness of the case, shall be subject to the penalty of criticism by circular, warning and suspension of application for inspection, or shall be imposed a fine of 1% up to 5% of the total commodity value:

- (1) marketing or using import commodities which are subject to compulsory inspection according to laws or administrative rules and regulations without applying for inspection; or purposely exporting the commodities which are subject to compulsory inspection without applying for inspection;
- (2) importing, marketing or using commodities subject to the import safety license system or exporting commodities subject to the export quality license system or sanitary registration/list-entry system without obtaining the required license or relevant certificates;
- (3) using the vessel's holds or containers already found not up to the requirements through inspection or not in possession of any certificate to prove their qualified conditions for carrying the perishable foods or frozen goods;
- (4) providing or using the packages and containers for shipment of export dangerous goods without undergoing survey by the commodity inspection authorities; and
- (5) any other acts of evading the compulsory inspection of the commodity inspection authorities.

Article 51 Those who violate the Law of Commodity Inspection or These Regulations by committing any one of the following acts, depending on the seriousness of the case, shall be subject to the penalty of criticism by circular, and suspension of application for inspection, or shall be imposed a fine of 5% up to 20% of the total commodity value; or both the penalty and fine shall be imposed by the commodity inspection authorities:

- (1) marketing or using the import commodities judged by the commodity inspection authorities through inspection not up to the compulsory standards or other standards that must be followed;
- (2) exporting the commodities judged not up to standard through inspection or random inspection by the commodity inspection authorities;
- (3) purposely changing the samples drawn by the commodity inspection authorities or altering the quality, specifications, quantity, weight and packaging of the export commodities already

inspected and judged up to standard by the commodity inspection authorities;

- (4) purposely changing or impairing the commodity inspection marks, seals and certification marks affixed by the commodity inspection authorities on the commodities and/or their packages;
- (5) providing or using the packages and containers already judged by the commodity inspection authorities as substandard for shipment of outbound dangerous goods; and
- (6) applying to the commodity inspection authorities for inspection not according to the real condition, getting the relevant certification/documents from the commodity inspection authorities by dishonest means, or by any other acts of deception and falsification.

Article 52 For the export commodities already applied for inspection but found to be counterfeits of poor quality, the commodity inspection authorities or in conjunction with relevant competent departments shall order the manufacturers and trade agencies to cease producing and exporting the goods; a fine less than the corresponding value of the export commodity may be imposed; alternatively, the counterfeit goods of inferior quality shall be destroyed under supervision or with the aforesaid fine to be imposed in addition.

Article 53 With regard to the acts of violations listed in Articles 50, 51 or 52, if the circumstances are serious with ensuring heavy economic losses, the personnel directly responsible shall be prosecuted according to the Criminal Law.

Article 54 Those who falsify, re-make or make illegal use of commodity inspection certificates/documents, seals/stamps, marks sea lings and quality certification marks, and those who trade or erase/alter commodity inspection certificates/documents and marks shall be imposed a fine between 5000-30000 yuan by the commodity inspection authorities if the certificates have not been used for imports and exports, otherwise, they shall be imposed a fine less than the total value of the commodities; if any of the acts of violating constitutes a crime, the personnel directly responsible shall be prosecuted according to the Criminal Law.

Article 55 For any party that conducts unjustified inspection and surveying of relevant import and export commodities without the approval of the State Administration of Commodity Inspection or its authorized commodity inspection authorities, the commodity inspection authorities shall order it to stop the said operations. In addition, the said party may be imposed a fine less than 3 times the illegal revenue.

Article 56 The parties that are imposed a fine should make the payment to the designated bank within 10 days after receiving the notice for payment of the fine from the commodity inspection authorities.

All the fines shall be turned over to the State treasury.

Article 57 In case a party does not agree with the penalty imposed by the commodity inspection authorities, it may, within 30 days after it receives the notice of penalty, apply to the commodity inspection authorities which have made the punishment decision or appeal to the higher commodity inspection authorities for re-consideration. If the party still disagrees with the decision of re-consideration, it may bring a suit before the people's court within 30 days after the date it

receives the notice of re-consideration decision.

If the party neither applies for re-consideration nor brings a suit, and fails to comply with the penalty decision with the specified period, the commodity inspection authorities which have made the penalty decision shall appeal to the people's court for compulsory enforcement.

Article 58 As to the functionaries of the State Administration of Commodity Inspection and the commodity inspection authorities who abuse their power, practice graft or embezzlement, falsify inspection results or neglect their duties and delay the timely certification, disciplinary sanctions shall be imposed on them by their respective or higher organizations; the serious cases which involve criminal acts shall be turned over to the judicial department for investigation of criminal responsibilities.

In case of violation of law on the part of the inspection personnel of the inspection agencies designated or accredited by the State Administration of Commodity Inspection or commodity inspection authorities or their accredited inspection personnel, they shall be penalized as stipulated in the preceding paragraph.

#### Chapter 7 Supplementary Provisions

Article 59 According to the relevant provisions of the State Council, The commodity inspection authorities shall act as the organs for the quarantine inspection of animal products for export and shall carry out quarantine inspection of animal products in the light of the Law on the Entry and Exit Animal and Plant Quarantine.

Article 60 The right to interpret these Regulations resides in the State Administration of Commodity Inspection.

Article 61 These Regulations shall go into effect as of the date of promulgation.