

**Decree of General Administration of Quality Supervision, Inspection  
and Quarantine of the People's Republic of China**

**No. 135**

*The Administrative Measures of Inspection, Quarantine and Supervision on Import and Export Aquatic Products* as adopted at the ministerial meeting of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on March 10, 2010, are hereby promulgated and shall enter into force as of June 1, 2011.

Minister:

January 4, 2011

# **Administrative Measures of Inspection, Quarantine and Supervision on Import and Export Aquatic Products**

## **Chapter I General Rules**

**Article 1** In order to enhance the inspection and quarantine as well as supervision on aquatic products that import into or export from China (hereinafter referred to as “import and export aquatic products”), to ensure the quality safety of aquatic products, to prevent animal epidemic diseases spreading into or out China, to protect production safety of fishery as well as human being health, in accordance with the *Law of the People’s Republic of China on Import and Export Commodity Inspection* and the implementation regulations thereof, the *Law of the People’s Republic of China on the Entry and Exit Animal and Plant Quarantine* and the implementation regulations thereof, the *Frontier Health and Quarantine Law of the People’s Republic of China* and the detailed implementation rules thereof, the *Food Safety Law of People’s Republic of China* and the implementation regulations thereof, the *Special Provisions of the State Council on Strengthening Supervision and Administration on Food as well as Other Products* and the stipulation of other relevant laws and regulations, these measures are developed.

**Article 2** These measures shall apply to the supervision and management on the inspection and quarantine of import and export aquatic products.

**Article 3** In these Measures, “Aquatic products” refer to aquatic animals and the products derived from aquatic animals used for human consumption, including the products derived from Jellyfish, mollusc, crustacean, echinodermata, cephalo chordata, fish, amphibian, reptile, aquatic mammal, etc. and the products derived marine plants such as alga, etc., but live aquatic animals and the breeding materials of aquatic animals and plants not included.

**Article 4** The General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China (hereinafter referred to as "AQSIQ") shall administer inspection, quarantine and supervision of import and export aquatic products throughout the country.

All entry-exit inspection and quarantine authorities (hereinafter referred to as "CIQ") established by AQSIQ shall be responsible for inspection, quarantine and supervision of import and export aquatic products under their jurisdictions.

**Article 5** CIQ shall conduct inspection, quarantine, supervision, sampling and checking of the import and export aquatic products according to laws and regulations, and implement credit management and management system classification on

establishments that manufacture and process import and export aquatic products (hereinafter referred to as “establishments”) in accordance with regulatory requirements and the relevant provisions of AQSIQ.

**Article 6** The establishments shall carry out production and operation activities in accordance with relevant laws, regulations and standards, fulfill their social and public responsibilities, ensure quality safety of aquatic products, accept supervision of community and the public, and undertake social responsibilities.

**Article 7** AQSIQ shall put into record management system on the CIQ staff issuing the certificate for the inspection and quarantine of import and export aquatic products. The CIQ staff not subject to record management shall not issue any certificate.

## **Chapter II Import Inspection and Quarantine**

**Article 8** Aquatic products that import into China shall comply with the requirements of Chinese laws, administrative regulations, national food safety standards of China, the specified inspection and quarantine requirements in relevant agreements, protocols, memorandums, and etc. signed between China and export country or region, as well as the stated quarantine requirements in the contracts.

In case of the aquatic products that import into China without corresponding Chinese product safety standard, the consignees shall submit the approval documents issued by the healthy administration department of State Council to CIQ.

**Article 9** AQSIQ shall, according to the Chinese laws, administration regulations and rules, national food safety standards, referring to the epidemic disease situation of aquatic products at home and abroad as well as the results of risk analysis about toxic and harmful substances, combining the evaluation results of the food safety assurance system from the country or region that planning to export aquatic products to China, lay down and publish Chinese inspection and quarantine requirements for import aquatic products; Or shall determine the inspection and quarantine requirements as well as the relevant certificates by the inspection and quarantine agreement signed between the country or region that planning to export aquatic products to China and China.

**Article 10** AQSIQ shall implement record management on exporters or agents that export aquatic products to China, and regularly publish the recorded exporters and agents list.

The registration about the oversea establishment manufacturing aquatic products imported into China shall be implemented in accordance with the relevant requirements of AQSIQ.

**Article 11** CIQ shall implement record management on consignees that import aquatic products into China. Only the recorded consignees shall be allowed to go through import formalities of aquatic products.

**Article 12** The consignees that import aquatic products into China shall set up import and distribution records. The records shall be true and kept not less than two years.

**Article 13** AQSIQ shall implement quarantine approval system on importing amphibians, reptiles and aquatic mammals and other cultured aquatic products and etc. with high risk. The consignee of the above mentioned products shall go through the formalities for quarantine approval and get Import Permit for Entry Animal and Plant Quarantine of the People's Republic of China prior to signing a trade contract.

If necessary, AQSIQ may send officials to the export country or region to carry out pre-inspection on aquatic products to be exported to China in accordance with relevant provisions.

**Article 14** The consignee or its agent shall, prior to or upon the aquatic products entry through the port, apply to the port CIQ for inspection/quarantine with original version of official inspection and quarantine certificates issued by export country or region, certificate of origin, trade contract, bill of lading, packing list, invoice, and etc..

The official inspection and quarantine certificates issued by export country or region, accompanying the aquatic products that import into China, shall meet the requirements provided by the relevant documents and certificates issued by AQSIQ.

**Article 15** CIQ shall examine the relevant documents submitted by the consignee or its agent, for the application meeting requirements, accept the application for inspection, write off the batch number of quarantine approval, and issue the clearance certificate of import goods.

**Article 16** The import aquatic products shall be stored in the cold storage or other places designated by CIQ. The import port shall be equipped with the cold storage matching the quantity of import aquatic products. The cold storage shall meet the inspection and quarantine requirements of import aquatic products.

**Article 17** The means of transport and containers, shipping import aquatic products, shall be disinfected for epidemic prevention under the supervision of CIQ at the port of entry. Import aquatic products shall not be unloaded from the means of transport and containers without CIQ permission.

**Article 18** CIQ at the port of entry shall conduct on-site inspection and quarantine on import aquatic products, including the following items:

(1) Check documents and inspect goods;

(2) Check whether the package meet the basic packaging requirements for import aquatic products.

(3) Conduct plant quarantine on the import brined or dried aquatic products that are likely to grow plant pests, and fulfill disinfestations when necessary.

(4) Check whether the goods are rotten and deteriorated, or with foreign matter, or dried, or with much of iced blood, ice or frost.

**Article 19** The Chinese label of import pre-packaged aquatic products shall comply with the provisions of relevant laws, administrative regulations, rules and the mandatory requirements of national technical specifications. CIQ shall inspect the label of pre-packaged aquatic products in accordance with provisions.

**Article 20** CIQ shall collect samples from import aquatic products in accordance with provisions and carry out test or monitor on the following items based on the requirements of relevant standards, monitoring plans and alert notifications and etc.:

(1) Pathogenic microbes, heavy metals, residues of pesticides and veterinary drugs and other toxic or harmful substances;

(2) Epidemic diseases and parasites;

(3) Other required items.

**Article 21** For the import aquatic products passed inspection and quarantine, CIQ at the port of entry shall issue the *Certification of Inspection and Quarantine of Entry Goods*, grant the production, processing, sale and use of the products. The *Certification of Inspection and Quarantine of Entry Goods* shall specify the traceable information including the container number, manufacture batch number, manufacturer, and the marks etc..

For the import aquatic products not passed inspection and quarantine, CIQ shall issue the Notice on Inspection and Quarantine Treatment of Entry Goods. The aquatic products with unqualified items not related to human safety, health and environmental protection, shall be allowed to take technical treatment under the supervision of CIQ, and be sold or used only after passing new inspection and quarantine.

For the concerned parties who apply for the claim evidence for compensation or other proofs, CIQ shall issue relevant certifications.

**Article 22** The aquatic products shall be returned or destroyed belonging to one of the following cases:

(1) The aquatic products subject to import quarantine approval, without valid Import

Permit for entry animal and plant quarantine;

(2) The aquatic products establishment subject to registration, without obtaining valid registration with Chinese authorities;

(3) The aquatic products without valid official inspection and quarantine certificate issued by the authorities of export country or region;

(4) The aquatic products not meet the requirements related to human safety, health and environment protection.

### **Chapter III Export Inspection and Quarantine**

**Article 23** Export aquatic products shall be supervised, sampled and examined by CIQ. Customs shall release the cargo with the Customs Clearance Certificate issued by the CIQ.

**Article 24** CIQ shall conduct inspection and quarantine on the export aquatic products and their package based on the following requirements:

(1) The inspection and quarantine requirements of import country or region;

(2) The inspection and quarantine requirements stipulated by the agreement, protocol, memorandum, and etc. signed between the import country or region and China;

(3) The inspection and quarantine requirements stipulated by Chinese laws, regulations, and AQSIQ rules;

(4) The requirements about quality, quantity, weight, package and etc. of import country or region;

(5) The inspection and quarantine requirements specified in the trade contract.

**Article 25** CIQ shall implement record management on the aquaculture farms of export aquatic products. The raw materials used by the establishments shall come from the recorded aquaculture farms, catching from the waters or fishing vessels approved by the fishery administrative authorities, and comply with the inspection and quarantine requirements of the import country or region.

**Article 26** The recorded export aquaculture farms shall meet the basic conditions and sanitary requirements as below:

(1) With the aquaculture permit issued by fishery administrative authorities;

(2) With the stipulated aquaculture capacity-the total water area of soil pond or open marine area over 50 mu, the total water area of the cement pool over 10 mu;. the

aquaculture pool regularly numbered;

(3) With sufficient water source; the water quality of aquaculture meeting the requirements of *Water Quality Standard for Fishery*;

(4) With good internal sanitation conditions and physical installations separating with external environment, without livestock and poultry farm, hospital, chemical factory, garbage dumps, and etc. surrounding;

(5) With reasonable layout arrangement meeting the requirements of sanitation and epidemic prevention and avoiding the cross contamination between water supply and drainage.

(6) With independent and separated drugs and feed warehouses, kept clean, dry and well ventilated. The specially-assigned person shall be responsible for the record of the items into and out of the warehouse.

(7) With appropriate culturing density, equipped with required aeration facilities;

(8) With used feed coming from the process plant recorded by CIQ, meeting the requirements of *Administrative Measures on Inspection and Quarantine of Feedstuff for Exit Edible Animals*.

(9) Not stocking and using the drugs and other toxic and harmful substances prohibited by China, import country or region. The used drugs shall be marked with active ingredients, recorded with the drug application situation, and strictly abided with the stipulations about drug suspend period;

(10) With complete organization and management structure and written aquaculture management system (covering seedlings acquisition, aquaculture production, health and epidemic prevention, application of the feed containing drug, and etc.);

(11) With qualified aquaculture technician and quality supervisor, undertaken by different personnel. The aquaculture technician shall apply medicine according to the prescription, the medicine shall be delivered by the quality supervisor. Both the aquaculture technician and the quality supervisor shall satisfy the following requirements:

(I) Be familiar with and abide by the laws, administrative regulations, rules and other provisions related to inspection and quarantine.

(II) Be familiar with and abide by the management stipulations related to aquatic animal epidemic disease and veterinary drug of administrative departments of agriculture.

(III) Be familiar with the medicine residue regulations and standards of the import country or region;

(IV) With required aquaculture experience background or at least graduated from aquaculture professional secondary school.

(12) Establishing of timely report system for major epidemic diseases and matters

**Article 27** The record for the aquaculture farms of export aquatic products shall refer to the following procedures:

(1) Aquaculture farms of export aquatic products shall apply for record and submit relevant documents to the local CIQ;

(2) CIQ shall audit the aquaculture farms of export aquatic products, applying for record, in accordance with the primary conditions and sanitation requirements stipulated by Article 26 of these measures. The CIQ directly under AQSIQ shall review, approve, and issue the record certificate to the aquaculture farm while the aquaculture farm meeting the primary conditions and sanitation requirements;

(3) The record certificate shall come into force since the issuing date and be valid for 4 years after the effective date. The aquaculture farm of the export aquatic products shall submit the renew application prior to 3 months of the validation expiration.

(4) In case the information changing related to the aquaculture farm address, name, cultivating capacity, ownership and legal representative, the recorded aquaculture farms of export aquatic products shall renew the application or update the record through the changing formalities with the local CIQ timely.

**Article 28** The aquaculture farms of export aquatic products shall provide raw materials supply certification for each batch export aquatic products.

**Article 29** The recorded aquaculture farms of export aquatic products shall, in accordance with requirements of the import country or region, or Chinese national food safety standard as well as the relevant provisions, apply feed, veterinary medicine and agricultural input substances, and prohibit to purchase or apply agricultural inputs substance not meeting the requirements of import country or region , or Chinese national food safety standard.

**Article 30** CIQ shall implement supervision and inspection on the recorded aquaculture farms of export aquatic products, organize the supervision and inspection, and maintain the relevant records properly. The supervision and inspection shall cover daily inspection and annual review.

CIQ should, based on risk analysis, monitor the aquatic diseases, pesticides and veterinary medicine residue, environmental pollutants, water quality and other toxic and harmful substances of the recorded aquatic agriculture farm, set up and improve the risk information management system about export aquatic products safety.

**Article 31** CIQ shall, in accordance with the provisions of record management for the export food manufactures, implement record management on the establishments of export aquatic products.

Whenever the import country or region requesting Chinese establishment of export aquatic products be registered with them, the recommendation about registration shall be implemented according to AQSIQ's relevant stipulations.

**Article 32** The establishment of export aquatic products shall set up a complete and traceable quality safety control system to assure not applying the fresh-keeping agent, antiseptic, water-keeping agent, color-keeping agent, and etc. during the whole processing.

The establishment of export aquatic products should test raw materials, auxiliary materials and finished products for microbe, pesticide and veterinary medicine residue, environmental pollutant and other toxic and harmful substances by itself. In case the establishment without test capability, the establishment should consign the qualified testing agency to carry out the test and provide the qualified test report.

**Article 33** The establishment of export aquatic products should carry out batch management for manufacturing the aquatic products based on the aquaculture farm. The aquatic products from different aquaculture farms shall not be processed as the same production batch. The production batch number should be consistent from raw materials to finished products.

The marking requirements about production batch number shall be separately announced.

**Article 34** The establishment of export aquatic products shall set up the raw materials receiving verify and record system, examining the attached documents provide by suppliers. The verification records of raw materials shall be authentic and kept not less than two years.

The establishment of export aquatic products shall set up the exit shipping inspection and record system, verifying products pass of exit shipping aquatic products and their safety conditions, covering truth name of the aquatic products, specifications, quantity, manufacture date, production batch, pass number, purchaser name and contact information, sale date, and etc..

The inspection record about exit shipping aquatic products shall be authentic and kept not less than two years.

**Article 35** The labeling on the package of the export aquatic products shall meet the

requirements of the import country or region, indicating the destination country or region outside the transportation packaging.

**Article 36** The establishment of export aquatic products or its agent shall apply for inspection to the local CIQ with trading contract, establishment inspection report (exit shipping products pass), delivering bill, and etc. as specified by AQSIQ.

Upon applying for inspection, the written documents shall be available to prove the content of toxic and harmful substances in raw materials such as drug residual, heavy metal and microbe meeting the requirements as specified by the import country or region as well as China.

**Article 37** CIQ shall, based on risk analysis, carry out sampling and inspection on pathogenic microbe, residues of pesticides and veterinary medicine, environmental pollutant, and etc. in the export aquatic products, and implement verification and supervision on the quality safety control system throughout the production and processing of export aquatic products.

**Article 38** For the export aquatic products without sampling and inspecting, CIQ shall carry out the comprehensive appraisal by auditing the test report and shipment records referring to the requirements of the import country or region, combining with the daily supervision, monitoring and sampling inspection results. For the export aquatic products meeting the requirements, the relevant inspection and quarantine certificate shall be issued; for the export aquatic products not meeting the requirements, the notice for disqualification shall be issued.

**Article 39** The establishment of export aquatic products shall ensure the means of transport for export aquatic products to be provided with good sealing performance, the loading way to effectively protecting the aquatic products from pollution, the stipulated temperature during the transportation to be satisfied, the required sterilization to be fulfilled, and the relevant record to be maintained properly.

**Article 40** The establishment of export aquatic products shall ensure the goods to be in conformity with the documents, and the relevant delivery records to be kept properly. With random sampling and inspecting, the port CIQ shall not release the export aquatic products that inspected and passed by local CIQ while the goods being inconsistent with the attached documents during port inspection.

**Article 41** The valid period for inspection and quarantine of export aquatic products shall be:

- (1) Chilled (fresh-keeping) products: seven days;
- (2) Dry frozen and single frozen products: four months;
- (3) Other aquatic products: six months.

If the valid period for the inspection and quarantine of the export aquatic products expires, a new application for inspection should be filed.

The specific requirements requested by import country or region shall be followed.

#### **Chapter IV Supervision and Management**

**Article 42** AQSIQ shall carry out safety monitor system on the import and export aquatic products, set up key monitor plan based on risk analysis and actual inspection and quarantine situation, and determine the import and export aquatic products variety as well as the test items of the target country or region.

CIQ shall, in accordance with the annual import-export food risk monitoring plan of AQSIQ, formulate and implement the import-export aquatic products risk monitor action plan under their jurisdiction.

**Article 43** AQSIQ as well as CIQ shall implement risk management on the import and export aquatic products. The detailed measures shall be carried out in accordance with the relevant rules.

**Article 44** The establishment, consignee, consigner of aquatic products that import into or export from China shall manufacture and operate in accordance with the relevant laws and regulations.

CIQ shall establish the bad record system on the consignees, consigners and establishments of import and export aquatic products. In case of violations and subjected to administrative punishment, the relevant establishments shall be put into illegal establishment list and published.

**Article 45** AQSIQ and CIQ shall notify the risk information about the import and export aquatic products to the related authorities, institutions, and establishments timely according to the relevant provisions of food safety risk information management, and report it to the upper level authorities in accordance with relevant regulations and provisions.

**Article 46** The CIQ where the recorded export aquaculture farms located and the CIQ where the export establishment located shall strengthen cooperation. The CIQ where the recorded export aquaculture farms located shall regularly notify the CIQ where the export establishment located about the supervision information of aquaculture farms. The CIQ where the export establishment located shall regularly notify the CIQ where the recorded export aquaculture farms located about the verification results on supply certification provided by the export establishment as well as quality safety of raw materials and finished products.

**Article 47** Whenever the import aquatic products existing safety problem, may harm or harmed consumer health, the consignee shall immediately initial recall and report to the local CIQ. The CIQ shall, in accordance with the related regulations, compel the consignee to recall the aquatic products existing problem while the consignee is reluctant to initial recall.

Whenever the export aquatic products existing safety problem, may harm or harmed consumer health, the establishment of export aquatic products shall take measures to prevent or reduce the damage to a minimum degree, and immediately report the problem to local CIQ.

Facing the above two situations, CIQ shall report to AQSIQ in time.

**Article 48** The recordation about recorded aquaculture farms of export aquatic products, existing one of the following cases, shall be cancelled:

(1) To store or apply medicine or other harm and toxic substances prohibited by China, destination country or region, to apply medicine not labeling the effective composite or containing prohibited drug and pharmaceutical ingredient, to apply medicine during the suspend period violating rules;

(2) To provide the fake supply certificate, to transfer or transfer the record number indirectly;

(3) To hide the serious epidemic diseases or not report the epidemic diseases to CIQ timely;

(4) To refuse accepting the supervision of CIQ;

(5) Not to apply updating the recorded aquaculture farm name and legal owner information while the information changing within 30 days;

(6) Not to report the change information, increasing aquaculture farm capacity, applying new medicine or feed, or major changing of quality safety system, to CIQ within 30 days;

(7) Not to export any products within one year.

(8) Not to apply for recordation extension before the expiration of valid period.

(9) To fail to pass the annual examination.

**Article 49** CIQ could order the export establishment to make correction in case of one of the situations as below:

(1) The products are returned by the import country or region for the first time due to the disqualification in safety and health-related items such as pathogenic microbe, environmental pollutant, residue of pesticide and veterinary medicine;

(2) The three consecutive sampling batches of products applying for inspection fail to meet the requirements of safety and health items;

(3) The source of raw materials is unclear; the management of batch number is disordered;

(4) The same disqualified item is found in daily inspection for three times within a year;

(5) Not set up product traceability system.

**Article 50** The manufacturing and operating establishment of import and export aquatic products existing other violating behaviors, shall be punished in accordance with the relevant laws and administrative regulations.

**Article 51** CIQ and CIQ staff, violating laws and regulations as well as these measures while implementing inspection, quarantine and supervision on import and export aquatic products, shall be investigated and punished according to the relevant rules.

## **Chapter V Supplementary Articles**

**Article 52** AQSIQ shall be responsible for interpreting the measures.

**Article 53** These measures shall come into force as of June 1, 2011. The *Administrative Measures of Inspection and Quarantine on import and export Aquatic Products* issued on 6 November 2002 by AQSIQ [AQSIQ Order number 31] shall be repealed at the same time.