

REGULATION ON INSPECTION AND QUARANTINE OF IMPORT AND EXPORT GENETICALLY MODIFIED COMMODITIES

(Adopted at the meeting of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on September 5, 2001, promulgated by Decree No. 62 of the Director-General on May 24, 2004 and effective as of the same date)

REGULATION ON INSPECTION AND QUARANTINE OF IMPORT AND EXPORT GENETICALLY MODIFIED COMMODITIES

CHAPTER I GENERAL PROVISIONS

Article 1

This Regulation is formulated in order to strengthen the inspection and quarantine of import and export genetically modified commodities, safeguarding the human health, ensuring the safety of animals, plants and micro-organism and protecting the ecological environment, based on the Law of The People's Republic of China on Import and Export Commodity Inspection, the Law of The People's Republic of China on Food Hygiene, the Law of The People's Republic of China on Quarantine of Import and Export Animal and Plants and respective administrative rules as well as the Regulation on the Safety Management of Agricultural Genetically Modified Organism (GMO).

Article 2

This Regulation is applicable for the inspection and quarantine of genetically modified commodities imported and exported in all ways including, but not limited to, trading, raw material processing, mail, carrying, production, entrusted reproduction, research, exchange, exhibition, aid and grant.

Article 3

The "genetically modified commodities" mentioned in this Regulation shall refer to the genetically modified organisms determined by the Regulation on Safety Management of the Agricultural Genetically Modified Organism or those and their products determined by any other relevant law and regulation.

Article 4

The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereafter referred to as "AQSIQ") is in charge of the management on the inspection and quarantine of nationwide import and export GMOs. The Import and Export Products Inspection and Quarantine Office (hereafter referred to as "the office") that AQSIQ established in various locations is responsible for the management of the inspection, quarantine and supervision on import and export of genetically modified commodities in relevant areas that are under the office administration.

Article 5

AQSIQ issues permits to the import agricultural GMOs. Import GMOs of other kinds are to be regulated accordingly if there exist other specific regulations.

CHAPTER II IMPORT INSPECTION AND QUARANTINE

Article 6

AQSIQ adopts a declaration system regarding the import GMO animals, plants and their products, micro-organism and its products, and transgenic food.

Article 7

The owner or its consignee should, at customs declaration, specify under Name of the Declaration Form of Import Commodities whether the product is genetically modified. If the commodity is declared as genetically modified, submission of the Safety Certificate of Agricultural Genetically Modified Organism issued by the authorities as stipulated by relevant laws and regulations or any other related approvals (hereafter referred as “the approval documents”) and that of Review, Acknowledgment and Approval of Labeling of Agricultural Genetically Modified Organism).

Article 8

The inspection and quarantine authorities shall check and confirm the labeling for the import GMOs that are subject to labeling management. Only the agricultural GMOs that have obtained the labeling review, acknowledgement and approval documents are allowed to cross the border; those that are not labeled in accordance with related regulations are required to re-label and those without labels are forbidden to cross the border.

Article 9

For import genetically modified commodities which are included in the catalog of the agricultural genetically modified commodities subject to labeling management, which is formulated and announced by related agriculture administration authorities under the State Council, if such commodity is declared as genetically modified, the inspection and quarantine facilities shall test on its compliance; and if such commodity is declared as non genetically modified, the facilities shall make selective examination. And for the import animals, plants and their products, or micro-organism and its products, and food products that are not included in the catalog, the inspection and quarantine facilities can also make selective examination based on real condition.

The inspection and quarantine facilities shall conduct examination in accordance with the examination methods and standards that are acknowledged by the government.

Article 10

The commodities which pass the inspection are allowed to cross the border. The inspection and quarantine facilities will notify the owner or its consignee to return or destroy the commodity if any of the following applies:

- I. The commodity is declared as genetically modified, however, element of genetic modification is found in discrepancy with what is defined in the approval after examination;
- II. The commodity is declared as non genetically modified, however, element of genetic modification is detected after examination.

Article 11

The genetically modified commodities that are intended for exhibition are not allowed to cross the border without related approval documents issued by superior authorities as stipulated by relevant laws or regulations, and are subject to the supervision of the inspection and quarantine facilities during the exhibition. Once the exhibition ends, all genetically modified commodities shall either be returned or destroyed. If it shall be used in other ways for any special reason, it is required to re-do import inspection and quarantine procedures as stipulated by related regulations.

CHAPTER II TRANSIT INSPECTION AND QUARANTINE

Article 12

For transit genetically modified commodities, the owner or its consignee shall in advance submit to AQSIQ the application for transit permission with the following accompanying documents:

- I. Fill out the Application for Transit Permit of Genetically Modified Commodities;
- II. Proof of relevant research done on the commodity, issued by related authorities of the exporting country or area, or proof of its utilization and marketing permission;
- III. Illustration on the utilization of the commodity and intended safety monitoring measures;
- IV. Other related documents

Article 13

AQSIQ shall make a reply within 270 business days commencing the acceptance of the application. Transit Permit of Genetically Modified Commodity will be signed and issued to the applications that meet the requirements and the inspection and quarantine facilities at the port of entry will be notified. Transit Denial of Genetically Modified Commodity will be signed and issued to the applications that do not meet the requirements (please see attached) and reasons will be given.

Article 14

When the transit genetically modified commodities cross the border, the owner or its consignee shall make declaration to the inspection and quarantine facilities at the port of entry with related documents and the transit permit as required. The commodities will be allowed to cross the border once they are determined qualified and will be under the supervision of the inspection and quarantine facilities at the port of exit to ensure that they leave the country. For packaging or transit route changes for the genetically modified commodities, it is required to re-apply for transit permit as stipulated by related regulations.

CHAPTER IV EXPORT INSPECTION AND QUARANTINE

Article 15

If any export commodity needs examination on genetic modification or proof of non genetic modification, the owner or its consignee shall in advance submit application to the local inspection and quarantine facilities and provide related import requirements adopted by the importing country or area on the commodity.

Article 16

Upon the acceptance of application by the inspection and quarantine facilities, selective examination shall be conducted on the commodity and samples shall be sent to the laboratory for genetic modification examination, based on the approval of application of genetic modification technology in commercial production, issued by relevant superior authorities as stipulated by related laws and regulations. If the examination report determines that the commodity is genetically modified and that it complies with the requirements of the importing country or area on genetically modified commodities, relevant inspection and quarantine approval documents will be issued; If the commodity is determined non genetically modified, relevant proof will be issued accordingly.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 17

Inspection and supervision of the import and export genetically modified commodities shall be

conducted in accordance with this regulation. Any other inspection and quarantine shall be conducted in accordance with relevant laws and regulations as well as relevant stipulations of AQSIQ.

Article 18

The laboratory that conducts the examination of genetic modification shall pass the qualification review of the state supervision and management authorities on authentication and acknowledgement.

Article 19

Any violation of the provisions of this Regulation shall be subject to punishment and penalty based on relevant laws and regulations.

Article 20

This Regulation shall be subject to the explanation of AQSIQ.

Article 21

This Regulation shall come into force as of the same date of announcement.