Decree of AQSIQ No. 183 on <Measures on the Supervision and Administration of Inspection and Quarantine of Inward Aquatic Animals>

No.183

<Measures on the Supervision and Administration of Inspection and Quarantine of Inward Aquatic Animals>, which were examined and adopted at the executive meeting of General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on 3rd February, 2016, are hereby promulgated, and shall come into force on 1st September, 2016.

Minister

July 26, 2016

(The document is disclosed.)
Measures on the Supervision and Administration of Inspection and Quarantine of Inward Aquatic Animals

Chapter I General Provision

Article 1 The present Measures are formulated in accordance with <The Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine> and the Regulation for Implementation thereof, <the Law of the People's Republic of China on Import and Export Commodity Inspection> and the Regulation for Implementation thereof, <the Law of People's Republic of China on Quality and Safety of Agricultural Products>, <Special Rules of the State Council on Strengthening the Supervision and Management of the Safety of Food and Other Products>, and other laws and regulations, with a view to preventing diseases of aquatic animals from spreading into China, protecting the safety of fishery production, the health of human bodies and the ecological environment.

Article 2 The present Measures shall apply to the inspection and quarantine as well as supervision and administration of inward aquatic animals.

Article 3 The General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China (hereinafter referred to as AQSIQ) shall uniformly supervise and administer the inspection and quarantine of inward aquatic animals nationwide.

The entry and exit inspection and quarantine institutions established by AQSIQ in all regions (hereinafter referred to as inspection and quarantine department) shall be responsible for the inspection and quarantine as well as supervision and administration of inward aquatic animals within their respective jurisdictions.

Article 4 AQSIQ and inspection and quarantine departments implement inspection and quarantine risk management on inward aquatic animals based on risk analysis, and classification management and credit management on concerned inward enterprises.

Article 5 Inward aquatic animals enterprises should be in accordance with the relevant laws, regulations and standards in production and business activities and be responsible to the society and the public, ensure the quality and safety of inward aquatic animals, accept social supervision, and undertake social responsibility.

Chapter II Quarantine Access

Article 6 AQSIQ implements quarantine access system on inward aquatic animals, including risk analysis of products, evaluation and review on health and safety.
control system, confirmation on inspection and quarantine requirements, registration on overseas aquaculture and packing enterprises.

Article 7 AQSIQ classifies, formulates, and publishes inspection and quarantine requirements on inward aquatic animals. According to inspection and quarantine requirements, to those countries or regions exporting aquatic animals to China at the first time, it needs to carry out product risk analysis and safety and hygiene control system assessment, to those countries or regions have exported or are exporting aquatic animals to China, it needs to carry out retrospective review on health and safety control system.

AQSIQ can send experts to the exporting country or region to conduct on-site audit and assessment on safety and health control system of aquatic animals.

Article 8 According to risk analysis, results of evaluation and review and requirements of inspection and quarantine, AQSIQ may negotiate to sign protocol or to determine inspection and quarantine certificate with competent authority of country or region exporting aquatic animals to China.

AQSIQ formulates, adjusts and publishes the approved species list of inward aquatic animal and approved list of exporting country or region.

Article 9 AQSIQ implements registration management on aquaculture enterprise and packing house of aquatic animals to be exported to China.
Overseas aquaculture and packing enterprises (hereinafter referred to as registered enterprise) exporting aquatic animals to China shall be in compliance with the relevant laws and regulations of the exporting country or region, after approving by competent authority of exporting country or region, they can be recommended to AQSIQ. Recommended materials should include:

(a) enterprise information: business name, address, approval number obtained from the competent authority, aquaculture and packaging capacity, etc.;
(b) aquatic animal information: species scientific name of cultured and packed aquatic animal, usage, etc.;
(c) monitoring information: official surveillance results of the latest disease, toxic and hazardous substances.

Article 10 AQSIQ shall audit recommended materials. If unqualified, it will inform competent authority of exporting country or region to make correction; if qualified, AQSIQ can send expert group to conduct random checks on registration applicants. Enterprise shall not accept to register if it is failed in check; to enterprise pass the check or the other recommended enterprises not on check list, combining with evaluation results of health and safety control system of aquatic animal, AQSIQ will
decide whether to accept registration or not.
AQSIQ regularly publishes and adjusts the list of registered enterprises.

Article 11 The period of the registration of overseas aquaculture and packaging enterprises is valid for 3 years.

To enterprise with extension need, should request competent authority of the exporting country or region to apply for an extension to AQSIQ, at least six months before expiry of the valid period.
AQSIQ may send expert group to implement retrospective review on health and safety control system of the exporting country or region, and conduct random checks to overseas aquaculture and packing house with extension application.

3 years of valid extension shall be given to qualified registration applicant and enterprises not on check list of country or region conforming to requirements of retrospective review.

Article 12 AQSIQ shall cancel its registration if the enterprise failing to apply for extension before the expiry.

Article 13 AQSIQ shall cancel its registration if the enterprise exporting aquatic animals unqualified in inspection and quarantine with serious circumstance.

Chapter III Overseas Inspection and Quarantine

Article 14 The registered enterprises and relevant fishing areas shall be in conformity with the relevant laws and regulations of the exporting country, and shall be under the effective supervision of competent authority of exporting country or region.

The registered enterprises of aquatic animals for breeding, aquaculture and ornamental use shall, in accordance with the methods and standards recommended by World Organization for Animal Health, and with provisions of the exporting country or region and bilateral quarantine agreement, be under continuous monitoring of competent authority more than two years, and found no diseases.

The registered enterprises of edible aquatic animals shall pass monitoring of competent authority of exporting country or region about aquatic animal disease, toxic and harmful substances and pathogenic micro-organism, and the results should meet requirements of bilateral agreement on inspection and quarantine, Chinese mandatory standards or standard specified by AQSIQ.

Article 15 If serious epidemic diseases of aquatic animals occur in country or region exporting aquatic animals to China, or large-scale death of aquatic animals occur for unknown reason in registered enterprise or in fishing areas, competent authority of
Article 16 The eggs and semen of aquatic animals to be exported to China, if any, must come from a healthy parental population. Aquatic animals for breeding, aquaculture and ornamental use must, before exported to China, be isolated in a place ratified by competent authority of exporting country or region. The aquatic animals shall not, during the period of isolation for quarantine, have any contact with any other aquatic animal.

AQSIQ may send quarantine officers to exporting country or region to assist in carrying out isolation quarantine before export.

Article 17 The registered enterprise exporting aquatic animals to China and isolated quarantine location shall have appropriate biological safety protection facilities and epidemic prevention management system, which can effectively prevent the intrusion of aquatic animals from other waters, and ensure the safety and sanitation of aquatic animals to be exported.

Article 18 The package of the aquatic animals to be exported to China coming from different aquaculture farm or fishing area must be separated, different kinds of aquatic animal should be in individual package in order to satisfy living and well-being needs of animals. The external container must be brand-new or be disinfected, be able to prevent leakage; while the internal packing shall be transparent for inspection.

Article 19 Water or ice of packaging use and bedding materials of aquatic animals to be exported to China shall conform to the requirements of safety and health, containing no pathogenic micro-organisms endangering health of animals, plants and human being, no toxic and harmful substances and no aquatic organisms having harm to water ecological environment.

Article 20 Aquatic animals to be exported to China, within 48 hours prior to transportation, cannot have clinical symptoms of animal infectious diseases and parasitic diseases. When necessary, it shall disinfect and insecticide by using effective drugs approved by competent authority of exporting country or region.

Article 21 The competent authority of exporting country or region shall issue a certificate of inspection and quarantine to aquatic animals to be exported to China, in accordance with form and content of inspection and quarantine certificate confirmed by AQSIQ.
Article 22 Inward aquatic animal shall comply with the following requirements:
(1) Chinese laws and regulations and mandatory standards;
(2) inspection and quarantine requirements formulated by AQSIQ;
(3) the relevant requirements confirmed in bilateral inspection and quarantine agreement;
(4) the relevant requirements in inspection and quarantine certificate recognized by both parties;
(5) specified requirements in imported animal and plant quarantine permit (hereinafter referred to as quarantine permit);
(6) other inspection and quarantine requirements as prescribed by AQSIQ.

Article 23 Edible aquatic animals shall be imported from designated entry ports announced by AQSIQ. The latter regularly assesses designated ports, and announces the list of designated ports.
Requirements of designated port for edible aquatic animal shall be formulated separately by AQSIQ.

Article 24 The consignee or its agent of inward aquatic animal shall handle the quarantine permit in accordance with the relevant provisions. If inward aquatic animals depart from exporting country or region, transit in the third country or region, finally entry into China, the consignee or his agent shall fill out a detailed transportation routes and transit treatment in the third country or region when apply for the quarantine permit, including whether to leave customs supervision area, to replace means of transport, to open and replace package and to access to water environment of the third party country or region or not. The consignee or its agent of inward aquatic animals for breeding, aquaculture and ornamental use shall apply for quarantine permit to local inspection and quarantine departments of designated isolation area, and before application, it needs to obtain isolation area use permit according to < Measures for the Supervision and Administration of the Use of Quarantine Sites for Isolating Imported Animals >; inward edible aquatic animals shall apply for quarantine permit to inspection and quarantine departments at the port of entry.

Article 25 When the aquatic animals are carried to the port of entry, the consignee or its agent shall declare inspection to inspection and quarantine department of the port of entry with document, like quarantine permit, original inspection and quarantine certificate issued by competent authority of exporting country or region, trade contract, bill of lading, packing list and invoice.
Applicant on quarantine permit, consignee on inspection and quarantine certificate issued by overseas competent authority and consignee on bill of lading should be the same.

Article 26 Inspection and quarantine departments conduct audit on relevant document submitted by the consignee or its agent, only cases complying with the requirements can be accepted for inspection, and write-off shall be conducted on
quantity approved on quarantine permit in accordance with the relevant provisions.

Article 27 Inspection and quarantine departments of the port of entry implement on-site inspection on inward aquatic animals in accordance with the following provisions:

(1) Unpacking inspection proportion: for inward aquatic animals for breeding, aquaculture and ornamental use, if less than 10 boxes, open all; if more than 10 boxes, each additional 10 boxes will increase additional 2 unpacking boxes, and maximum is no more than 20; unpacking proportion on inward edible aquatic animals will be no more than 10%, and no less than 3 boxes. If problems are found, an appropriate increase is possible on unpacking inspection proportion. If AQSIQ has specified classification management regulations, unpacking inspection will be executed in accordance with the relevant provisions.

(2) Verify conformity of commodity and document: name, quantity (weight), packaging, output date, transportation information, exporting country or region, transit country or region etc.

(3) Examination of packaging and labeling: container packaging is intact or not; packaging container has a Chinese or English logo solid and easy to clearly distinguish or not, indication of specie name, scientific name, place of origin, approval number of aquaculture enterprise or packing house of aquatic animals, and other content. Live fish carrier and live fish containers are hard for labeling, so not included in the paragraph.

(4) Clinical examination: health of aquatic animals, including whether or not abnormal swimming, ulceration, bleeding, cyst and parasitic infections on skin, abnormal body color, swelling at fish abdominal, swelling at fish anus, abnormal contraction of shellfish adductor muscle, black flake or white flake on body surface and carapace of crustacean, and gill nigrescence.

(5) The water or ice for packing use and bedding materials: whether or not contain soil or harmful organisms endangering health of animals or plants or human prohibit by law and regulations.

Article 28 Inspection and quarantine departments shall conduct epidemic prevention and disinfection treatment on outer packing of inward aquatic animals, transportation and loading and unloading ground, in accordance with the relevant provisions.

Article 29 If following circumstances are found in on-site inspection, inspection and quarantine departments shall conduct disposition in accordance with the relevant provisions:
(1) damaged packaging container and leakage of water, the consignee or its agent shall be required to clear up packing container, change the package or destroy aquatic animals inside damaged package, and disinfect on the spot and packaging containers;
(2) if need to open package to add water or change water on-site, the used water must meet the provisions of Chinese fishery water quality standard, and complete disinfection treatment, disinfected treatment shall be conducted to abandoned original package, water or ice of packing use and bedding materials, in accordance with the relevant provisions;
(3) to destroy objects prohibit for import;
(4) if abnormal situation is detected in clinical examination, it can send sample to laboratory for testing;
(5) the consignee and its agent need to accomplish harmless treatment on dead aquatic animal under supervision.

Article 30 If any of following circumstances is found in accepted check or on-site inspection, inspection and quarantine departments shall issue "notice on inspection and quarantine treatment", and supervise the consignee or its agent to return or destroy commodity:

(1) specie of aquatic animal and exporting country or region not on approved list for import;
(2) without a valid quarantine permit;
(3) without effective inspection and quarantine certificate issued by competent authority of exporting country or region;
(4) applicant on the quarantine permit, the consignee on the inspection and quarantine certificate and the consignee on the bill of lading are inconsistent; the actual transport route is not consistent with the quarantine permit;
(5) from enterprises haven’t registered;
(6) non-compliance between commodity and document, including specie non-compliance, exceeding amount of quantity (weight) of inward aquatic animals comparing with quantity (weight) specified in inspection and quarantine certificate, give false use information, no label, incomplete label content or non-compliant with content specified in inspection and quarantine certificate;
(7) abnormal death during clinical examination and emergence of clinical symptoms of aquatic animal disease;
(8) mortality rate exceeds 50% during clinical examination.

Article 31 Inspection and quarantine departments of the port of entry, in accordance with the relevant requirements of standard, monitoring plans as well as warning and notification, implement sampling on inward edible aquatic animals, and inspect or supervise the following items:
(1) pathogen of aquatic animal disease, food-borne pathogenic micro-organisms,
parasites;
(2) biological toxins like shellfish toxins etc;
(3) residues of heavy metal, pesticide and veterinary drug;
(4) other required items.

Article 32 If inward edible aquatic animals are qualified in on-site inspection conducted by inspection and quarantine departments, they shall be released after inspection; if failed in inspection, they should be returned or destroyed. If monitoring plan and warning notification has specified requirements, implement sampling and testing in accordance with the requirements.

Article 33 If inward edible aquatic animals are failed in laboratory detection, the consignee or its agent should take the initiative to recall unqualified edible aquatic animals and take effective measures to deal with.

Article 34 According to unqualified occurrence frequency of risk monitoring and harm degree, after risk assessment, if AQSIQ takes detain and detection measures on inward edible aquatic animals, the consignee or its agent shall transport edible aquatic animals to temporary detain inspection place designated by inspection and quarantine departments, commodity can be released after qualified laboratory testing. If unqualified, returned or destroyed.

Article 35 Inward aquatic animals for breeding, aquaculture and ornamental use should be isolated at least 14 days in designated area for quarantine need. After on-inspection is qualified, inspection and quarantine departments of the port of entry shall issue <Transference Notice for inward commodity>, when commodity arrives at the designated isolation area, the consignee or its agent should declare to inspection and quarantine departments. The latter shall verify commodity and certificate, and implement the following inspection and quarantine measures:

(1) harmless treatment on dead aquatic animals;
(2) disinfection treatment on original packaging, water or ice for loading use and bedding materials;
(3) during isolation quarantine period, inspection and quarantine departments implement disease detection on aquatic animal, in accordance with the annual surveillance program on aquatic animal disease, requirements of quarantine permit and other relevant provisions of the sampling.

<Inspection and Quarantine Certificate on Inward Commodity> shall be issued and commodity shall be released, if isolation quarantine is qualified; if unqualified, <Inspection and Quarantine Treatment Notice> shall be issued and culling or destruction shall be implemented on all aquatic animals in the same isolation facilities and disinfect isolation area.

Chapter V Transit and Transfer Inspection and Quarantine
Article 36 For transit of aquatic animals, the carrier or the supercargo should go through the formalities of quarantine approval procedure in accordance with the provisions, and declare to inspection and quarantine departments of the port of entry with bills of lading, quarantine permit, and certificate issued by competent authority of exporting country or region.

Article 37 Transit container of aquatic animals should be in good condition, no leakage. If inspection and quarantine departments of the port of entry find leakage on container during transport period, the carrier or the supercargo should carry out rectification, in accordance with the requirements of inspection and quarantine departments. Without effective rectification, transit shall not be allowed.

Article 38 The consignor or its agent shall apply for transfer inspection to inspection institution designated by AQSIQ, if it needs to transfer from Hong Kong or Macau to Chinese Mainland. Without transfer inspection or unqualified transfer inspection shall not be allowed to transfer to Chinese mainland.

The transit in the third country or region is requested to issue transit certificate by competent authority of the third country or region, in accordance with the relevant requirements of AQSIQ, without valid transit document, it cannot enter the country.

Chapter VI Supervision and Administration

Article 39 AQSIQ implements safety risk monitoring and epidemic surveillance on inward aquatic animals, formulates annual safety risk monitoring plan and epidemic surveillance plan of inward aquatic animals, compiles annual report. CIQ directly under AQSIQ formulates implementation plan, according to local actual situation, and organizes implementation.

Article 40 Inspection and quarantine departments shall, in accordance with the relevant provisions, report unqualified information of inward aquatic animals to AQSIQ; the latter shall inform unqualified information to competent authority of exporting country or region.

Article 41 According to unqualified inspection and quarantine situation of inward aquatic animals, risk information notified by concerned domestic and oversea competent authorities or organizations, and found problems in domestic and overseas markets, AQSIQ shall release warning and notification, based on risk analysis, in accordance with the relevant provisions, and take risk control measures, such as improve monitoring proportion, detain inspection until suspending import, etc.

Article 42 Inspection and quarantine departments, in accordance with provisions of <Enterprise Credit Management on Entry-Exit Inspection and Quarantine>,

implement credit management on the consignee of inward aquatic animals.

Article 43 Inspection and quarantine departments implement filing management on the consignee of inward edible aquatic animal.

Article 44 The consignee of inward edible aquatic animals shall establish business archives of inward aquatic animals, and make records on inward aquatic animal information, like inspection number, specie name, quantity / weight, exporting country or region, registration number of overseas registered aquaculture and packaging enterprises, and destination of inward aquatic animals. The business archives shall be kept for at least two years.

Article 45 Inspection and quarantine departments regularly audit business archives of the consignee of inward edible aquatic animals, and unqualified audit result shall be ordered to make a rectification.

Article 46 The consignee of inward aquatic animals for breeding, aquaculture and ornamental use shall, according to <Measures for the Supervision and Administration of the Use of Quarantine Sites for Isolating Imported Animals>, well complete breeding and disease prevention during isolation period, and keep the relevant records. Inspection and quarantine departments supervise and administrate the designated isolation area, in accordance with the relevant provisions.

Article 47 If inward aquatic animals exist health and safety problems, the consignee shall take control measures like the automatically recall and destruction, and immediately report to inspection and quarantine departments and local competent authority in the meantime. If the consignee refuses to perform compulsory recall, inspection and quarantine departments can order the consignee to recall.

Chapter VII Legal liability

Article 48 In any of the following circumstances, inspection and quarantine departments shall impose a fine of 5000 RMB or less, in accordance with the provisions of <Regulations for the Implementation of the Law of the people's Republic of China on the Entry and Exit Animal and Plant Quarantine>:
(a) without inspection declaration or failing to go through the formalities for quarantine approval procedure or no implementation based on provisions of quarantine approval procedure. ;
(b) inward aquatic animal for inspection declaration is inconsistent with the facts. The obtained quarantine permit shall be revoked, if has situation mentioned in preceding paragraph (2).

Article 49 In any of the following circumstances, inspection and quarantine departments shall impose a fine between 3000 RMB and 30000 RMB, in accordance with the provisions of <Regulations for the Implementation of the Law of the
people's Republic of China on the Entry and Exit Animal and Plant Quarantine>::

(1) to unload inward and transit aquatic animals from means of transport or delivery without permission of inspection and quarantine departments;
(2) to transfer or deal with inward aquatic animals in isolation quarantine in designated area by inspection and quarantine departments without authorization;
(3) to open package of transit aquatic animals without authorization, or open and damage inspection and quarantine seals or marks without authorization;
(4) to dispose carcass of transit aquatic animals, bedding materials or other wastes without authorization, or not to deal with the water in package in accordance with the regulations.

Article 50 If any of the following circumstances, criminal responsibility shall be investigated in accordance with law; to cases not constituting a crime or its criminal law does not need to be sentenced to punishment, inspection and quarantine departments shall impose a fine between 20000 RMB and 50000 RMB, in accordance with the provisions of <Regulations for the Implementation of the Law of the people's Republic of China on the Entry and Exit Animal and Plant Quarantine>:

(1) to cause major animal epidemic situation;
(2) to forge and alter quarantine certificate, stamp, mark and seal.

Article 51 In any of the following circumstances, inspection and quarantine department shall make punishment in accordance with <Special Rules of the State Council on Strengthening the Supervision and Management of the Safety of Food and Other Products>:

(1) to know security risks clearly, but withhold information and not report, refuse to fulfill obligation of accident reporting and continue to import;
(2) to refuse to perform obligation of product recall.

Article 52 If any of the following circumstances, inspection and quarantine departments shall impost a fine no more than 30000RMB:

(1) to use forged or altered quarantine certificates, stamp, mark, seal;
(2) to use forged or altered quarantine certificate issued by competent authority of exporting country or region;
(3) to use the other related forged or altered documents;
(4) not to establish business archives or not to record and preserve business archives in accordance with the provisions;
(5) to transfer or deal with detained inward edible aquatic animal in designated area by inspection and quarantine departments without authorization;
(6) to refuses to accept supervision and administration of inspection and quarantine departments.

Article 53 Inspection and quarantine departments and their staff shall dispose the consignee or its agent of inward aquatic animals, if they have other kinds of illegal
acts, in accordance with the provisions of relevant laws and regulations.

**Chapter VIII Annex**

Article 54 The definition of following terms in the present Measures are:

Aquatic animals: refers to the live fishes, molluscs, crustaceans, jellyfish, echinoderms, cephalochordates and amphibians by artificial aquaculture or fished in natural waters, including their semen and fertilized egg for reproduction use.

Aquaculture farm: refers to hatching, breeding and aquaculture location for aquatic animals.

Packing house: refers to place of collection, storage, classification, processing and packaging in short time before aquatic animals leaving the country.

Exporting country or region: refers to country or area whose competent authority in charge of issue of official inspection and quarantine certificate on inward aquatic animals.

Transfer: refers to transportation ways of aquatic animals. For transport reason, after outbound from exporting country or region, aquatic animals need to pass by the third country or region, leave special surveillance area like customs surveillance area of the third country or region, change transportation, and finally arrive to mainland China.

Water of package: refers to water directly contact with aquatic animal, exclude sealed ice cube or water bag for temperature regulation use.

Detained testing: refers to inspection and quarantine measures. Because of the presence of health and safety risks of inward edible aquatic animals, after passing inspection of the port of entry, commodity shall be delivered to temporary storage location designated by inspection and quarantine departments, and be released after qualified sampling detection.

Article 55 Inspection and quarantine as well as supervision and administration on inward reptile animals, like turtle, soft-shelled turtle, snake and crocodile shall be implemented referring to the Measures.

Article 56 Inspection and quarantine as well as supervision and administration on inward aquatic animals in border trade shall be implemented referring to the
Measures.

Article 57 The Measures shall be interpreted by AQSIQ.

Article 58 The present Measures shall come into force on 1st September, 2016. <Measures on the Supervision and Administration of Inspection and Quarantine of Inward Aquatic Animals> implemented by AQSIQ from 1st November 2003 (AQSIQ Decree No. 44) shall be repealed simultaneously.