

Ley de Cuarentena Animal y Vegetal para Importaciones y Exportaciones

Sancionada por el 22º Comité Permanente de la VII Asamblea Nacional y Popular el 30 de octubre de 1991.

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Entrada en vigencia: 1 de abril de 1992

Nota: deroga Reglamento sobre Cuarentena de Importación y Exportación, promulgada por el Consejo de Estado el 4 de junio de 1982.

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

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

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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 incontact 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 nonprocessed 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.

Promulgated by The Standing Committee of the National People's Congress on 1991-10-30