Entry and Exit Animal and Plant Quarantine Law of the PRC

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Adopted at the 22nd Meeting of the Standing Committee of the Seventh National People's Congress on October 30, 1991

Amended in accordance with the Decision on Amending the Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on August 27, 2009

Effective: April 1, 1992

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of preventing the introduction of animal and plant epidemics, diseases, insect pests, weeds, and other harmful organisms into or out of the territory of China, protecting the production of agriculture, forestry, animal husbandry, and fishery, safeguarding human health, and promoting the development of foreign economic relations and trade.

Article 2 — The entry and exit of animals and plants and their products, as well as other articles subject to quarantine such as means of transport and means of transport loading, packing containers, and packing and cushioning materials for animals and plants, shall undergo quarantine in accordance with this Law. The quarantine shall be carried out by the entry and exit animal and plant quarantine authorities.

Article 3 — The State Council shall establish an administrative department for entry and exit animal and plant quarantine ("the State animal and plant quarantine authority"), which shall uniformly administer the entry and exit animal and plant quarantine work of the entire country. The entry and exit animal and plant quarantine authorities and their local agencies set up by the State animal and plant quarantine authority at ports open to the outside world and at places where entry and exit animal and plant quarantine operations are concentrated shall carry out entry and exit animal and plant quarantine in accordance with this Law. Where trade animals and plants are subject to quarantine by other departments, matters relating to the quarantine of such products shall be separately prescribed by the State Council.

Article 4 — The port entry and exit animal and plant quarantine authorities may, when discovering objects listed in the catalogue of quarantine objects during the implementation of quarantine, seal up or detain such objects in accordance with law and return, destroy, or disinfect them. The list of quarantine objects prohibited from entering the country shall be formulated and published by the State animal and plant quarantine authority.

Article 5 — The State animal and plant quarantine authority and the port entry and exit animal and plant quarantine authorities shall, in case of emergency, take emergency preventive measures against the objects prohibited from entering the country or the quarantine objects that are likely to be introduced into the country due to the occurrence of a major animal or plant epidemic abroad. When necessary, the State Council may issue an order to prohibit the entry of conveyances from or passing through the epidemic area.

Article 6 — The State shall implement a quarantine examination and approval system for the entry of animals and plants, their products, and other quarantine objects that are subject to quarantine. The specific measures shall be formulated by the State animal and plant quarantine authority.

Article 7 — The State shall implement a system of registration of overseas enterprises producing, processing, or storing animal or plant products to be exported to China. The specific measures shall be formulated by the State animal and plant quarantine authority.

Article 8 — Where entry quarantine is required for imported animals and plants, their products, or other quarantine objects, the consignee or its agent shall, prior to the entry, apply to the port entry and exit animal and plant quarantine authority for quarantine examination and approval in accordance with the relevant provisions. If the application is approved, the port entry and exit animal and plant quarantine authority shall issue a quarantine permit. If the application is not approved, it shall notify the applicant of the reasons.

Article 9 — Where the importing country or region requires quarantine of animals or plants or their products exported from China, the port entry and exit animal and plant quarantine authority shall carry out quarantine in accordance with the requirements of the importing country or region. If the requirements cannot be met, the port entry and exit animal and plant quarantine authority shall notify the exporter or its agent.

Article 10 — Port entry and exit animal and plant quarantine authorities shall be staffed with port animal and plant quarantine officers when carrying out quarantine at ports. Port animal and plant quarantine officers shall carry their certificates and wear their uniforms and badges in accordance with law when performing their duties. The relevant entities and individuals shall provide assistance and shall not obstruct the lawful

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performance of duties by port animal and plant quarantine officers.

Chapter II — Entry Quarantine

Article 11 — For the entry of animals and plants, their products, and other quarantine objects such as seeds, seedlings, and other propagating materials, the consignee or its agent shall, prior to the entry, complete the quarantine formalities by presenting the quarantine permit and the phytosanitary or veterinary certificate issued by the exporting country or region and other relevant documents. For the entry of animals and plants, their products, and other quarantine objects that require quarantine but do not require a quarantine permit, the consignee or its agent shall declare to the port entry and exit animal and plant quarantine authority at the time of entry. The port entry and exit animal and plant quarantine authority shall carry out quarantine after accepting the declaration. No loaded animal or plant or its product or other quarantine object may be unloaded without undergoing quarantine.

Article 12 — For commodities subject to entry quarantine that have passed quarantine, the port entry and exit animal and plant quarantine authority shall sign and stamp the customs declaration form and issue a quarantine release certificate. No commodity subject to entry quarantine may be released by the customs without the customs release certificate. For commodities that have passed entry quarantine, the quarantine treatment, supervision, and administration during the processing, storage, and use period shall be carried out in accordance with the provisions.

Article 13 — Where animals entering the country are found upon entry quarantine to be infected with an epidemic disease of Category I or Category II as specified in the Catalogue of Quarantine Diseases and Quarantine Pests of Animals and Plants Entering or Leaving the Country, the entire group of such animals shall be returned or destroyed, with the exception of breeding stock which may be treated if treatment is feasible, in which case the entire group may be subjected to such treatment.

Article 14 — Where plants, plant products, or other quarantine objects entering the country are found upon entry quarantine to be infected with quarantine pests or diseases, they shall be subjected to treatment such as disinfection, destruction, or return. If disinfection is not feasible, they shall be returned or destroyed.

Article 15 — Where animals or plants, their products, or other quarantine objects entering the country are not infected upon quarantine, or quarantine pests have been eliminated through disinfection treatment, they shall be permitted to enter the country.

Article 16 — The port entry and exit animal and plant quarantine authorities shall be responsible for the supervision and administration of the transportation, processing, and use of quarantine objects entering the country.

Article 17 — Where, during the transportation, processing, or use of quarantine objects entering the country, a quarantine pest or disease or other harmful organism is discovered, the entity or individual concerned shall promptly report to the port entry and exit animal and plant quarantine authority and take appropriate measures.

Chapter III — Exit Quarantine

Article 18 — For the exit of animals and plants, their products, and other quarantine objects, the consignor or its agent shall, prior to the exit of the goods, apply to the port entry and exit animal and plant quarantine authority for quarantine. The port entry and exit animal and plant quarantine authority shall carry out quarantine within the prescribed time limit and issue a quarantine certificate after passing quarantine. If quarantine is not passed, no exit shall be permitted. Where the importing country or region requires a quarantine certificate, the port entry and exit animal and plant quarantine authority shall issue such certificate in accordance with the requirements of the importing country or region.

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Article 19 — Where animals or plants, their products, or other quarantine objects are found upon exit quarantine to comply with the quarantine requirements of the importing country or region, or with the quarantine requirements prescribed by the State, they shall be permitted to exit.

Article 20 — Where animals or plants, their products, or other quarantine objects are found upon exit quarantine to not comply with the quarantine requirements, no exit shall be permitted. After treatment, if they comply with the quarantine requirements, exit may be permitted.

Article 21 — The port entry and exit animal and plant quarantine authorities shall carry out supervision and control of the production, processing, and storage of export animals and plants, their products, and other quarantine objects.

Chapter IV — Transit Quarantine

Article 22 — For animals and plants, their products, and other quarantine objects transiting through China, the carrier or its agent shall, at the time of entry, declare to the port entry and exit animal and plant quarantine authority. The means of transport or packing containers for transit shall remain intact and sealed during transit; no transit goods may be unloaded without authorization.

Article 23 — For animals and plants, their products, and other quarantine objects transiting through China, the port entry and exit animal and plant quarantine authority shall verify the transit documents and inspect the means of transport or the exterior of the packing containers. If infection with quarantine pests or diseases is found, treatment, return, or destruction shall be carried out.

Article 24 — Where transit animals and plants, their products, or other quarantine objects are required to be unloaded due to force majeure or other reasons, the matter shall be promptly reported to the port entry and exit animal and plant quarantine authority, and the goods shall be stored at a place designated by the port entry and exit animal and plant quarantine authority.

Chapter V — Quarantine of Portable and Mailed Articles

Article 25 — The port entry and exit animal and plant quarantine authorities may carry out on-site quarantine inspection of portable articles carried by persons entering or leaving the country. Where quarantine objects that are not permitted to be carried are found, they shall be confiscated or destroyed. Where quarantine objects that require quarantine are found, quarantine treatment shall be carried out.

Article 26 — For quarantine objects entering or leaving the country by mail, the postal authority shall notify the port entry and exit animal and plant quarantine authority for quarantine. No such articles may be delivered or forwarded without undergoing quarantine. Mailed quarantine objects that fail quarantine shall be returned or destroyed.

Article 27 — Where quarantine objects carried by persons entering or leaving the country or sent by mail are found upon quarantine to require treatment, the port entry and exit animal and plant quarantine authority shall conduct such treatment. If treatment is not feasible, they shall be returned or destroyed.

Chapter VI — Quarantine of Conveyances

Article 28 — For conveyances entering or leaving the country, such as ships, aircraft, trains, and vehicles, the person in charge of the conveyance shall, at the time of entry or exit, declare to the port entry and exit animal and plant quarantine authority. The port entry and exit animal and plant quarantine authority shall carry out quarantine inspection of the conveyance and may carry out epidemic prevention and disinfection treatment.

Article 29 — Where an entering or exiting conveyance is found upon quarantine to be carrying quarantine pests or diseases, or harmful organisms that may spread epidemics, disinfection, destruction, or other

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necessary treatment shall be carried out. If treatment is not feasible, the conveyance shall not enter or exit.

Article 30 — Waste, swill, animal and plant waste, and garbage on entering or exiting conveyances shall be disposed of in accordance with the provisions and shall not be discarded without authorization. If found to be carrying quarantine pests or diseases, harmless treatment shall be carried out.

Article 31 — Loading containers, packing containers, and packing and cushioning materials for animals and plants entering or leaving the country shall undergo quarantine in accordance with this Law.

Chapter VII — Legal Liability

Article 32 — Whoever, in violation of the provisions of this Law, brings or mails quarantine objects prohibited from entering the country without undergoing quarantine examination and approval shall be ordered by the port entry and exit animal and plant quarantine authority to return or destroy such objects. A fine of not more than 5,000 yuan may be imposed concurrently.

Article 33 — Whoever, in violation of the provisions of this Law, brings or mails animals or plants, their products, or other quarantine objects into the country without declaring to the port entry and exit animal and plant quarantine authority for quarantine shall be ordered by the port entry and exit animal and plant quarantine authority to undergo quarantine or treatment. If the circumstances are serious, a fine of not less than 1,000 yuan but not more than 10,000 yuan may be imposed concurrently.

Article 34 — Whoever, in violation of the provisions of this Law, exports animals or plants, their products, or other quarantine objects without undergoing quarantine as required or without passing quarantine shall be ordered by the port entry and exit animal and plant quarantine authority to make corrections and a fine of not less than 2,000 yuan but not more than 30,000 yuan may be imposed.

Article 35 — Whoever, in violation of the provisions of this Law, commits any of the following acts shall be ordered by the port entry and exit animal and plant quarantine authority to make corrections and a fine of not more than 30,000 yuan may be imposed: (1) opening, unloading, or delivering quarantine objects that have not undergone quarantine without authorization; (2) discarding waste, swill, animal and plant waste, or garbage from conveyances without authorization; (3) failing to transport, process, or use quarantine objects in accordance with the provisions; (4) failing to report promptly upon discovering quarantine pests or diseases.

Article 36 — Whoever, in violation of the provisions of this Law, counterfeits or alters quarantine certificates, seals, stamps, labels, or marks shall be confiscated of the illegal proceeds and the forged or altered articles by the port entry and exit animal and plant quarantine authority, and a fine of not more than 30,000 yuan shall be imposed. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 37 — Where the party concerned disagrees with the penalty decision made by the port entry and exit animal and plant quarantine authority, it may apply for administrative reconsideration or bring an administrative lawsuit in accordance with law. If the party neither applies for reconsideration nor brings a lawsuit within the prescribed time limit, nor complies with the penalty decision, the authority that made the penalty decision may apply to the people's court for compulsory enforcement.

Article 38 — Staff members of port entry and exit animal and plant quarantine authorities who abuse their power, neglect their duties, or engage in malpractices for personal gain shall be given administrative sanctions in accordance with law. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Chapter VIII — Supplementary Provisions

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Article 39 — The fees for entry and exit animal and plant quarantine shall be handled in accordance with the relevant provisions of the State.

Article 40 — The State Council shall formulate detailed rules for the implementation of this Law.

Article 41 — Where quarantine is required under international treaties to which the People's Republic of China is a party or has acceded, but the provisions of this Law are not applicable, such treaties shall apply, except for provisions in respect of which the People's Republic of China has declared reservations.

Article 42 — This Law shall be effective as of April 1, 1992. The Regulations of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine promulgated by the State Council on June 28, 1982 shall be repealed simultaneously.

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