

**Voluntary Report** – Voluntary - Public Distribution

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Animals and Plants Notified

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**Report Highlights:**

On January 6, 2022, China notified the Measures for Administration of Quarantine Access of Entry Animals and Plants (Draft) to the WTO SPS Committee as G/SPS/N/CHN/1244. The comment deadline is March 7, 2022. The implementation date for the Measures is April 1, 2022. Comments can be sent to the WTO/SPS National Notification and Enquiry Center at [sps@customs.gov.cn](mailto:sps@customs.gov.cn). The Measures serve to clarify procedures for quarantine access. This report contains an unofficial English translation of the draft Measures.

## Summary:

The General Administration of Customs of the People's Republic of China (GACC) has developed the *Measures for Administration of Quarantine Access of Entry Animals and Plants (Draft)* to further clarify procedures for quarantine access of entry animals and plants as previously provided for in the [Administrative Provisions on Risk Analysis of Entry Animals and Animal Products](#) (link in Chinese) and the [Administrative Provisions on Risk Analysis of Imported Plants and Plant Products](#) (link in Chinese). The Measures also align with requirements of *The Biosecurity Law of China* as implemented on April 15, 2021, which provides that: "China establishes a national access approval system for animals and plants, animal and plant products, and high-risk biological factors that are entering the country for the first time or resume entry after (entry) suspension [Article 23]".

The Measures state the quarantine access of animals and plants, animal and plant products, and other quarantine objects that are first imported from or, after a suspension, resumed for import from a country or region. According to the Measures, the procedures for quarantine access include the access application, questionnaire distribution and collection, document assessment, on-site assessment, technical consultation, result notification, agreement signing (or confirmation of quarantine requirements), issuance of quarantine requirements, and update of access lists. Only animals and plants, animal and plant products, and other quarantine objects that have obtained quarantine access can enter China.

Before notifying the draft Measures to the WTO SPS Committee, GACC released the draft Measures for domestic comment in December 2021.

This report contains an unofficial English translation of the draft Measures.

## BEGIN TRANSLATION

### **Measures for Administration of Quarantine Access of Entry Animals and Plants**

#### **(Draft for Solicitation of Comments)**

#### **Chapter I General Provisions**

**Article 1:** In order to safeguard national biosecurity, protect the lives and health of human beings, animals and plants, and to prevent and respond to the introduction of animal and plant epidemics and the invasion of alien species, the Measures were formulated in accordance with laws and regulations such as the "Biosecurity Law of the People's Republic of China", the "Law of the People's Republic of China on

the Quarantine of Animals and Plants Entering and Exiting China" and the implementing regulations thereof.

**Article 2** The Measures apply to the quarantine access management of animals and plants, animal and plant products and other quarantine objects that enter China for the first time from a country/region or restore access (of the product) to China after suspension.

Only animals and plants, animal and plant products and other quarantine objects that have been granted quarantine access can enter the territory of China.

**Article 3** Quarantine access prescribed in the Measures refers to the procedures and activities that the General Administration of Customs of China (GACC) uses to grant access to the animals and plants, animal and plant products and other quarantine objects to be exported to China, and decide the corresponding quarantine requirements on the basis of assessing their epidemic risks, the official animal and plant quarantine oversight system and biosecurity risks of the exporting country/region in accordance with relevant laws and regulations and with reference to relevant international rules and standards.

**Article 4** Quarantine access (work) shall comply with the provisions of laws and regulations, it shall be science-based, and follow the principles of putting prevention first, carrying out risk analysis, and upholding openness and transparency, non-discrimination and minimization of adverse effects on trade.

**Article 5** GACC is responsible for the quarantine access of entry animals and plants.

**Article 6** Based on risk assessment, the procedures for quarantine access generally include access applications, issuing and collecting questionnaires, assessment of documents, on-site assessments, notification of results, technical consultations, the signing of agreements (or confirmation of quarantine requirements), the releasing of quarantine requirements, and the update of access lists, etc.

## **Chapter II: Initiation of Access**

**Article 7** Before the first export of relevant animals and plants, animal and plant products and other quarantine objects to China, the competent authority of the exporting country/region or the importer shall submit a written application to GACC.

**Article 8** GACC, upon the aforementioned application, sends a questionnaire to the competent authority of the exporting country or region. The competent authority provides relevant technical materials based on the GACC questionnaire, which include but are not limited to the following items:

- (1) Laws and regulations related to animal and plant quarantine;
- (2) Agencies overseeing animal and plant quarantine;
- (3) The epidemic situation and prevention and control measures for animal and plant epidemics;

- (4) Technical supporting capacity for animal and plant quarantine, including laboratory structure, duties and responsibilities, quantity and distribution (of the labs, i.e. location);
- (5) Quarantine oversight, certification and endorsement of export animals and plants;
- (6) Mechanisms for monitoring, tracing, early warning and emergency response of animal and plant epidemics, and the recall of related animals and plants, animal and plant products and other quarantine objects;
- (7) Oversight of facilities producing, processing and storing animals and plants, animal and plant products and other quarantine objects;
- (8) International trade of animals and plants, animal and plant products and other quarantine objects;
- (9) Other information that GACC deems necessary to know.

**Article 9** When trade is suspended due to a sudden outbreak of animal or plant epidemics or due to incompliance detected by China Customs in its inspection, the competent authorities of the exporting countries/regions could submit a written application to GACC to apply for restore export of animals and plants, animal and plant products and other quarantine objects to China; the written application provides relevant technical materials or rectification reports addressing the reasons of the suspension.

**Article 10** With the occurrence of any of the following circumstances in the country/region that is applying (for quarantine access), GACC could terminate the assessment and technical consultation, and notify the competent authority of the related country/region:

- (1) Failed to provide response within 12 months after receiving the assessment questionnaire;
- (2) Failed to provide supplementary information and materials within 3 months after receiving GACC notice;
- (3) Occurrence of a sudden outbreak of a major epidemic of animals and plants;
- (4) Failed to cooperate with the Chinese side in completing on-site inspections or remote video inspections, or failed to effectively complete rectification;
- (5) (The applicant) withdrew the application.

For circumstances mentioned in items 1 and 2 of the preceding paragraphs, the competent authorities of related countries/regions can apply for an extension due to the special reasons; and with the consent of GACC, they can submit relevant materials in accordance with the time limit rescheduled by GACC.

### **Chapter III: Access Assessment**

**Article 11** Access assessment includes document assessment and on-site assessment. Based on the document assessment and the on-site assessments, the (GACC designated) expert team completes the risk assessment report and makes comments and recommendations on quarantine access.

**Article 12** GACC organizes experts to review the authenticity, completeness and validity of application materials and questionnaire responses. Based on the assessment results, GACC may request the competent authorities of related countries/regions to supplement the missing information or materials.

The (GACC designated) expert team assesses the epidemic risk of relevant animals and plants, animal and plant products and other quarantine objects by reviewing the application materials following relevant provisions for analysis of animal and plant risks and formulate a draft assessment report.

The requirements for structure of the expert team and experts' qualifications will be provided separately.

**Article 13** If GACC deems it necessary, it can organize experts to carry out on-site assessments. On-site assessments can be carried out via on-site inspection or via remote video-inspection. The on-site assessment is the conformity check of the document assessment, which verifies the actual handling and operating status of the matters involved; it is also to communicate and confirm matters that were not confirmed in the document assessment. The competent authorities of related countries or regions should provide necessary assistance for on-site assessments.

#### **Chapter IV Confirmation of Access Results**

**Article 14** After completing the risk assessment, GACC will notify the competent authority of the related country/region of the risk assessment result. If rectification is required, GACC will notify it of the rectification items at the same time, and track and confirm the rectification.

**Article 15** On the basis of document assessment and on-site assessment, GACC carries out technical consultations with the competent authority of related country/region to jointly decide the bilateral protocol or memorandum of the quarantine requirements for the animals and plants, animal and plant products and other quarantine objects prior to their entry into China, and to confirm samples of quarantine certificates.

With the authorization of GACC, the technical consultations may be conducted by the expert team simultaneously with the on-site assessment.

**Article 16** After GACC reaches an agreement with the authority of related country/region in technical consultations, they sign relevant bilateral protocols or memorandums at an appropriate time.

**Article 17** GACC, in accordance with the bilateral protocols or memorandums and the consultation results, releases public notice containing quarantine requirements for the entry of relevant animals and plants, animal and plant products or other quarantine objects from relevant countries, or releases public notice restoring relevant trade after suspension of entry. Importers carry out import trade in accordance with the requirements of the announcement.

**Article 18** In accordance with the requirements of bilateral protocols or memorandums, entry animals and plants, animal and plant products and other quarantine objects subject to registration requirements shall have the overseas manufacturing, processing and storing facilities registered in accordance with relevant provisions.

**Article 19** GACC publishes the quarantine access lists of relevant animals and plants, animal and plant products and other quarantine objects and the list of registered facilities, and dynamically update the lists.

**Article 20** GACC organizes, on a regular or irregular basis, retrospective reviews of the official quarantine oversight system of relevant countries or regions and reviews the quarantine oversight of relevant animals and plants, animal and plant products and other quarantine objects (in the country/region). Based on the retrospective reviews, GACC may request the competent authorities of related countries/regions to adjust their quarantine requirements and amend or terminate implementation of relevant protocols or memorandums.

### **Chapter V Supplementary Provisions**

**Article 21** The Measures do not apply to animals and plants, animal and plant products and other quarantine objects without access but to be imported for special purposes, such as scientific research, exchange, gift, or testing samples; the Measures do not apply to animal and plant products that do not have the risk of spreading epidemics after deep processing (the list of such animal and plant products will be published separately) .

**Article 22** GACC is responsible for the interpretation of the Measures.

**Article 23:** The Measures shall take effect as of 202x (year), x (month) x (date).

**END OF TRANSLATION**

**Attachments:**

No Attachments.