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Amended

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Report Highlights:

The State Administration for Market Regulation (SAMR) recently amended the existing Administrative Measures for Organic Product Certification which was enforced on April 1, 2014. The amended Measures, which took effect on November 1, 2022, have not changed the process of the current organic product certification, but have made changes to the regulatory agencies following a government re-organization program. These changes took effective on November 1, 2022.

Summary

On September 29, 2022, SAMR issued Decree No. 61 which makes changes to the existing Administrative Measures for Organic Product Certification (“Measures”) which was enforced on April 1, 2014 (see GAIN report [CH14001](#)). The revised Measures have not changed the process of the current organic product certification, including that for imported organic products. Notably, SAMR has replaced the Certification and Accreditation Administration of China (CNCA) as the competent authority overseeing organic product certification following a government re-organization program beginning in 2018.

In addition to changing the competent authority from CNCA to SAMR, the updated Measures have also removed some penalty provisions on certain misconduct by organic product certification bodies and applicants that are no longer applicable. The updated regulation removed articles regarding inspection of imported organic products at entry points as this practice falls under the jurisdiction of the General Administration of Customs of China (GACC). This report contains an unofficial translation of the updated Measures, which took effect on November 1, 2022.

BEGIN UNOFFICIAL TRANSLATION

Administrative Measures for Organic Product Certification

Chapter I

General Provisions

Article 1 For the purposes of maintaining the legitimate rights and interests of producers, sellers and consumers, further enhancing the quality of organic products, strengthening the management of organic certification, and promoting ecological and environmental preservation and sustainable development, these Measures are formulated in accordance with the provisions of laws and administrative regulations including the Law of the People’s Republic of China on Product Quality, the Law of the People’s Republic of China on Import and Export Commodity Inspection, as well as the Regulation of the People’s Republic of China on Certification and Accreditation.

Article 2 Those who are engaged in activities of organic certification and production, processing, and sales of certified organic products within the territory of the People’s Republic of China shall abide by these Measures.

Article 3 Organic products defined in these Measures refer to products for human and animal consumption where production, processing and marketing activities are in line with the China National Standards for Organic Products.

Organic certification defined in these Measures refers to the conformity assessment activities where certification bodies, based on the provisions of these Measures and organic certification rules, prove

that the production, processing, and marketing activities of related products are in line with the China National Standards for Organic Products.

Article 4 The State Administration for Market Regulation shall be responsible for the unified management, supervision, and overall coordination of organic certification activities at the national level.

Local market supervision and management departments are responsible for the supervision and management of organic product certification activities within their jurisdiction.

Article 5 The People's Republic of China shall pursue the unified organic certification system and implement a unified certification catalogue, unified standards and certification rules, and the unified certification label.

The State Administration for Market Regulation shall be responsible for the formulation and adjustment of the organic product certification catalogue and certification rules, as well as their publication.

Article 6 The State Administration for Market Regulation shall, in accordance with the principle of equality and mutual benefits, carry out international cooperation on organic certification.

The mutual recognition arrangements on organic certification shall be conducted within the framework of international cooperation agreements signed by CNCA with foreign countries.

Chapter II Certification Implementation

Article 7 The organic product certification body (hereinafter referred to as the certification body) shall obtain the legal person status according to law and obtain the approval of the State Administration for Market Regulation before engaging in the organic product certification activities within the approved scope.

Capabilities of the certification body for carrying out certification activities shall comply with the requirements of relevant national standards for the certification body.

Inspectors engaged in inspection activities of organic certification shall register at the national registration authority for auditors before carrying out inspection activities of organic certification.

Article 8 Producers and processors of organic products (hereinafter collectively referred to as the client), may voluntarily entrust the certification body for organic certification, and submit the application materials specified in the organic certification implementation rules.

The certification body shall not accept a certification request from the client for products that do not comply with the People's Republic of China environmental requirements for organic production origin or that the products are not listed in the organic certification catalogue.

Article 9 The certification body shall complete the materials audit within ten days upon receiving the

application materials from the client and decide whether to accept the application. For the application not to be accepted, the certification body shall notify the client with reasons in writing.

The certification body shall submit the basic information such as the client and the certification inspection program to the information system determined by the State Administration for Market Regulation within five days prior to performing the on-site inspection to the client.

Article 10 After accepting the entrusting of certification, the certification body shall ask the certification inspector to conduct on-site inspection of the production and processing establishments for organic products in accordance with the organic certification implementation rules and shall entrust an inspection/testing institution with statutory qualifications to inspect and test products applying for certification.

In accordance with the provisions of the organic product certification implementation rules, where it is necessary to conduct environmental monitoring (testing) of places of production (bases), the monitoring (testing) institution with statutory qualifications shall issue a monitoring (testing) report or accept other legitimate and valid environmental monitoring (testing) conclusions provided by the client.

Article 11 For products complying with the organic certification requirements, the certification body shall issue an organic certificate to the client in a timely fashion, allowing the client to use the Chinese organic product label; for products failing to comply with the certification requirements, the certification body shall notify the client with reasons in writing.

The certification body and certification personnel shall be responsible for their certification conclusions.

Article 12 The certification body shall ensure the integrity, objectiveness, and truthfulness of the certification process, and make a complete record for archive retention to ensure that the certification process and the results are traceable.

The product inspection/testing and environmental monitoring (testing) institutions shall ensure the truthfulness and accuracy of the inspection/testing and monitoring conclusions and make a complete record of the inspection/testing and monitoring process for archive retention. Product inspection/testing and environmental monitoring institutions and their personnel shall be responsible for the content and conclusions of their inspection/testing and monitoring reports.

The record retention period stipulated under this Article is five years.

Article 13 The certification body shall, in accordance with the provisions of the certification implementation rules, implement effective follow-up inspection of the certified products and their production and processing processes to ensure that the certification conclusions can continue to meet the certification requirements.

Article 14 The certification body shall issue an organic product sales permit to the client in a timely fashion to guarantee that the category, scope, and quantity of organic products sold by the client are in

conformity with that stated in the certificate.

Article 15 Processed products with the content of organic ingredients (referring to weight or liquid volume, not including water and salt) no less than 95 percent can indicate the language of “organic” on the product or on the package or label of the product after it has received the organic certification.

Article 16 The certification body shall not carry out organic certification for processed products with the content of organic ingredients less than 95 percent.

Chapter III Import of Organic Products

Article 17 The competent authority for organic products of the country or region exporting organic products to China may submit an application to the State Administration for Market Regulation for equivalency assessment of the organic certification system. The State Administration for Market Regulation shall accept the application and organize relevant experts to assess the submitted application.

The assessment can be conducted through document review and site inspection.

Article 18 In case the organic product certification system in the country or region exporting organic products to China is equivalent to China's organic certification system, the State Administration for Market Regulation may sign a relevant memorandum of understanding (MOU) with the country or region's competent authority.

The country or region's organic products exporting to China shall be managed in accordance with the provisions of the relevant MOU.

Article 19 For products intended to export to China from the country or region that has not signed a relevant MOU on the equivalency of organic certification system with the State Administration for Market Regulation, they shall comply with China's laws and regulations on organic products as well as the requirements of China's national organic standards.

Article 20 Producers, sellers, importers, or agents of imported products that need to get China's organic certification (hereinafter collectively referred to as the imported organic product client) shall submit a certification application to the certification body approved by the State Administration for Market Regulation.

Article 21 The imported organic product certification client shall, in accordance with the provisions of the organic product certification implementation rules, submit to the certification body the relevant application information and documents, of which certification application materials and documents such as application form, questionnaire, process flow, product formula as well as inputs used in the production and processing shall be accompanied by a Chinese-language version. For application materials that do not meet the requirements, the certification body shall not accept their certification applications.

When engaged in imported organic product certification activities, the certification body shall comply with the provisions of these Measures and the organic certification implementation rules. The

certification inspection records and inspection reports shall have a Chinese version.

Article 22 When applying for inspection and quarantine for imported organic products, it is necessary to submit documents such as the copies of a Chinese organic certificate, a sales permit of organic product, certification logo and product label.

Article 23 The certification body shall submit to the State Administration for Market Regulation in writing the following materials within 30 days after it has issued an organic certificate to the imported organic product certification client:

- 1) the category, scope and quantity of certified products;
- 2) name, address and contact information of the imported organic product certification client;
- 3) name, address and contact information of the certified product producer and importer;
- 4) a copy of the certificate and the inspection report (in the Chinese and foreign language versions);
- 5) Other materials required by the State Administration for Market Regulation.

Chapter IV Certificate and Certification Label

Article 24 The State Administration for Market Regulation is responsible for formulating the basic format and numbering rules of the organic certificate and the style and numbering rules of the certification label.

Article 25 The certification certificate is valid for one year.

Article 26 The certificate shall include the following:

- 1) name and address of the client;
- 2) name and address of the producer or processor of the certified product and name and address of product origin (base);
- 3) the quantity of the certified products, area of product origin (base) and product category;
- 4) the certification category;
- 5) referenced national standards or technical specifications;
- 6) name of the certification body and the signature of the person in charge, the issue date of the certificate and its validation.

Article 27 In one of the following situations, the client shall apply to the certification body for a change within 15 days when the certificate remains valid. The certification body shall make the change to the certificate within 30 days upon receipt of an application for a change to the certificate:

- 1) a change of the client, the name of organic producer or processor, or the nature of the legal person;
- 2) a decrease of product category and quantity;
- 3) Other circumstances that require a change.

Article 28 In one of the following circumstances, the certification body shall cancel the certificate within 30 days and make it public:

- 1) The certificate expires without application for a renewal;
- 2) The certified products are no longer in production;
- 3) The client of the certified product applies for a cancellation;
- 4) Other circumstances that require cancellation of the certificate.

Article 29 In one of the following circumstances, the certification body shall suspend the certificate (for one to three months) within 15 days and make it public:

- 1) failure to use the certificate or certification label according to regulations;
- 2) the production, processing, marketing activities or the management system of the certified products do not comply with the certification requirements and effective correction action or measures can be made during the said suspension as assessed by the certification body;
- 3) Other circumstances that require a suspension of the certificate.

Article 30 In one of the following circumstances, the certification body shall, within seven days, revoke the certificate and make it public:

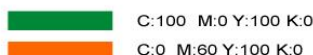
- 1) The quality of the certified products does not comply with the relevant national laws, regulations and the mandatory requirements, or substances that are prohibited in the National Standards for Organic Products are detected;
- 2) In production and processing activities, the certified products use substances prohibited in the National Standards for Organic Products, or are polluted by the prohibited substances;
- 3) The client of the certified products falsely reports and conceals information in order to get the certificate;
- 4) The client of the certified products uses the certification mark beyond the scope;
- 5) The environmental quality of production location (base) of the certified products does not meet the certification requirements;

- 6) Production, processing, and marketing activities or the management system of the certified products does not meet the certification requirements and fails to take effective correction actions or measures during the suspension;
- 7) Re-processing, repackaging and dividing of the certified products happens outside the production and processing establishments indicated in the certificate;
- 8) The client of the certified products fails to make corrections to major problems as complained by the relevant party;
- 9) The client of the certified products has been penalized by the relevant administrative punishment for the violating the laws and regulations regarding the safety of agricultural products and food;
- 10) The client of the certified products refuses to accept the supervision of the market supervision and management department or the certification body;
- 11) Other circumstances that require the certificate revocation.

Article 31 The certification label of organic products is the certification label of the Chinese organic products.

The certification label of Chinese organic products contains the language of "Chinese Organic Product" in Chinese and "ORGANIC" in English.

The label is as follows:



Article 32 The certification label of Chinese organic product shall be used within the scope and quantity as defined in the certificate.

The certification body shall, in accordance with the unified numbering rules by the State Administration for Market Regulation, provide each certification label with a unique number (hereinafter referred to as organic code), and adopt effective anti-counterfeiting and traceability technology to ensure each certification label issued can be traced to the corresponding certificate, certified products and their production and processing establishments.

Article 33 The client of certified products shall put the certification label of Chinese organic products and its organic code as well as the name of the certification body on the certified products or their smallest sales packages.

The certification label of Chinese organic product can be printed on the labels, brochures, and advertising materials, and can be proportionally enlarged or reduced, but shall not be deformed or discoloured.

Article 34 In one of the following circumstances, no organization or individual shall indicate the language or design containing “organic” (in Chinese or English) on the products, their smallest packages, or labels that may mislead the public to the concept of organic products:

- 1) No organic certification is obtained;
- 2) Re-processing, repacking and division of the certified products happens outside the production and processing establishments indicated in the certificate

Article 35 During the suspension, the client of certified products shall suspend the use of the certificate and certification label; in case the certificate is cancelled or revoked, the client shall return the certificate and unused certification labels to the certification.

Chapter V Supervision and Management

Article 36 The State Administration for Market Regulation shall organize the implementation of annual supervision and inspection as well as irregular special supervision and inspection over organic certification activities.

Article 37 The local market supervision and management departments at or above the county level shall supervise and inspect the organic product certification activities within their jurisdiction in accordance with the law and investigate and handle the illegal activities in the production, processing, and sales of certified organic products.

Article 38 The supervision and inspection methods of the local market supervision and management departments at or above the county level include:

- 1) supervision and inspection on whether the certification activities are in breach of these Measures and the organic certification implementation rules;
- 2) supervision and spot checks of certified products;

- 3) supervision and inspection on certification bodies, producers, processors, importers and marketers;
- 4) supervision and inspection on organic certificates and certification labels;
- 5) supervision and inspection on whether consulting activities of organic product certification are in line with the relevant provisions;
- 6) investigation and handling of reports against organic certification and certification consulting activities;
- 7) handling of violations in accordance with the law.

Article 39 The State Administration for Market Regulation shall regularly publish dynamic information about organic certification through the information system.

Prior to the issuance of the certificate, the certification body shall submit to the information system the relevant information on organic certification in a timely manner and obtain a certificate number.

Prior to the issuance of the certification labels, the certification body shall upload the relevant information on the certification labels and organic codes to the information system.

The local market supervision and management departments at or above the county level shall conduct supervision and inspection through the information system on organic certification activities within their jurisdiction, based on the information submitted and uploaded by the certification body.

Article 40 The client of certified products and organic product marketing organizations and individuals shall, in the course of production, processing, packaging, transport, storage and marketing, establish a complete traceability system for product quality and safety and the archival system for production, processing and marketing records.

Article 41 Marketing organizations and individuals of organic products shall, in the activities of procurement, storage, transport and marketing of organic products, comply with the provisions of the National Standards for Organic Products, guarantee that the category, scope and quantity of organic products are consistent with the category, scope and quantity described in the sales permit, and can provide copies of the certificate and the organic product sales permit that reflect the same content of the originals, in case of inquiries by the relevant administrative supervision departments or consumers.

Article 42 Based on such information as risk alerts on animal or diseases or environmental pollutions released by relevant government agencies, supervision and inspection results, consumer complaints, and media reports, the market supervision and management department shall release information on certification risk alerts related to the certified organic areas, certified products and their clients and the certification bodies in a timely fashion and take corresponding actions.

Article 43 In case the client of certified products provides false information, illegally uses banned substances, or uses the organic certification labels beyond the scope, or a major accident of product

quality and safety occurs, the certification body shall not accept an application for organic certification by the enterprise (including its production bases and processing establishments) within five years.

Article 44 If the client disagrees with the certification conclusion or handling decision of the certification body, it may file an appeal to the certification body.

Article 45 Any organization or individual may report to the market supervision and management department on violations in organic certification activities. CNCA or local certification regulatory departments shall investigate and handle the case in a timely manner and keep secret of the informant.

Chapter VI Penalties

Article 46 The local market supervision and management departments at or above the county level shall punish those who forge, fraudulently use, or illegally trade in certification labels, in accordance with the provisions of laws and administrative regulations, such as the Law of the People's Republic of China on Product Quality, and the Law of the People's Republic of China on Import and Export Commodity Inspection and their implementing regulations.

Article 47 For those who forge, alter, fraudulently use, illegally trade, transfer, or obliterate the certificate, the local market supervision and management departments at or above the county level shall order them for corrections and impose a fine of RMB 30,000.

In violation of the provisions of Paragraph 2 of Article 40 of these Measures, it is considered a certificate forgery if the certification body numbers their certificates by itself.

Article 48 In violation of the provisions of Article 35 of these Measures where the language like “organic” (in Chinese or English) is applied to products, product packages or labels that may mislead the public to the concept of organic products, the local market supervision and management departments at or above the county level shall order a correction and impose a fine of no more than RMB 30,000.

Article 49 In one of the following circumstances, the State Administration for Market Regulation shall warn the certification body, urge for a correction, and make it public:

- 1) (The certification body) fails to upload the organic label and code to the information system determined by CNCA as required in the provisions of Paragraph 2 of Article 40 of these Measures;
- 2) Fails to submit the relevant certification information to the information system determined by CNCA or submits inaccurate information as required in the provisions of Paragraph 2 of Article 9 of these Measures;
- 3) Fails to provide relevant materials to CNCA for record as required in the provisions of Article 24.

Article 50 In violation of the provisions of Article 16 of these Measures that the certification body conducts organic certification for processed products with the content of organic ingredients less than 95 percent, the local market supervision and management departments at or above the county level

shall order a correction and impose a fine of no more than RMB 30,000.

Article 51 In case the certification body fails to suspend or revoke the certificate and make it public as required by Articles 30 and 31 of these Measures, it shall be punished in accordance with the provisions of Article 59 of the Regulations of the People's Republic of China on Certification and Accreditation.

Article 52 In the event that a certification body or client of certified products refuses to accept supervision and inspection by the State Administration for Market Regulation or the local market supervision and management departments at or above the county level, it shall be ordered a correction in due course; if a correction is not made in time, a fine of no more than RMB 30,000 shall be imposed.

Article 53 Other violations in organic certification activities shall be punished in accordance with the provisions of relevant laws, administrative regulations, and ministry regulations.

Chapter VII Supplementary Provisions

Article 54 The collection of organic certification fees shall be implemented in accordance with price-related laws and administrative regulations.

Article 55 Exported organic products shall comply with the requirements of the importing country or region.

Article 56 Organic ingredients mentioned in these Measures refer to any substances that are used in the production or processing of organic products and exist (including the presence of a modified form) in products, including additives.

Article 57 The State Administration for Market Regulation is responsible for interpretation of these Measures.

Article 58 These Measures shall come into force as of April 1, 2014. The Administrative Measures on Organic Product Certification issued by AQSIQ on November 5, 2004 (AQSIQ Decree No. 67) shall be abolished accordingly.

END UNOFFICIAL TRANSLATION

Attachments:

No Attachments.