

**LAW OF THE PEOPLE'S REPUBLIC OF CHINA
ON IMPORT AND EXPORT COMMODITY INSPECTION**

(Adopted at the Sixth Meeting of the Standing Committee of the Seventh National People's Congress on February 21, 1989, promulgated by Order No. 14 of the President of the People's Republic of China on February 21, 1989, and effective as of August 1, 1989)

Chapter I General Provisions

Article 1 This Law is enacted with a view to strengthening the inspection of import and export commodities, ensuring the quality of import and export commodities, protecting the lawful rights and interests of the parties involved in foreign trade, and promoting the smooth development of China's economic and trade relations with foreign countries.

Article 2 The State Council shall establish an Administration for Import and Export Commodity Inspection (hereinafter referred to as the State Administration for Commodity Inspection), which shall be in charge of the inspection of import and export commodities throughout the country. The local import and export commodity inspection authorities (hereinafter referred to as the commodity inspection authorities) set up by the State Administration for Commodity Inspection shall be responsible for the inspection of import and export commodities within areas under their jurisdiction.

Article 3 The commodity inspection authorities and other inspection organizations designated by the State Administration for Commodity Inspection and the commodity inspection authorities shall, in accordance with the law, perform the inspection of import and export commodities.

Article 4 The State Administration for Commodity Inspection shall, in the light of the needs in the development of foreign trade, make, adjust and publish a List of Import and Export Commodities Subject to Inspection by the Commodity Inspection Authorities (hereinafter referred to as the List of Commodities).

Article 5 Import and export commodities which are included in the List of Commodities and import and export commodities subject to inspection by the commodity inspection authorities under other laws or administrative rules and regulations must be inspected by the commodity inspection authorities or inspection organizations designated by the State Administration for Commodity Inspection or the commodity inspection authorities. No permission shall be granted for the sale or use of import commodities specified in the preceding paragraph until they have undergone inspection; and no permission shall be granted for the export of export

commodities specified in the preceding paragraph until they have been found to be up to standard through inspection. Import and export commodities specified in the first paragraph of this Article may be exempted from inspection upon the examination and approval of an application from the consignee or consignor by the State Administration for Commodity Inspection.

Article 6 Inspection on import and export commodities performed by the commodity inspection authorities shall cover quality, specifications, quantity, weight, packing and the requirements for safety and hygiene. Import and export commodities governed by compulsory standards or other inspection standards which must be complied with as provided for by laws or administrative rules and regulations shall be inspected in accordance with such inspection standards; in the absence of such stipulations, import and export commodities shall be inspected in accordance with the inspection standards agreed upon in the foreign trade contracts.

Article 7 Import and export commodities or items subject to inspection by other inspection organizations under laws or administrative rules and regulations shall be inspected in accordance with the provisions of relevant laws or administrative rules and regulations.

Article 8 The State Administration for Commodity Inspection and the commodity inspection authorities shall collect information on the inspection of import and export commodities and make it available to the relevant circles.

Chapter II Inspection of Import Commodities

Article 9 For import commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignee must register them with the commodity inspection authorities located at the port of discharge or the station of arrival. Import commodities which are included in the List of Commodities shall be checked and released by the Customs upon presentation of the seal of the commodity inspection authorities affixed to the Customs declaration.

Article 10 For import commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignee shall apply to the same authorities for inspection in places and within the time limit specified by them. The commodity inspection authorities shall accomplish the procedures for inspection and issue an inspection certificate within the period of validity of claims prescribed in a foreign trade contract.

Article 11 If import commodities other than those which are subject to inspection by the commodity inspection authorities in accordance with this Law are found to be not up to the quality standard, damaged or short on weight or quantity, the consignee shall apply to the commodity inspection authorities for inspection and the issuance of an

inspection certificate if such a certificate is necessary for claiming compensation.

Article 12 For important import commodities and a complete set of equipment in large size, the consignee shall, in accordance with the terms agreed upon in a foreign trade contract, conduct initial inspection or initial supervision over manufacturing or loading in the exporting country before shipment, while the relevant competent departments shall strengthen their supervision. The commodity inspection authorities may, when necessary, dispatch inspection personnel to take part in such inspection and supervision.

Chapter III Inspection of Export Commodities

Article 13 For export commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignor shall apply to the same authorities for inspection in the places and within the time limit specified by them. The commodity inspection authorities shall accomplish the procedures for inspection and issue a certificate without delaying the prescribed time for shipment. Export commodities which are included in the List of Commodities shall be checked and released by the Customs upon presentation of the inspection certificate or the paper for release issued by the commodity inspection authorities or the seal of the same authorities affixed to the Customs declaration.

Article 14 Export commodities which have been inspected and passed by the commodity inspection authorities and for which an inspection certificate or a paper for release has been issued by the same authorities shall be declared for export and shipped out of the country within the time limit specified by the same authorities. Failing to meet the time limit shall entail reapplication for inspection.

Article 15 An enterprise manufacturing packagings for dangerous export goods must apply to the commodity inspection authorities for a test of the performance of such packagings. An enterprise producing dangerous export goods must apply to the same authorities for a test of the use of packagings. No permission shall be granted for the export of dangerous goods kept in packagings which have not passed a test.

Article 16 For vessel holds or containers used for carrying perishable foods, the carrier or the organization using the containers shall apply for inspection before loading. No permission shall be granted for loading and shipment until the relevant conditions are passed by the inspectors.

Chapter IV Supervision and Administration

Article 17 The commodity inspection authorities may make a random inspection of import and export commodities beyond those subject to inspection by the commodity inspection authorities in accordance with this Law. No permission shall be granted for

the export of export commodities found to be substandard in a random inspection.

Article 18 The commodity inspection authorities may, when necessary, assign inspection personnel to manufacturers of export commodities which are included in the List of Commodities to take part in supervision over the quality inspection of export commodities before they leave the factory.

Article 19 The commodity inspection authorities may undertake the quality certification of import and export commodities on the basis of agreements signed between the State Administration for Commodity Inspection and the foreign bodies concerned or upon entrustment by the foreign bodies concerned. They may permit the use of quality certification marks on import and export commodities which have been given quality certification.

Article 20 The State Administration for Commodity Inspection and the commodity inspection authorities shall, on the basis of the requirements in their inspection, entrust competent inspection organizations at home and abroad with the inspection of import and export commodities after examining their qualifications.

Article 21 The State Administration for Commodity Inspection and the Commodity inspection authorities shall exercise supervision over the import and export commodity inspection conducted by the inspection organizations designated or approved by them and may make a random inspection of the commodities which have been inspected by such organization.

Article 22 The State shall, when necessary, institute a quality licence system for important import and export commodities and their manufacturers. The specific measures thereof shall be drawn up by the State Administration for Commodity Inspection in conjunction with the relevant competent departments under the State Council.

Article 23 The commodity inspection authorities may, when necessary, place commodity inspection marks or sealings on import and export commodities proved to be up to standard through inspection.

Article 24 In case an applicant for the inspection of import and export commodities disagrees with the results of inspection presented by the commodity inspection authorities, he may apply for reinspection to the same authorities, to those at the next higher level or to the State Administration for Commodity Inspection. The conclusion on reinspection shall be made by the commodity inspection authorities or the State Administration for Commodity Inspection which has accepted the application for reinspection.

Article 25 The commodity inspection authorities, the inspection organizations

designated by them and other inspection organizations approved by the State Administration for Commodity Inspection may handle the business of superintending and surveying import and export commodities as entrusted by parties involved in foreign trade or by foreign inspection bodies. The scope of business of superintending and surveying import and export commodities shall cover: inspection of the quality, quantity, weight and packing of import and export commodities; inspection of cargoes with respect to general or particular average; inspection of container cargoes; damage survey of import cargoes; inspection of technical conditions for the shipment of exports; measurement of dead tonnage; certification of the origin or value of exports and other superintending and surveying services.

Chapter V Legal Responsibility

Article 26 Anyone who, in violation of the relevant provisions of this Law, purposely markets or uses import commodities which are included in the List of Commodities or subject to inspection by the commodity inspection authorities in accordance with other laws or administrative rules and regulations without having such commodities inspected, or purposely exports export commodities which are included in the List of Commodities or subject to inspection by the commodity inspection authorities in accordance with other laws or administrative rules and regulations without having such commodities inspected and proved up to standard shall be fined by the commodity inspection authorities. If the circumstances are serious and cause heavy economic losses, the criminal responsibility of the personnel directly responsible shall be investigated by applying *mutatis mutandis* the provisions of Article 187 of the Criminal Law. Anyone who, in violation of the provisions of Article 17 of this Law, purposely exports export commodities which have been found substandard during a random inspection by the commodity inspection authorities, shall be punished in accordance with the provisions of the preceding paragraph.

Article 27 If the falsifying or remaking of the certificates or documents, seals or stamps, marks, sealings or quality certification marks for commodity inspection constitutes a crime, the criminal responsibility of the personnel directly responsible shall be investigated by applying *mutatis mutandis* the provisions of Article 167 of the Criminal Law; if the circumstances are minor, the offender shall be fined by the commodity inspection authorities.

Article 28 If a party refuses to accept the punishment decision of the commodity inspection authorities, he may, within 30 days of receiving the notice on the punishment, apply for reconsideration to the same authorities which have made the punishment decision, to those at the next higher level or to the State Administration for Commodity Inspection. If the party refuses to accept the decision on the reconsideration, he may, within 30 days of receiving the notice on the reconsideration decision, bring a suit nor complies with the punishment decision within the prescribed time limit, the commodity inspection authorities which have made the punishment

decision shall apply to a court of law for compulsory execution.

Article 29 Any functionary of the State Administration for Commodity Inspection or of the commodity inspection authorities or any of the inspection personnel of the inspection organizations designated by the State Administration for Commodity Inspection and the commodity inspection authorities who abuses his power, commits irregularities for the benefit of his relatives or friends, falsifies inspection results or fails to conduct inspection and issue a certificate within the time limit through dereliction shall, depending on the seriousness of the circumstances, be given administrative sanction, or his criminal responsibility shall be investigated according to law.

Chapter VI Supplementary Provisions

Article 30 The commodity inspection authorities and other inspection organizations shall collect fees according to relevant provisions for carrying out inspection or performing superintending and surveying services in accordance with the provisions of this Law. The procedures for collecting fees shall be drawn up by the State Administration for Commodity Inspection in conjunction with the competent departments under the State Council.

Article 31 Rules for the implementation of this Law shall be formulated by the State Administration for Commodity Inspection and shall come into force after being submitted to and approved by the State Council.

Article 32 This Law shall come into force as of August 1, 1989. The Regulations of the People's Republic of China on the Inspection of Import and Export Commodities promulgated by the State Council on January 28, 1984 shall be invalidated as of the same date.