

# **MEASURES FOR THE RE-INSPECTION ON IMPORT AND EXPORT COMMODITIES**

General Administration of Quality Supervision, Inspection and Quarantine

Order of the General Administration of Quality Supervision, Inspection and Quarantine

No.77

The Measures for the Re-inspection on Import and Export Commodities, which were deliberated and adopted at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine on May 16, 2005, are hereby promulgated and shall come into force as of October 1, 2005.

Director General Li Changjiang

June 1, 2005

Measures for the Re-inspection on Import and Export Commodities

Chapter I General Provisions

Article 1

These measures are formulated according to the Law of the People's Republic of China on Import and Export Commodity Inspection and its implementation regulations for the purpose of strengthening the work relating to the inspection on import and export commodities, regulating the re-inspection on import and export commodities and maintaining the lawful rights and interests of all parties involved in the foreign trade.

Article 2

If an applicant for the inspection on import and export commodities (hereafter referred to as applicant) holds objections to the inspection results as made by the entry and exit inspection and quarantine authority (hereafter referred to as the inspection and quarantine authority), he shall apply for re-inspection according to the provisions of laws and regulations.

Article 3

The General Administration of Quality Supervision, Inspection and Quarantine (hereafter referred to as the GAQSIQ) shall uniformly be responsible for the work relating to the re-inspection of import and export commodities, and the GAQSIQ and the inspection and quarantine authority in all regions shall be responsible for organizing and implementing the work relating to the re-inspection of import and export commodities as accepted thereby.

Article 4

The principles of equity, openness and fairness shall be followed in the re-inspection process.

## Chapter II Application and Acceptance

### Article 5

If an applicant for inspection holds objections to the inspection results as made by the inspection and quarantine organ, he/it may apply for re-inspection to the inspection and quarantine authority that made the inspection results or the inspection and quarantine authority at a higher level, even up to the GAQSIQ. The inspection and quarantine authority or the GAQSIQ that accepts the re-inspection shall be responsible for organizing and implementing the re-inspection.

For a same inspection result, the inspection and quarantine authority or the GAQSIQ shall only conduct the re-inspection for one time.

### Article 6

An applicant for re-inspection shall file an application within 15 days from the day of receipt of the inspection results as made by the a inspection and quarantine authority.

The time limit for application may be suspended if the application for re-inspection cannot be filed due to force majeure or any other justifiable cause, but shall continue from the day when the cause for suspension is eliminated.

### Article 7

An applicant for re-inspection shall ensure (keep) the quantity, weight and quality of commodities remaining the same as they are first inspected, and keep the packing, sealing and marks thereof intact.

### Article 8

An applicant for re-inspection shall fill out an application form for re-inspection (see Annex) according to the facts, provide the certificates, documents and materials submitted for the original inspection, and the inspection certificate as issued by the original inspection and quarantine authority.

An applicant for re-inspection shall be responsible for the authenticity and validity of the certificates, documents and materials submitted.

### Article 9

The a inspection and quarantine authority or the GAQSIQ shall carry out the examination of the application for re-inspection within 15 days from the day when receipt an application for re-inspection, and handle it as follows:

(1)

An application for re-inspection which is accordance with these Measures shall be accepted, and a Notice on Acceptance of Re-inspection Applications shall be issued to the applicant;

(2)

If the content of an application for re-inspection or the certificates, documents and materials as attached is not complete, a Notice on Supplementing and Correcting Application Materials for Re-inspection shall be issued to the applicant, who shall supplement and correct it within the time limit. If it fails to do so, it shall be regarded as having withdrawn the application; or

(3)

An application for re-inspection that is not accordance with these Measures may not be accepted, and a Notice on Rejecting Re-inspection Applications shall be issued and the reasons therefor shall be notified to the applicant in written form.

#### Article 10

An applicant for re-inspection shall pay re-inspection fees according to legal provisions.

In case the re-inspection results as made by the inspection and quarantine authority or the GAQSIQ that accepts the re-inspection show that the original inspection and quarantine authority shall be responsible for the re-inspection, the re-inspection fees shall be borne by the original inspection and quarantine authority.

### Chapter III Organization and Implementation

#### Article 11

After the inspection and quarantine authority or the GAQSIQ accepts the re-inspection, it shall form a re-inspection team within five days, and notify the name of the members of the re-inspection team to the applicant.

A re-inspection team shall be composed of three or five persons.

#### Article 12

In case an applicant for re-inspection considers that any member of the re-inspection team has interests with the re-inspection or there is any other factor that may affect the fairness of the re-inspection, it shall apply to the inspection and quarantine authority or the GAQSIQ that accepts the re-inspection for the withdrawal of the said member within three days from the day of receipt of the name list of the re-inspection team, and provide corresponding proof and materials.

The a inspection and quarantine authority or the GAQSIQ that accepts the re-inspection shall make a decision on approving or disapproving the withdrawal within three days from the day

of receipt of the application for withdrawal.

#### Article 13

The inspection and quarantine authority that makes the original inspection results shall provide the original inspection records and other relevant materials to the re-inspection team.

An applicant for re-inspection shall be obligated to cooperate with the re-inspection team in the re-inspection process.

#### Article 14

The re-inspection team shall formulate a re-inspection scheme, and organize and implement it:

(1)

The application form for re-inspection and the relevant certificates, documents and materials as submitted by the applicant shall be examined. If the conditions for conducting the re-inspection are not met upon examination, the suspension of re-inspection and the reasons thereof may be notified to the applicant in written form. After the conditions for conducting the re-inspection are improved and satisfied by the applicant, the re-inspection work shall continue from the day when the conditions are met;

(2)

Examine whether the standards and methods on which the original inspection is based are correct or accordance with the relevant provisions;

(3)

Verify the batches, marks, serial numbers, quality, weight, quantity, package and external conditions of commodities, and the select samples according to the re-inspection scheme;

(4)

To inspect according to the operational rules; and

(5)

Examine and put forward the re-inspection results, and evaluate the original inspection results.

#### Article 15

The inspection and quarantine authority or the GAQSIQ which accepts the re-inspection shall make a re-inspection conclusion within 60 days as of the day when the application for re-inspection is accepted. If no re-inspection conclusion can be made within the prescribed time

limit due to complicated technologies therein, the said time limit may be properly extended upon approval of the person-in-charge of the organ. However, the extension period may not exceed 30 days.

#### Article 16

An applicant for re-inspection that holds objections to the re-inspection conclusion may apply for the administrative reconsideration according to law or file an administrative lawsuit according to law.

#### Article 17

Samples selected during the course of re-inspection shall be properly dealt with according to the relevant provisions on the inspection samples by the GAQSIQ.

#### Article 18

Any staff in the GAQSIQ or the inspection and quarantine authority shall strictly abide by the state laws and regulations, and do a good job in the re-inspection work according to the provisions of present Measures.

### Chapter IV Supplementary Provisions

#### Article 19

In case the consignor of import commodities or the consignee of export commodities holds objections to the inspection conclusion as made by the inspection and quarantine authority, the present Measures may apply.

#### Article 20

The power to interpret these Measures shall remain with the GAQSIQ.

#### Article 21

The present Measures shall come into force as of October 1, 2005, and the Measures for the Re-inspection of Import and Export Commodities as promulgated by the former General Administration of Quality Supervision, Inspection and Quarantine on June 1, 1993 shall be abolished simultaneously.

General Administration of Quality Supervision, Inspection and Quarantine 2005-06-01