

Administration of Quality Supervision, Inspection and Quarantine

Administrative Measures on Organic Product Certification (AQSIQ Decree No. 155)

Decree No. 155

"Administrative Measures on Organic Product Certification" adopted by the Bureau executive meeting of Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on April 23 2013, is hereby promulgated and shall be put into force from April 1 2014.

November 15, 2013

Administrative Measures on Organic Product Certification (Hereinafter referred to as *the Measures*)

Chapter One: General Provisions

Article 1 The following measures are formulated according to the laws and administrative regulations in regard to "The People's Republic of China Product Quality Standard", "The People's Republic of China Imported & Exported Commodity Inspection Law", and "The People's Republic of China Certification and Accreditation Regulation", in order to protect legitimate rights and interests of consumers, producers and sellers to further improve the quality of organic products, to strengthen the administration of organic products certification, to promote environmental protection and sustainable development

Article 2 Whoever engages in the PRC organic product certification and production, processing, import and sales activities of certified organic products shall comply with these measures.

Article 3 The term 'organic products' in the following *measures* refers to organic products which are produced, processed and sold in line with China's national standard for organic products, and are meant for human consumption and animal feeding.

The term organic products certification in the *measures given* refers to certification activities conducted by certification agencies in accordance with the provisions of the *measures* to assess

compliance with national standards for organic products of production, processing and sales activities of related products in China.

Article 4 Certification and Accreditation Administration (hereinafter referred to as CNCA) is responsible for the national unified management, supervision and overall coordination of organic products certification.

Local levels of quality and technical supervision departments and local entry-exit inspection and quarantine agencies (hereinafter referred to as local certification supervision authorities), are legally responsible for the supervision, inspection and administrative law enforcement of organic product certification activities in accordance with responsible divisions within the jurisdiction.

Article 5 PR China shall implement a unified organic product certification system, a unified authentication directory, uniform standards and certification rules, and a uniform certification mark.

CNCA is responsible for formulating and adjusting the certified organic products catalogue as well as the certification and implementation rules, and is responsible for announcements to the public.

Article 6 CNCA to carry out international cooperation of organic products certification in accordance with the principles of equality and mutual benefits.

International mutual recognition of organic products certification should be carried out within the external cooperative agreements China has signed.

Chapter Two: Certification Implementation

Article 7 Organic products certification agencies (hereinafter referred to as the certification agencies) should be approved by CNCA and obtain legal personality before engaging in certification activities of organic products.

Implementation ability of certification agencies should meet the requirements of national standards on related products certification agencies.

Inspectors engaged in certification of organic products shall be registered at the national certified personnel authority before engaging in organic products certification inspection activities.

Article 8 Producers and processors (hereinafter referred to as certification principals), may voluntarily entrust certification agencies to conduct organic products certification and submit application materials prescribed in organic products certification implementation rules.

The certification agencies shall not accept entrustment that does not meet national regulations for organic products producing environment requirements, as well as entrustment from outside of certified organic products catalogue.

Article 9 Certification agencies shall complete the materials audit and decide whether to accept the entrustment within 10 days after an application received from a certification principal. In case of refusal, the certification principal shall be notified in written form to state the reasons.

The certification agencies shall submit basic information of the certification principals and certification inspection program to an information system confirmed by CNCA within five days prior to the on-site inspection.

Article 10 After certification agencies accept entrustment, certification inspectors shall be assigned to conduct on-site inspection of production and processing of organic products in accordance with the certification implementation regulations on organic products, and entrust inspection and testing agency with statutory qualifications to inspect and test the products applying for certification.

According to the organic products certification implementation rules, in need of supervision/inspection on production of origin measured by supervision/inspection agencies with statutory qualifications shall provide a report of supervision/inspection; or accept other legitimate environmental supervision/inspection conclusion provided by certification principals.

Article 11 In case of compliance with the requirements of organic certification, the certification agency shall promptly issue the certification to the organic product principal, allowing to use the Chinese organic product certification mark; in case of not meeting the certification requirements, certification agencies shall notify the principal in writing and explain reasons.

Certification agencies and certification personnel shall be responsible for making the certification results.

Article 12 Certification agencies shall ensure the integrity, objectivity and truth of the certification process to make and archive a complete record of the certification process and ensure the traceability of certification process and results.

Product inspection and testing agencies as well as environmental monitoring (inspection) agencies shall ensure that inspection and monitoring conclusions are true and accurate; and make a complete record of the inspection and monitoring process and archive. Product inspection and testing agencies, environment monitoring agencies and relevant personnel shall be responsible for the content and conclusion of inspection and testing report as well as monitoring report.

Record-keeping period of this requirement is 5 years.

Article 13 Certification agencies shall conduct effective follow-up inspection in accordance with the rules of certification implementation regulations on certified products and their producing and processing processes, so as to ensure that certification conclusion can continue to meet the certification requirements.

Article 14 Certification agencies shall promptly issue an organic product sales permit to certification principals to ensure consistency with certification of the certified product category, as well as the scope and the quantity of organic products sold by the certification principal are in consistency with

the record of certification.

Article 15 Processed products with equal to or higher than 95 percent of organic ingredient content (weight or fluid volume, excluding water and salt, the same below) shall, after obtaining organic product certification, label "organic" as word on the product or product package as well as organic product certification mark,.

Article 16 Certification agencies cannot certify processed products with less than 95 % organic ingredient content.

Chapter Three: Import of organic products

Article 17 Competent agencies of other countries or regions outside of China, who export organic products to China, can make organic product certification systems equivalence assessments application to CNCA. CNCA accepts the application and organizes related experts to assess submitted application.

Assessment can be conducted in forms of document review, on-site inspection, etc.

Article 18 For those countries and regions which export organic products to China and whose organic product certification systems are in equivalence with China, CNCA can sign relevant memorandum with their competent authorities.

The country's or region's organic products exported to China are under management in accordance with the relevant Memorandum.

Article 19 Products imported from countries or regions, which have not signed a memorandum on organic product certification in compliance with CNCA but intend to be exported to China as organic products, shall comply with relevant Chinese laws and regulations of organic products and Chinese national organic product standards.

Article 20 Imported products' manufacturers, distributors, importers or agents who need acquire Chinese organic products certification (hereinafter collectively referred to as certification principals of imported organic products) shall be approved by CNCA.

Article 21 The certification principal of imported organic products shall submit relevant application materials and documents to the certification agency in accordance with the rules of organic products certification implementation regulations. Application form, questionnaire, process flow, product formulation and production process, inputs used such as certification application materials and documents for the certification application shall be simultaneously submitted in Chinese. Application materials, which do not meet the requirements, shall not be accepted by the certification agency,

Certification agencies shall follow the rules of organic products certification implementation regulations when conducting certification activities of imported organic products. **Certification**

inspection records and inspection reports shall contain a Chinese version

Article 22 Imported organic products to declare entry inspection and quarantine, shall submit its Chinese certification of organic products obtained copies of organic product sales certificate, certification marks, and product identification and other documents.

Article 23 Local China Inspection and Quarantine Bureaus should conduct entry verification on declared imported organic products; check inspection certification copies, organic product sales certificate copies, certification marks, product identifications and other documents are consistent with the cargo. In case products do not match, the commodities cannot enter as organic products.

When necessary, CIQs can implement sampling inspection can declare imported organic products to verify whether the quality of the products meets the Chinese national standards for organic products.

Article 24 Within 30 days after issuing the organic products certification to the certification principal, certification agencies should submit the following written materials to CNCA:

- (A) Certified product's category, scope and quantity;
- (B) Name, address and contact information of imported organic products' certification principal;
- (C) Name, address and contact information of certified product's manufacturer and importer;
- (D) A copy of certification certificate and the inspection report (both Chinese version and foreign language version);
- (E) Other materials regulated by CNCA.

Chapter Four: Certification Certificate and Certification Mark

Article 25 CNCA is responsible for developing the basic format and numbering rule of organic products certification certificate and certification mark.

Article 26 The certification certificate is valid for one year.

Article 27 The certification certificate shall include the following contents:

- (A) Name and address of certification principal;
- (B) Names and addresses of certified product's manufacturer, processor and origin (base);
- (C) Quantity, origin (base) size and product category of certified products;
- (D) Certification type;
- (E) National standards or technical regulations basis;
- (F) Name of certification agency and its responsible person's signature, issuing date and expiry date.

Article 28 When certified product is within valid period and one of the following circumstances

occurs, the certification principal shall apply for changes to certification agency within 15 days. The certification agency shall make changes on certification certificate within 30 days after the receipt of the application for changes of certification certificate:

- (A) Change of certification principal, or change of names or legal entity of organic product's producer or processor;
- (B) Reduction of product's types and quantity;
- (C) Other circumstances that require to change the certification certificate.

Article 29 On occurrence of one of the following circumstances, the certification agency shall cancel the certificate within 30 days, and publish to the public:

- (A) The certificate has expired, without application for prolongation;
- (B) Certified products are no longer manufactured;
- (C) Certification principal of certified product apply for cancellation;
- (4) Other circumstances that require to cancel the certification certificate.

Article 30 On occurrence of one of the following circumstances, the certification agency shall suspend the certification certificate within 15 days; certification suspension period is 1-3 months, and publish to the public:

- (A) Utilization of the certification or certification mark not in accordance with requirements
- (B) Certified production, processing and sales activities or management system does not meet the certification requirements, and according to certification agency's assessment, effective corrective or corrective measures can be made within suspension period;
- (C) Other circumstances that require to suspend the certification certificate.

Article 31 On occurrence of one of the following circumstances, the certification agency shall withdraw the certificate within 7 days, and published to the public:

- (A) Certified product's quality does not meet the requirements of relevant national regulations, mandatory national standards, or the product is detected substances banned by national standards for organic products;
- (B) Use of substances banned by national standards for organic products or contaminated by these banned substances during producing or processing.
- (C) Certification principal of certified product falsely report or conceal information required for acquiring certification;
- (D) Certification principal of certified product use of certification marks beyond the required scope;
- (E) Environmental quality of origin (base) of certified product does not meet the certification

requirements;

(F) Certified products' production, processing and sales activities or management system does not meet the certification requirements, or fail to take effective corrective or corrective measures within suspension period;

(G) Certified product re-processed, sub-packaged and split in a place that beyond the manufacturing place and processing place labelled on certification certificate;

(H) Certification principal of certified product raise significant complainant about major stakeholders and indeed exists problems and fail to take effective measures to deal with;

(I) Certification principal of certified product violates relevant national laws and regulations of agricultural products and food safety management, and subject to relevant administrative penalty when engaging in organic product certification activities ;

(J) Certification principal of certified product refused to accept the supervision conducted by certification regulatory authorities;

(K) Other circumstances that require to revoke the certification certificate.

Article 32 The organic product certification mark is China Organic Product Certification Mark.

China Organic Product Certification Mark is marked with the Chinese words "中国有机产品" (meaning: China Organic Product) and the English word "ORGANIC". Pattern as follows:



Article 33 China Organic Product Certification Mark shall be used within product category, scope and quantity defined in the certification certificate.

Certification agency shall, in accordance with CNCA numbering rules, each certification mark with a unique number (hereinafter referred to as organic code), and take effective security, traceability technology to ensure that every certification mark can be traced to its corresponding certification certificate and manufacturer and processor of certified product.

Article 34 Certification principal of certified products shall label China Organic Product Certification Mark, organic code and name of certification agency on the certified product or the minimum sales

package of certified products.

China Organic Product Certification Mark can be printed on certified products' labels, brochures and advertising materials, and can be enlarged or reduced according to the proportion, but not deformed or discolored.

Article 35 On occurrence of one of the following circumstances, any organization or individual cannot label the words "有机" (meaning: organic), "ORGANIC" or other written expressions and patterns that are likely to mislead the public to consider the product is organic product on products or minimum sales package:

(A) Product does not obtain the organic products certification;

(B) Certified product re-processed, sub-packaged and split in a place that beyond the manufacturing place and processing place labelled on certification certificate.

Article 36 During suspension period of certification certificate, the certification principal of certified product shall suspend the use of the certification certificate and certification mark; after cancellation or revocation of certification certificate, certification principal shall return the certification and unused certification mark to the certification agency.

Chapter Five: Supervision and Administration

Article 37 CNCA organize and implement supervision and inspection and occasional special supervision and inspection on organic products certification activities.

Article 38 The local certification regulatory authorities shall, in accordance with their respective responsibilities and the law, conduct supervision and inspection activities on organic products certification in administrative areas, investigate illegal behavior occurring in organic product production, processing and sales activities .

Local CIQs are responsible for supervision and inspection on foreign certification agencies, certification and sales of imported organic products, certification, production, processing as well as sales activities of exported organic products.

Local quality and technology supervision departments at various levels are responsible for supervision and inspection of domestic certification agencies, certification, production, processing and sales activities of organic products, which are produced, processed and sold within China.

Article 39 Supervision and inspection measures of local certification regulatory authorities include:

(A) Supervision and inspection on whether organic products certification activities are in compliance with the named measures and rules of organic product certification implementation;

(B) Certified product supervision;

(C) Supervision and inspection on the production, processing, import and sales entities of certified products;

(D) Supervision and inspection of the certification and certification marks of organic products;

(E) Supervision and inspection on whether organic products certification consulting activities are in compliance with relevant regulations;

(F) Investigation and handling of reported organic products certifications and certification consulting activities;

(G) Right to investigate and punish violations.

Article 40 CNCA publishes information of organic products certification regularly through information systems.

Before issuing the certification in accordance with the requirements, certification agencies submit related information on organic product certification to the information system promptly, and obtain a certificate number.

Before issuing certification mark, certification agencies should be upload certification mark, organic code and other related information to the information system.

Local certification regulatory authorities conduct supervision and inspection on organic products certification activities in their administrative areas through the information system, in accordance with relevant certification information submitted and uploaded by certification agencies.

Article 41 Certification principals of certified products, together with sales organizations and individuals of organic product should establish and improve product quality and safety traceability system and records file system of production, processing and sales in the processes of production, processing, packaging, storage, transportation and sales.

Article 42 In the procurement, storage, transportation, sales activities of organic products, organizations and individuals of organic product shall follow the requirements of national standards for organic products, to ensure that the category, scope and quantity of organic products is in consistency with the category, scope and quantity of sales permit, and can provide consistent copies of the certification and the sales permit of organic products, to prepare for inquiries of relevant administrative supervision department or consumers.

Article 43 In accordance with risk warning information of animal and plant diseases and environmental pollution published by related national authorities, and information from supervision and inspection, reports and complaints of consumers, media, certification regulatory authorities

shall timely release certification risk warning information on organic product certification area, certified products and their certification principals, certification agencies and take relevant countermeasures.

Article 44 In case of false information provided, usage of banned substances, using organic certification marks beyond scope, or occurring major accident on product quality and safety by a certification principal, certification agencies shall not accept organic product certification entrustment from the enterprise and its production base or processing establishment within five years.

Article 45 In case of disagreement with the certification result or treatment decision of certification agencies, certification principal can appeal to the certification agency or even further to the CNCA .

Article 46 Any entity or individual can report violations of organic product certification activities to CNCA or local certification regulatory authorities. CNCA and local certification regulatory authorities shall investigate and deal with the situation promptly, and keep it confidential for whistleblower.

Chapter Six: Penalties

Article 47 In case of forgery, fraudulent using and illegal trading of certification mark, local certification regulatory authorities shall punish in accordance with rules of "The People's Republic of China Product Quality Standard", "The People's Republic of China Imported & Exported Commodity Inspection Law" and its implementing regulations.

Article 48 In case of forgery, alteration, fraudulent using, illegal trading, transfer and amendment of certification certificate, local certification regulatory authorities shall order correction, and fine 30,000 CNY. .

Violation of Article 40, Paragraph 2 of the given measures, certification agency makes certification certificate number by its own on issued certification certificate is deemed forgery of certification certificate.

Article 49 Violation of Article 8, Paragraph 2, if a certification is issued to a certification principal who does not meet regulations for organic products producing environment requirements, or the product is outside of certified organic products catalogue, the certification agency shall be ordered to correct and be fined 30,000 CNY; Illegal income will be confiscated.

Article 50 Violation of Article 35, labeling the words "有机" (meaning: organic), "ORGANIC" or other written expressions and patterns that are likely to mislead the public to consider the product is organic product on products or minimum sales package, local certification regulatory authorities shall order to make corrections, at 30,000 CNY fine.

Article 51 Certification agency occurs one of the following circumstances, CNCA should order to

make corrections, warn, and publish to the public:

(A) Fail to follow Article 40, Paragraph 2 of the measures, for example fail to upload certification mark and organic code to the information system confirmed by CNCA;

(B) Fail to follow Article 9, Paragraph 2 of the measures, for example fail to submit certification-related information to the information system confirmed by CNCA or submit false information;

(C) Fail to follow Article 24 of the measures, for example fail to submit relevant documents to CNCA for records.

Article 52 Violation of Article 14 of the measures, the number of organic product sales permits issued by certification agencies exceeds the actual number of organic products produced and processed by certified certification principals, the certification agencies shall be ordered to make corrections, and be fined 10,000 – 30,000 CNY.

Article 53 Violation of Article 16 of the measures, certification agency certifies processed products with less than 95 % organic ingredient content, local certification regulatory authorities shall order to make corrections, and fine less than 30,000 CNY.

Article 54 Certification agency violates Article 30 and Article 31 of the measures, by failing to suspend or revoke the certification certificate and publish to the public in time, shall be penalized in accordance with the rules of "The People's Republic of China Certification and Accreditation.

Article 55 Certification principal occurs one of the following circumstances, the local certification regulatory authorities shall order to make corrections, and fine 10,000 – 30,000 CNY:

(A) Violation of Article 15 of the measures, processed products labelled organic product certification identifications without obtaining organic product certification;

(B) Fail to follow Article 33, Paragraph 1 and Article 34 of the measures, to use certification marks in a proper way;

(C) Continue to use certification certificate and certification mark during the suspension period of certification certificate or after certification certificate be cancelled or revoked.

Article 56 Certification agency or certification principal of certified product refuses to accept the supervision and inspection of CNCA or local certification regulatory authorities, shall be ordered to make corrections; if fail to correct within time limit, shall be fined up to 30,000 RMB.

Article 57 Obtain entry-exit inspection and quarantine certificate by providing false information of imported organic product when doing entry inspection & quarantine of imported organic product, or do not report organic products that are required for inspection by law thus evading inspection, shall be penalized, in accordance with Article 46 of the "People's Republic of China Import & Export commodity Inspection Law Implementing Regulations" by entry-exit inspection and quarantine

agencies.

Article 58 Other illegal behaviors in organic product certification activities, shall be penalized in accordance with the relevant laws, administrative regulations and departmental rules.

Chapter Seven: Supplementary Provisions

Article 59 Organic product certification fee shall be in accordance with relevant national price laws and administrative regulations.

Article 60 Exported organic products shall comply with the requirements of the importing countries or regions.

Article 61 The term organic ingredients in the measures, means any substance used in producing or processing organic product and exists in the product (including the presence of a modified form), including additives.

Article 62 The Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) is responsible for interpretation of the given measures.

Article 63 These measures shall come into effect April 1, 2014. The "Administrative Measures on Organic Product Certification" (AQSIQ Decree No.67) published by AQSIQ on November 5, 2004 will be abolished at the same time.

Translation by Mrs. XU Xiaoli, EU DEL for reference