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China, Peoples Republic of

Solid Wood Products

Quarantine and Supervision Administration Measures for the Importation of Wood Packaging Material (SPS/42)

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Report Highlights:

On December 31, 2005, China's General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) released the administrative measures for imported wood packaging materials. These measures entered into force January 1, 2006. This report is a free UNOFFICIAL translation provided for the benefit of U.S. exporters by USDA/FAS's Office of Agricultural Affairs in Beijing.

Includes PSD Changes: No
Includes Trade Matrix: No
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[CH]

Executive Summary

On December 31, 2005, the General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) released its Decree No. 84 – Quarantine and Supervision Administrative Measures for the Importation of Wood Packaging Materials (WPM). The original document is available in Chinese at:

<http://www.aqsiq.gov.cn/cms/template/item.html?did=1&cid=1895\17627>

Post views these measures favorably because, in general, they are consistent with internationally recognized standards, namely the International Plant Protection Convention's (IPPC), "Guidelines for Regulating Wood Packaging Material in International Trade (ISPM-15)" which it approved by on March 15, 2002. The United States, the European Union, and Canada drew heavily from these guidelines in promulgating their respective wood packaging material regulations. This has resulted in considerable regulatory uniformity between these countries and China, which is expected to facilitate trade. U.S. exporters and fumigation facilities that certify wood packing material are encouraged to keep in good standing with AQSIQ because the Measures state that such exporters will benefit from fewer spot inspections and other preferential treatment that may expedite the inspection process.

On February 17, 2006, China notified this regulation to the World Trade Organization (WTO), which the WTO published as document number G/SPS/N/CHN/42/Add.3.

Please refer to GAIN Report [CH5052](#) for the unofficial translation of AQSIQ's treatment requirements for imported wood packaging materials.

Disclaimer

Information in this translated report may not be completely accurate either because policies may change when the regulation is adopted, or because clear and consistent information about these policies was not available. Therefore, U.S. exporters must try to verify all import requirements with their foreign customers, who are normally best informed, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry. In the event of any errors or omissions in this translation, the original Chinese version shall prevail.

BEGIN TRANSLATION

Quarantine and Supervision Administrative Measures for the Importation of Wood Packaging Materials

Article 1

These Measures are promulgated to standardize the quarantine and supervision of imported wood packaging material, to prevent the introduction of harmful forest organisms into China through the entry of wood packaging material, to protect China's forests and the environment, and facilitate cargo importation and exportation, in accordance with the "Law of the People's Republic of China on Entry-Exit Animal and Plant Quarantine" and its implementing regulations.

Article 2

Wood packaging material specified in these measures refers to wood material for carrying, packing, bedding, supporting and reinforcing cargo, such as crating, pallets, pallet collars, drums (excluding oak casks for wine), shafts, wedges, sleepers, dunnage, etc.

Wood packaging material specified in these measures does not include synthetic or heated and processed wood packaging materials such as plywood, particleboard, and fiberboard; Veneer peeler cores, sawdust, excelsior, shavings and wood packaging material with a thickness not exceeding 6 millimeters are not included.

Article 3

The quarantine supervision and control work for all imported wood packaging material must be under the unified management of the General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ). The local entry-exit inspection and quarantine offices (hereinafter referred to as CIQ) established by AQSIQ are responsible for the quarantine supervision and control of entry cargo wood packaging material in their jurisdiction.

Article 4

Imported wood packaging material must be subjected to phytosanitary treatment according to the International Plant Protection Convention (IPPC) requirements under the supervision of inspection and quarantine offices of exporting countries or local governments. The IPPC special mark must be used. Phytosanitary treatment measures and the IPPC mark must meet the requirements released by AQSIQ.

Article 5

For imported cargo using wood packaging material, the owner or his agent must request inspection from the Inspection and Quarantine Office (CIQ). CIQ authorities will inspect cargos using the following criteria:

1. Wood packaging material presenting the IPPC special mark will be subject to random inspection according to the relevant regulations. Wood packaging material not found to contain a live pest will be released immediately; wood packaging material found to contain a live pest must be subjected to phytosanitary treatment by the cargo's owner or his agent.
2. Wood packaging material without the IPPC special mark will be subject to phytosanitary treatment or destroyed under CIQ's supervision.
3. If the wood packaging material's IPPC special mark cannot be ascertained upon inspection, CIQ authorities will randomly inspect cargos according to the relevant regulations. After random inspection, the wood packaging material presenting the IPPC special mark, and not found to contain pests will be released; the cargo's owner or his agent must subject to phytosanitary treatment wood packaging material found to contain a live pest. If wood packaging material is found during a random inspection that does not have the IPPC special mark, it will be subjected to phytosanitary treatment or be destroyed.

Article 6

For those cargos entering China's territory that customarily use wood packaging material but do not apply for inspection, CIQ authorities may conduct random inspections and dispose of such cargos according to the following:

1. In cases when no wood packaging material is discovered during the random inspection, cargos will be released immediately.
2. In cases when wood packaging material is discovered during the random inspection, cargos will be disposed of according to Article 5 of the Measures, and subject to punitive administrative measures according to the relevant regulations.

Article 7

In cases where there is a serious violation of the regulations the owner of a cargo or his/her designated agent shall return the wood packaging material together with its cargo under CIQ's supervision after AQSIQ authorizes such action.

Article 8

When wood packaging material is subjected to random inspections, emphasis will be paid to boring insects -- such as longhorn beetles, termites, silverfish (moth), horntail, and flatheaded borers -- and their infestation symptoms. Wood packaging material with symptoms of such infestations will be cut for inspection. Wood packaging material with symptoms of possible pine wood nematode infestation will be sampled for laboratory inspection.

Article 9

If cargos need to be transferred to a designated place for quarantine or phytosanitary treatment, the owner or his agent must take the necessary measures according to CIQ requirements to prevent an epidemic. Container cargos must be opened under CIQ's supervision to prevent the spread of pests.

Except in special cases, cargos subject to wood packaging material inspection may not be unloaded, delivered, and wood packaging material must not be removed or abandoned without CIQ's approval.

Article 10

Exposed wood packaging material used in transit cargos and wood packaging material entering as cargo, are subject to these Measures.

Dunnage in ships and planes must be subjected to inspection according to these Measures if it needs to be unloaded; if not, the cargos must be kept under CIQ's supervision, and subjected to phytosanitary treatment or destroyed if live pests are found during supervision.

Article 11

CIQ authorities will strive to obtain as much information as possible by communicating with relevant agencies, such as port authorities, Customs, transportation and cargo agencies. Cargo and packing information will be obtained by using integrated information networks and electronic supervision, and by the checking bills of lading. The decision to carry out random inspections will be made based on the state of information present at the time.

Article 12

CIQ shall record the compliance history of importers, exporters, and wood packaging material mark-issuing enterprises in exporting countries and regions according to the

quarantine results, evaluate their track record, and classify and manage them according to their classification. The enterprises in good standing CIQ authorities may enjoy preferential treatment, such as a lower rate of random inspections, expedited customs clearance, and inspections in the plant or other designated sites. Those enterprises in poor standing will be subjected to a higher rate of random inspections. Those enterprises with a seriously poor track record, AQSIQ may issue a circular to the exporting country/region, and suspend the entry of wood packaging material from those mark-issuing enterprises.

Article 13

Wood packaging material from Hong Kong, Macao, and Taiwan must be handled in accordance with the Measures.

Article 14

If the wood packaging material of transit cargos from Hong Kong and Macao does not comply with the regulations in Article 4 of the Measures, its owner or his agent may apply to the inspection and quarantine departments in Hong Kong and Macao authorized by AQSIQ for phytosanitary treatment, and issuing of the IPPC mark or presenting certification. CIQ will conduct random inspections according to the regulations of the Measure.

Article 15

To facilitate customs clearance of cargo transiting through Hong Kong and Macao and subsequently enter the territory of [Mainland] China that do not use wood packaging material, the cargo's owner or his agent may apply to the AQSIQ-authorized inspection and quarantine departments in Hong Kong and Macao to certify that no wood packaging material is used, and issue a certificate. Upon entering the territory of China, CIQ will check and review the certificate, and will not conduct inspections on wood packing material, however, may conduct random inspections when they deem necessary.

Article 16

For wood packaging material of passengers' belongings and mailed cargos without the IPPC mark, entry is permitted if a live pest is not found during the inspection. Phytosanitary treatment is needed if a live pest is found.

Article 17

Any of the following circumstances will be punished by CIQ authorities in accordance with the "Law of the People's Republic of China on Entry-Exit Animal and Plant Quarantine" and its implementation regulations:

1. Failure to request CIQ's inspection in accordance with regulations;
2. An inspection request that is inconsistent with the real situation;
3. Unloading or delivering wood packaging material cargos without CIQ's approval;
4. Other violations of the "Law of the People's Republic of China on Entry-Exit Animal and Plant Quarantine" and its implementing regulations.

Article 18

Any of the below cases will be fined up to RMB30,000:

1. Removal and abandonment of wood packaging material without CIQ's approval;

2. Failure to abide by CIQ's requirements when destroying wood packaging material or subjecting it to proper phytosanitary treatment;
3. Falsifying, mutilating, or misusing the IPPC special mark.

Article 19

The inspection and quarantine departments authorized by AQSIQ will be ordered to correct in a timely manner or their authorization revoked if they offend the related laws, regulations, and the Measures.

Article 20

The CIQ staffs whom knowingly engage in misconduct, abuse their authority, neglect their duties, and disobey related laws, regulations, and the Measures will be subject to administrative punishment. Any serious cases will be investigated for possible criminal prosecution.

Article 21

AQSIQ shall be responsible for interpreting the Measures.

Article 22

The Measures shall enter into force on January 1, 2006. In the event of any inconsistency between previous related laws and regulations and the Measures, the provisions of the Measures shall prevail. [END TRANSLATION]