



COMMITTEE ON COMMODITY PROBLEMS

INTERGOVERNMENTAL GROUP ON BANANAS AND TROPICAL FRUITS

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PRACTICAL GUIDELINES TO IMPORTING BANANAS AND TROPICAL FRUITS FOR THE CHINESE MARKETS¹

I. INTRODUCTION

1. China has been the world fast growing economy over the past three decades. As a most populous country in the world, with continuous increases in income and urbanization due to economic growth, consumers are increasingly aware of nutritious food such as vegetables and fruits. Demand for tropical fruits in China has continued to expand in recent years with apparent consumption per capita increasing. Here is a guide to import bananas and tropical fruits for Chinese market, which can facilitate exporting countries to explore bananas and tropical fruits market in China.

II. CHINESE FOOD LEGISLATION APPLIED TO BANANAS AND TROPICAL FRUITS

2. In China fresh fruits import is regulated by *the Administrative Measures of Inspection, Quarantine, and Supervision of Entry Fruits*, adopted July 15, 2005. Other important related legislation includes:

- the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine;
- Regulations for the Implementation of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine;
- the Law of the People's Republic of China on the Entry and Exit Commodity Inspection,
- Regulations for the Implementation of the Law of the People's Republic of China on the Entry and Exit Commodity Inspection;

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- Food Hygiene Law of the People's Republic of China;
 - Regulations for the Implementation of Food Hygiene Law of the People's Republic of China;
 - Food Safety Law of the People's Republic of China;
 - Regulations for the Implementation of Food Safety Law of the People's Republic of China;
 - PRC Regulations for Origin of Imports and Exports;
 - Customs Law of the People's Republic of China;
 - the Rules of the Customs of the People's Republic of China for the Administration of the Levying of Duties on Imports and exports;
 - Criminal Law of the People's Republic of China;
 - Safeguard Measures Regulations of the People's Republic of China.
3. The above legislation can be applied to import bananas and tropical fruits.

III. GOVERNMENT AGENCIES AND DEPARTMENTS RESPONSIBLE FOR IMPORTED BANANAS AND TROPICAL FRUITS

4. Main government agencies and departments responsible for imported bananas and tropical fruits includes General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as the AQSIQ), the General Administration of Customs of the People's Republic of China (hereinafter referred to as the GAC).

5. According to article 3 of *the Administrative Measures of Inspection, Quarantine, and Supervision of Entry Fruits*, AQSIQ shall uniformly administer the work of the supervision and administration of the inspection and quarantine on entry fruits nationally. The entry and exit inspection and quarantine organs (hereinafter referred to as inspection and quarantine organs) established by the AQSIQ in the all parts of the country shall implement inspection, quarantine, supervision and administration on entry fruits subject to inspection and quarantine that enter the country.

6. According to article 2 of *Customs Law of the People's Republic of China*, GAC is a governmental organization responsible for supervision and control over all arrivals in and departures from the Customs territory (hereinafter referred to as the territory), exercise control over means of transport, goods, travelers' luggage, postal items and other articles entering or leaving the territory, collect Customs duties and other taxes and fees, prevent and combat smuggling, compile Customs statistics and handle other Customs operations.

7. According to article 21 of *Food Safety Law of the People's Republic of China*, the national food safety standards shall be formulated and announced by the health administrative department of the State Council, for which the standardization administrative department of the State Council shall provide the serial number of national standards; the provisions on limits of pesticide residues and veterinary medicine residues, and the inspection methods and procedures thereof shall be formulated by the health administrative department and agriculture administrative department of the State Council.

IV. IMPORTER RESPONSIBILITIES

8. Fresh fruits importer is responsible for the following:
- filing of import fruits;
 - tendering documents including Certificate of Origin, Sanitary Certificate, health certificate;

- inspection and quarantine declaration;
- customs declaration;
- getting release;
- making their fruits imported meet the national food safety standard;
- keeping records of fruits import and sale for at least two years.

9. Before a contract or agreement is concluded on the trade of fruits entering the PRC, an application shall be filed to the AQSIQ for going through the examination and approval formalities for the quarantine and inspection of fruits and shall obtain an Entry Animal and Plant Quarantine License of the People's Republic of China (hereinafter referred to as the EAPQL).

10. The fruit owner or its agent shall present the EAPQL (original) and the plant quarantine certificate (hereinafter referred to as the PQC) (original) released by the official quarantine and inspection department of the exporting country or region to the inspection and quarantine institution when filing an application for inspection and quarantine.

V. GENERAL REQUIREMENTS FOR BANANAS AND TROPICAL FRUITS

11. The following are the general requirements for fresh fruits import, which are also the general requirements for bananas and tropical fruits.

A. SAFETY AND HEALTH

12. In order to keep safety of food for Chinese people, imported fruits should meet the national food safety standard.

13. Hazardous substances such as harmful organisms, nitrates, pesticides residue and heavy metal content in import fruits should meet the national food safety standard.

14. Some standards related with pesticides residue are scattered in various China national standards such as GB2763-2005, GB18406.2-2001, GB2762-2005, etc.

15. According to article 20 of *Food Safety Law of the People's Republic of China*, the food safety standards shall contain: (1) provisions on limits of pathogenic microorganisms, pesticide residues, veterinary medicine residues, heavy metals, pollutants and other substances hazardous to human health in food and food-related products; (2) varieties, extent of use and dosages of food additives; (3) nutrient content requirements for staple and supplementary food exclusively for infants and other particular groups of people; (4) requirements for labels, marks and instructions relating to food safety or nutrition; (5) hygienic requirements for food production or business operation process; (6) quality requirements relating to food safety; (7) methods and procedures for food inspection; and (8) other contents which are necessary to be formulated as food safety standards.

16. According to article 13 of *the Administrative Measures of Inspection, Quarantine, and Supervision of Entry Fruits*, when the fruit entering the PRC is under any of the following circumstances, the SAQSIQ shall suspend the importing of such fruit or suspend the importing of fruit from the relevant production areas, orchards or packing factories according to the actual circumstances:

- a) A serious epidemic situation of plants breaks out in the orchard, processing area or the surrounding area thereof;
- b) Upon inspection and quarantine, harmful organisms subject to quarantine are found which are paid close attention by China.

B. GOOD IMPORTING PRACTICES

17. Good importing practices for importing fruits various according to different inspection and quarantine organs, for some kinds of fruits may be prohibited entry into certain entry ports. Here are some examples from Ningbo port and Zhuhai port online at:
<http://www.ccpitnb.org/index.php/default/nbfetview/id/69948/sub/tpl/en> and
<http://www.zhciq.gov.cn/showHallWorkInfo.do?colId=7331&threadId=7334&infoId=200809220000024>.
18. Good importing practices should follow the procedure guides on entry animal and plant inspection and quarantine, issued by different inspection and quarantine organs locating in various entry ports. Here is an procedure guide from Xiaoshan port online at:
<http://www.xs.ziq.gov.cn/dqj/xiaoshan/Item/Show.asp?m=1&d=4665>.

C. LABELING

19. According to Article 9.2 of *the Administrative Measures of Inspection, Quarantine, and Supervision of Entry Fruits*, the name and origin of the fruits, name or code of the packing factory shall be specified on the packages in Chinese or in English.
20. According to article 66 of *Food Safety Law of the People's Republic of China*, the imported pre-packed food shall have labels and instructions in Chinese; the labels and instructions shall conform to this Law, other relevant laws, administrative regulations and national food safety standards of China, and state the place of origin as well as the name, address and contact information of the domestic agent; no pre-packed food may be imported if it does not have labels and instructions in Chinese or if the labels and instructions do not conform to the provision of this Article.

D. NET QUANTITY

21. There is no quantity requirement for importing fruits into China. Quantity of importing fruits is up to the importer by meet the market condition.
22. According to Article 4 of *the Administrative Measures of Inspection, Quarantine, and Supervision of Entry Fruits*, no fruit may be carried or posted into the PRC unless otherwise provided in the laws and regulations.
23. According to Article 2 of *Safeguard Measures Regulations of the People's Republic of China*, when a product is imported in increased quantities and such increase has caused or threatens to cause serious injury to a domestic industry that produces like or directly competitive products, an investigation shall be initiated and safeguard measures applied in accordance with the provisions hereof.

E. TRANSPORTATION

24. According to Article 27 of *Food Safety Law of the People's Republic of China* a food producer or business operator shall meet the food safety standards and satisfy the following requirements: (6) ensuring that the containers, utensils and equipment for storing, transporting, loading and unloading food are safe and innocuous, are kept clean so as to prevent pollution to food, reach the necessary temperature for food safety and meet other special requirements, and that the food may not be transported together with toxic or harmful articles.

F. FOOD ALLERGIES

25. Food Allergens are not required to be labeled according to China's law currently, but food allergens labeling is under discussing, and in the near future, related legislation will come into effect.

G. ADDITION OF VITAMIN AND MINERAL NUTRIENTS TO FOOD

26. Addition of Vitamin and Mineral Nutrients to Food should meet the requirement of *Regulations on Report and Accreditation of Nutrients Supplementation*.

H. NOVEL FOODS – BIOTECHNOLOGY

27. In China, new foods should get safety assessments, and then enter the market after it has got the licenses.

28. According to Article 44 of *Food Safety Law of the People's Republic of China*, where an entity or individual intends to apply for ... a new food-related product, it or he shall submit to the health administrative department of the State Council the safety assessment documents of the pertinent product. The health administrative department of the State Council shall, within 60 days from the date on which it receives the application, organize an examination of the safety assessment documents of the product. If the food safety requirements are satisfied, it shall decide to grant to the applicant a license and make an announcement. If the food safety requirements are not satisfied, it shall decide not to grant the applicant a license, and make an explanation in writing.

29. Some novel foods – using GMO biotechnology, should be regulated by *Measures for Safety Administration of Import of Agricultural Genetically Modified Organisms*.

I. FOODS CONTAINING FOOD ADDITIVES

30. According to Article 44 of *Food Safety Law of the People's Republic of China*, where an entity or individual intends to apply for engaging in food production by using new food raw materials or for engaging in the production of a new food additive or a new food-related product, it or he shall submit to the health administrative department of the State Council the safety assessment documents of the pertinent product. The health administrative department of the State Council shall, within 60 days from the date on which it receives the application, organize an examination of the safety assessment documents of the product. If the food safety requirements are satisfied, it shall decide to grant to the applicant a license and make an announcement. If the food safety requirements are not satisfied, it shall decide not to grant the applicant a license, and make an explanation in writing.

31. According to Article 45 of *Food Safety Law of the People's Republic of China*, no food additive may be listed in the scope of allowed use unless it is really technically necessary and has been proved as safe and reliable upon risk assessment. The health administrative department of the State Council shall, on the basis of the technical necessities and food safety risk assessment results, timely revise the standards for the varieties, extent of use and dosage of food additives.

32. According to Article 46 of *Food Safety Law of the People's Republic of China*, a food producer shall use food additives under food safety standards on the varieties, extent of use and dosages of food additives and shall not, during the process of food production, use any non-food-additive chemical substance or any other substance which is potentially hazardous to human health.

J. FOOD IRRADIATION

33. Food irradiation is regulated by *Measures for Hygiene Management of Irradiation Food and Requirements for General Technology of Food Irradiation*. Irradiation food should not sale if it does not meet the national hygiene standard. It is prohibited that inferior food is processed by food irradiation technology. Generally food should not be irradiated repeat. Irradiation food in package should be labeled, and irradiation food in bull should note in inventory with the word “already irradiated”.

34. According to *Hygiene Standard for Irradiation Fresh Vegetables and Fruits* (GB 14891.5—1997), fresh fruits should not absorb irradiation dose more than 1.5kGy□taking litchi as an example, less than 0.5kGy.

VI. IMPORT PROCEDURES AND DOCUMENTS

35. Import procedures for fresh fruits include six steps.

Step one: Obtain License of Importing Fruits

36. After fruit importer find a potential partner which has fresh fruits to export into China and want to conclude a contract or agreement with the importer, the importer need file an application to the AQSIQ for going through the examination and approval formalities for the quarantine and inspection of fruits, and obtain an Entry Animal and Plant Quarantine License of the People's Republic of China.

37. In this phase the importer need fill in the application of Entry Animal and Plant Quarantine License of the People's Republic of China, and then wait for AQSIQ going through the examination and approval, if without any problem, and then he got the EAPQL.

Step two: Sign a Contract or Agreement and Wait for the Cargo

38. The importer signs a contract or agreement with the exporter on the trade of the fruit entering the PRC and waits for the exporter to release the cargo.

Step three: Apply to Customs

39. When the cargo reaches the destination port, the importer should prepare documents to apply to customs. These documents include: delivery order, packing list, invoice, contract or agreement, declaration for import.

Step four: Let Customs Check Relevant Documents and Let Inspection and Quarantine Organ Exercise Inspection and Quarantine

40. Customs check relevant documents. The inspection and quarantine organ exercises the inspection and quarantine over fruits.

41. The importer shall present the EAPQL (original) and the plant quarantine certificate (hereinafter referred to as the PQC) (original) released by the official quarantine and inspection department of the exporting country or region to the inspection and quarantine institution when filing an application for inspection and quarantine.

Step five: Pay the Duty

42. The importer shall pay the duty on fruits according Customs Tariff Schedule.

Step six: Get Final Clearance

43. The importer reaches final clearance and takes delivery of the fruits.

VII. CUSTOMS CONTROL AND TARIFF RATE QUOTAS (TRQs)

44. According to article 2 of *Customs Law of the People's Republic of China*, customs control is customs' responsible. Special measures on customs control are regulated by *Measures for Customs Supervision and Control of the Bonded Areas*.

45. As fresh fruits are concerned, there is no special customs control in China for bananas and tropical fruits.

46. Also, there's no Tariff Rate Quotas for entry of bananas and tropical fruits into China.

APPENDIX 1. CONTACT INFORMATION FOR MAJOR CHINESE COMPANIES WHICH IMPORT BANANAS AND TROPICAL FRUITS

1. Zhen'ao EX & IM Co., Ltd (Dalian), Tel: 0411-2771057
<http://china-customs.com/customs-yellowpage/2102360008/>
2. Reach-All Global Logistics Co., Ltd (Dalian), Tel: 0411-87519397
<http://www.jinde-logistics.com/index.php?N=LinkMode>
3. Beijing Xinfadi Xianguofang Fruits Wholesale Co., Ltd, Tel : 010-58011297
<http://www.ebnew.com/company/20100424/160458306.html>
4. Beijing Fulindadi Trading Co., Ltd, Tel:010-51190210
<http://www.fulindadi.cn/about.php>
5. Guangzhou Shuguo Group, Tel:020-86471216
<http://www.gzvfg.com/jituan.htm>
6. Guangzhou Bufsun Co., Ltd, Tel : 400-8888-148
<http://www.bufsun.com/>
7. Ningbo Free Trade Zone Ganglong Fruit Co., Ltd, Tel : 0574-27688186
<http://www.nbgl.com.cn/aboutjg.asp>
8. Xiamen Tonghui Trade Co., Ltd, Tel : 0592-5156081
<http://xmthtrade.com/>
9. Nanjing Tianpeng Trade & Industry Co., Ltd, Tel: 025-58817144
http://gongyingshang.youboy.com/jiangsu/b/gys127308_60125.html
10. Shanghai Fruits Co., Ltd, Tel: 021-63765599
<http://ccn.mofcom.gov.cn/446139>
11. Qingdao Tianyuan Fruit Co., Ltd, Tel: 0532-88486028
<http://www.qdgp888.com/main.php>
12. Beijing Changqing Zhonghong Guosu Food Co., Ltd, Tel: 18910368766
<http://zhonghongf-and-v.com/>

APPENDIX 2. INFORMATION SOURCES ON THE INTERNET

1. *The Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine*, <http://www.cnca.gov.cn/rjwzcjgb/flfg/images/20061016/475.pdf>
2. *Regulations for the Implementation of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine*, <http://www.cnca.gov.cn/rjwzcjgb/flfg/images/20061016/474.pdf>
3. *Criminal Law of the People's Republic of China*, <http://wenku.baidu.com/view/7f8baff80242a8956bece4ad.html>
4. *Guidelines for regulating wood packaging material in international trade (ISPM15)*, http://www.fjciq.gov.cn/subject/mzbz/2008/1206707158_ispm_15_english.pdf
5. *List of Country or Area with allowed fruits entry into China (updated on Jan 4th, 2010)*, <http://www.xs.ziq.gov.cn/dqj/xiaoshan/Item/Show.asp?m=1&d=4539>
6. *the Administrative Measures of Inspection, Quarantine, and Supervision of Entry Fruits*, http://www.legaldaily.com.cn/misc/2005-06/30/content_162078.htm
7. *Procedures of import declaration*, <http://baike.baidu.com/image/a54e55fbaaab2634034f56b3>
8. *The Food Safety Law of the People's Republic of China*, http://www.procedurallaw.cn/english/law/200903/t20090320_196425.html
9. *Procedure for Inspection, Quarantine, and Supervision of Entry Fruits (Xiaoshan port in Zhejiang province, PRC)*, <http://www.xs.ziq.gov.cn/dqj/xiaoshan/Item/Show.asp?m=1&d=4665>
10. *Procedure for Inspection, Quarantine, and Supervision of Entry Fruits (Ningbo port in Zhejiang province, PRC)*, <http://www.ccpitnb.org/index.php/default/nbfetview/id/69948/sub/tpl/en>
11. *Guide for Inspection, Quarantine, and Supervision of Entry Fruits (Zhuhai port in Guangdong province, PRC)*, <http://www.zhciq.gov.cn/showHallWorkInfo.do?colId=7331&threadId=7334&infoId=200809220000024>
12. *Safeguard Measures Regulations of the People's Republic of China*, <http://www.en8848.com.cn/yingyu/84/n-93384.html>
13. *The Food Hygiene Law of the People's Republic of China*, http://news.xinhuanet.com/travel/2003-01/22/content_701902.htm
14. *Regulations on Report and Accreditation of Nutrients Supplementation*, <http://www.sda.gov.cn/WS01/CL0055/10396.html>
15. *Measures for Safety Administration of Import of Agricultural Genetically Modified Organism*, <http://www.21food.cn/html/fg/12.htm>
16. *Measures for Hygiene Management of Irradiation Food*, <http://www.people.com.cn/item/flfgk/gwyfg/1996/236003199601.html>

17. *Hygiene Standard for Irradiation Fresh Vegetables and Fruits (GB 14891.5—1997)*, <http://www.21food.cn/html/biaozhun/1349.htm>

18. *Requirements for General Technology of Food Irradiation*, <http://wenku.baidu.com/view/719c4a80e53a580216fcfe86.html>

19. *Measures for Customs Supervision and Control of the Bonded Areas*, <http://www.people.com.cn/item/flfgk/gwyfg/1997/307101199766.html>

20. *Customs Law of the People's Republic of China*, <http://www.people.com.cn/item/flfgk/gwyfg/1987/111703198701.html>

21. *Food Safety Law of the People's Republic of China*, http://news.xinhuanet.com/legal/2009-02/28/content_10925078.htm