

Administrative Measures on Organic Product Certification

(AQSIQ Decree No. 155)

The Administrative Measures on Certification of Organic Product, as examined and adopted by the General Administration of Quality Supervision, Inspection and Quarantine at its ministerial meeting on April 23, 2013, is hereby promulgated and shall enter into force as of April 1 2014.

The Minister

November 15, 2013

General Administration of Quality Supervision, Inspection and Quarantine of
the People's Republic of China

Chapter I General Provisions

Article 1 For the purpose of protecting legitimate rights and interests of consumers, producers and sellers, improving the quality of organic products, strengthening administration of organic product certification, and promoting eco-environment protection and sustainable development, the Administrative Measures (hereinafter referred to as these Measures) are formulated according to the provisions of the *Law of the People's Republic of China on Product Quality*, *the Law of the People's Republic of China on Import and Export Commodity Inspection*, the *Administrative Regulations of the People's Republic of China on Certification and Accreditation*, and other laws and administrative regulations.

Article 2 Those who engaged in organic product certification and activities of producing, processing, importing and selling of certified organic products in the territory of the People's Republic of China shall be abide by the Measures.

Article 3 Organic products defined in these *Measures* refer to those products produced, processed and sold in line with National Standards of China for organic products and for human consumption and animal feeding.

Organic product certification defined in these *Measures* refers to conformity assessment activities carried out by certification bodies according to provisions of these Measures and rules on organic product certification on whether or not product producing, processing and selling activities are in conformity with organic product national standards of China.

Article 4 The Certification and Accreditation Administration of the People's Republic of China (hereinafter referred to as CNCA) is responsible for the unified management, supervision and comprehensive coordination of organic product certification throughout the country.

The local quality and technical supervision authorities and the entry-exit inspection and quarantine authorities at various levels (hereinafter referred to as the local certification supervision authorities), based on division of responsibilities, are responsible to the supervision, inspection and law enforcement on organic product certification within their jurisdiction according to provisions of relevant laws and regulations.

Article 5 The State adopts a unified organic product certification system, implementing unitary certification directory, unitary standards and implementation rules for certification, and unitary certification mark.

CNCA is responsible to the formulation, revision and promulgation of certification directory for organic products and implementation rules for organic product certification, and have them opened

to the public.

Article 6 CNCA organizes to carry out international cooperation on organic product certification based on the principles of equality and mutual benefit.

The international mutual recognition activities on organic product certification shall be conducted within the framework of the international cooperation agreements signed by the State.

Chapter II Certification Implementation

Article 7 An organic product certification body (hereinafter referred to as CB) shall be approved by CNCA and obtain legal status according to laws and regulations prior to engaging in organic product certification activities.

The capability of a CB shall meet requirements of relevant National Standards for product certification body in order to carry out certification activities.

Inspectors, engaging in inspection activities for organic product certification, shall be registered by the State certification personnel registration body prior to undertaking inspection.

Article 8 Organic product producers and processors (hereinafter collectively referred to as applicants), may voluntarily apply to CBs for organic product certification and submit application materials as stipulated by implementation rules for organic product certification.

CBs shall accept neither application from applicants whose production environment is not in conformity with requirements of the State for producing organic product, nor applications for products not listed in the certification directory of organic products.

Article 9 The CB, within 10 days from the date of receiving the materials submitted by applicants, shall complete the examination and make the decision on whether to accept the application. For rejected applications, the CB shall notify the applicant in written form and state reasons for rejection.

The CB shall submit basic information on the applicant and the certification inspection scheme to the certification information system designated by CNCA within 5 days prior to the on-site inspection.

Article 10 Following acceptance of the application, the CB shall assign inspectors to conduct on-site inspection on organic product production and processing according to implementation rules for organic product certification, and entrust inspection and testing agencies with statutory qualification to carry out inspection and tests on the product applying for organic certification.

According to Implementation Rules for Organic Product Certification, in case that environment of the organic production location (base) needs to be monitored (tested), the monitoring (testing) report shall be provided by the monitoring (testing) agency with statutory qualifications, otherwise other legally effective environmental monitoring (testing) result provided by the applicant may also be recognised.

Article 11 Where the organic product certification requirements are met, CBs shall timely issue an organic product certification certificate to the applicant, and allow the latter to use the organic product certification mark of China; in case that the certification requirements are not met, a written notification shall be sent to the applicant and reasons shall be stated.

The CB and the certification staff shall be responsible for their certification decisions.

Article 12 The CBs shall ensure the integrity, objectivity and truth of the certification process, make complete records of the certification process and to have them filed and maintained so as to ensure the traceability of the certification process and results.

Agencies for product inspection and testing as well as environmental monitoring (testing) shall ensure that the conclusions of the inspection and testing as well as monitoring are true and accurate; complete records of the inspection and testing as well as monitoring processes shall be made and to have them filed and maintained. The product inspection and testing as well as environmental monitoring agencies and relevant staff shall be responsible for the contents and conclusions of their reports on inspection and testing as well as monitoring.

The maintenance period of records specified in this article shall be 5 years

Article 13 According to the Implementation rules for certification, the CBs shall conduct effective follow-up surveillance on the certified products, their production and processing processes, so as to ensure the certified conclusions consistently in conformity with the certification requirements.

Article 14 The CBs shall timely issue organic product transaction certificate to the applicant, so as to ensure that the category, scope and quantity of the certified organic products sold by the applicant are in correspondence with that recorded in the certification certificate.

Article 15 The processed product in which the content of organic ingredients (weight or liquid volume, excluding water and salt, the same below) is equal to or above 95%, following acquirement of organic product certification, can be allowed to mark the word "organic" on the product or product packages and labels, to apply organic product certification mark.

Article 16 The CBs shall not be allowed to carry out organic certification to processed products in which the content of organic ingredients is under 95 %.

Chapter III Import of Organic Products

Article 17 Organic product competent agencies of countries or regions wishing to export organic products to China, may submit an application to CNCA for equivalency assessment of organic product certification system. CNCA shall accept the application and organize relevant experts to carry out assessment of the submitted application.

The assessment may be carried out in forms of document examination and on-site inspection, etc.

Article 18 In case that the organic product certification system of a country or region exporting

organic products to China, is in equivalence with the organic product certification system of China, CNCA may sign a corresponding memorandum with its competent agency.

Organic products exported to China from countries or regions shall be supervised according to the provisions of the related memorandum.

Article 19 Products imported from countries or regions, where no memorandum on equivalence of organic product certification system is signed with CNCA, but wishing to be exported to China as organic products, shall be in conformity with requirements of relevant laws, regulations and National Standard of China on organic products.

Article 20 Producers, sellers, importers or agents of import products (hereinafter collectively referred to as applicants of import organic products), wishing to acquire organic product certification of China shall submit an application to a certification body approved by CNCA.

Article 21 An applicant wishing to import organic products shall submit relevant application materials and documents to the certification body according to provisions of the Implementation Rules for Organic Product Certification, among which, for the application form, the questionnaire, the processing flow chart, the product formula and the inputs used in the pipeline of production and processing etc. the Chinese version shall be provided simultaneously. The certification body shall not accept the application of those whose application materials are not in conformity with the requirements.

Import organic product certification activities carried out by the CBs shall comply with the provisions of these Measures and the Implementation Rules for Organic Product Certification, the Chinese version of certification inspection records and inspection reports etc. shall be available.

Article 22 In submitting an application for inspection and quarantine for importing organic products, such documents as copies of the acquired China Organic Product Certification Certificate and the organic product transaction certificate, the certification mark and the product label etc. shall be submitted.

Article 23 Entry-exit inspection and quarantine authorities at various localities shall apply entry verification over the declared import organic products by verifying such documents as copies of the China Organic Product Certification Certificate and the organic product transaction certificate, the certification mark and the product label etc. to make sure that the goods are corresponding to the declared documents. In case of not being corresponded, no entry permission is granted as being organic products.

When necessary, the entry-exit inspection and quarantine authority may impose sampling inspection over the declared import organic products, so as to verify whether or not the quality of products is in conformity with requirements of National Standards on organic products.

Article 24 Within 30 days after issuing the organic product certification certificate to applicant of import organic products, the CB shall submit the following written materials to CNCA:

- (1) Certified product category, scope and quantity;
- (2) Name, address and contact information of the applicant of import organic products;

- (3) Name, address and contact information of producer and importer of certified product;
- (4) Copies of certification certificate and inspection report (Chinese and foreign language version);
- (5) Other materials specified by CNCA.

Chapter IV Certification Certificate and Certification Mark

Article 25 CNCA is responsible for working out the basic format, encoding rules for organic product certificate and pattern, encoding rules for China organic product certification mark.

Article 26 The validation period of a certificate is 1 year.

Article 27 A certificate shall include the following contents:

- (1) Name and address of applicant;
- (2) Names and addresses of producer, processor and production origin (base) of the certified product;
- (3) Quantity, acreage of production origin (base) and variety of certified products;
- (4) Category of certification;
- (5) Based National Standards or technical specifications;
- (6) Name of the CB and signature of responsible person, issuing date and expiry date.

Article 28 Within the validation period of the certified product certificate, in case of any of the following circumstances occurs, the applicant shall, within 15 days, submit an application to the certification body for modification. The CB shall make the corresponding modification to the certificate within 30 days from the date of receiving the application:

- (1) Change of certificate holder, or change in names or nature of legal person of the organic product producer or processor;
- (2) Reduction of product varieties and quantity;
- (3) Other circumstances that need to modify the certificate.

Article 29 The CB shall cancel the certificate within 30 days in case any of the following circumstances occurs, and release it to the public:

- (1) The validation period of the certificate is expired, no application is made for extension ;
- (2) The certified product is no longer in production;
- (3) The certificate holder of the certified product applies for cancellation;

(4) Other circumstances that need to cancel the certificate.

Article 30 In case of any of the following circumstances occurs, the CB shall suspend the certificate within 15 days, the period of such suspension shall be 1 to 3 months, this information shall be released to the public:

(1) The use of the certificate or the certification mark is not in conformity with provisions;

(2) The production, processing and sales activities of certified product or the management system are not in conformity with the certification requirements, however, upon the CB's assessment, effective correction or corrective measures can be carried out within the suspension period;

(3) Other circumstances that need to suspend the certificate.

Article 31 In case of any of the following circumstances occurs, the CB shall withdraw the certificate within 7 days, and release it to the public:

(1) The quality of certified product is not in conformity with requirements of relevant regulations of the State, mandatory requirements of standards, or prohibited substances specified in National Standards for organic products are detected in the certified product;

(2) In the production and processing of the certified product, prohibited substances specified in National Standards for organic products are used or, being contaminated by the prohibited substances;

(3) The certificate holder of the certified product made a false report or concealed information required for certification;

(4) The certificate holder of the certified product use the certification mark beyond the scope of the certificate;

(5) Environmental quality of production origin (base) of certified products is not in conformity with certification requirements;

(6) The production, processing and sales activities of certified product or the management system are not in conformity with the certification requirements, furthermore, no effective correction or corrective measures have been carried out within the suspension period;

(7) Reprocessing, repacking and division of certified product have been taken place in a production and/or processing location other than that stated on the certificate;

(8) The certificate holder of certified product fails to take effective measures to deal with major complaints which was proved truly from related stakeholders;

(9) When engaging in organic product certification activities, the certificate holder of certified product, due to the violation against relevant laws and regulations of the State on agricultural products and food safety management, received relevant administrative penalty;

(10) The certificate holder of certified product refused the supervision imposed by the certification supervision authority or the CBs;

(11) Other circumstances that lead to the withdrawal of the certificate.

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

In the Organic Product Certification Mark of China, there is the Chinese words "中国有机产品" and the English word "ORGANIC". The pattern is as follows:



Article 33 The Organic Product Certification Mark of China shall be used within the limitation of product category, scope and quantity as specified in the certificate.

The CB shall give a unique code to each of the certification marks (hereinafter referred to as the organic code) according to the encoding rules of CNCA. Effective anti-fake and traceability technology shall be adopted so as to ensure that through each of the issued certification mark, the information on corresponding certificate, the certified product and its producing and processing unit can be traced.

Article 34 Certificate holders shall have the Organic Product Certification Mark of China, the organic code and the name of the certification body on their certified products or the minimum sales package of products.

The Organic Product Certification Mark of China can be printed on the labels, instructions and advertising materials of the certified product, it can be made large or small according to dimension scale, but no shape change or colour change is permitted.

Article 35 Where any of the following circumstances occurred, no unit or individual is allowed to mark the word "有机" or "ORGANIC" on products, minimum sales packages of products or labels, or any other wording and pattern that may likely mislead the public to regard the product as an organic one:

(1) No organic product certification is acquired;

(2) Reprocessing, repacking and division of certified product taken place in a production /processing site other than that specified on the certificate.

Article 36 During the suspension period of organic certificate, the certificate holder shall suspend the use of the certificate and certification marks; when the certificate is cancelled or withdrawn, the certificate holder shall send back the certificate and the unused certification marks to the certification body.

Chapter V Supervision and Administration

Article 37 CNCA shall organize the implementation of supervision and inspection as well as irregular special supervision and inspection on the organic product certification activities.

Article 38 According to respective responsibilities within their jurisdictions according to laws, local certification supervision authorities shall carry out supervision and inspection on organic product certification activities by way of investigating and dealing with illegal activities occurred in the production, processing and sales of the certified products.

Local entry-exit inspection and quarantine authorities are responsible for the supervision and inspection on foreign CBs, certification and sales of import organic products as well as the activities of certification, production, processing and sales of export organic products.

Local quality and technical supervision authorities at various levels are responsible for the supervision and inspection on Chinese CBs and on the activities of certification, production, processing and sales of organic products produced, processed and sold in the territory of China.

Article 39 Ways of supervision and inspection carried out by local certification supervision authorities include:

- (1) Supervision and inspection on whether or not the activities of organic product certification are in conformity with provisions of these Measures and the Implementation Rules for Organic Product Certification;
- (2) Supervision and random inspection on Certified products;
- (3) Supervision and inspection on units of certification, production, processing, import and sales of the certified products;
- (4) Supervision and inspection on certificates and certification marks of the certified organic products;
- (5) Supervision and inspection on whether or not the certification consultancy activities are in conformity with relevant provisions;
- (6) Investigation and handling of complaints on activities of organic product certification and

certification consultation;

(7) Law based investigation and treatment on behaviours violating laws.

Article 40 CNCA shall publish dynamic information on organic product certification regularly through the Information System.

Prior to issuing a certificate, the CB shall timely submit related information on organic product certification to the Information System and acquire a certificate number according to the requirements.

Prior to issuing the certification mark, the CB shall upload the relevant information on certification mark and the organic code to the Information System.

Based on the relevant certification information submitted and uploaded by CBs to the Information System, local certification supervision authorities shall carry out supervision and inspection on the organic product certification activities conducted within their jurisdictions.

Article 41 The certificate holders, organic product sales organizations and individuals shall establish complete product quality and safety traceability system and record filing system on production, processing and sales during the processes of product production, processing, packaging, storage, transportation and sales.

Article 42 In the procurement, storage, transportation and sales of organic products, the sales organizations and individuals of organic product shall comply with the provisions of National Standards for organic products, to ensure that the category, scope and quantity of the sold organic products is in corresponding to that stated in the transaction certificate, and be able to provide copies of certificate and transaction certificate of organic products being corresponding to the original versions, so as to prepare for the searching and inquiring made by relevant administrative supervision authorities or consumers.

Article 43 Based on the information on animal and plant epidemic situation and environmental pollution risk alert published by related State departments, and the situation on supervision and inspection, complaints from consumers and reflections from the media, the certification supervision authorities may timely release the certification risk alert information concerning the organic product certification region, the certified products and their certificate holders as well as the CBs, and take corresponding countermeasures.

Article 44 In case that the certificate holder provides false information, illegally uses prohibited substances, uses organic certification marks beyond the specified scope, or causes major incidents on product quality and safety, the CBs shall not accept organic product certification application of the enterprise and its production bases or processing sites within 5 years.

Article 45 An applicant may put forward an appeal to the CB with which disagreement exists concerning decisions of certification or treatment. If disagreement still exists concerning the

treatment results, appeal can be made to CNCA

Article 46 Any organization or individual may make complaints to CNCA or to local certification supervision authorities concerning illegal behaviours in organic product certification activities. CNCA and local certification supervision authorities shall carry out investigation and treatment in time, and keep confidential for the complainer.

Chapter VI Penalties

Article 47 In case of forgery, fraudulent use and illegal trading of certification mark, the local certification supervision authorities shall impose penalties in accordance with provisions of the *Law of the People's Republic of China Product on Quality, Law of the People's Republic of China on Import and Export Commodity Inspection* and their implementation regulations as well as laws and administrative regulations etc.

Article 48 In case of forgery, alteration, fraudulent use, illegal trading, transfer or change of a certificate, the local certification supervision authorities shall order their correction, and impose a fine of 30,000 RMB.

A CB in violation of provisions in Paragraph 2, Article 40 of these Measures, to make certificate numbers by itself, shall be deemed as making a forged certificate

Article 49 A CB in violation of provisions in Paragraph 2, Article 8 of these Measures, issuing a certificate to an applicant whose production region is not in conformity with the environmental requirements of State provisions concerning organic product production, or whose products are out of the catalogue of Organic Product Certification, shall be ordered to make corrections, and imposed a fine of 30,000RMB; if there are illegal gains, those gains shall be confiscated.

Article 50 For those in violation of provisions in Article 35 of these Measures, to mark the word "有机" or "ORGANIC" on products, minimum sales packages of products or labels, or any other wording and pattern that may likely mislead the public to regard the product as an organic one, the local certification supervision authorities shall order to make corrections, and impose a fine up to 30,000RMB.

Article 51 In case that any of the following circumstance occurs to a CB, CNCA shall order it to make corrections, give warnings, and release it to the public:

(1) Fails to upload according to provisions in Paragraph 2, Article 40 of these Measures, the organic product certification mark and organic code to the Information System determined by CNCA;

(2) Fails to submit according to provisions in Paragraph 2, Article 9 of these Measures, relevant

certification information to the Information System determined by CNCA; or the information submitted is inconsistent with the facts;

(3) Fails to submit according to provisions in Article 24 of these Measures, relevant materials for filing to CNCA.

Article 52 In violation of provisions in Article 14 of these Measures, the quantity of organic products on the transaction certificates issued by the CB exceeds the actual quantity of organic products produced and processed by certificate holder. Corrections shall be ordered, and a fine between 10,000 – 30,000RMB shall be imposed.

Article 53 In violation of Article 16 of the Measures, organic certification is conducted by a CB for a processed product in which the content of organic ingredients is lower than 95 %, the local certification supervision authorities shall order corrections and impose a fine up to 30,000RMB.

Article 54 A CB in violation of Article 30 and 31 of these Measures, failing to suspend or withdraw certificates and release the information to the public timey shall be penalized according to Article 60 of the *Administrative Regulation of the People's Republic of China on Certification and Accreditation*.

Article 55 In case that any of the following circumstances occurs to a certificate holder, the local certification supervision authorities shall order corrections and impose a fine between 10,000 and 30,000RMB:

(1) In violation of Article 15 of these Measures, an organic product certification mark is labelled on a processed product not acquiring organic product certification;

(2) A certification mark is used not in conformity with provisions of Paragraph 1, Article 33 and Article 34 of these Measures;

(3) The certificates and certification mark is still continuing to be used during period of certificate suspension or following the cancellation or withdrawal.

Article 56 The CB or the certificate holder refuses to accept the supervision and inspection conducted by CNCA or the local certification supervision authorities, corrections within a limited period shall be ordered; for those fail to correct, a fine up to 30,000RMB shall be imposed.

Article 57 For import organic products under entry inspection and quarantine, if the information submitted on the import organic product is not true, but the related certificates and sheets issued by the entry-exit inspection and quarantine authorities are obtained, or fail to make application for inspection of the organic product included in statutory inspection aiming at escaping from being inspected, the entry-exit inspection and quarantine authorities, shall impose a penalty according to

provisions of Article 46 of the *Administrative Regulations on Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection*.

Article 58 For other law violation behaviours in the activities of organic product certification, penalties shall be imposed according to provisions of relevant laws, administrative regulations and departmental rules.

Chapter VII Supplementary Provisions

Article 59 The collection of fees on organic product certification shall be conducted according to provisions of relevant State laws and administrative regulations concerning price.

Article 60 Export organic products shall be in conformity with requirements of the importing country or region.

Article 61 The so called "Organic ingredients" in these Measures refer to any substance including additives used and existing (including the presence in modified forms) in the products during the production or processing of organic products.

Article 62 The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) shall be responsible for the interpretation of these Measures.

Article 63 These Measures shall be implemented as of April 1, 2014. The *Administrative Measures on Organic Product Certification* (AQSIQ Decree No.67) promulgated by AQSIQ on November 5, 2004 shall be abolished simultaneously.