

【Title】 Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine[已被修订]

【法规标题】 中华人民共和国进出境动植物检疫法 [Revised]

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Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine
(Adopted at the 22nd Meeting of the Standing Committee of the Seventh National People's Congress on October 30, 1991, promulgated by Order No. 53 of the President of the People's Republic of China on October 30, 1991 and effective as of April 1, 1992)

中华人民共和国进出境动植物检疫法
(1991年10月30日第七届全国人民代表
大会常务委员会第二十二次会议通过，
主席令第53号发布)

CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1 This Law is formulated for the purpose of preventing infectious or parasitic diseases of animals, diseases, insect pests and weeds dangerous to plants, and other harmful organisms (hereinafter referred to, for short, as diseases, insect pests and harmful organisms) from spreading into or out of the country, protecting the production of agriculture, forestry, animal husbandry and fishery as well as human health, and promoting the development of foreign economic relations and trade.

第一条 为防止动物传染病、寄生虫病和植物危险性病、虫、杂草以及其他有害生物（以下简称病虫害）传入、传出国境，保护农、林、牧、渔业生产和人体健康，促进对外经济贸易的发展，制定本法。

Article 2 Animals and plants, their products and other quarantine objects, containers and packaging materials used for carrying animals and plants, their products or other quarantine objects, as well as means of transport from animal or plant epidemic areas shall, on entry or exit, be subject to quarantine inspection in accordance with this Law.

第二条 进出境的动植物、动植物产品和其他检疫物，装载动植物、动植物产品和其他检疫物的装载容器、包装物，以及来自动植物疫区的运输工具，依照本法规定实施检疫。

Article 3 An animal and plant quarantine department shall be instituted under the State Council (hereinafter referred to, for short, as the State animal and plant quarantine department), which shall conduct a unified administration of the entry and exit animal and plant quarantine in the whole country. Port animal and plant quarantine offices set up by the State

第三条 国务院设立动植物检疫机关（以下简称国家动植物检疫机关），统一管理全国进出境动植物检疫工作。国家动植物检疫机关在对外开放的口岸和进出境动植物检疫业务集中的地点设立的口

animal and plant quarantine department at ports open to the outside world and at places busy with entry and exit animal and plant quarantine shall, in accordance with this Law, carry out entry and exit animal and plant quarantine.

The department in charge of the quarantine of animal products leaving the country for trade purposes shall be designated by the State Council as it deems appropriate.

The department of agriculture administration under the State Council shall be in charge of the entry and exit animal and plant quarantine in the whole country.

Article 4 A port animal and plant quarantine office may exercise the following functions and powers when performing quarantine inspection:

- (1) Embarking on a ship, a vehicle or an airplane to perform quarantine under this Law;
- (2) Entering a seaport, an airport, a railway or coach station, a post office or a site where quarantine objects are stored, processed, bred or cultivated, to perform quarantine inspection and collect samples according to relevant regulations;
- (3) Entering a site relating to production or storage according to the needs of quarantine, to carry out epidemic monitoring and investigations or quarantine supervision and control;
- (4) Consulting, making copies of or excerpts from operational diaries, bills of lading, contracts, invoices or other documents relating to the quarantine objects.

Article 5 The State shall prohibit the following objects from entering the country:

- (1) Pathogenic micro-organisms (including seed cultures of bacteria and viruses) of animals and plants, insect pests and other harmful organisms;
- (2) Relevant animals and plants, their products and other quarantine objects from countries or regions with prevalent epidemic animal or plant diseases;
- (3) Animal carcasses; and
- (4) Soil.

When a port animal and plant quarantine office discovers any objects prohibited from entering the country as prescribed in the preceding paragraph, such objects shall be returned or destroyed.

Whoever, because of special needs such as scientific research, imports any objects prohibited from entering the country as prescribed in the first paragraph of this Article, must submit an application in advance, which shall be subject to the approval by the State animal and plant quarantine department.

The catalogues of objects prohibited from entering the country as prescribed in (2) of the first paragraph of this Article shall be worked out and announced by the department of agriculture administration under the

岸动植物检疫机关, 依照本法规定实施进出境动植物检疫。

贸易性动物产品出境的检疫机关, 由国务院根据实际情况规定。

国务院农业行政主管部门主管全国进出境动植物检疫工作。

第四条 口岸动植物检疫机关在实施检疫时可以行使下列职权:

- (一) 依照本法规定登船、登车、登机实施检疫;
- (二) 进入港口、机场、车站、邮局以及检疫物的存放、加工、养殖、种植场所实施检疫, 并依照规定采样;
- (三) 根据检疫需要, 进入有关生产、仓库等场所, 进行疫情监测、调查和检疫监督管理;
- (四) 查阅、复制、摘录与检疫物有关的运行日志、货运单、合同、发票以及其他单证。

第五条 国家禁止下列各物进境:

- (一) 动植物病原体(包括菌种、毒种等)、害虫及其他有害生物;
- (二) 动植物疫情流行的国家和地区的有关动植物、动植物产品和其他检疫物;
- (三) 动物尸体;
- (四) 土壤。

口岸动植物检疫机关发现有前款规定的禁止进境物的, 作退回或者销毁处理。

因科学研究等特殊需要引进本条第一款规定的禁止进境物的, 必须事先提出申请, 经国家动植物检疫机关批准。

本条第一款第二项规定的禁止进境物的名录, 由国务院农业行政主管部门制定并公布。

State Council.

Article 6 In the event that a serious animal or plant epidemic occurs abroad and is liable to spread into the country, the State Council shall adopt emergent preventive measures and may, when necessary, issue orders to prohibit means of transport from animal or plant epidemic areas from entering the country or to blockade the relevant ports; the local peoples' governments in areas threatened by the animal or plant epidemic as well as the port animal and plant quarantine of fices concerned shall immediately take emergency measures, and, at the same time, report to the People's governments at higher levels and the State animal and plant quarantine department.

The departments of posts and telecommunications and departments of transportation shall give priority to transmitting or transporting reports concerning serious animal or plant epidemic or materials to be sent for quarantine inspection.

Article 7 The State animal and plant quarantine department and port animal and plant quarantine offices shall practise a quarantine supervision system in relation to the procedures in the production, processing and storage of animals and plants and their products for entry or exit.

Article 8 When a port animal and plant quarantine office is carrying out its tasks of quarantine inspection in seaports, airports, railway or coach stations, or post offices, relevant departments such as the Customs, departments of communications, civil aviation, or railways, and postal services shall coordinate therewith.

Article 9 Any quarantine functionary of an animal and plant quarantine organ must be devoted to his or her duties and enforce the law impartially. No unit or individual may obstruct a quarantine functionary of an animal and plant quarantine organ from carrying out his or her duties according to law.

CHAPTER II ENTRY QUARANTINE

Article 10 Whoever imports animals, animal products, plant seeds, seedlings or other propagating materials must submit an application in advance and go through the formalities for examination and approval of quarantine inspection.

Article 11 Whoever imports animals and plants, their products or other quarantine objects through trade, scientific and technological cooperation, exchanges, donations or aid shall specify in the contracts or agreements the requirements for quarantine inspection prescribed by China's law and the necessity of quarantine certificates issued by the animal and plant quarantine department under the government of the exporting country or

第六条 国外发生重大动植物疫情并可能传入中国时，国务院应当采取紧急预防措施，必要时可以下令禁止来自动植物疫区的运输工具进境或者封锁有关口岸；受动植物疫情威胁地区的地方人民政府和有关口岸动植物检疫机关，应当立即采取紧急措施，同时向上级人民政府和国家动植物检疫机关报告。邮电、运输部门对重大动植物疫情报告和送检材料应当优先传送。

第七条 国家动植物检疫机关和口岸动植物检疫机关对进出境动植物、动植物产品的生产、加工、存放过程，实行检疫监督制度。

第八条 口岸动植物检疫机关在港口、机场、车站、邮局执行检疫任务时，海关、交通、民航、铁路、邮电等有关部门应当配合。

第九条 动植物检疫机关检疫人员必须忠于职守，秉公执法。动植物检疫机关检疫人员依法执行公务，任何单位和个人不得阻挠。

第二章 进境检疫

第十条 输入动物、动物产品、植物种子、种苗等其他繁殖材料的，必须事先提出申请，办理检疫审批手续。

第十一条 通过贸易、科技合作、交换、赠送、援助等方式输入动植物、动植物产品和其他检疫物的，应当在合同或者协议中订明中国法定的检疫要求，并订明必须附有输出国家或者地区政府动植物检疫机关出具的检疫证书。

region being appended therewith.

Article 12 The owner or his or her agent shall apply to the port animal and plant quarantine office at the port of entry for quarantine inspection of the animals and plants, their products or other quarantine objects, before or on their entry, on the strength of documents such as the quarantine certificates issued by the exporting country or region and the trade contracts.

Article 13 On arrival at a port of a means of transport for carrying animals, the port animal and plant quarantine office shall for the prevention of epidemics adopt on-the-spot preventive measures and conduct disinfection of persons embarking on or disembarking from the means of transport or having contracts with the animals, the means of transport for carrying the animals and the contaminated fields.

Article 14 Import animals and plants, their products and other quarantine objects shall be quarantined at the port of entry; without consent of the port animal and plant quarantine office, the same shall not be unloaded from the means of transport.

The import animals and plants that need to be placed in isolation for quarantine inspection shall be quarantined in an isolation court designated by the port animal and plant quarantine office.

By reason of limited conditions at the port of entry, the State animal and plant quarantine department may decide to have the animals and plants, their products or other quarantine objects transported to a designated place for quarantine inspection. In the course of transportation, loading and unloading, the owner or his or her agent shall take preventive measures against epidemics.

Designated places for storage, processing, isolated feeding or planting shall conform to the provisions on animal and plant quarantine and epidemic prevention.

Article 15 The import animals and plants, their products or other quarantine objects that pass the quarantine inspection are allowed to enter the country; the Customs shall, after verification, release the same on the strength of the quarantine certificates issued, or the stamps on the customs declaration forms affixed, by the port animal and plant quarantine office.

In respect of the import animals and plants, their products or other quarantine objects that need to be transferred away from a customs surveillance zone for quarantine inspection, the Customs shall, after verification, release the same on the strength of the Quarantine Transference Notice issued by the port animal and plant quarantine office.

Article 16 In respect of the import animals that fail in the quarantine

第十二条 货主或者其代理人应当在动植物、动植物产品和其他检疫物进境前或者进境时持输出国家或者地区的检疫证书、贸易合同等单证，向进境口岸动植物检疫机关报检。

第十三条 装载动物的运输工具抵达口岸时，口岸动植物检疫机关应当采取现场预防措施，对上下运输工具或者接近动物的人员、装载动物的运输工具和被污染的场地作防疫消毒处理。

第十四条 输入动植物、动植物产品和其他检疫物，应当在进境口岸实施检疫。未经口岸动植物检疫机关同意，不得卸离运输工具。

输入动植物，需隔离检疫的，在口岸动植物检疫机关指定的隔离场所检疫。

因口岸条件限制等原因，可以由国家动植物检疫机关决定将动植物、动植物产品和其他检疫物运往指定地点检疫。在运输、装卸过程中，货主或者其代理人应当采取防疫措施。指定的存放、加工和隔离饲养或者隔离种植的场所，应当符合动植物检疫和防疫的规定。

第十五条 输入动植物、动植物产品和其他检疫物，经检疫合格的，准予进境；海关凭口岸动植物检疫机关签发的检疫单证或者在报单上加盖的印章验放。输入动植物、动植物产品和其他检疫物，需调离海关监管区检疫的，海关凭口岸动植物检疫机关签发的《检疫调离通知单》验放。

第十六条 输入动物，经检疫不合格的，

inspection, the port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the owner or his or her agent to deal with the said animals in either of the following manners:

- (1) The animals that are found suffering from Class A infectious or parasitic diseases, shall, together with all the other in-contact animals, be returned or slaughtered with their carcasses destroyed; or
- (2) The animals that are found suffering from Class B infectious or parasitic diseases shall be returned or slaughtered; and the other in-contact animals shall be placed in an isolation camp or any other designated place for observation.

In respect of import animal products or other quarantine objects that fail in the quarantine inspection, the port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the owner or his or her agent to conduct such treatments as disinfection and disinfestation, returning or destruction. The products or objects that pass the quarantine inspection after a treatment of disinfection and disinfestation are allowed to enter the country.

Article 17 On discovering through quarantine inspection that import plants, plant products or other quarantine objects are contaminated with diseases, pests or weeds dangerous to plants, the port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the owner or his or her agent to conduct such treatments as disinfection and disinfestation, returning or destruction. Those that pass the quarantine inspection after a treatment of disinfection and disinfestation are allowed to enter the country.

Article 18 The catalogues of the Class A and Class B infectious or parasitic diseases of animals specified in Article 16, paragraph 1, Items 1 and 2 of this Law and the catalogues of the diseases, pests or weeds dangerous to plants specified in Article 17 of this Law shall be worked out and announced by the department of agriculture administration under the State Council.

Article 19 On discovering through quarantine inspection that import animals and plants, their products or other quarantine objects are contaminated with diseases, insect pests or harmful organisms which are not covered by the catalogues specified in Article 18 of this Law but are extremely harmful to agriculture, forestry, animal husbandry and fishery, the port animal and plant quarantine office shall, in accordance with relevant regulations of the department of agriculture administration under the State Council, notify the owner or his or her agent to conduct such treatments as disinfection and disinfestation, returning or destruction. Those that pass the quarantine inspection after a treatment of disinfection and disinfestation are allowed to enter the country.

由口岸动植物检疫机关签发《检疫处理通知单》，通知货主或者其代理人作如下处理：

（一）检出一类传染病、寄生虫病的动物，连同其同群动物全群退回或者全群扑杀并销毁尸体；

（二）检出二类传染病、寄生虫病的动物，退回或者扑杀，同群其他动物在隔离场或者其他指定地点隔离观察。

输入动物产品和其他检疫物经检疫不合格的，由口岸动植物检疫机关签发《检疫处理通知单》，通知货主或者其代理人作除害、退回或者销毁处理。经除害处理合格的，准予进境。

第十七条 输入植物、植物产品和其他检疫物，经检疫发现有植物危险性病、虫、杂草的，由口岸动植物检疫机关签发《检疫处理通知单》，通知货主或者其代理人作除害、退回或者销毁处理。经除害处理合格的，准予进境。

第十八条 本法第十六条第一款第一项、第二项所称一类、二类动物传染病、寄生虫病的名录和本法第十七条所称植物危险性病、虫、杂草的名录，由国务院农业行政主管部门制定本公布。

第十九条 输入动植物、动植物产品和其他检疫物，经检疫发现有本法第十八条规定的名录之外，对农、林、牧、渔业有严重危险的其他病虫害的，由口岸动植物检疫机关依照国务院农业行政主管部门的规定，通知货主或者其代理人作除害、退回或者销毁处理。经除害处理合格的，准予进境。

CHAPTER III EXIT QUARANTINE

Article 20 The owner, or his or her agent, of exit animals and plants, their products or other quarantine objects shall, before their exit, submit an application for quarantine inspection to the port animal and plant quarantine office.

The animals that need to be placed in isolation for quarantine inspection before exit shall be quarantined in an isolation court designated by the port animal and plant quarantine office.

Article 21 Export animals and plants, their products or other quarantine objects shall be quarantined by the port animal and plant quarantine office, and those that pass the quarantine inspection or conform to the standards after a treatment of disinfection and disinfestation are allowed to leave the country. The Customs shall, after verification, release the same on the strength of the quarantine certificates issued, or the stamps on the customs declaration forms affixed, by the port animal and plant quarantine office. Those that fail in the quarantine inspection and are unable to be treated by disinfection and disinfestation with effective methods shall not be allowed to leave the country.

Article 22 Where the animals and plants, their products or other quarantine objects that pass the quarantine inspection are involved in any of the following circumstances, the owner or his or her agent shall re-apply for quarantine inspection:

- (1) Where the importing country or region is changed, and the changed importing country or region has different requirements for quarantine inspection;
- (2) Where the packings are changed or the unpacked products or objects are subsequently packed;
- (3) Where the stipulated valid period of quarantine is exceeded.

CHAPTER IV TRANSIT QUARANTINE

Article 23 Whoever requests a transit of animals through the Chinese territory must obtain in advance and through consultation the consent of China's State animal and plant quarantine department and the transit must be conducted through the designated port and route.

The means of transport, containers, feeding stuffs and bedding materials for the animals in transit must all conform to China's regulations on animal and plant quarantine.

Article 24 The transit of animals and plants, their products or other quarantine objects requires the consignor or the escort to submit at the port of entry the bills of lading and the quarantine certificates issued by the animal and plant quarantine department under the government of the

第三章 出境检疫

第二十条 货主或者其代理人在动植物、动植物产品和其他检疫物出境前，向口岸动植物检疫机关报检。

出境前需经隔离检疫的动物，在口岸动植物检疫机关指定的隔离场所检疫。

第二十一条 输出动植物、动植物产品和其他检疫物，由口岸动植物检疫机关实施检疫，经检疫合格或者经除害处理合格的，准予出境；海关凭口岸动植物检疫机关签发的检疫证书或者在报关单上加盖的印章验放。检疫不合格又无有效方法作除害处理的，不准出境。

第二十二条 经检疫合格的动植物、动植物产品和其他检疫物，有下列情形之一的，货主或者其代理人应当重新报检：

- （一）更改输入国家或者地区，更改好的输入国家或者地区又有不同检疫要求的；
- （二）改换包装或者原未拼装后来拼装的；
- （三）超过检疫规定有效期的。

第四章 过境检疫

第二十三条 要求运输动物过境的，必须事先商得中国国家动植物检疫机关同意，并按照指定的口岸和路线过境。装载过境动物的运输工具、装载容器、饲料和铺垫材料，必须符合中国动植物检疫的规定。

第二十四条 运输动植物、动植物产品和其他检疫物过境的，由承运人或者押运人持货运单和输出国家或者地区政府动植物检疫机关出具的检疫证书，在进境

exporting country or region to the port animal and plant quarantine office for quarantine inspection. No further quarantine inspection is needed at the port of exit.

Article 25 The transit animals that pass the quarantine inspection are allowed to pass through the country; and in case any infectious or parasitic disease of animals specified in the catalogues as stipulated in Article 18 of this Law is discovered, the entire flock of the animals shall not be allowed to transit.

The transit animals' feeding stuffs that are contaminated with diseases, insect pests or harmful organisms shall be subjected to such treatments as disinfection and disinfestation, denial of transit or destruction.

The carcasses, excrements, bedding materials and other wastes of the transit animals must be disposed of in accordance with the regulations of the animal and plant quarantine department, and may not be cast away without authorization.

Article 26 The port animal and plant quarantine office shall examine the means of transport and the packings, in respect of the transit plants, animal and plant products or other quarantine objects, which are allowed to transit through the country if they pass the quarantine inspection; in case any disease, insect pest or harmful organism specified in the catalogues as stipulated in Article 18 of this Law is discovered, it shall be subjected to a treatment of disinfection and disinfestation or denial of transit.

Article 27 Animals and plants, their products or other quarantine objects, in the course of their transit, may not be unpacked or discharged from the means of transport without the approval of the animal and plant quarantine organ.

CHAPTER V QUARANTINE OF MATERIALS CARRIED BY PASSENGERS OR BY POST

Article 28 Whoever intends to carry or post plant seeds, seedlings or other propagating materials into the country must submit an application in advance and go through the formalities for examination and approval of quarantine inspection.

Article 29 The catalogues of the animals and plants, their products and other quarantine objects that are not allowed to be carried or posted into the country shall be worked out and announced by the department of agriculture administration under the State Council.

In case any animals or plants, animal or plant products or other quarantine objects specified in the catalogues mentioned in the preceding paragraph are carried or posted into the country, they shall either be

时向口岸动植物检疫机关报检，出境口岸不再检疫。

第二十五条 过境的动物经检疫合格的，准予过境；发现有本法第十八条规定的名录所列的动物传染病、寄生虫病的，全群动物不准过境。

过境动物的饲料受病虫害污染的，作除害、不准过境或者销毁处理。

过境的动物的尸体、排泄物、铺垫材料及其他废弃物，必须按照动植物检疫机关的规定处理，不得擅自抛弃。

第二十六条 对过境植物、动植物产品和其他检疫物，口岸动植物检疫机关检查运输工具或者包装，经检疫合格的，准予过境；发现有本法第十八条规定的名录所列的病虫害的，作除害处理或者不准过境。

第二十七条 动植物、动植物产品和其他检疫物过境期间，未经动植物检疫机关批准，不得开拆包装或者卸离运输工具。

第五章 携带、邮寄物检疫

第二十八条 携带、邮寄植物种子、种苗以及其他繁殖材料进境的，必须事先提出申请，办理检疫审批手续。

第二十九条 禁止携带、邮寄进境的动植物、动植物产品和其他检疫物的名录，由国务院农业行政主管部门制定并公布。

携带、邮寄前款规定的名录所列的动植物、动植物产品和其他检疫物进境的，作退回或者销毁处理。

returned or destroyed.

Article 30 Whoever enters the country carrying animals or plants, animal or plant products or other quarantine objects which are not included in the catalogues specified in Article 29 of this Law shall declare them to the Customs at the port of entry and accept the quarantine inspection by the port animal and plant quarantine office.

Whoever carries animals into the country must hold such papers as quarantine certificates issued by the exporting country or region.

Article 31 The port animal and plant quarantine office shall, in respect of the animals and plants, their products or other quarantine objects not included in the catalogues specified in Article 29 of this Law, carry out quarantine inspection at the International Postage Exchange Bureau, or, when necessary, take the same back to the port animal and plant quarantine office for quarantine inspection; and the same shall not be transported or delivered without undergoing quarantine inspection.

Article 32 Animals or plants, animal or plant products or other quarantine objects that enter the country by post shall be released if they pass the quarantine inspection or conform to the standards after the treatment of disinfection and disinfestation; those that fail in quarantine inspection and are unable to be treated by disinfection and disinfestation with effective methods shall be returned or destroyed, and the Quarantine Treatment Notice shall be issued.

Article 33 The animals or plants, animal or plant products or other quarantine objects that are carried or posted out of the country shall be quarantined by the port animal and plant quarantine office, upon request by the owner thereof.

CHAPTER VI QUARANTINE OF MEANS OF TRANSPORT

Article 34 Ships, airplanes or trains from the animal or plant epidemic areas shall, upon their arrival at the port, be quarantined by the port animal and plant quarantine office. In the event any disease, insect pest or harmful organism specified in the catalogues mentioned in Article 18 of this Law is discovered, the cargoes shall be subjected to such treatments as prohibition from discharge from the means of transport, disinfection and disinfestation, sealing up or destruction.

Article 35 Vehicles entering the country shall be disinfected for epidemic prevention by the port animal and plant quarantine office.

Article 36 The swills and wastes of animal or plant nature on the means of transport entering or leaving the country shall be disposed of in accordance with the regulations of the port animal and plant quarantine

第三十条 携带本法第二十九条规定的名录以外的动植物、动植物产品和其他检疫物进境的，在进境时向海关申报并接受口岸动物检疫机关检疫。

携带动物进境的，必须持有输出国家或者地区的检疫证书等证件。

第三十一条 邮寄本法第二十九条规定的名录以外的动植物、动植物产品和其他检疫物进境的，由口岸动植物检疫机关在国际邮件互换局实施检疫，必要时可以取回口岸动植物检疫机关检疫；未经检疫不得运递。

第三十二条 邮寄进境的动植物、动植物产品和其他检疫物，经检疫或者除害处理合格后放行；经检疫不合格又无有效方法作除害处理的，作退回或者销毁处理，并签发《检疫处理通知单》。

第三十三条 携带、邮寄出境的动植物、动植物产品和其他检疫物，物主有检疫要求的，由口岸动植物检疫机关实施检疫。

第六章 运输工具检疫

第三十四条 来自动植物疫区的船舶、飞机、火车抵达口岸时，由口岸动植物检疫机关实施检疫。发现有本法第十八条规定的名录所列的病虫害的，作不准带离运输工具、除害、封存或者销毁处理。

第三十五条 进境的车辆，由口岸动植物检疫机关作防疫消毒处理。

第三十六条 进出境运输工具上的泔水、动植物性废弃物，依照口岸动植物检疫机关的规定处理，不得擅自抛弃。

office and may not be cast away without authorization.

Article 37 The means of transport carrying export animals and plants, their products or other quarantine objects shall conform to the regulations on animal and plant quarantine and epidemic prevention.

Article 38 The old and disused ships entering the country for disassembling purposes shall be quarantined by the port animal and plant quarantine office. In the event that diseases, insect pests or harmful organisms specified in the catalogues mentioned in Article 18 of this Law are discovered, the said ships shall be subjected to a treatment of disinfection and disinfestation.

CHAPTER VII LEGAL RESPONSIBILITY

Article 39 Whoever, in violation of this Law, commits any of the following acts shall be fined by the port animal and plant quarantine office:

- (1) Failing to apply for quarantine inspection or failing to go through the formalities for examination and approval of quarantine inspection in accordance with the law;
- (2) Unloading animals or plants, animal or plant products or other quarantine objects entering the country from the means of transport or transporting or delivering the same, without permission of the port animal and plant quarantine office;
- (3) Transferring or disposing of, without authorization, the animals or plants subjected to quarantine inspection in an isolation court designated by the port animal and plant quarantine office.

Article 40 Where the animals or plants, animal or plant products or other quarantine objects declared for quarantine inspection do not conform to the actual conditions, the applicant shall be fined by the port animal and plant quarantine office; and the quarantine certificates already obtained shall be revoked.

Article 41 Whoever, in violation of this Law and without authorization, unpacks the packings of transit animals or plants, animal or plant products or other quarantine objects, discharges transit animals or plants, animal or plant products or other quarantine objects from the means of transport, or casts away transit animals' carcasses, excrements, bedding materials or other wastes, shall be fined by the port animal and plant quarantine office.

Article 42 Whoever violates the provisions of this Law and causes a serious animal or plant epidemic shall be investigated for criminal responsibility by applying mutatis mutandis the provisions of [Article 178 of the Criminal Law](#).

第三十七条 装载出境的动植物、动植物产品和其他检疫物的运输工具，应当符合动植物检疫和防疫的规定。

第三十八条 进境供拆船用的废旧船舶，由口岸动植物检疫机关实施检疫，发现有本法第十八条规定的名录所列的病虫害的，作除害处理。

第七章 法律责任

第三十九条 违反本法规定，有下列行为之一的，由口岸动植物检疫机关处以罚款：

- （一）未报检或者未依法办理检疫审批手续的；
- （二）未经口岸动植物检疫机关许可擅自将进境动植物、动植物产品或者其他检疫物卸离运输工具或者运递的；
- （三）擅自调离或者处理在口岸动植物检疫机关指定的隔离场所中隔离检疫的动植物的。

第四十条 报检的动植物、动植物产品或者其他检疫物与实际不符的，由口岸动植物检疫机关处以罚款；已取得检疫单证的，予以吊销。

第四十一条 违反本法规定，擅自开拆过境动植物、动植物产品或者其他检疫物的包装的，擅自将过境动植物、动植物产品或者其他检疫物卸离运输工具的，擅自抛弃过境动物的尸体、排泄物、铺垫材料或者其他废弃物的，由动植物检疫机关处以罚款。

第四十二条 违反本法规定，引起重大动植物疫情的，比照[刑法第一百七十八条](#)的规定追究刑事责任。

Article 43 Whoever forges or alters the quarantine certificates, stamps, marks or seals shall be investigated for criminal responsibility in accordance with the provisions of [Article 167](#) of [the Criminal Law](#).

Article 44 If a party is not satisfied with the decision on punishment made by an animal and plant quarantine organ, it may, within 15 days after receipt of the notification of the punishment, apply for reconsideration to the organ at the next higher level over the organ that has made the decision on punishment; the party may also directly bring a suit in a people's court within 15 days after receipt of the notification of the punishment.

The reconsideration organ shall, within 60 days after receipt of the application for reconsideration, make a reconsideration decision. If the party is not satisfied with the reconsideration decision, it may, within 15 days after receipt of the reconsideration decision, bring a suit in a people's court. If the reconsideration organ fails to make a reconsideration decision within the prescribed period, the party may bring a suit within 15 days after the expiration of the period for reconsideration.

If the party neither applies for reconsideration within the time limit, nor brings a suit in a people's court, nor complies with the decision on punishment, the organ that has made the decision on punishment may apply to a people's court for compulsory execution.

Article 45 Where a quarantine functionary of an animal and plant quarantine organ who abuses his or her power, practises favouritism or embezzlement, forges a quarantine result, or neglects his or her duty or delays the performance of quarantine inspection and the issuance of certificates, criminal responsibility shall be investigated according to law if the offence constitutes a crime; if the offence does not constitute a crime, the offender shall be subjected to administrative sanctions.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 46 As used in this Law, the following terms respectively mean:

- (1) "Animals" mean the live animals, whether domesticated or wild, such as livestock, poultry, beasts, snakes, tortoises, fishes, shrimps and prawns, crabs, shellfishes, silkworms and bees;
- (2) "Animal products" mean the non-processed products or the processed products, from animals, still liable to spread epidemic diseases, such as raw hides, hairs, meats, viscera, fat and grease, aquatic animal products, dairy products, eggs, blood, semens, embryos, bones, hoofs and horns;
- (3) "Plants" mean cultivated plants, wild plants, their seeds and seedlings and other propagating materials;
- (4) "Plant products" mean the non-processed products or the processed products, from plants, still liable to spread diseases, insect pests or harmful organisms, such as grain, beans, cotton, oils, fibres, tobacco,

第四十三条 伪造、变造检疫单证、印章、标志、封识，依照[刑法第一百六十七条](#)的规定追究刑事责任。

第四十四条 当事人对动植物检疫机关的处罚决定不服的，可以在接到处罚通知之日起十五日内向作出处罚决定的机关的上一级机关申请复议；当事人也可以在接到处罚通知之日起十五日内直接向人民法院起诉。

复议机关应当在接到复议申请之日起六十日内作出复议决定。当事人对复议决定不服的，可以在接到复议决定之日起十五日内向人民法院起诉。复议机关逾期不作出复议决定的，当事人可以在复议期满之日起十五日内向人民法院起诉。

当事人逾期不申请复议也不向人民法院起诉、又不履行处罚决定的，作出处罚决定的机关可以申请人民法院强制执行。

第四十五条 动植物检疫机关检疫人员滥用职权，徇私舞弊，伪造检疫结果，或者玩忽职守，延误检疫出证，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。

第八章 附则

第四十六条 本法下列用语的含义是：

- (一)“动物”是指饲养、野生的活动物，如畜、禽、兽、蛇、龟、鱼、虾、蟹、贝、蚕、蜂等；
- (二)“动物产品”是指来源于动物未经加工或者虽经加工但仍有可能传播疫病的产品，如生皮张、毛类、肉类、脏器、油脂、动物水产品、奶制品、蛋类、血液、精液、胚胎、骨、蹄、角等；
- (三)“植物”是指栽培植物、野生植物及其种子、种苗及其他繁殖材料等；
- (四)“植物产品”是指来源于植物未经加工或者虽经加工但仍有可能传播病虫害

kernel, dried fruits, fresh fruits, vegetables, raw medicinal herbs, logs and feeding stuffs;

(5) "Other quarantine objects" mean animal vaccine, blood serum, diagnostic reagents, wastes of animal or plant nature.

Article 47 If provisions of this Law contravene those of the international treaties concerning animal and plant quarantine which the People's Republic of China has concluded or to which China is a party, the provisions of the international treaties concerned shall prevail, with the exception of the treaty clauses on which the People's Republic of China has declared reservations.

Article 48 Port animal and plant quarantine offices shall collect fees, according to relevant regulations, for performing quarantine inspection. The measures for the collection of fees shall be worked out by the department of agriculture administration under the State Council together with the competent departments such as the pricing department under the State Council.

Article 49 The State Council shall, on the basis of this Law, formulate the implementing regulations.

Article 50 This Law shall come into force as of April 1, 1992. [The Regulations of the People's Republic of China on the Import and Export Animal and Plant Quarantine](#) promulgated by the State Council on June 4, 1982 shall be annulled simultaneously.

的产品，如粮食、豆、棉花、油、麻、烟草、籽仁、干果、鲜果、蔬菜、生药材、木材、饲料等；

（五）“其他检疫物”是指动物疫苗、血清、诊断液、动植物性废弃物等。

第四十七条 中华人民共和国缔结或者参加的有关动植物检疫的国际条约与本法有不同规定的，适用该国际条约的规定。但是，中华人民共和国声明保留的条款除外。

第四十八条 口岸动植物检疫机关实施检疫依照规定收费。收费办法由国务院农业行政主管部门会同国务院物价等有关主管部门制定。

第四十九条 国务院根据本法制定实施条例。

第五十条 本法自1992年4月1日起施行。1982年6月4日国务院发布的《[中华人民共和国进出口动植物检疫条例](#)》同时废止。

附： [刑法](#)有关条款

第一百七十八条 违反国境卫生检疫规定，引起检疫传染病的传播、或者有引起检疫传染病传播严重危险的，处三年以下有期徒刑或者拘役，可以并处或者单处罚金。

第一百六十七条 伪造、变造或者盗窃、抢夺、毁灭国家机关、企业、事业单位、人民团体的公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。
