

**【Title】 Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection**[现行有效]

**【法规标题】 中华人民共和国进出口商品检验法实施条例(2005) [Effective]**

<b>Date issued:</b>	08-31-2005	<b>发布日期:</b>	2005-08-31
<b>Effective date:</b>	12-01-2005	<b>生效日期:</b>	2005-12-01
<b>Issuing authority:</b>	State Council	<b>发布部门:</b>	国务院
<b>Area of law:</b>	Commodity Inspection, Animal and Plant Quarantine	<b>类别:</b>	商品检验与动植物检疫

Order of the State Council of the People's Republic of China  
(No.447)

[The Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection](#), which were adopted at the 101st executive meeting of the State Council on August 10, 2005, are hereby promulgated, and shall come into force as of December 1, 2005.

Wen Jiabao

August 31, 2005

[Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection](#)

中华人民共和国国务院令  
(第 447 号)

(相关资料: [行政法规 1 篇](#) [部门规章 52 篇](#) [地方法规 7 篇](#) [裁判文书 4 篇](#))

《[中华人民共和国进出口商品检验法实施条例](#)》已经 2005 年 8 月 10 日国务院第 101 次常务会议通过, 现予公布, 自 2005 年 12 月 1 日起施行。

温家宝

二 00 五年八月三十一日

[中华人民共和国进出口商品检验法实施条例](#)

## Chapter I General Provisions

Article 1 The present Regulations are formulated in accordance with the provisions of [the Law of the People's Republic of China on Import and Export Commodity Inspection](#) (hereinafter referred to as the Commodity Inspection Law).

Article 2 The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as the GAQSIQ) shall take charge of the work for import and export commodity inspection countrywide.

The entry-exit inspection and quarantine bureaus and their branches established by the GAQSIQ at the provinces, autonomous regions, and municipalities directly under the Central Government, as well as at the ports, and the distribution centers of import and export commodities (hereinafter referred to as the entry-exit inspection and quarantine organs) shall administer the work for import and export commodity inspection at the place under their jurisdictions.

## 第一章 总则

第一条 根据《[中华人民共和国进出口商品检验法](#)》(以下简称商检法)的规定, 制定本条例。

第二条 中华人民共和国国家质量监督检验检疫总局(以下简称国家质检总局)主管全国进出口商品检验工作。国家质检总局设在省、自治区、直辖市以及进出口商品的口岸、集散地的出入境检验检疫局及其分支机构(以下简称出入境检验检疫机构), 管理所负责地区的进出口商品检验工作。

Article 3 The GAQSIQ shall, according to the provisions of Article 4 of the Commodity Inspection Law, formulate and adjust the Catalog of Import and Export Commodities Subject to Compulsory Inspection (hereinafter referred to as the Catalog), and promulgate it for implementation.

The Catalog shall be promulgated at least 30 days before its implementation; under emergency circumstances, it shall be promulgated no later than the date of its implementation.

The GAQSIQ shall, when formulating and adjusting the Catalog, solicit the opinions of the competent foreign trade department of the State Council and the General Administration of Customs and other relevant departments concerned.

Article 4 The entry-exit inspection and quarantine organs shall conduct inspection (hereinafter called as the statutory inspection) on the import and export commodities listed in the Catalog and other import and export commodities that shall be subject to the inspection of the entry-exit inspection organs as prescribed by laws and administrative regulations. The entry-exit inspection and quarantine organs shall make random inspection on the import and export commodities that are not subject to statutory inspection in accordance with the state provisions.

Article 5 Quality inspection on import and export medicines, calibration of instruments of measurement, supervision and inspection on the safety of boilers and pressure vessels, inspection on the specifications of ships (including offshore platforms, main equipment and materials for the ships) and containers, inspection on airworthiness of aeroplanes (including the plane's engine and equipment) and safety inspection on nuclear pressure-bearing equipment are to be undertaken by the inspection organs as prescribed by the relevant laws and administrative regulations.

Article 6 Samples and gifts that enter and exit the territory, goods temporarily permitted to enter and exit the territory and other non-trade articles may be exempted from inspection, unless otherwise specified by any law or administrative regulation.

The import and export commodities listed in the Catalog that comply with the conditions for exemption of inspection as prescribed by the state shall be exempted from inspection by the entry-exit inspection and quarantine organs upon the application of the consignees and consigners or the production enterprises and the examination and approval of the GAQSIQ. The concrete measures for the exemption of inspection shall be formulated by the GAQSIQ through negotiating with the relevant departments.

Article 7 The import and export commodities subject to statutory inspection shall be inspected by the entry-exit inspection and quarantine organs in accordance with the provisions of Article 7 of the Commodity

第三条 国家质检总局应当依照商检法第四条规定, 制定、调整必须实施检验的进出口商品目录(以下简称目录)并公布实施。

目录应当至少在实施之日 30 日前公布; 在紧急情况下, 应当不迟于实施之日公布。

国家质检总局制定、调整目录时, 应当征求国务院对外贸易主管部门、海关总署等有关方面的意见。

第四条 出入境检验检疫机构对列入目录的进出口商品以及法律、行政法规规定须经出入境检验检疫机构检验的其他进出口商品实施检验(以下称法定检验)。

出入境检验检疫机构对法定检验以外的进出口商品, 根据国家规定实施抽查检验。

第五条 进出口药品的质量检验、计量器具的量值检定、锅炉压力容器的安全监督检查检验、船舶(包括海上平台、主要船用设备及材料)和集装箱的规范检验、飞机(包括飞机发动机、机载设备)的适航检验以及核承压设备的安全检验等项目, 由有关法律、行政法规规定的机构实施检验。

第六条 进出境的样品、礼品、暂准进出境的货物以及其他非贸易性物品, 免于检验。但是, 法律、行政法规另有规定的除外。

列入目录的进出口商品符合国家规定的免于检验条件的, 由收货人、发货人或者生产企业申请, 经国家质检总局审查批准, 出入境检验检疫机构免于检验。免于检验的具体办法, 由国家质检总局商有关部门制定。

(相关资料: [部门规章 1 篇](#))

第七条 法定检验的进出口商品, 由出入境检验检疫机构依照商检法第七条规定实施检验。

Inspection Law.

The GAQSIQ may, according to the actual need of import and export commodity inspection and the international standard, formulate technical specifications and standards on the method of import and export commodity inspection.

The technical specifications and standards relied on or referred to in the import and export commodity inspection and the technical specifications and standards of the inspection method shall be promulgated at least six months before the day of their implementation; under emergency circumstances, they shall be promulgated no later than the day of their implementation.

Article 8 The entry-exit inspection and quarantine organs shall, upon the need of convenience for foreign trade, make classified management on import and export enterprises, and conduct inspection on import and export commodities in light of the ways of inspection and supervision as determined according to the prevailing international conformity assessment procedures.

Article 9 The contents of inspection on import and export commodities conducted by the entry-exit inspection and quarantine organs shall include: whether the commodities comply with such requirements as safety, sanitation, health, environmental protection, prevention of fraud, and etc., and the relevant quality, quantity and weight, and other items.

Article 10 The entry-exit inspection and quarantine organs shall, according to the provisions of the Commodity Inspection Law, carry out verification administration on the import and export commodities subject to the license system and the compulsory certification as prescribed by the state, check the documentations and verify whether the documentations and the commodities are consistent with each other. The catalog of import and export commodities subject to verification administration shall be formulated, adjusted and promulgated by the GAQSIQ after negotiating with the relevant departments.

Article 11 The consignees or consigners of the import and export commodities may go through formalities of application for inspection by themselves, or may entrust an agency inspection application enterprise to go through formalities of application for inspections; where commodities are imported and exported by way of express mails, the consignees or consigners shall entrust the entry-exit express mails operation enterprises to handle the formalities of application for inspection.

Article 12 The consignees or consigners of import and export commodities shall, when going through formalities of application for inspection, put this on archives at the entry-exit inspection and quarantine

国家质检总局根据进出口商品检验工作的实际需要和国际标准，可以制定进出口商品检验方法的技术规范和标准。进出口商品检验依照或者参照的技术规范、标准以及检验方法的技术规范和标准，应当至少在实施之日 6 个月前公布；在紧急情况下，应当不迟于实施之日公布。

第八条 出入境检验检疫机构根据便利对外贸易的需要，对进出口企业实施分类管理，并按照根据国际通行的合格评定程序确定的检验监管方式，对进出口商品实施检验。

第九条 出入境检验检疫机构对进出口商品实施检验的内容，包括是否符合安全、卫生、健康、环境保护、防止欺诈等要求以及相关的品质、数量、重量等项目。

第十条 出入境检验检疫机构依照商检法的规定，对实施许可制度和国家规定必须经过认证的进出口商品实行验证管理，查验单证，核对证货是否相符。实行验证管理的进出口商品目录，由国家质检总局商有关部门后制定、调整并公布。

第十一条 进出口商品的收货人或者发货人可以自行办理报检手续，也可以委托代理报检企业办理报检手续；采用快件方式进出口商品的，收货人或者发货人应当委托出入境快件运营企业办理报检手续。

第十二条 进出口商品的收货人或者发货人办理报检手续，应当依法向出入境检验检疫机构备案。

organs according to law.

The agency inspection application enterprises and the entry-exit express mails operation enterprises shall be registered by the entry-exit inspection and quarantine organs according to law when they are undertaking the business of application for inspection. An enterprise that fails to be registered by an entry-exit inspection and quarantine organ shall not undertake the business of application for inspection.

Anyone who handles the business of application for inspection shall go through registration on the practice of application for inspection according to law, and carry out application for inspection upon the strength of credence. Anyone who fails to go through registration on the practice of application for inspection according to law shall not undertake the business of application for inspection.

Any agency inspection application enterprise or entry-exit express mails operation enterprise and applicant for inspection shall not act as an agent for others to apply for inspection illegally, or undertake the business of application for inspection by exceeding its business scope.

Article 13 In case any agency inspection application enterprise accepts the entrustment of any consignee or consigner of import and export commodities and handles formalities of application for inspection in the name of the client, it shall submit the power of attorney to the entry-exit inspection and quarantine organ, and shall abide by the various provisions of the present Regulation on the client; if it handles formalities of application for inspection in its own name, it shall undertake the same legal liabilities as those of the consignee or the consigner.

An entry-exit express mails operation enterprise that accepts the entrustment of a consignee or consigner of the import and export commodities shall go through the formalities of application for inspection in its own name, and undertake the same legal liabilities as those of the consignee or the consigner.

In case a client entrusts any agency inspection application enterprise or any entry-exit express mails operation enterprise to handle the formalities of application for inspection, it shall provide the true information on the entrusted matters of application for inspection to the agency inspection application enterprise or the entry-exit express mails operation enterprise; if any agency inspection application enterprise or the entry-exit express mails operation enterprise accepts the entrustment of a client to handle the formalities of application for inspection, it shall make reasonable examination on the truthfulness of the information provided by the client.

Article 14 The GAQSIQ shall establish early warning mechanism on the risk of import and export commodities, and make risk assessment through collecting the information on the import and export commodity inspection, determine the type of risk, and take corresponding early warning measures against the risk and rapid response measures.

代理报检企业、出入境快件运营企业从事报检业务，应当依法经出入境检验检疫机构注册登记。未依法经出入境检验检疫机构注册登记的企业，不得从事报检业务。

办理报检业务的人员应当依法办理报检从业注册，并实行凭证报检。未依法办理报检从业注册的人员，不得从事报检业务。

代理报检企业、出入境快件运营企业以及报检人员不得非法代理他人报检，或者超出其业务范围从事报检业务。

（相关资料: [地方法规 1 篇](#)）

第十三条 代理报检企业接受进出口商品的收货人或者发货人的委托，以委托人的名义办理报检手续的，应当向出入境检验检疫机构提交授权委托书，遵守本条例对委托人的各项规定；以自己的名义办理报检手续的，应当承担与收货人或者发货人相同的法律责任。

出入境快件运营企业接受进出口商品的收货人或者发货人的委托，应当以自己的名义办理报检手续，承担与收货人或者发货人相同的法律责任。

委托人委托代理报检企业、出入境快件运营企业办理报检手续的，应当向代理报检企业、出入境快件运营企业提供所委托报检事项的真实情况；代理报检企业、出入境快件运营企业接受委托人的委托办理报检手续的，应当对委托人所提供情况的真实性进行合理审查。

（相关资料: [裁判文书 1 篇](#)）

第十四条 国家质检总局建立进出口商品风险预警机制，通过收集进出口商品检验方面的信息，进行风险评估，确定风险的类型，采取相应的风险预警措施及快速反应措施。

The GAQSIQ and the entry-exit inspection and quarantine organs shall provide the information on the import and export commodity inspection to the relevant parties concerned in a timely manner.

Article 15 When the staff members in the entry-exit inspection and quarantine organs perform duties, the relevant entities and individuals shall give cooperation, no entity or individual shall illegally interfere or obstruct.

## Chapter II Inspection on Import Commodities

Article 16 The consignees of the import commodities subject to statutory inspection shall apply for inspection to the entry-exit inspection and quarantine organs at the place of customs declaration upon the strength of contracts, invoices, packing lists, bills of lading and other necessary credence and the relevant documents of approval; and within 20 days after the commodities are released by the customs houses, the consignees shall, in accordance with the provisions of Article 18 of the present Regulations, apply for inspection to the entry-exit inspection and quarantine organs. No import commodity subject to statutory inspection that has not been inspected may be sold or used.

With regard to the import commodities subject to verification administration, the consignees shall apply for verification to the entry-exit inspection and quarantine organs at the place of customs declaration. The entry-exit inspection and quarantine organs shall make verification in accordance with the provisions of the GAQSIQ.

Article 17 With regard to the import commodities subject to statutory inspection and the import commodities subject to verification administration, the customs houses shall handle customs clearance formalities upon the strength of the customs clearance form of goods issued by the entry-exit inspection and quarantine organs.

Article 18 The import commodities subject to statutory inspection shall be inspected at the place of destination where the consignees apply for inspection.

The inspection on large commodities in bulk, perishable commodities and solid wastes that may be used as materials, as well as the commodities that are damaged or short shall be conducted at the port of discharge. For the import commodities as prescribed in the preceding two paragraphs, the GAQSIQ may, upon the need of convenience for foreign trade and import and export commodity inspection, designate that inspection be made on them at other places.

国家质检总局和出入境检验检疫机构应当及时向有关方面提供进出口商品检验方面的信息。

(相关资料: [裁判文书 1 篇](#))

第十五条 出入境检验检疫机构工作人员依法执行职务, 有关单位和个人应当予以配合, 任何单位和个人不得非法干预和阻挠。

(相关资料: [裁判文书 1 篇](#))

## 第二章 进口商品的检验

第十六条 法定检验的进口商品的收货人应当持合同、发票、装箱单、提单等必要的凭证和相关批准文件, 向海关报关地的出入境检验检疫机构报检; 海关放行后 20 日内, 收货人应当依照本条例第十八条的规定, 向出入境检验检疫机构申请检验。法定检验的进口商品未经检验的, 不准销售, 不准使用。

进口实行验证管理的商品, 收货人应当向海关报关地的出入境检验检疫机构申请验证。出入境检验检疫机构按照国家质检总局的规定实施验证。

(相关资料: [地方法规 1 篇](#))

第十七条 法定检验的进口商品、实行验证管理的进口商品, 海关凭出入境检验检疫机构签发的货物通关单办理海关通关手续。

第十八条 法定检验的进口商品应当在收货人报检时申报的目的地检验。

大宗散装商品、易腐烂变质商品、可用作原料的固体废物以及已发生残损、短缺的商品, 应当在卸货口岸检验。

对前两款规定的进口商品, 国家质检总局可以根据便利对外贸易和进出口商品检验工作的需要, 指定在其他地点检验。

(相关资料: [地方法规 1 篇](#))



Article 19 Unless otherwise specified by any law or administrative regulation, if any import commodity subject to statutory inspection is not up to the standard after inspection in such items involving personal or property safety, health and environmental protection, the entry-exit inspection and quarantine organ shall order the parties to destroy it, or issue the notice on returning the commodity and inform the customs house in writing, the customs house shall handle the formalities for returning the shipment on the basis of the notice on returning the commodity. If other items of the commodity are not up to the standard, technical treatment shall be made on it under the supervision of the entry-exit inspection and quarantine organ, no commodity may be sold or used until after it has been up to the standard after re-inspection. In case any party applies to the entry-exit inspection and quarantine organ for issuing certificate, the entry-exit inspection and quarantine organ shall issue the certificate in a timely manner.

An entry-exit inspection and quarantine organ shall issue the notice of not allowing the installation and use of the import whole set of equipment and the materials thereof that have not passed the inspection. And no such equipment and the materials thereof may be installed and used until after they have been subject to technical treatment and passed the re-inspection by the entry-exit inspection and quarantine organ.

Article 20 In case the import commodities that are not subject to statutory inspection do not pass the random inspection of the entry-exit inspection and quarantine organs, they shall be treated according to the provisions of Article 19 of the present Regulations

In case any import commodities subject to verification administration do not pass the verification of the entry-exit inspection and quarantine organ, they shall be treated in accordance with the provisions of Article 19 of the present Regulations or transferred to the relevant departments for handling.

If the consignees of the import commodities that are not subject to statutory inspection discover that the quality of the import commodities are not up to the standard or are damaged or short, and apply for issuing certificate, the entry-exit inspection and quarantine organs or other inspection organs shall issue the certificate in a timely manner after inspection.

Article 21 The import commodities within the scope of statutory inspection that concern the national economy and the people's livelihood, with relatively high value and complicated technology and other important import commodities and large whole set of equipment shall be manufactured under supervision, inspected before shipment or loaded under supervision according to the stipulations of the foreign trade contract. The consignees shall keep the rights for final inspection and claims after the goods are received.

第十九条 除法律、行政法规另有规定外，法定检验的进口商品经检验，涉及人身财产安全、健康、环境保护项目不合格的，由出入境检验检疫机构责令当事人销毁，或者出具退货处理通知单并书面告知海关，海关凭退货处理通知单办理退运手续；其他项目不合格的，可以在出入境检验检疫机构的监督下进行技术处理，经重新检验合格的，方可销售或者使用。当事人申请出入境检验检疫机构出证的，出入境检验检疫机构应当及时出证。

出入境检验检疫机构对检验不合格的进口成套设备及其材料，签发不准安装使用通知书。经技术处理，并经出入境检验检疫机构重新检验合格的，方可安装使用。

（相关资料: [部门规章 2 篇](#)）

第二十条 法定检验以外的进口商品，经出入境检验检疫机构抽查检验不合格的，依照本条例第十九条的规定处理。实行验证管理的进口商品，经出入境检验检疫机构验证不合格的，参照本条例第十九条的规定处理或者移交有关部门处理。

法定检验以外的进口商品的收货人，发现进口商品质量不合格或者残损、短缺，申请出证的，出入境检验检疫机构或者其他检验机构应当在检验后及时出证。

第二十一条 对属于法定检验范围内的关系国计民生、价值较高、技术复杂的以及其他重要的进口商品和大型成套设备，应当按照对外贸易合同约定监造、装运前检验或者监装。收货人保留到货后最终检验和索赔的权利。

出入境检验检疫机构可以根据需要派出检验人员参加或者组织实施监造、装运

The entry-exit inspection and quarantine organs may assign inspectors to take part in or organize the implementation of supervision over the manufacture, inspection before shipment or loading under supervision.

Article 22 The state shall apply a registration system on overseas suppliers and domestic consignees of import solid wastes that may be used as raw materials. An overseas supplier or domestic consignee shall, before signing a foreign trade contract, make registration at the GAQSIQ or the entry-exit inspection and quarantine organ. The state shall implement the system of pre-shipment inspection on the import solid wastes that may be used as raw materials. When such solid wastes are imported, the consignees shall provide the pre-shipment inspection certificate issued by the entry-exit inspection and quarantine organs or the inspection organs designated by the GAQSIQ.

The consignees of the old electromechanical products that are allowed to be imported by the state shall, before signing a foreign trade contract, go through archival filing formalities to the GAQSIQ or the entry-exit inspection and quarantine organs. For the imported high risk old electromechanical products involving personal or property safety, health, or environmental protection and other items, the pre-shipment inspection shall be conducted in light of the relevant state provisions. When the aforesaid products are imported, the consignees shall provide the pre-shipment inspection certificate issued by the entry-exit inspection and quarantine organs or the inspection organs designated by the GAQSIQ. After the import solid wastes that may be used as raw materials or the old electromechanical products allowed to be imported by the state are received, the inspection on them shall be conducted by the entry-exit inspection and quarantine organs according to law.

Article 23 After the import motor vehicles are received, the consignees shall apply for obtaining the automobile plates to the vehicle administration organs upon the strength of the certificate of import vehicle inspection or documents issued by the entry-exit inspection and quarantine organs or other documents and certificates signed by the relevant departments. In case any quality defect involving personal or property safety is discovered in the use of any vehicle, the entry-exit inspection and quarantine organ shall make proper treatment in a timely manner.

### Chapter III Inspection on Export Commodities

Article 24 The consignors of export commodities subject to statutory inspection shall, at the place and within the time limit as prescribed uniformly by the GAQSIQ, apply for inspection to the entry-exit inspection and quarantine organs upon the strength of the contracts and other necessary credence and the relevant documents of approval. No export

前检验或者监装。

第二十二条 国家对进口可用作原料的固体废物的国外供货商、国内收货人实行注册登记制度，国外供货商、国内收货人在签订对外贸易合同前，应当取得国家质检总局或者出入境检验检疫机构的注册登记。国家对进口可用作原料的固体废物实行装运前检验制度，进口时，收货人应当提供出入境检验检疫机构或者经国家质检总局指定的检验机构出具的装运前检验证书。

国家允许进口的旧机电产品的收货人在签订对外贸易合同前，应当向国家质检总局或者出入境检验检疫机构办理备案手续。对价值较高，涉及人身财产安全、健康、环境保护项目的高风险进口旧机电产品，应当依照国家有关规定实施装运前检验，进口时，收货人应当提供出入境检验检疫机构或者经国家质检总局指定的检验机构出具的装运前检验证书。

进口可用作原料的固体废物、国家允许进口的旧机电产品到货后，由出入境检验检疫机构依法实施检验。

（相关资料: [部门规章 10 篇](#)）

第二十三条 进口机动车辆到货后，收货人凭出入境检验检疫机构签发的进口机动车辆检验证单以及有关部门签发的其他单证向车辆管理机构申领行车牌证。在使用过程中发现有涉及人身财产安全的质量缺陷的，出入境检验检疫机构应当及时作出相应处理。

### 第三章 出口商品的检验

第二十四条 法定检验的出口商品的发货人应当在国家质检总局统一规定的地点和期限内，持合同等必要的凭证和相关批准文件向出入境检验检疫机构报检。法定检验的出口商品未经检验或者经检

commodities subject to statutory inspection may be exported without being inspected or without passing the inspection. An export commodity shall be inspected at the place of production of the commodity. The GAQSIQ may, upon the need of convenience for foreign trade and the inspection on import and export commodities, designate that the inspection be made at other places. For the export commodities subject to verification administration, the consigners shall apply for verification to the entry-exit inspection and quarantine organs. The entry-exit inspection and quarantine organs shall make verification on them according to the provisions of the GAQSIQ.

Article 25 In case any export commodity that is inspected at the place of production of the commodity needs to be exported through changing license at a port, the entry-exit inspection and quarantine organ at the place of production of the commodity shall issue the voucher for changing license as required. The consigners shall apply for checking and inspection to the entry-exit inspection and quarantine organ at a port upon the strength of the voucher for changing license and necessary credence within the prescribed time limit. If the commodity has passed checking and inspection, the entry-exit inspection and quarantine organ at the port shall issue the customs clearance form of goods.

Article 26 For the export commodities subject to statutory inspection and the export commodities subject to verification administration, the customs houses shall handle the customs clearance formalities upon the strength of the customs clearance form of goods issued by the entry-exit inspection and quarantine organs.

Article 27 In case any export commodity subject to statutory inspection does not pass the inspection of the entry-exit inspection and quarantine organ or the entry-exit inspection and quarantine organ of a port, technical treatment shall be made on it under the supervision of the entry-exit inspection and quarantine organ, and it cannot be exported until it is up to the standard after re-inspection. If any commodity cannot receive technical treatment or is still not up to the standard after technical treatment or re-inspection, it shall not be exported.

Article 28 The export commodities that are not subject to statutory inspection shall be treated in accordance with the provisions of Article 27 of the present Regulations if they have not passed the random inspection of the entry-exit inspection and quarantine organs. The export commodities subject to verification administration shall, if they have not passed the verification of the entry-exit inspection and quarantine organs, be handled by referring to the provisions of Article 27 of the present Regulation or be transferred to the relevant departments.

验不合格的，不准出口。

出口商品应当在商品的生产地检验。国家质检总局可以根据便利对外贸易和进出口商品检验工作的需要，指定在其他地点检验。

出口实行验证管理的商品，发货人应当向出入境检验检疫机构申请验证。出入境检验检疫机构按照国家质检总局的规定实施验证。

第二十五条 在商品生产地检验的出口商品需要在口岸换证出口的，由商品生产地的出入境检验检疫机构按照规定签发检验换证凭单。发货人应当在规定的期限内持检验换证凭单和必要的凭证，向口岸出入境检验检疫机构申请查验。经查验合格的，由口岸出入境检验检疫机构签发货物通关单。

第二十六条 法定检验的出口商品、实行验证管理的出口商品，海关凭出入境检验检疫机构签发的货物通关单办理海关通关手续。

第二十七条 法定检验的出口商品经出入境检验检疫机构检验或者经口岸出入境检验检疫机构查验不合格的，可以在出入境检验检疫机构的监督下进行技术处理，经重新检验合格的，方准出口；不能进行技术处理或者技术处理后重新检验仍不合格的，不准出口。

（相关资料: [部门规章 1 篇](#)）

第二十八条 法定检验以外的出口商品，经出入境检验检疫机构抽查检验不合格的，依照本条例第二十七条的规定处理。

实行验证管理的出口商品，经出入境检验检疫机构验证不合格的，参照本条例第二十七条的规定处理或者移交有关部门处理。



Article 29 An enterprise producing packaging containers of dangerous export goods shall apply to the entry-exit inspection and quarantine organ for a test of the performance of such packaging containers. No packaging container may be used for packing dangerous goods until it has passed the test of the entry-exit inspection and quarantine organ and obtained the performance testing certificate.

An enterprise producing dangerous export goods shall apply for a testing on the use of the packaging containers of dangerous goods to the entry-exit inspection and quarantine organ. No dangerous goods that use packaging containers without being tested or without passing the test may be exported.

Article 30 For the containers, cabins, airplanes, vehicles and other means of delivery that ship the exported perishable food or frozen food, the carriers, loading entities or their agents shall, before shipping, apply to the entry-exit inspection and quarantine organ for cargo worthiness inspection in respect of cleaning, hygiene, freezing, sealing and tightness, and etc.. No means of delivery may be loaded without being inspected or passing the inspection.

#### Chapter IV Supervision and Administration

Article 31 The entry-exit inspection and quarantine organs may, upon the need of convenience for foreign trade, make quality supervision and administration and inspection on the export commodities listed in the Catalog before they are leaving the factories, and shall conduct export commodity registration administration on the export commodities involving personal and property safety and health. The export commodities that are subject to export commodity registration administration may not be exported until they have been registered.

The contents of quality supervision and administration and inspection on export commodities before they are leaving the factories conducted by the entry-exit inspection and quarantine organs shall include the supervision and inspection on the quality assurance work of production enterprises, and the inspection on the export commodities before they are leaving the factories.

Article 32 The state shall implement sanitary registration administration on the production enterprises of import and export food. No production enterprise of export food may produce, process or store export food until it has obtained sanitary registration. No food produced by a production enterprise of import and export food may be imported or exported until the enterprise has obtained sanitary registration.

A production enterprise of import food that is subject to sanitary registration administration shall apply for sanitary registration to the GAQSIQ as required.

第二十九条 出口危险货物包装容器的生产企业，应当向出入境检验检疫机构申请包装容器的性能鉴定。包装容器经出入境检验检疫机构鉴定合格并取得性能鉴定证书的，方可用于包装危险货物。出口危险货物的生产企业，应当向出入境检验检疫机构申请危险货物包装容器的使用鉴定。使用未经鉴定或者经鉴定不合格的包装容器的危险货物，不准出口。

（相关资料: [部门规章 1 篇](#)）

第三十条 对装运出口的易腐烂变质食品、冷冻品的集装箱、船舱、飞机、车辆等运载工具，承运人、装箱单位或者其代理人应当在装运前向出入境检验检疫机构申请清洁、卫生、冷藏、密固等适载检验。未经检验或者经检验不合格的，不准装运。

#### 第四章 监督管理

第三十一条 出入境检验检疫机构根据便利对外贸易的需要，可以对列入目录的出口商品进行出厂前的质量监督管理和检验，对其中涉及人身财产安全、健康的重要出口商品实施出口商品注册登记管理。实施出口商品注册登记管理的出口商品，必须获得注册登记，方可出口。

出入境检验检疫机构进行出厂前的质量监督管理和检验的内容，包括对生产企业的质量保证工作进行监督检查，对出口商品进行出厂前的检验。

（相关资料: [地方法规 1 篇](#)）

第三十二条 国家对进出口食品生产企业实施卫生注册登记管理。获得卫生注册登记的出口食品生产企业，方可生产、加工、储存出口食品。获得卫生注册登记的进出口食品生产企业生产食品，方可进口或者出口。

实施卫生注册登记管理的进口食品生产企业，应当按照规定向国家质检总局申请卫生注册登记。

A production enterprise of export food that is subject to sanitary registration administration shall apply for sanitary registration to the entry-exit inspection and quarantine organ as required.

In case a production enterprise of export food needs to make sanitary registration abroad, the GAQSIQ shall handle the overseas sanitary registration uniformly after the enterprise has made sanitary registration in accordance with the provisions of paragraph three of this Article.

Article 33 The state shall implement sanitary registration administration on the production enterprises of import and export cosmetics. The concrete measures shall be formulated by the GAQSIQ through negotiating with the competent department of health of the State Council.

Article 34 Before any import and export food or cosmetic is imported and exported, the operators or the agents thereof shall accept the inspection of the entry-exit inspection and quarantine organs on whether the contents of the labels of the import and export food and cosmetic comply with the requirements of laws and administrative regulations and the truthfulness and accuracy of the relevant contents concerning the quality thereof, and shall obtain the inspection certificate documents issued by the GAQSIQ or the entry-exit inspection and quarantine organs authorized by GAQSIQ on the labels of import and export food and cosmetic.

Article 35 The entry-exit inspection and quarantine organs shall, place commodity inspection marks on the import and export commodities that have passed inspection upon the need, and shall put sealing marks on the import and export commodities that have passed the inspection and on the export commodities that need to be stamped with sealing marks. The concrete measures shall be formulated by the GAQSIQ.

Article 36 The entry-exit inspection and quarantine organs shall take samples from the import and export commodities subject to inspection in light of the relevant provisions. The entry-exit inspection and quarantine organs shall notify the relevant entities to take back the remaining samples after inspection within a prescribed time limit; if the samples fail to be taken back within the time limit, they shall be treated by the entry-exit inspection and quarantine organs.

Article 37 In case an applicant for inspection of import and export commodities is dissatisfied with the inspection conclusion drawn by an entry-exit inspection and quarantine organ, it/he may, within 15 days from the day of receiving the inspection conclusion, apply for re-inspection to the entry-exit inspection and quarantine organ that has drawn the

实施卫生注册登记管理的出口食品生产企业，应当按照规定向出入境检验检疫机构申请卫生注册登记。

出口食品生产企业需要在国外卫生注册的，依照本条第三款规定进行卫生注册登记后，由国家质检总局统一对外办理。

（相关资料: [裁判文书 2 篇](#)）

第三十三条 国家对进出口化妆品生产企业实施卫生注册登记管理。具体办法由国家质检总局商国务院卫生主管部门制定。

（相关资料: [裁判文书 1 篇](#)）

第三十四条 进出口食品、化妆品在进出口前，其经营者或者代理人应当接受出入境检验检疫机构对进出口食品、化妆品标签内容是否符合法律、行政法规规定要求以及与质量有关内容的真实性、准确性进行的检验，并取得国家质检总局或者其授权的出入境检验检疫机构签发的进出口食品、化妆品标签检验证明文件。

第三十五条 出入境检验检疫机构根据需要，对检验合格的进出口商品施加商检标志，对检验合格的以及其他需要施加封识的进出口商品施加封识。具体办法由国家质检总局制定。

第三十六条 出入境检验检疫机构按照有关规定对检验的进出口商品抽取样品。验余的样品，出入境检验检疫机构应当通知有关单位在规定的期限内领回；逾期不领回的，由出入境检验检疫机构处理。

（相关资料: [地方法规 1 篇](#)）

第三十七条 进出口商品的报检人对出入境检验检疫机构作出的检验结果有异议的，可以自收到检验结果之日起 15 日内，向作出检验结果的出入境检验检疫机构或者其上级出入境检验检疫机构以

inspection conclusion or to its upper level entry-exit inspection and quarantine organ or even the GAQSIQ. The entry-exit inspection and quarantine organ or the GAQSIQ that accepts the re-inspection shall draw a re-inspection conclusion within 60 days from the day of receiving the application for re-inspection. If the technology for the re-inspection is complicated, and the re-inspection conclusion cannot be drawn within a prescribed time limit, the time limit for re-inspection may be extended properly upon the approval of the person in charge of the organ, but the time limit for extension shall not exceed 30 days.

Article 38 The GAQSIQ or the entry-exit inspection and quarantine organs shall, upon the need of the work for import and export commodity inspection, designate domestic or overseas testing organs that comply with the prescribed qualification conditions to undertake the testing of the import and export commodities entrusted by the entry-exit inspection and quarantine organs. If the designated testing organs do not comply with the requirements after inspection, the GAQSIQ or the entry-exit inspection and quarantine organs may cancel the designation.

Article 39 The inspection organs to be established within the People's Republic of China that undertake the inspection and testing of import and export commodities shall comply with the conditions in respect of the registered capital, technical capability, and qualification of personnel as prescribed by the relevant laws, administrative regulations and rules, and shall not accept entrustment to handle inspection and testing of import and export commodities until after they have been examined and approved by the GAQSIQ and the relevant competent departments in charge, obtained license, and gone through industry and commerce registration according to law.

Article 40 Anyone who is dissatisfied with the inspection and testing business activities of an inspection organ may file a complaint with the GAQSIQ or the entry-exit inspection and quarantine organ.

Article 41 When the GAQSIQ or an entry-exit inspection and quarantine organ conducts supervision and administration or makes investigation into any act that is suspected of violating any law or administrative regulation on import and export commodity inspection, it may consult or copy the relevant contracts, invoices, account books and other relevant materials of the parties concerned. The entry-exit inspection and quarantine organ may seal or detain the import and export commodity that is believed to be not up to the standard in such items involving personal or property safety, health or environmental protection, and etc. upon the approval of the person-in-charge of the organ, unless the goods are under customs supervision.

至国家质检总局申请复验，受理复验的出入境检验检疫机构或者国家质检总局应当自收到复验申请之日起 60 日内作出复验结论。技术复杂，不能在规定期限内作出复验结论的，经本机构负责人批准，可以适当延长，但是延长期限最多不超过 30 日。

第三十八条 国家质检总局或者出入境检验检疫机构根据进出口商品检验工作的需要，可以指定符合规定资质条件的国内外检测机构承担出入境检验检疫机构委托的进出口商品检测。被指定的检测机构经检查不符合规定要求的，国家质检总局或者出入境检验检疫机构可以取消指定。

（相关资料: [部门规章 1 篇](#)）

第三十九条 在中华人民共和国境内设立从事进出口商品检验鉴定业务的检验机构，应当符合有关法律、行政法规、规章规定的注册资本、技术能力、人员资格等条件，经国家质检总局和有关主管部门审核批准，获得许可，并依法办理工商登记后，方可接受委托办理进出口商品检验鉴定业务。

（相关资料: [地方法规 2 篇](#) [裁判文书 1 篇](#)）

第四十条 对检验机构的检验鉴定业务活动有异议的，可以向国家质检总局或者出入境检验检疫机构投诉。

第四十一条 国家质检总局、出入境检验检疫机构实施监督管理或者对涉嫌违反进出口商品检验法律、行政法规的行为进行调查，有权查阅、复制当事人的有关合同、发票、账簿以及其他有关资料。出入境检验检疫机构对有根据认为涉及人身财产安全、健康、环境保护项目不合格的进出口商品，经本机构负责人批准，可以查封或者扣押，但海关监管货物除外。

Article 42 The GAQSIQ and the entry-exit inspection and quarantine organs shall, upon the need of convenience for foreign trade, take effective measures to simplify the procedures and facilitate import and export.

The electronic data documents may be adopted for the handling of such formalities as the application for the inspection, inspection, and testing of import and export commodities that comply with the requirements.

Article 43 The entry-exit inspection and quarantine organs shall, according to the provisions of the relevant laws and administrative regulations, issue the generalized system of preferences certificate of origin and the special certificate of place of origin of the export goods. The applicants for handling the certificate of place of origin shall get the registration of the entry-exit inspection and quarantine organs according to law.

The provisions of the relevant laws and administrative regulations shall be followed for the issuance of the general certificate of place of origin of export goods.

Article 44 As to the inspection administration of the entry-exit inspection and quarantine organs on the goods entering and exiting the bonded zones, export processing zones and other special customs supervision areas, as well as the import and export commodities of frontier small amount of trade, the GAQSIQ shall formulate measures separately through negotiation with the General Administration of Customs.

## Chapter V Legal Liabilities

Article 45 In case anyone sells or uses without permission any import commodity subject to statutory inspection without applying for inspection or without having the commodity inspected, or sells or uses any import commodity without applying for import verification as it should be, the entry-exit inspection and quarantine organ shall confiscate its/his illegal gains, and impose upon it/him a fine of 5% up to 20% the value of the commodities. If a crime is constituted, it/he shall be subject to criminal liabilities according to law.

Article 46 Anyone who exports without permission any export commodity subject to statutory inspection without applying for inspection or without having the commodity inspected, or exports without permission any export commodity without applying for export checking as it should be, the entry-exit inspection and quarantine organ shall confiscate its/his illegal gains, and impose upon it/him a fine of 5% up to 20% the value of the commodities. If a crime is constituted, it/he shall be subject to criminal liabilities according to law.

第四十二条 国家质检总局、出入境检验检疫机构应当根据便利对外贸易的需要,采取有效措施,简化程序,方便进出口。

办理进出口商品报检、检验、鉴定等手续,符合条件的,可以采用电子数据文件的形式。

第四十三条 出入境检验检疫机构依照有关法律、行政法规的规定,签发出口货物普惠制原产地证明、区域性优惠原产地证明、专用原产地证明。办理原产地证明的申请人应当依法取得出入境检验检疫机构的注册登记。

出口货物一般原产地证明的签发,依照有关法律、行政法规的规定执行。

第四十四条 出入境检验检疫机构对进出口保税区、出口加工区等海关特殊监管区域的货物以及边境小额贸易进出口商品的检验管理,由国家质检总局商海关总署另行制定办法。

## 第五章 法律责任

第四十五条 擅自销售、使用未报检或者未经检验的属于法定检验的进口商品,或者擅自销售、使用应当申请进口验证而未申请的进口商品的,由出入境检验检疫机构没收违法所得,并处商品货值金额5%以上20%以下罚款;构成犯罪的,依法追究刑事责任。

第四十六条 擅自出口未报检或者未经检验的属于法定检验的出口商品,或者擅自出口应当申请出口验证而未申请的出口商品的,由出入境检验检疫机构没收违法所得,并处商品货值金额5%以上20%以下罚款;构成犯罪的,依法追究刑事责任。



Article 47 Anyone who sells or uses any import commodity that has not passed statutory inspection, random inspection or verification, or exports any commodity that has not passed statutory inspection, random inspection or verification, the entry-exit inspection and quarantine organ shall order it/him to stop selling, using or exporting the commodity, confiscate its/his illegal gains and illegally sold, used or export commodity, and impose upon it/him a fine more than the equivalent to or less than 3 times the value of the commodities illegally sold, used or exported. If a crime is constituted, it/he shall be subject to criminal liabilities according to law.

Article 48 In case a consignee, consigner, agency inspection application enterprise or entry-exit express mails operation enterprise, or applicant obtains the relevant documentations of the entry-exit inspection and quarantine organs without providing the true information of the import and export commodities, or fails to apply for inspection on the import and export commodities subject to statutory inspection, evades the inspection on the import and export commodities, the entry-exit inspection and quarantine organs shall confiscate its/his illegal gains, and impose upon it/him a fine of 5% up to 20% the value of the commodities. If the circumstance is serious, it shall be revoked of the registration on application for inspection, and the registration on the practicing of application for inspection.

In case a consignee or consigner entrusts an agency inspection application enterprise or entry-exit express mails operation enterprise to handle formalities of application for inspection, and obtains the relevant documentations of the entry-exit inspection and quarantine organs without providing the true information on the matters applied for inspection under entrustment to the said enterprises as required, the client shall be punished according to the preceding provisions.

In case any agency inspection application enterprise, entry-exit express mails operation enterprise, or applicant for inspection fails to make reasonable examination on the truthfulness of the information provided or due to negligence in the work, and as a result, the relevant documentations of the entry-exit inspection and quarantine organs are obtained by cheating, the entry-exit inspection and quarantine organs shall give the agency inspection application enterprise or the entry-exit express mails operation enterprise a fine ranging from RMB 20,000 to 200,000 Yuan. If the circumstance is serious, it shall be revoked of the registration on the application for inspection and the registration on the practicing of application for inspection.

Article 49 Anyone who forges, alters, sells or purchases or steals inspection documentation, seal, mark, sealing mark, customs clearance form of goods or uses the forged or altered inspection documentation, seal, mark, sealing mark, or customs clearance form of goods, which

第四十七条 销售、使用经法定检验、抽查检验或者验证不合格的进口商品，或者出口经法定检验、抽查检验或者验证不合格的商品的，由出入境检验检疫机构责令停止销售、使用或者出口，没收违法所得和违法销售、使用或者出口的商品，并处违法销售、使用或者出口的商品货值金额等值以上 3 倍以下罚款；构成犯罪的，依法追究刑事责任。

第四十八条 进出口商品的收货人、发货人、代理报检企业或者出入境快件运营企业、报检人员不如实提供进出口商品的真实情况，取得出入境检验检疫机构的有关证单，或者对法定检验的进出口商品不予报检，逃避进出口商品检验的，由出入境检验检疫机构没收违法所得，并处商品货值金额 5% 以上 20% 以下罚款；情节严重的，并撤销其报检注册登记、报检从业注册。

进出口商品的收货人或者发货人委托代理报检企业、出入境快件运营企业办理报检手续，未按照规定向代理报检企业、出入境快件运营企业提供所委托报检事项的真实情况，取得出入境检验检疫机构的有关证单的，对委托人依照前款规定予以处罚。

代理报检企业、出入境快件运营企业、报检人员对委托人所提供情况的真实性未进行合理审查或者因工作疏忽，导致骗取出入境检验检疫机构有关证单的结果的，由出入境检验检疫机构对代理报检企业、出入境快件运营企业处 2 万元以上 20 万元以下罚款；情节严重的，并撤销其报检注册登记、报检从业注册。

（相关资料: [部门规章 1 篇](#)）

第四十九条 伪造、变造、买卖或者盗窃检验证单、印章、标志、封识、货物通关单或者使用伪造、变造的检验证单、印章、标志、封识、货物通关单，构成



constitutes a crime, shall be subject to criminal liabilities according to law. If it is not serious enough to be subject to criminal liabilities, the entry-exit inspection and quarantine organ shall order it/him to correct, confiscate its/his illegal gains, and impose upon it/him a fine less than the equivalent to the value of the commodities.

Article 50 In case anyone changes the samples selected by the entry-exit inspection and quarantine organ without permission or changes the import and export commodities that have passed the inspection of the entry-exit inspection and quarantine organ, the entry-exit inspection and quarantine organ shall order it/him to correct and give it/him warnings. If the circumstance is serious, it/he shall be imposed upon a fine of 10% to 50% the value of the commodities.

Article 51 Anyone who exports any commodity that is subject to export commodity registration administration of the state without obtaining registration, the entry-exit inspection and quarantine organ shall order it/him to stop exporting the commodity, confiscate its illegal gains, and impose upon it/him a fine of 10% to 50% the value of the commodities.

Article 52 In case anyone imports or exports any food or cosmetic that is subject to sanitary registration administration of the state and is produced by the production enterprise without obtaining sanitary registration, the entry-exit inspection and quarantine organ shall order it/him to stop the import or export, confiscate illegal gains, and impose upon it/him a fine of 10% to 50% the value of the commodity.

In case a production enterprise of import and export food or cosmetic that has obtained the sanitary registration does not comply with the prescribed requirements after examination, the GAQSIQ or the entry-exit inspection and quarantine organ shall order it to rectify within a prescribed time limit. If it still cannot reach the prescribed requirements or has other illegal acts, and the circumstance is serious, it shall be revoked of the certificate of sanitary registration.

Article 53 If an overseas supplier or domestic consignee fails to get the registration or fails to make pre-shipping inspection when it/he imports solid wastes that may be used as raw materials, it/he shall be ordered to return the goods in light of the relevant state provisions. If the circumstance is serious, the entry-exit inspection and quarantine organ shall impose upon it/him a fine ranging from RMB 100,000 to one million Yuan.

In case any overseas supplier or domestic consignee that has obtained registration on the solid wastes that may be used as raw materials violates the relevant state provisions, and the circumstance is serious, the entry-exit inspection and quarantine organ shall revoke its registration. In case anyone fails to handle archival filing or fails to make pre-shipping

犯罪的,依法追究刑事责任;尚不够刑事处罚的,由出入境检验检疫机构责令改正,没收违法所得,并处商品货值金额等值以下罚款。

(相关资料: [部门规章 1 篇](#))

第五十条 擅自调换出入境检验检疫机构抽取的样品或者出入境检验检疫机构检验合格的进出口商品的,由出入境检验检疫机构责令改正,给予警告;情节严重的,并处商品货值金额 10%以上 50%以下罚款。

第五十一条 出口属于国家实行出口商品注册登记管理而未获得注册登记的商品的,由出入境检验检疫机构责令停止出口,没收违法所得,并处商品货值金额 10%以上 50%以下罚款。

第五十二条 进口或者出口国家实行卫生注册登记管理而未获得卫生注册登记的,由出入境检验检疫机构责令停止进口或者出口,没收违法所得,并处商品货值金额 10%以上 50%以下罚款。

已获得卫生注册登记的进出口食品、化妆品生产企业,经检查不符合规定要求的,由国家质检总局或者出入境检验检疫机构责令限期整改;整改仍未达到规定要求或者有其他违法行为,情节严重的,吊销其卫生注册登记证书。

第五十三条 进口可用作原料的固体废物,国外供货商、国内收货人未取得注册登记,或者未进行装运前检验的,按照国家有关规定责令退货;情节严重的,由出入境检验检疫机构并处 10 万元以上 100 万元以下罚款。

已获得注册登记的可用作原料的固体废物的国外供货商、国内收货人违反国家有关规定,情节严重的,由出入境检验检疫机构撤销其注册登记。

进口国家允许进口的旧机电产品未办理备案或者未按照规定进行装运前检验

inspection when importing any old electromechanical products as are allowed by the state, the products shall be returned in accordance with the relevant state provisions. If the circumstance is serious, the entry-exit inspection and quarantine organ shall impose upon it/him a fine of less than RMB one million Yuan concurrently.

Article 54 In case anyone provides or uses any packaging container of dangerous export goods that is not subject to the testing of the entry-exit inspection and quarantine organ, the entry-exit inspection and quarantine organ shall impose upon it/him a fine of RMB 100,000 Yuan.

Anyone who ships dangerous export goods by providing or using any packaging container that does not pass the testing of the entry-exit inspection and quarantine organ, the entry-exit inspection and quarantine organ shall impose upon it/him a fine less than RMB 200,000 Yuan.

Article 55 In case anyone exports any perishable food or frozen food by using any container, cabin, airplane or vehicle and other means of delivery without subject to cargo worthiness inspection by the entry-exit inspection and quarantine organ, the entry-exit inspection and quarantine organ shall impose upon it/him a fine less than RMB 100,000 Yuan.

In case anyone provides or uses any container, cabin, airplane or vehicle and other means of delivery that has not passed the inspection of the entry-exit inspection and quarantine organ to carry any perishable food or frozen food for export, the entry-exit inspection and quarantine organ shall impose upon it/him a fine less than RMB 200,000 Yuan.

Article 56 In case anyone changes or damages any commodity inspection mark or sealing mark placed by the entry-exit inspection and quarantine organs, the entry-exit inspection and quarantine organs shall impose upon it/him a fine less than RMB 50,000 Yuan.

Article 57 In case any inspection organ undertakes the inspection and testing of import and export commodity inspection by exceeding its business scope, or violates the relevant state provisions, disturbs the order of inspection and testing, the entry-exit inspection and quarantine organ shall order it to correct, confiscate its illegal gains, or may impose upon it a fine less than RMB 100,000 Yuan, and the GAQSIQ or the entry-exit inspection and quarantine organ may suspend its inspection and testing business within 6 months. If the circumstance is serious, the GAQSIQ shall revoke its qualification certificate of inspection and testing.

Article 58 In case anyone undertakes the business of application for inspection without making registration, the entry-exit inspection and quarantine organ shall order it/him to stop illegal operation activities, confiscate its/his illegal gains, and impose upon it/him a fine of one time up to three times the illegal gains.

的,按照国家有关规定予以退货;情节严重的,由出入境检验检疫机构并处100万元以下罚款。

(相关资料: [部门规章 27 篇](#))

第五十四条 提供或者使用未经出入境检验检疫机构鉴定的出口危险货物包装容器的,由出入境检验检疫机构处10万元以下罚款。

提供或者使用经出入境检验检疫机构鉴定不合格的包装容器装运出口危险货物的,由出入境检验检疫机构处20万元以下罚款。

第五十五条 提供或者使用未经出入境检验检疫机构适载检验的集装箱、船舱、飞机、车辆等运载工具装运易腐烂变质食品、冷冻品出口的,由出入境检验检疫机构处10万元以下罚款。

提供或者使用经出入境检验检疫机构检验不合格的集装箱、船舱、飞机、车辆等运载工具装运易腐烂变质食品、冷冻品出口的,由出入境检验检疫机构处20万元以下罚款。

第五十六条 擅自调换、损毁出入境检验检疫机构加施的商检标志、封识的,由出入境检验检疫机构处5万元以下罚款。

第五十七条 从事进出口商品检验鉴定业务的检验机构超出其业务范围,或者违反国家有关规定,扰乱检验鉴定秩序的,由出入境检验检疫机构责令改正,没收违法所得,可以并处10万元以下罚款,国家质检总局或者出入境检验检疫机构可以暂停其6个月以内检验鉴定业务;情节严重的,由国家质检总局吊销其检验鉴定资格证书。

第五十八条 未经注册登记擅自从事报检业务的,由出入境检验检疫机构责令停止非法经营活动,没收违法所得,并处违法所得1倍以上3倍以下罚款。代理报检企业、出入境快件运营企业违

In case any agency inspection application enterprise or entry-exit express mails operation enterprise violates the relevant state provisions, or disturbs the order of application for inspection, the entry-exit inspection and quarantine organ shall order it to correct, confiscate its illegal gains, and may impose upon it a fine less than RMB 100,000 Yuan, and the GAQSIQ or the entry-exit inspection and quarantine organ may suspend its agency inspection declaration business within 6 months. If the circumstance is serious, its registration on application for inspection shall be revoked.

In case any applicant for inspection violates the relevant state provisions, disturbs the order of application for inspection, the GAQSIQ or the entry-exit inspection and quarantine organs may suspend his practice within 6 months. If the circumstance is serious, his registration on the practice of application for inspection shall be revoked.

Article 59 In case any staff member of the entry-exit inspection and quarantine organs misuses power, purposely creates difficulties to the parties concerned, practices favoritism, falsifies inspection conclusions or is derelict of duty, delays the issuance of license for inspection, he/she shall be given an administrative punishment according to law. If he/she issues the certificate of place of origin of the export goods in violation of the provisions of the relevant laws and administrative regulations, he/she shall be given an administrative punishment according to law, and the illegal gains shall be confiscated. If a crime is committed, he/she shall be subject to criminal liabilities according to law.

Article 60 The money gained by the entry-exit inspection and quarantine organs according to law from the confiscation of commodities, all the confiscated illegal gains and the fines collected shall be turned in to the state treasury.

## Chapter VI Supplementary Provisions

Article 61 In case any party is dissatisfied with the re-inspection conclusion of the entry-exit inspection and quarantine organ or the GAQSIQ or is dissatisfied with the penalty decision made by the GAQSIQ or the entry-exit inspection and quarantine organ, it may apply for administrative reconsideration according to law, or may bring a lawsuit to the people's court according to law.

If any party neither executes the decision on penalty within the time limit, nor applies for administrative reconsideration or brings a lawsuit to the people's court, the organ that has made the penalty decision may apply for compulsory enforcement to the people's court.

Article 62 When the entry-exit inspection and quarantine organs conduct statutory inspection, or when the approved inspection organs handle

反国家有关规定, 扰乱报检秩序的, 由出入境检验检疫机构责令改正, 没收违法所得, 可以并处 10 万元以下罚款, 国家质检总局或者出入境检验检疫机构可以暂停其 6 个月以内代理报检业务; 情节严重的, 撤销其报检注册登记。

报检人员违反国家有关规定, 扰乱报检秩序的, 国家质检总局或者出入境检验检疫机构可以暂停其 6 个月以内执业; 情节严重的, 撤销其报检从业注册。

(相关资料: [部门规章 1 篇](#))

第五十九条 出入境检验检疫机构的工作人员滥用职权, 故意刁难当事人的, 徇私舞弊, 伪造检验结果的, 或者玩忽职守, 延误检验出证的, 依法给予行政处分; 违反有关法律、行政法规规定签发出口货物原产地证明的, 依法给予行政处分, 没收违法所得; 构成犯罪的, 依法追究刑事责任。

第六十条 出入境检验检疫机构对没收的商品依法予以处理所得价款、没收的违法所得、收缴的罚款, 全部上缴国库。

## 第六章 附则

第六十一条 当事人对出入境检验检疫机构、国家质检总局作出的复验结论不服, 或者对国家质检总局、出入境检验检疫机构作出的处罚决定不服的, 可以依法申请行政复议, 也可以依法向人民法院提起诉讼。

当事人逾期不履行处罚决定, 又不申请行政复议或者向人民法院提起诉讼的, 作出处罚决定的机构可以申请人民法院强制执行。

第六十二条 出入境检验检疫机构实施法定检验、经许可的检验机构办理检验鉴

inspection and testing business, they may collect fees in accordance with the relevant state provisions.

Article 63 The present Regulations shall come into force as of December 1, 2005. [The Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection](#) as were approved by the State Council on October 7, 1992, and promulgated by the former State Administration of Import and Export Commodity Inspection on October 23, 1992 shall be repealed simultaneously.

定业务，按照国家有关规定收取费用。

第六十三条 本条例自 2005 年 12 月 1 日起施行。1992 年 10 月 7 日国务院批准、1992 年 10 月 23 日原国家进出口商品检验局发布的《[中华人民共和国进出口商品检验法实施条例](#)》同时废止。

© Copyright Chinalawinfo Co., Ltd  
[database@chinalawinfo.com](mailto:database@chinalawinfo.com)

---