



中华人民共和国 进出口商品检验法实施条例

Regulations on Implementation of the Law of
the People's Republic of China on Import and
Export Commodity Inspection

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北京西单横二条 2 号 邮政编码 100031

传真: 66031119

网址: <http://www.zgfzs.com>

编辑部电话: 66024377

市场营销部电话: 66033393

邮购部电话: 66033288

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中华人民共和国国务院令

第 447 号

《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。

总 理 温家宝
2005 年 8 月 31 日

Decree of the State Council of the People's Republic of China

No. 447

Regulations on Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection adopted by the 101st Executive Meeting of the State Council on August 10, 2005, are hereby promulgated and shall be effective as of December 1, 2005.

Premier: Wen Jiabao

August 31, 2005

中华人民共和国 进出口商品检验法 实施条例

(2005 年 8 月 10 日国务院第 101 次常务会议
通过 2005 年 8 月 31 日中华人民共和国国务院令
第 447 号公布 自 2005 年 12 月 1 日起施行)

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。

Regulations on Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection

(Adopted at the 101st Executive Meeting
of the State Council on August 10 , 2005 and
effective as of December 1 , 2005)

Chapter I General Provisions

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

Article 2 The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as AQSIQ) takes principal charge of the work of import and export commodity inspection nationwide.

The entry-exit inspection and quarantine bureaus and their branches established by the AQSIQ in provinces, autonomous regions and municipalities directly under the Central Government and at ports and distribution centers of import and export commodities (hereinafter referred to as entry-exit inspection and quarantine authorities) take principal charge of the work of import and export commodity inspection within the areas under their jurisdictions.

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

Article 3 AQSIQ shall, in accordance with the provisions of Article 4 of the Law on Commodity Inspection, formulate and adjust the Catalogue of Import and Export Commodities Subject to Compulsory Inspection (hereinafter referred to as the Catalogue), and publish it for implementation.

The Catalogue shall be published at least 30 days before the date of its entry into force; in case of emergency, the Catalogue shall be published no later than the date of its entry into force.

When formulating or adjusting the Catalogue, AQSIQ shall solicit opinions from relevant sides such as the competent foreign trade department of the State Council and the General Administration of Customs.

Article 4 Entry-exit inspection and quarantine authorities conduct inspection on import and export commodities listed in the Catalogue and other import and export commodities that must be inspected by the entry-exit inspection and quarantine authorities in accordance with the provisions of laws or administrative regulations (hereinafter referred to as the statutory inspection).

Entry-exit inspection and quarantine authorities conduct random inspection on import and export commodities other than those subject to statutory inspection in accordance with the provisions of the State.

Article 5 The quality inspection on import and export drugs, the calibration of weighing value of measuring instruments, the supervision and inspection on safety of boilers and pressure vessels, the specifications survey of vessels (including offshore platforms, essential equipment and materials of vessels) and containers, the airworthiness inspection on aero-planes (including engines and airborne equipment), the safety inspection on nuclear pressure

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。

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。

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。

equipment, etc. shall be conducted by the institutions provided by the relevant laws or administrative regulations.

Article 6 Product samples, gifts, goods admitted temporarily and other nontrade articles that enter or exit the territory are exempted from inspection, unless otherwise provided by laws or administrative regulations.

The import and export commodities listed in the Catalogue that meet the conditions for inspection exemption stipulated by the State may be exempted from inspection by entry-exit inspection and quarantine authorities if the application for inspection exemption made by consignees, consignors or manufacturers are examined and approved by AQSIQ.

Specific measures for inspection exemption shall be formulated by AQSIQ in consultation with the relevant departments.

Article 7 Import and export commodities subject to statutory inspection shall be inspected by entry-exit inspection and quarantine authorities in accordance with the provisions of Article 7 of the Law on Commodity Inspection.

AQSIQ may, in light of the actual need of the work of import and export commodity inspection and in accordance with the relevant international standards, formulate technical specifications and standards on methods of import and export commodity inspection.

Such technical specifications, standards, and technical specifications and standards on inspection methods as are applied or referred to in the inspection on import and export commodities shall be published at least six months before the date of their entry into force; in case of emergency, they shall be published no later than the date of their entry into force.

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。

Article 8 Entry-exit inspection and quarantine authorities, in light of the need to facilitate foreign trade, exercise classified administration on import and export enterprises and conduct inspection on import and export commodities in accordance with the approach of inspection and supervision determined on the basis of the international practice of conformity assessment procedures.

Article 9 The contents of import and export commodity inspection conducted by entry-exit inspection and quarantine authorities include whether the commodities conform to the requirements on safety, sanitation, health, environmental protection, fraud prevention, etc. , and to the relevant items of quality, quantity, weight, etc.

Article 10 Entry-exit inspection and quarantine authorities shall, in accordance with the provisions of the Law on Commodity Inspection, exercise certificate verification control on the import and export commodities subject to licensing or compulsory certification stipulated by the State, by examining the relevant certificates and documents and verifying that such certificates and documents and the goods tally with each other.

The catalogue of import and export commodities subject to certificate verification control shall be formulated, adjusted and published by AQSIQ after consulting with the relevant departments.

Article 11 A consignee or consignor of import and export commodities may go through inspection declaration procedures by itself, or entrust an inspection declaration agency with the inspection declaration. Where the commodities are imported or exported by means of express delivery, the consignee or consignor shall entrust an entry-exit express delivery enterprise with the inspection declaration.

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。

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。

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，

Article 12 A consignee or consignor of import and export commodities that goes through inspection declaration procedures shall, in accordance with law, submit a report thereon to the entry-exit inspection and quarantine authority for the record.

An inspection declaration agency or entry-exit express delivery enterprise that conducts the business of inspection declaration, shall procure a registration from the entry-exit inspection and quarantine authority in accordance with law. An enterprise that fails to procure a registration from the entry-exit inspection and quarantine authority in accordance with law shall not conduct the business of inspection declaration.

An inspection declarant shall procure a practitioner registration in accordance with law, and conduct the business of inspection declaration with license. An individual who fails to procure the practitioner registration of inspection declaration shall not conduct the business of inspection declaration.

Inspection declaration agencies, entry-exit express delivery enterprises and inspection declarants shall neither illegally act as agents of inspection declaration, nor conduct the business of inspection declaration beyond their business scopes.

Article 13 Where an inspection declaration agency accepts the entrustment of a consignee or consignor of import and export commodities and goes through the inspection declaration procedures in the name of the entrusting party, such agency shall submit a power of attorney to the entry-exit inspection and quarantine authority and comply with the provisions on entrusting parties in these Regulations; when going through inspection declaration procedures in its own name, the agency shall assume the same legal liabilities as those of the