

Law of the People's Republic of China on Import and Export Commodity Inspection (2021 Amendment)

中华人民共和国进出口商品检验法(2021修正)

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

中华人民共和国进出口商品检验法

(Adopted at the Sixth Session of the Standing Committee of the Seventh National People's Congress on February 21, 1989; amended for the first time according to the [Decision on Amending the Law of the People's Republic of China on Import and Export Commodity Inspection](#) as adopted the 27th Session of the Standing Committee of the Ninth National People's Congress on April 28, 2002; amended for the second time according to the Decision of Standing Committee of the National People's Congress on Amending the [Cultural Relics Protection Law](#) of the People's Republic of China and Other Eleven Laws as adopted at the Third Session of the Standing Committee of the Twelfth National People's Congress on June 29, 2013; amended for the third time according to the Decision of the Standing Committee of the National People's Congress to Amend Six Laws Including the [Frontier Health and Quarantine Law](#) of the People's Republic of China by the Order No. 6 of the President of the People's Republic of China on April 27, 2018; amended for the fourth time according to the Decision of the Standing Committee of the National People's Congress to Amend Five Laws Including the Product Quality Law of the People's Republic of China as adopted at the 7th session of the Standing Committee of the thirteenth National People's Congress on December 29, 2018; amended for the fifth time according to the Decision of the Standing Committee of the National People's Congress to Amend Eight Laws including the [Road Traffic Safety Law](#) of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Thirteenth National People's Congress on April 29, 2021)

(1989年2月21日第七届全国人民代表大会常务委员会第六次会议通过 根据2002年4月28日第九届全国人民代表大会常务委员会第二十七次会议《关于修改〈中华人民共和国进出口商品检验法〉的决定》第一次修正 根据2013年6月29日第十二届全国人民代表大会常务委员会第三次会议《关于修改〈中华人民共和国文物保护法〉等十二部法律的决定》第二次修正 根据2018年4月27日第十三届全国人民代表大会常务委员会第二次会议《关于修改〈中华人民共和国国境卫生检疫法〉等六部法律的决定》第三次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国产品质量法〉等五部法律的决定》第四次修正 根据2021年4月29日第十三届全国人民代表大会常务委员会第二十八次会议《关于修改〈中华人民共和国道路交通安全法〉等八部法律的决定》第五次修正)

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Chapter I General Provisions

第一章 总 则

Article 1 This Law is enacted with a view to strengthening the inspection of import and export commodities, regulating the inspection of import and export commodities, protecting the public interests and the lawful rights and interests of the parties involved in import and export trade, and promoting the smooth development of China's economic and trade relations with foreign countries.

第一条 为了加强进出口商品检验工作,规范进出口商品检验行为,维护社会公共利益和进出口贸易有关各方的合法权益,促进对外经济贸易关系的顺利发展,制定本法。

Article 2 The State Council shall establish an Administration for Import and Export Commodity Inspection (hereinafter referred to as the State Administration for Commodity Inspection), which shall be in charge of the inspection of import and export commodities throughout the country. The local import and export commodity inspection authorities (hereinafter referred to as the commodity inspection authorities) set up by the State Administration for Commodity Inspection shall be responsible for the inspection of import and export commodities within areas under their jurisdiction.

第二条 国务院设立进出口商品检验部门(以下简称国家商检部门),主管全国进出口商品检验工作。国家商检部门设在各地的进出口商品检验机构(以下简称商检机构)管理所辖地区的进出口商品检验工作。

Article 3 The commodity inspection authorities and inspection agencies formed in accordance with the law (hereinafter referred to as "other inspection agencies") shall, in accordance with the law, perform the inspection of import and export commodities.

第三条 商检机构和依法设立的检验机构(以下称其他检验机构),依法对进出口商品实施检验。

Article 4 The inspection of import and export commodities shall follow the principles of protecting the health and safety of human beings, protecting the life and health of animals or plants, protecting the environment, preventing frauds and safeguarding national security, the State Administration for Commodity Inspection shall make and adjust a Catalog of Import and Export Commodities Subject to Compulsory Inspection (hereinafter referred to as the Catalog), and shall promulgate and implement the Catalog.

第四条 进出口商品检验应当根据保护人类健康和安、保护动物或者植物的生命和健康、保护环境、防止欺诈行为、维护国家安全的原则,由国家商检部门制定、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。

Article 5 The import and export commodities which are included in the Catalog shall be inspected by the commodity inspection authorities.

第五条 列入目录的进出口商品,由商检机构实施检验。

No permission shall be granted for the sale or use of import commodities specified in the preceding paragraph until they have undergone inspection; and no permission shall be granted for the export of export commodities specified in the preceding paragraph until they have been found to be up to standard through inspection.

前款规定的进口商品未经检验的,不准销售、使用;前款规定的出口商品未经检验合格的,不准出口。

The import and export commodities specified in the first paragraph of this Article which meet the conditions for exemption of inspection provided for by the State may be exempted from inspection upon the examination and approval of an application from the consignee or consignor by the State Administration for Commodity Inspection.

本条第一款规定的进出口商品,其中符合国家规定的免于检验条件的,由收货人或者发货人申请,经国家商检部门审查批准,可以免于检验。

Article 6 The compulsory inspection of import and export commodities shall refer to the assessment of whether the import and export commodities listed in the Catalog meet the compulsory requirements of the State technological criterion.

第六条 必须实施的进出口商品检验,是指确定列入目录的进出口商品是否符合国家技术规范的强制性要求的合格评定活动。

The assessment procedures shall include: sampling, inspecting and checking; evaluating, validating and qualification guaranteeing; registering, recognizing and approving, and the combination of them.

合格评定程序包括:抽样、检验和检查;评估、验证和合格保证;注册、认可和批准以及各项的组合。

With respect to the inspection of import and export commodities set forth in paragraph 1 of this Article, the commodity inspection authorities may adopt the inspection result of the inspection agencies. The commodity inspection department of the state shall implement the catalogue administration of the aforesaid inspection agencies.

对本条第一款规定的进出口商品检验,商检机构可以采信检验机构的检验结果;国家商检部门对前述检验机构实行目录管理。

Article 7 The import and export commodities listed in the Catalog shall be inspected according to the compulsory requirements of the State technological criterion; and the requirements of State technological criterion shall be formulated timely according to law if there are no such requirements yet, before the formulation is made the inspection shall be carried out by referring to the relevant foreign standards designated by the State Administration for Commodities Inspection.

第七条 列入目录的进出口商品,按照国家技术规范的强制性要求进行检验;尚未制定国家技术规范的强制性要求的,应当依法及时制定,未制定之前,可以参照国家商检部门指定的国外有关标准进行检验。

Article 8 Other inspection agencies may handle the appraisal in import and export commodity inspection as entrusted by parties involved in foreign trade or by foreign inspection bodies.

Article 9 The import and export commodities or inspection items that shall be inspected by other inspection bodies as provided for by laws and administrative regulations shall be dealt with according to the provisions of the relevant laws and administrative regulations.

Article 10 The State Administration for Commodity Inspection and the commodity inspection authorities shall promptly collect information on the inspection of import and export commodities and make it available to the relevant circles.

The functionary of the State Administration for Commodity Inspection and the commodity inspection authorities shall bear the obligation of keeping the commercial secrets they know when performing the duties of inspection of import and export commodities.

Chapter II Inspection of Import Commodities

Article 11 For the import commodities which are subject to compulsory inspection by the commodity inspection authorities in accordance with this Law, the consignee or his agent shall report for inspection to the commodity inspection authorities located at the place of customs declaration.

Article 12 For import commodities which are subject to inspection by the commodity inspection authorities in accordance with this Law, the consignee or his agent shall accept the inspection of the import commodities in the places and within the time limit specified by them. The commodity inspection authorities shall accomplish the procedures for inspection and issue an inspection certificate within the period as uniformly prescribed by the State Administration for Commodity Inspection.

Article 13 If import commodities other than those which are subject to compulsory inspection by the commodity inspection authorities in accordance with this Law are found to be not up to the quality standard, damaged or short on weight or quantity, the consignee shall apply to the commodity inspection authorities for inspection and the issuance of an inspection certificate if such a certificate is necessary for claiming compensation.

Article 14 For important import commodities and a complete set of equipments in large size, the consignee shall, in accordance with the terms agreed upon in a foreign trade contract, conduct initial inspection or initial supervision over manufacturing or loading in the exporting country before shipment, while the relevant competent departments shall strengthen their supervision. The commodity inspection authorities may, when necessary, dispatch inspection personnel to take part in such inspection and supervision.

Chapter III Inspection of Export Commodities

Article 15 For export commodities which are subject to compulsory inspection by the commodity inspection authorities in accordance with this Law, the consignor or his agent shall apply to the same authorities for inspection in the places and within the time limit specified by them. The commodity inspection authorities shall accomplish the procedures for inspection and issue an inspection certificate within the time limit as uniformly prescribed by the State Administration for Commodity Inspection.

Article 16 Export commodities inspected and passed by the commodity inspection authorities and for which an inspection certificate has been issued by the same authorities shall be declared for export and shipped out of the country within the time limit specified by the same authorities. Failing to do so within the time limit, reapplication for inspection shall be needed.

第八条 其他检验机构可以接受对外贸易关系人或者外国检验机构的委托，办理进出口商品检验鉴定业务。

第九条 法律、行政法规规定由其他检验机构实施检验的进出口商品或者检验项目，依照有关法律、行政法规的规定办理。

第十条 国家商检部门和商检机构应当及时收集和向有关方面提供进出口商品检验方面的信息。

国家商检部门和商检机构的工作人员在履行进出口商品检验的职责中，对所知悉的商业秘密负有保密义务。

第二章 进口商品的检验

第十一条 本法规定必须经商检机构检验的进口商品的收货人或者其代理人，应当向报关地的商检机构报检。

第十二条 本法规定必须经商检机构检验的进口商品的收货人或者其代理人，应当在商检机构规定的地点和期限内，接受商检机构对进口商品的检验。商检机构应当在国家商检部门统一规定的期限内检验完毕，并出具检验证单。

第十三条 本法规定必须经商检机构检验的进口商品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，需要由商检机构出证索赔的，应当向商检机构申请检验出证。

第十四条 对重要的进口商品和大型的成套设备，收货人应当依据对外贸易合同约定在出口国装运前进行预检验、监造或者监装，主管部门应当加强监督；商检机构根据需要可以派出检验人员参加。

第三章 出口商品的检验

第十五条 本法规定必须经商检机构检验的出口商品的发货人或者其代理人，应当在商检机构规定的地点和期限内，向商检机构报检。商检机构应当在国家商检部门统一规定的期限内检验完毕，并出具检验证单。

第十六条 经商检机构检验合格发给检验证单的出口商品，应当在商检机构规定的期限内报关出口；超过期限的，应当重新报检。

Article 17 An enterprise manufacturing packings for dangerous export goods must apply to the commodity inspection authorities for a test of the performance of such packagings. An enterprise producing dangerous export goods must apply to the same authorities for a test of the use of packagings. No permission shall be granted for the export of dangerous goods kept in the packagings that have not passed a test.

Article 18 For vessel holds or containers used for carrying perishable foods, the carrier or the organization using the containers shall apply for inspection before loading. No permission shall be granted for loading and shipment until the relevant conditions are met.

Chapter IV Supervision and Administration

Article 19 The commodity inspection authorities shall, according to the provisions of the State, make a random inspection on the import and export commodities which are not subject to the compulsory inspection by the commodity inspection authorities in accordance with this Law.

The State Administration for Commodity Inspection may publicize the result of the random inspection or circulate a notice about it to the relevant departments.

Article 20 The commodity inspection authorities may, for the convenience of foreign trade, make supervision over the quality supervision, administration and inspection of the export commodities listed in the Catalog before they leave the factory.

Article 21 The agent handling the procedures for application for inspection on behalf of the consignee or the consignor of the import and export commodities shall submit the power of attorney to the commodity inspection authorities when handling the procedures.

Article 22 The State Administration for Commodity Inspection and other inspection agencies shall exercise supervision over the import and export commodity inspection and test conducted by the inspection bodies licensed by the State Administration for Commodity Inspection, and may make a random inspection on the commodities that have been inspected by such bodies.

Article 23 The certification and accreditation administrative department of the State Council shall, according to the uniform certification system of the State, carry out the certification administration for the relevant import and export commodities.

Article 24 The certification bodies may undertake the quality certification of import and export commodities on the basis of agreements signed between the certification and accreditation administrative department of the State Council and the foreign bodies concerned or upon entrustment by the foreign bodies concerned. They may permit the use of quality certification marks on import and export commodities that have been given quality certification.

Article 25 The commodity inspection authorities shall, in accordance with this Law, carry out the certification administration of the import and export commodities subject to the license system, check the certificates and verify whether the certificates and the commodities are consistent with each other.

Article 26 The commodity inspection authorities may, when necessary, place commodity inspection marks or sealings on import and export commodities proved to be up to standard through inspection.

Article 27 In case an applicant for the inspection of import and export commodities disagrees with the results of inspection presented by the commodity inspection authorities, he may apply for re-inspection to the same authorities, to those at the next higher level or to the State Administration for Commodity Inspection. The conclusion on re-inspection shall be made without delay by the commodity inspection authorities or the State Administration for Commodity Inspection that has accepted the application for re-inspection.

第十七条 为出口危险货物生产包装容器的企业，必须申请商检机构进行包装容器的性能鉴定。生产出口危险货物的企业，必须申请商检机构进行包装容器的使用鉴定。使用未经鉴定合格的包装容器的危险货物，不准出口。

第十八条 对装运出口易腐烂变质食品的船舱和集装箱，承运人或者装箱单位必须在装货前申请检验。未经检验合格的，不准装运。

第四章 监督管理

第十九条 商检机构对本法规定必须经商检机构检验的进出口商品以外的进出口商品，根据国家规定实施抽查检验。

国家商检部门可以公布抽查检验结果或者向有关部门通报抽查检验情况。

第二十条 商检机构根据便利对外贸易的需要，可以按照国家规定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。

第二十一条 为进出口货物的收发货人办理报检手续的代理人办理报检手续时应当向商检机构提交授权委托书。

第二十二条 国家商检部门和商检机构依法对其他检验机构的进出口商品检验鉴定业务活动进行监督，可以对其检验的商品抽查检验。

第二十三条 国务院认证认可监督管理部门根据国家统一的认证制度，对有关的进出口商品实施认证管理。

第二十四条 认证机构可以根据国务院认证认可监督管理部门同外国有关机构签订的协议或者接受外国有关机构的委托进行进出口商品质量认证工作，准许在认证合格的进出口商品上使用质量认证标志。

第二十五条 商检机构依照本法对实施许可制度的进出口商品实行验证管理，查验单证，核对证货是否相符。

第二十六条 商检机构根据需要，对检验合格的进出口商品，可以加施商检标志或者封识。

第二十七条 进出口商品的报检人对商检机构作出的检验结果有异议的，可以向原商检机构或者其上级商检机构以至国家商检部门申请复验，由受理复验的商检机构或者国家商检部门及时作出复验结论。

Article 28 If a party refuses to accept the conclusion made by the commodity inspection authorities or those at the next higher level, or the punishment decision of the commodity inspection authorities, he may apply for reconsideration according to law, either may he bring a lawsuit.

Article 29 When performing duties, the State Administration for Commodity Inspection and the commodity inspection authorities must abide by law and protect the interests of the State, strictly enforce the law and accept the supervision according to their legal powers and legal procedures.

The State Administration for Commodity Inspection and the commodity inspection authorities shall, according to the needs of performance of their duties, strengthen the construction of their teams to equip the functionary of commodity inspection with high political level and competency for their work. The functionary of commodity inspection shall accept business training and examinations regularly, and may take the posts and execute the duties only after passing the examinations.

The functionary of commodity inspection must be devoted to their duties, serve in a cultured manner, abide by the professional ethics, and may not abuse their powers or seek for their own interests.

Article 30 The State Administration for Commodity Inspection and the commodity inspection authorities shall establish and improve the internal supervision system to supervise and inspect the law enforcement carried out by their functionary.

The duties of the posts within the commodity inspection authorities responsible for accepting the inspection applications, inspecting, issuing the certificates and releasing, etc. shall be defined definitely, and shall be separated from each other and restrict each other.

Article 31 Any entity or individual shall have the right to charge against or impeach the illicit acts or the acts against the disciplines of the State Administration for Commodity Inspection, the commodity inspection authorities and the functionary thereof. The organs that receive the charges and impeaches shall investigate and punish the acts without delay according to the division of their powers and duties, and shall keep secret for the persons filing the charges and impeaches.

Chapter V Legal Responsibility

Article 32 If anyone, in violation of the provisions of this Law, purposely markets or uses import commodities which are subject to compulsory inspection by the commodity inspection authorities without having such commodities inspected, or purposely exports export commodities which are subject to compulsory inspection by the commodity inspection authorities without having such commodities inspected and proved up to standard, the illegal gains shall be confiscated by the commodity inspection authorities, and a fine of not less than 5% but not more than 20% of the value of the commodities shall be imposed on; if a crime has been constituted, the criminal responsibilities shall be investigated for.

Article 33 If anyone imports or exports the commodities that are mixed with mess and fake matters, the fake commodities that are taken as real ones and the substandard commodities that are taken as good ones, or imitates the disqualified import and export commodities as the qualified ones, the commodity inspection authorities shall order him to stop the imports or exports, confiscate the illegal gains and impose on him a fine of not less than 50% but not more than 3 times of the value of the commodities; if a crime has been constituted, the criminal responsibilities shall be investigated for.

Article 34 If anyone falsifies, remakes, trades or steals the certificates or documents, seals or stamps, marks, sealing or quality certification marks, he shall be investigated for the criminal responsibility; if the circumstances are not serious enough for criminal punishments, the commodity inspection authority and the certification and accreditation administrative department shall order the offender to take corrective action according to their respective duties, confiscate his illegal gains and impose on him a fine below the amount equivalent to the value of the commodities.

第二十八条 当事人对商检机构、国家商检部门作出的复验结论不服或者对商检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。

第二十九条 国家商检部门和商检机构履行职责，必须遵守法律，维护国家利益，依照法定职权和法定程序严格执法，接受监督。

国家商检部门和商检机构应当根据依法履行职责的需要，加强队伍建设，使商检工作人员具有良好的政治、业务素质。商检工作人员应当定期接受业务培训和考核，经考核合格，方可上岗执行职务。

商检工作人员必须忠于职守，文明服务，遵守职业道德，不得滥用职权，谋取私利。

第三十条 国家商检部门和商检机构应当建立健全内部监督制度，对其工作人员的执法活动进行监督检查。

商检机构内部负责受理报检、检验、出证放行等主要岗位的职责权限应当明确，并相互分离、相互制约。

第三十一条 任何单位和个人均有权对国家商检部门、商检机构及其工作人员的违法、违纪行为进行控告、检举。收到控告、检举的机关应当依法按照职责分工及时查处，并为控告人、检举人保密。

第五章 法律责任

第三十二条 违反本法规定，将必须经商检机构检验的进口商品未报经检验而擅自销售或者使用的，或者将必须经商检机构检验的出口商品未报经检验合格而擅自出口的，由商检机构没收违法所得，并处货值金额百分之五以上百分之二十以下的罚款；构成犯罪的，依法追究刑事责任。

第三十三条 进口或者出口属于掺杂掺假、以假充真、以次充好的商品或者以不合格进出口商品冒充合格进出口商品的，由商检机构责令停止进口或者出口，没收违法所得，并处货值金额百分之五十以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

第三十四条 伪造、变造、买卖或者盗窃商检单证、印章、标志、封识、质量认证标志的，依法追究刑事责任；尚不够刑事处罚的，由商检机构、认证认可监督管理部门依据各自职责责令改正，没收违法所得，并处货值金额等值以下的罚款。

Article 35 If the functionary of the State Administration for Commodity Inspection, or the commodity inspection authorities, in violation of the provisions of this Law, divulge the commercial secrets they know, they shall be given administrative punishments, and the illegal gains shall be confiscated if there is any; if a crime has been constituted, the criminal responsibility shall be investigated for.

Article 36 Any functionary of the State Administration for Commodity Inspection or of the commodity inspection authorities who abuses his power and intentionally create difficulties, commits irregularities for the benefit of his relatives or friends, falsifies inspection results or fails to conduct inspection and issue a certificate within the time limit shall be given administrative sanction; if a crime has been constituted, his criminal responsibility shall be investigated according to law.

Chapter VI Supplementary Provisions

Article 37 The commodity inspection authorities and other inspection organizations shall collect fees according to the relevant provisions of the State for carrying out inspection or performing inspection appraisal services in accordance with the provisions of this Law.

Article 38 The State Council shall formulate the Regulations for the Implementation according to this Law.

Article 39 This Law shall come into force on Aug. 1, 1989.

第三十五条 国家商检部门、商检机构的工作人员违反本法规定，泄露所知悉的商业秘密的，依法给予行政处分，有违法所得的，没收违法所得；构成犯罪的，依法追究刑事责任。

第三十六条 国家商检部门、商检机构的工作人员滥用职权，故意刁难的，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；构成犯罪的，依法追究刑事责任。

第六章 附 则

第三十七条 商检机构和其他检验机构依照本法的规定实施检验和办理检验鉴定业务，依照国家有关规定收取费用。

第三十八条 国务院根据本法制定实施条例。

第三十九条 本法自1989年8月1日起施行。

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