

**马耳他共和国农业、渔业和动物权益部与  
中华人民共和国海关总署  
关于马耳他输华野生动物源性水产品的  
检验和卫生要求议定书**

马耳他共和国农业、渔业和动物权益部（MAFA）和中华人民共和国海关总署（GACC）经友好协商，就马耳他输华野生动物源性水产品的检验检疫和卫生要求达成一致如下：

**第一条**

马耳他共和国农业、渔业和动物权益部（以下简称“马方”）和中华人民共和国海关总署（以下简称“中方”）分别是本议定书的马耳他和中国执行机关。

**第二条**

本议定书所称的野生动物源性水产品，是指野生的、供人类食用的水生动物产品及其制品，不包括两栖类、爬行类、水生哺乳动物类、《濒危野生动植物种国际贸易公约》附录和中国《国家重点保护野生动物名录》所列物种、活水生动物。

**第三条**

向中国出口野生动物源性水产品的生产企业（包括生产、加工、贮存企业），应获马耳他官方批准并受其有效监督。生产企业的食品安全卫生管理和防护体系应当符合中国食品安全相关法律

法规的要求。

根据《中华人民共和国食品安全法》及其实施条例、《中华人民共和国进出境动植物检疫法》及其实施条例，向中国出口野生动物源性水产品的生产企业应当由马方向中方推荐注册。未经注册，不得向中国出口。

#### 第四条

马方应确保输华野生动物源性水产品符合以下条件：

（一）在本国或国际水域合法捕捞并符合 ICCAT（大西洋金枪鱼国际养护委员会）规则。

（二）原料及产品均不存在本议定书第六条所涉及的情况。

（三）未直接或间接使用中国禁用的药物或添加剂，按规定使用中国限用或允许使用的药物或添加剂。

（四）经主管部门检验检疫，未发现中国法律法规中列明的致病微生物、有毒有害物质和异物，未发现《中华人民共和国进出境动物检疫疫病名录》中列明的和世界动物卫生组织（WOAH）规定的必须通报的任何传染病、寄生虫病和水生动物疫病。

（五）生产过程（包括捕捞、生产加工、包装、贮存、运输、中转和出口等）均应符合中国相关安全卫生要求和可追溯要求。

（六）产品的包装、标签标识应当符合中国食品安全国家标准和进口食品安全管理相关规定。

## 第五条

马方负责按照中方的要求，对输华野生动物源性水产品实施检验检疫，并对向中国出口的每批野生动物源性水产品出具经双方确认的卫生证书，证明该批产品符合中国食品安全相关法律法规的有关规定。证书用中文、英文印制（填写证书时英文为必选语言）。

卫生证书应完整填写输华野生动物源性水产品生产企业的信息。马方应及时将证书样本和官方印章提供中方备案。如有变更，马方应至少在生效前一个月向中方备案。

## 第六条

当发生以下情况时：

（一）马耳他已输华或拟输华野生动物源性水产品严重违反中国食品安全相关法律法规以及本议定书规定。

（二）马耳他境内发生《中华人民共和国进境动物检疫疫病名录》中列明的和世界动物卫生组织（WOAH）规定的必须通报的与本议定书产品相关的水生动物疫病，已经严重影响输华野生动物源性水产品安全。

（三）马耳他境内发生重大食品安全事件，或生产企业发生重大公共卫生事件，或捕捞水域受到污染物影响，已经严重影响输华野生动物源性水产品安全。

马方应当立即停止相应生产企业、捕捞区域甚至全国所有的野生动物源性水产品输华，召回问题产品和存在潜在风险的产品，并向中方通报，提供事件调查、处置情况及下一步控制措施

等详细信息。经双方协商且中方确认上述风险已经消除或降到可控范围后，方可恢复产品输华。

### 第七条

中国海关将依照中国法律法规、标准和本议定书对输华野生动物源性水产品实施检验检疫。

对于不合格产品，实施销毁、退运、或其他处理。对发生严重问题或多次发生不合格问题的生产企业，中方可采取加强检验检疫或暂停进口等措施。

### 第八条

马方应确保其食品安全管理体系持续有效，并符合中国法律法规和食品安全国家标准，以及中国缔结或参加的国际条约、协定的相关特殊要求。

中方根据需要可组织专家组对马耳他食品安全管理体系实施回顾性评估和审查，可采取视频检查或者现场检查等方式。对发现的问题可以要求马耳他相关主管部门及相关企业实施整改，马耳他应当为评估和审查提供必要的协助。

### 第九条

本议定书自双方签字之日起生效，有效期5年。有效期届满6个月前，如果一方未书面通知另一方修改或终止本议定书，则本议定书有效期自动延长5年。

经双方书面同意，本议定书可以修订，修订部分应自双方签

字之日起生效，修订部分应作为本议定书的组成部分。一方可以书面通知另一方终止本议定书。本议定书的效力自另一方收到书面通知之日起6个月后终止。除非双方另有约定，本议定书的终止不应影响任何正在执行的项目、计划或活动，直至其结束为止。

执行本议定书所产生的、或与之相关的任何分歧或争议双方应友好协商解决。

#### 第十条

本议定书于\_\_\_\_\_年\_\_\_\_\_月\_\_\_\_\_日在\_\_\_\_\_签订，一式两份，每份都用英文、中文写成，两种文本具有同等的法律效力。

马耳他共和国

农业、渔业和动物权益部

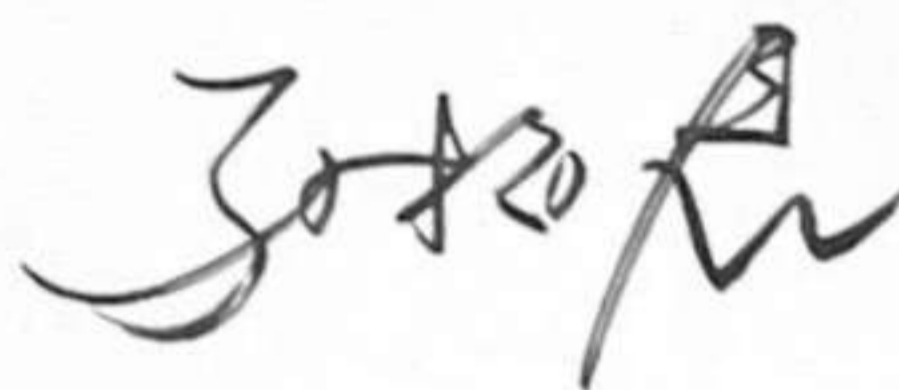
代表



中华人民共和国

海关总署

代表



**PROTOCOL ON INSPECTION AND SANITARY REQUIREMENTS  
FOR FISHERY PRODUCTS PRODUCED FROM WILD AQUATIC  
ANIMALS TO BE EXPORTED FROM  
THE REPUBLIC OF MALTA TO  
THE PEOPLE'S REPUBLIC OF CHINA  
BETWEEN THE MINISTRY FOR AGRICULTURE, FISHERIES  
AND ANIMAL RIGHTS OF THE REPUBLIC OF MALTA AND  
THE GENERAL ADMINISTRATION OF CUSTOMS OF  
THE PEOPLE'S REPUBLIC OF CHINA**

The Ministry for Agriculture, Fisheries and Animal Rights of the Republic of Malta (referred to as MAFA) and the General Administration of Customs of the People's Republic of China (referred to as GACC), through friendly consultations have concluded the following agreement on inspection and sanitary requirements of fishery products produced from wild aquatic animals caught by Maltese operators to be exported from Malta to China:

**Article 1**

In implementing this Protocol, the Ministry for Agriculture, Fisheries and Animal Rights of the Republic of Malta (hereinafter referred to as Maltese Party) and the General Administration of Customs of the People's Republic of China (hereinafter referred to as Chinese Party) work as the competent authority of Malta and China, respectively.

**Article 2**

The fishery products produced from wild aquatic animals in this Protocol refer to wild aquatic animals and their processed products, which are fit for human consumption. However amphibians, reptiles, aquatic mammals, the species of which are included in the appendices of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* or in the list of *National Key Protected Wild Animals in China*, the live aquatic animals, and the reproductive material of aquatic animals are not covered .

**Article 3**

The establishment, including the establishments of production, processing, and storage, which intends to export fishery products produced from wild aquatic

animals to China shall be approved, where relevant and effective supervision of the competent authorities of Malta and its food safety, sanitation, and protection system shall be in compliance with the requirements of relevant laws and regulations of China on food safety.

The establishments which intend to export fishery products produced from wild aquatic animals to China shall be recommended by Maltese Party to Chinese Party for registration according to *the Food Safety Law of the People's Republic of China and its implementing regulation, Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine and its implementing regulation*. The fishery products produced from wild aquatic animals from establishments without registration are not allowed to be exported to China.

#### **Article 4**

Maltese Party shall officially confirm that fishery products produced from wild aquatic animals exported to China meet the following requirements:

- (i) The wild aquatic products have been captured in domestic or international waters legally in compliance with ICCAT rules.
- (ii) The raw materials and products are free from the situations mentioned in Article 6 of this Protocol.
- (iii) No drugs or additives prohibited by China are used directly or indirectly, and drugs or additives restricted or allowed by China shall be used according to the regulations.
- (iv) All wild aquatic products inspected and quarantined by the Competent Authority shall be free from pathogenic microorganism, toxic and harmful substances and foreign substances prescribed in the laws and regulations of China, and infectious disease, parasitic disease and the aquatic animal diseases listed in the *List of Quarantine Diseases for the Animals Imported to the People's Republic of China* or required to be reported to WOAHA.
- (v) The whole process of the fishery products produced from wild aquatic animals, including fishing, processing, packaging, storage, transportation, transfer and exporting, shall meet the safety health and traceability requirements of China.
- (vi) The packaging and the label of the fishery products produced from wild aquatic animals shall meet the national food safety standards and the requirements of the regulation on import food safety of China.

#### Article 5

In accordance with requirements of Chinese Party, Maltese Party shall be responsible for the inspection and quarantine of the fishery products produced from wild aquatic animals intended to be exported to China and shall issue one(1) Health Certificate for each batch of fishery products produced from wild aquatic animals, the content of which has been mutually determined in advance by both parties to certify that the products comply with the relevant laws and regulations on food safety of China. The certificate shall be typed in Chinese and English, and English is the affirmatively chosen language when filling in the Certificate. The information of the establishments exporting to China shall be included in the certificate. For record purposes, Maltese Party shall provide Chinese Party with samples of the certificate and official stamp. If there are any modifications or adjustments, Maltese Party shall notify Chinese Party at least one (1) month prior to the changes coming into effect.

#### Article 6

If any of the following occur:

- (i) The fishery products produced from wild aquatic animals exported and to be exported to China seriously violate the laws and regulations of China regarding food safety, and the provisions in this Protocol;
- (ii) Outbreaks of aquatic animal diseases associated with fishery products produced from wild aquatic animals in this Protocol, which are on the *List of Quarantine Diseases for the Animals Imported to the People's Republic of China* or required to be reported to WOAHP, occur in Malta, and have seriously affected the safety of the fishery products from wild aquatic animals exported to China;
- (iii) Any major food safety incident occurs in Malta, significant public health event occurs in an establishment or fishing area affected by contaminants has impacted the safety of fishery products produced from wild aquatic animals exported to China;

Maltese Party shall immediately stop the fishery products produced from wild aquatic animals from being exported to China, which originate from the corresponding establishments, regions or even the whole country, recall products with problems or potential risks, inform Chinese Party, and provide the details about the incident investigation, disposal and further control measures to Chinese Party. A negotiation could be conducted between Chinese Party and Maltese Party. Only when Chinese Party confirms that risks have been eliminated or

reduced to a controllable range, can the products be exported to China again.

#### **Article 7**

China customs implement inspection and quarantine measures on fishery products produced from wild aquatic animals exported to China, according to the Chinese laws, regulations, standards and this Protocol.

For unqualified products, actions including destruction, rejection and other measures shall be imposed. Those establishments whose products have been found out with serious or repeated unqualified problems shall be subjected to intensified inspection and quarantine or shall be suspended from exporting to China.

#### **Article 8**

Maltese Party shall guarantee that its food safety management systems are consistently effective and meet the requirements of laws, regulations and national food safety standards of China, as well as relevant special requirements in accordance with any international treaty or agreement entered into or acceded to by China.

Chinese Party may organize expert missions to carry out retrospective assessment and review of food safety management system of Malta, which can be conducted by video inspection or on-site inspection. The relevant competent authority of Malta and relevant establishments may be required to take corrective action on any problem discovered. Malta shall provide the necessary assistance for assessment and examination.

#### **Article 9**

This Protocol shall enter into force on the date of its signature by both Parties and shall remain valid for a period of five (5) years. Six (6) months before the due date of this Protocol, if none of the Parties notifies the other of its intention to amend or terminate it, this Protocol shall be automatically renewed for further periods of five (5) years.

This Protocol may be amended by the mutual written consent of the Parties. Any such amendments shall enter into force on the date of their signature by both Parties and shall form an integral part of this Protocol. If one Party wishes to terminate this Protocol by giving written notice to the other Party, this Protocol shall become invalid six (6) months from the date on which the other Party receives such written notice. Unless the Parties agree otherwise, termination of

this Protocol shall not affect any ongoing projects, programs, or activities until their completion.

The Parties shall seek to settle amicably any differences or disputes arising from or relating to the implementation of this Protocol.

**Article 10**

Done at \_\_\_\_\_, on the date of \_\_\_\_\_, in duplicate copies, each in the English and Chinese languages, both texts being equally authentic.

**On behalf of  
The Ministry for Agriculture,  
Fisheries and Animal Rights of  
The Republic of Malta**



**On behalf of  
The General Administration of  
Customs of  
The People's Republic of China**

