

**PROTOCOL ON INSPECTION, QUARANTINE AND SANITARY REQUIREMENTS
FOR HAZELNUT AND ALMOND EXPORTED FROM REPUBLIC OF AZERBAIJAN
TO PEOPLE'S REPUBLIC OF CHINA BETWEEN THE FOOD SAFETY AGENCY OF
THE REPUBLIC OF AZERBAIJAN AND THE GENERAL ADMINISTRATION OF
CUSTOMS OF THE PEOPLE'S REPUBLIC OF CHINA**

In order to ensure the safe export of hazelnut and almond from the Republic of Azerbaijan to the People's Republic of China, and to protect the health of consumers and to safeguard the safety of agricultural production and ecology and environment in the People's Republic of China, in accordance with the principles of the World Trade Organization's (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and based on the assessment of the food safety management system and the pest risk analysis, the Food Safety Agency of the Republic of Azerbaijan (hereinafter referred to as the "Azerbaijani side") and the General Administration of Customs of the People's Republic of China (hereinafter referred to as the "Chinese side") have reached, through friendly negotiations, the following protocol (hereinafter referred to as the "Protocol") on the inspection, quarantine and sanitary requirements for hazelnut and almond exported from Republic of Azerbaijan to People's Republic of China:

Article 1

For the purposes of this Protocol, hazelnut refers to unroasted hazelnut (*Corylus avellana* L) and almond (*Prunus dulcis*) prepared through processes such as selection, drying and shelling, using the ripe fruits grown in the territory of Azerbaijan as raw materials for human consumption.

Article 2

Hazelnut and almond exported from the Republic of Azerbaijan to People's Republic of China shall meet the requirements of the People's Republic of China's laws and regulations on plant quarantine and food safety, and national food safety standards and the Protocol.

Hazelnut exported from the Republic of Azerbaijan to the People's Republic of China shall be free of the following quarantine pests of concern to the People's Republic of China: *Hyphantria cunea* and *Curculio nucum*. Almond exported from the Republic of Azerbaijan to the People's Republic of China shall be free of the following quarantine pests of concern to the People's Republic of China: *Hyphantria cunea* and *Monilinia fructicola*.

Hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China shall be free of live insects, insect eggs, soil, weeds (including the seeds), plant residues and other impurities such as metals or gravels.

Article 3

The Azerbaijani side shall guide and supervise the entire process from the plantation of raw materials to production, processing, storage, transportation and export of hazelnut and almond to be exported to the People's Republic of China to make sure that it complies with the relevant food safety and phytosanitary requirements of the Republic of Azerbaijan and the People's Republic of China and is not contaminated by pathogenic microorganisms or toxic or harmful substances.

The Azerbaijani side shall implement an annual food safety risk monitoring plan for hazelnut and almond exported from the Republic of Azerbaijan to People's Republic of China in accordance with international principles such as the *International Food Standard-Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995)*; and shall guide and supervise the relevant enterprises exporting hazelnut and almond to the People's Republic of China to take integrated pest control measures, including pest monitoring, comprehensive control and post-harvest treatment and keep relevant records.

At the request of the Chinese side, the Azerbaijani side shall provide the Chinese side with the information on the above-mentioned food safety risk monitoring and pest monitoring and control.

Article 4

Raw materials for hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China shall be sourced from hazel tree or almond tree cultivation and production enterprises verified by the Azerbaijani side that meet the requirements for plant quarantine and food safety.

Article 5

The Azerbaijani side shall inspect the production, processing and storage facilities of hazelnut and almond to be exported from the Republic of Azerbaijan to the People's Republic of China in accordance with the requirements of the Chinese side for the registration of overseas production enterprises in terms of imported food products and shall recommend qualified enterprises to the Chinese side for registration.

Only after registration can the enterprises export their products to the People's Republic of China.

Article 6

Hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China shall be packaged in new, clean, hygienic and ventilated materials that

meet the food safety and phytosanitary requirements, and protecting from spilling during transportation. Each package shall be marked in Azerbaijani, Chinese or English with "This product is being exported to the People's Republic of China" and traceable information, such as the name of the product, expiration date, the place of origin, the production or processing enterprise's name and registration number in the People's Republic of China, and the name and address of the exporter. The above information may be affixed to any package in the form of label.

Article 7

Before shipment of the hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China, its means of transportation shall be inspected by the Azerbaijani side. All means of transportation shall meet the hygiene requirements and be free from any quarantine pest or other regulated articles, such as weeds (including seeds), live insects, plant residues, soil and other impurities.

Article 8

During the process of quarantine supervision by the Azerbaijani side, if any pest listed in Article 2 of this Protocol is found in hazelnut and almond to be exported from the Republic of Azerbaijan to the People's Republic of China the Azerbaijani side shall immediately suspend exporting any hazelnut and almond from corresponding production, processing and storage facilities to China, take integrated control measures and notify the Chinese side. After being assessed as qualified by the Chinese side, hazelnut and almond from the corresponding enterprises can be exported to the People's Republic of China.

During the process of inspection and supervision by the Azerbaijani side, if any non-compliance with the national food safety standards of the People's Republic of China is found in hazelnut and almond to be exported to the People's Republic of China, the corresponding products shall not be exported to the People's Republic of China.

Article 9

Before export, the Azerbaijani side shall issue a phytosanitary certificate for hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China that meets the requirements of this Protocol upon inspection and quarantine. In the additional declaration column of the phytosanitary certificate, the information on production or processing enterprise's name and registration number in the People's Republic of China and "The consignment certified by this phytosanitary certificate complies with the provisions of the Protocol between the Food Safety Agency of Republic of Azerbaijan and the General Administration of Customs of the People's Republic of China on Inspection, Quarantine and Sanitary Requirements for Hazelnut and Almond Exported from the Republic of Azerbaijan to the People's Republic of China signed by

both sides on XXXX (date), 20XX in XX (location). The consignment is free from *Hyphantria cunea*, *Curculio nucum*, *Monilinia fructicola* and other quarantine pests of concern to the People's Republic of China" shall be indicated.

The content and format of the phytosanitary certificate shall be confirmed by both sides in advance.

Article 10

Upon arrival of hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China at a Chinese port of entry, Customs of the People's Republic of China will implement inspection and quarantine supervision. Only qualified hazelnut and almond shall be released into the People's Republic of China.

Article 11

Once the Chinese side finds that any hazelnut and almond exported from the Azerbaijan Republic to the People's Republic of China's violates the requirements of the People's Republic of China's laws and regulations on food safety and plant quarantine, and the national food safety standards and the Protocol, the Chinese side shall deal with it in accordance with the relevant laws and regulations of the People's Republic of China and notify the Azerbaijani side of the violation and measures taken.

Based on the information provided by the Azerbaijani side in accordance with Article 3 and Article 8 of this Protocol and the non-compliance of hazelnut and almond exported from the Republic of Azerbaijan to the People's Republic of China reported by local Customs, the Chinese side may re-assess the risks. When necessary, the Chinese side will send experts to the Republic of Azerbaijan for on-site inspections. Any cost of the on-site inspections shall be resolved through consultation between both sides. The Azerbaijani side shall be responsible for issuing invitations, assisting in making travel arrangements and accompanying the experts in such inspections.

Article 12

Any disagreements that may arise from the interpretation and implementation of this Protocol shall be resolved through friendly negotiations between both sides.

Article 13

This Protocol is not an international treaty and does not create any rights or obligations governed by international law.

The Protocol may be amended or supplemented with the written consent of both sides.

Article 14

This Protocol shall be effective as the date of signature and shall be valid for 5 years.

Thereafter, the Protocol shall be automatically extended for the 5 years, unless either side terminates the Protocol by written notice to the other side. Where either side terminates the Protocol by written notice to other side, the Protocol shall expire 6 months after the date of receipt of such written notice by the other side.

The Protocol is signed at ____ on ____ in duplicate, each in Azerbaijani, Chinese and English, being equally authentic. In the case of any discrepancy in the interpretation of the texts, the English text shall prevail.

For

the Food Safety Agency of the
Republic of Azerbaijan



For

the General Administration of
Customs of the
People's Republic of China

