

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

No. 248

The Regulations of the People's Republic of China on the Registration and Administration of Imported Food Overseas Production Enterprises was deliberated and approved at the administrative meeting of the GACC on March 12, 2021. Now it is hereby announced and will be implemented from January 1, 2022. The order No. 145 of the former AQSIQ was promulgated on March 22, 2012, and the provisions on *the Registration and Administration of Imported Food Overseas Production Enterprises* amended according to the order No. 243 of the GACC on November 23, 2018 shall be abolished at the same time.

Director Ni Yuefeng
April 12, 2021

The Provisions of the People's Republic of China on the Registration and Administration of Imported Food Overseas Production Enterprises

Chapter I General Provisions

Article 1 In order to strengthen the Registration and Administration of Imported Food Overseas Production Enterprises, according to *the Food Safety Law of the People's Republic of China* and its implementing regulations, *Import and Export Commodity Inspection Law of the People's Republic of China* and its implementing regulations, *Entry-Exit Animal and Plant Quarantine Law of the People's Republic of China* and its implementing regulations, *Special Regulations of the State Council on Strengthening Safety Supervision and Administration of Food and Other Products*, other laws and administrative regulations, these Provisions are formulated.

Article 2 These Provisions shall apply to the registration and administration of overseas production, processing and storage enterprises that export food to China (hereinafter collectively referred to as Imported Food Overseas Production Enterprises).

Imported Food Overseas Production Enterprises specified in the preceding paragraph do not include production, processing and storage enterprises of food additives and food-related products.

Article 3 The GACC shall be uniformly responsible for the Registration and Administration of Imported Food Overseas Production Enterprises.

Article 4 The Imported Food Overseas Production Enterprises shall obtain the registration of the GACC.

Chapter II Registration Conditions and Procedures

Article 5 The registration conditions for the Imported Food Overseas Production Enterprises:

(a) The food safety management system of the country (region) where it is located has passed the equivalence assessment and examination of the GACC;

(b) Approved by the competent authority of the country (region) where it is located and under its effective supervision;

(c) Establish an effective food safety and health management and protection system, legally produce and export in the country (region) where it is located, and ensure that the food exported to China complies with relevant Chinese laws, regulations and national food safety standards;

(d) Comply with the relevant inspection and quarantine requirements agreed by the GACC and the competent authorities of the country (region) where it is located.

Article 6 The registration methods of the Imported Food Overseas Production Enterprises include the recommendation of the competent authorities of the country (region) where they are located and the application for registration of enterprises.

The GACC, based on the analysis of the raw material sources, production and processing technology, food safety historical data, consumer groups, eating methods and other factors of food, and in combination with international practice, determines the registration methods and application materials of Imported Food Overseas Production Enterprises.

After risk analysis or evidence shows that the risks of certain foods have changed, the GACC may adjust the registration methods and application materials of the Overseas Food Production Enterprises.

Article 7 The Overseas Production Enterprises of the following foods shall be recommended for registration by the competent authorities of the countries (regions) where they are located to the GACC: Meat and meat products, casings, aquatic products, dairy products, bird's nest and bird's nest products, bee products, eggs and egg products, edible fats and oils, stuffed pasta, edible cereals, cereal milling industrial products and malt, fresh-keeping and dehydrated vegetables, dried beans, seasonings, nuts and seeds, dried fruits,

unbaked coffee beans and cocoa beans, special dietary foods and health foods Product.

Article 8 The competent authority of the country (region) where it is located shall examine and verify the enterprises recommended for registration, and after confirming that they meet the registration requirements, recommend registration to the GACC and submit the following application materials:

(a) The recommendation letter from the competent authority of the country (region) where it is located;

(b) The list of enterprises and the application for enterprise registration;

(c) The identity certificate of the enterprise, such as the business license issued by the competent authority of the country (region) where it is located;

(d) The statement that the competent authorities of the country (region) where they are located recommend the enterprise to meet the requirements of these Provisions;

(e) The examination report of the competent authority of the country (region) where it is located on the examination and inspection of the relevant enterprises.

When necessary, the GACC may require the provision of enterprise food safety, hygiene and protection system documents, such as the plan of enterprise factory area, workshop and cold storage, as well as the process flow chart, etc.

Article 9 Overseas Food Production Enterprises other than the foods listed in Article 7 of these Provisions shall apply for registration to the GACC by itself or by entrusting an agent and submit the following application materials:

(a) Application for enterprise registration;

(b) The identity certificate of the enterprise, such as the business license issued by the competent authority of the country (region);

(c) The statement that the enterprise promises to meet the requirements of these Provisions.

Article 10 The application for enterprise registration shall include the name of the enterprise, country (region), address of production site, legal representative, contact person, contact information, registration number approved by the competent authority of the country (region) , the type of

food to be registered, the type of production, the production capacity and other information.

Article 11 Registration application materials should be submitted in Chinese or English. If the relevant country (region) and China have agreed otherwise on the registration method and application materials, the agreement shall be implemented in accordance with the agreement between the parties.

Article 12 The competent authority of the country (region) or the Imported Food Overseas Production Enterprises shall be responsible for the authenticity, completeness and legality of the submitted materials.

Article 13 The GACC shall organize an assessment team on its own or entrust relevant institutions to pass written inspection, video inspection, on-site inspection and other forms and their combinations, to apply for registration of Imported Food Overseas Production Enterprises to implement the assessment review. The assessment team consists of more than 2 assessment reviewers.

Imported Food Overseas Production Enterprises and the competent authorities of the countries (regions) where they are located shall assist in carrying out the above assessment and examination work.

Article 14 The GACC shall, according to the assessment and examination, register the Imported Food Overseas Production Enterprises that meet the requirements and give the registration number in China, and notify the competent authorities of the country (region) or the Imported Food Overseas Production Enterprise in writing; Imported Food Overseas Production Enterprises that do not meet the requirements shall not be registered, notify the competent authority of the country (region) or the Imported Food Overseas Production Enterprises in writing.

Article 15 When a registered enterprise exports food to China, it shall mark the registration number in China or the registration number approved by the competent authority of the country (region) where it is located on the inner and outer packaging of the food.

Article 16 The registration period of an Imported Food Overseas Production Enterprises is 5 years.

The GACC shall, when registering an Imported Food Overseas Production Enterprise, determine the starting and ending dates of the validity period of the registration.

Article 17 The GACC shall uniformly publish the list of registered Imported Food Overseas Production Enterprises.

Chapter III Registration Administration

Article 18 The GACC shall, by itself or by entrusting relevant organizations, organize an assessment team to review whether Imported Food Overseas Production Enterprises continuously meet the registration requirements. The assessment team consists of more than 2 assessment reviewers.

Article 19 If there is any change in the registration information of an Imported Food Overseas Production Enterprise within the validity period of registration, an application for change shall be submitted to the GACC through the application for registration, and the following materials shall be submitted:

- (a) The registration information change table;
- (b) The certification materials related to the change information.

If the GACC considers that it can be changed after evaluation, it shall be changed.

If the production place is relocated, the legal representative is changed or the registration number granted by the country (region) where it is located is changed, it shall re-apply for registration, and the registration number in China will automatically become invalid.

Article 20 If Imported Food Overseas Production Enterprises need to renew their registration, it shall apply to the GACC for renewal of registration through the registration application channel within 3 to 6 months before the expiration of the registration validity period.

The application materials for renewal of registration include:

- (a) Application for renewal of registration;
- (b) A statement of commitment to continuously meet the registration requirements.

The GACC shall renew the registration of enterprises that meet the registration requirements, and the validity period of registration shall be extended for 5 years.

Article 21 In case of any of the following circumstances, the GACC shall cancel its registration, notify the competent authority of the country (region) where it is located or Imported Food Overseas Production Enterprise, and make it public:

(a) Failing to apply for renewal of registration as required;

(b) The competent authority of the country (region) or the Imported Food Overseas Production Enterprise actively applies for cancellation;

(c) No longer meet the requirements of Article 5 (b) of these Provisions.

Article 22 The competent authorities of the countries (regions) where the Imported Food Overseas Production Enterprises are located shall exercise effective supervision over the registered enterprises, urge the registered enterprises to continuously meet the registration requirements. If they find that they do not meet the registration requirements, they shall immediately take control measures and suspend the relevant enterprises from exporting food to China until the rectification meets the registration requirements.

When an Imported Food Overseas Production Enterprise finds that it does not meet the registration requirements, it shall take the initiative to suspend the export of food to China and immediately take corrective measures until the rectification meets the registration requirements.

Article 23 If the GACC finds that the registered Imported Food Overseas Production Enterprise no longer meet the registration requirements, it shall order them to make rectification within the prescribed time limit, suspend the food import of relevant enterprises during the rectification period.

If the import of an enterprise recommended for registration by the competent authority of the country (region) is suspended, the competent authority shall supervise the relevant enterprises to complete rectification within the prescribed time limit, submit a written rectification report and a written statement meeting the registration requirements to the GACC.

If an enterprise applying for registration by itself or by entrusting an agent is suspended from import, it shall complete rectification within the prescribed time limit, and submit a written rectification report and a written statement meeting the registration requirements to the GACC.

The GACC shall review the rectification of enterprises, resume the food import of relevant enterprises if they pass the examination.

Article 24 The GACC shall revoke its registration and make a public

announcement in case of any of the following circumstances:

(a) Major food safety accidents occurred in imported food due to the enterprise's own reasons;

(b) The food exported to China is found to have food safety problems in the entry inspection and quarantine, and the circumstances are serious;

(c) There are major problems in the food safety and hygiene management of the enterprise, and it is impossible to guarantee that the food exported to China meets the safety and hygiene requirements;

(d) After rectification, it still does not meet the registration requirements;

(e) Providing false materials and concealing relevant information;

(f) Refusing to cooperate with the GACC to carry out re-examination and accident investigation;

(g) Lease, lend, transfer, resell or fraudulently use the registration number.

Chapter IV Supplementary Provisions

Article 25 If an international organization or the competent authority of a country (region) that exports food to China issues an epidemic report, or if the relevant food finds serious problems such as epidemic situation and public health incident during the entry inspection and quarantine, the GACC shall announce to suspend the import of relevant food from that country (region), and the application for registration of relevant food production enterprises in that country (region) shall not be accepted during this period

Article 26 The competent authority of the country (region) in these Provisions refers to the official department responsible for the safety and health supervision of food production enterprises in the country (region) where the imported food production enterprises are located.

Article 27 The GACC shall be responsible for the interpretation of these Provisions.

Article 28 The provisions shall come into effect on January 1, 2022. The order No. 145 of the former AQSIQ was promulgated on March 22, 2012, and the provisions on *the Provisions and Administration of Imported Food Overseas Production Enterprises* amended according to the order No. 243 of the GACC on November 23, 2018 shall be abolished at the same time.