**Interpretation of the Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food**

**Part I General introduction**

Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (General Administration of Customs Order No. 248) was deliberated, adopted and promulgated at the executive meeting of the General Administration of Customs on March 12, 2021, and shall come into force as of January 1, 2022. On March 22, 2012, the former order No. 145 of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China was promulgated, and the provisions on the administration of the registration of overseas production enterprises of imported food, as amended by order No. 243 of the General Administration of Customs on November 23, 2018, shall be repealed at the same time.

The revised and promulgated Regulations of the People’s Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (General Administration of Customs Order No. 248) is a major measure taken by the General Administration of Customs to fully implement the “four strictest” requirements of General Secretary Xi Jinping on food safety. Fully implement the specific measures of the Party Central Committee and the State Council's "Opinions on Deepening Reform and Strengthening Food Safety Work", "Healthy China 2030" Planning Outline" and other specific measures, which are new achievements in comprehensively advancing the construction of "five gates" and strengthening the supervision of imported food safety.

1. The necessity of revision Imported food safety concerns the health and life safety of the people and is a major livelihood issue. The registration management system for overseas production enterprises of imported food began as early as 1999. In 2002, the Regulations on Registration and Management of Foreign Production Enterprises of Imported Food (formerly Order No. 16 of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China) was issued and implemented for the first time. In 2009, in accordance with the "Food Safety Law of the People's Republic of China" issued for the first time, the original "Regulations on the Registration and Administration of Foreign Production Enterprises of Imported Food" (formerly General Administration of Quality Supervision, Inspection and Quarantine Order No. 16) was organized. On May 1, 2012, the "Regulations on the Registration and Administration of Imported Food Overseas Production Enterprises" (formerly Order No. 145 of the General Administration of Quality Supervision, Inspection and Quarantine of the State Administration of Quality Supervision, Inspection and Quarantine) was formally implemented. Through the implementation of "source management" for overseas food production enterprises, it has played an important role in ensuring food safety and promoting the stable development of trade in China.

With the rapid growth of China's imported food trade and consumers' increasing requirements for imported food safety, the existing provisions can no longer meet the requirements of the current new situation. First, it does not fully reflect article 96 of the Food Safety Law of the People's Republic of China that "overseas food production enterprises exporting food to China shall be registered with the national entry-exit inspection and quarantine department"; Second, there are too many pre reviews of registration applications and insufficient in-process and post supervision, which can not meet the requirements of deepening the reform of "release, management and service" and the actual work of a large number of overseas enterprises' applications; Third, for different types of overseas food production enterprises, the differentiation of management measures is not obvious, and the guidance of "honesty, law-abiding convenience, dishonesty and illegal punishment" is not prominent.

2. Main contents of revision

Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (General Administration of Customs Order No. 248) revised this time has been changed from 23 articles to 28 articles, which are divided into four chapters: "General Provisions", "Conditions and Procedures for Registration", "Registration Management" and "Supplementary Provisions".

(1) Implement the provisions of the Food Safety Law of the People's Republic of China on the registration of overseas food production enterprises exporting food to China.

Expand the registration scope of overseas production enterprises from the food production enterprises listed in the original catalogue for the implementation of the registration of overseas production enterprises of imported food to the full category of food production enterprises specified in the Food Safety Law of the People's Republic of China (Articles 2 and 4), and give full play to the source prevention role of the registration system in the management of imported food safety.

(2) Introduce the risk management principles of the "Food Safety Law of the People's Republic of China" to further enhance the effectiveness of registration management. Based on the analysis of food raw material sources, production and processing technology, food safety historical data, consumer groups, eating methods and other factors, combined with international practices, it is determined that overseas production enterprises of 18 categories of food shall adopt the “officially recommended registration” model (7th Article 8), for overseas production enterprises of foods other than 18 categories, adopt the “self-application by enterprise” model (Article 9) with a relatively simplified procedure. In addition, it is stipulated that the customs can adjust the registration methods and application materials of related enterprises according to the changes in certain types of food risks (Article 6).

(3) Further clarify the main responsibility of the enterprise. It is clarified that enterprises should establish effective food safety and hygiene management and protection systems to ensure that food exported to China meets the requirements (Article 5); when registered enterprises find that they do not meet the registration requirements, they should take the initiative to suspend exports to China and take immediate measures Corrective measures (Article 22).

(4) Clarify the review, recommendation and supervision responsibilities of overseas competent authorities. It is clear that the competent authority of the country (region) where it is located, before recommending the registration of a company to the General Administration of Customs, should review and inspect the company recommended for registration, and confirm that it meets the registration requirements before recommending registration (Article 8). It is clear that the competent authority of the country (region) where it is located should implement effective supervision of registered enterprises, and the responsibility of the overseas competent authority to supervise and urge registered enterprises to continue to meet the registration requirements (Articles 22 and 23).

(5) Clarify the responsibilities of the "applicant". It is clear that the competent authority of the country (region) where it is located or the overseas production enterprise of imported food shall be responsible for the authenticity, completeness and legality of the submitted materials (Article 12).

(6) Further strengthen supervision in-process and post. Summarize the previous experience in the registration and management of overseas production enterprises, supplement and refine the applicable circumstances of registration change, renewal, cancellation and cancellation, and enhance the operability of relevant provisions (Articles 19-21, 24).

(7) Adjust corresponding expressions in accordance with relevant laws and regulations. According to the relevant provisions of the "Food Safety Law of the People's Republic of China", "storage" is changed to "storage", making it clear that this regulation does not include manufacturers engaging in the production, processing, and storage of food additives and food-related products. (Article 2).

3. Revision process

In July 2019, the Import and Export Food Safety Bureau of the General Administration of Customs officially launched the revision of the provisions on the administration of the registration of overseas production enterprises of imported food (promulgated by order No. 145 of the former General Administration of Quality Supervision, Inspection and Quarantine on March 22, 2012 and amended by order No. 243 of the General Administration of Customs on November 23, 2018), and established a revision drafting group. In the process of revision, we followed the requirements of legislative work, widely solicited and carefully listened to the opinions of the customs system and society, absorbed and adopted reasonable suggestions, and comprehensively mastered the current situation, problems, enterprise demands and reform needs of overseas enterprise registration management.

From August to November 2019, it was agreed to optimize and improve the overall idea of the registration management system for overseas production enterprises of imported food. On November 26, 2019, the “Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food (Draft for Solicitation of Opinions)” solicited opinions from the Guangdong Branch, Tianjin and Shanghai Special Administrative Offices, all directly affiliated customs and various departments within the General Administration of Customs. As of December 6, 2019, the Guangdong Branch and the 11 directly affiliated customs have fed back 53 opinions, and the relevant departments within the General Administration of Customs have fed back 7 opinions. From November 26 to December 25, 2019, the official website of the General Administration of Customs issued the "Regulations on the Registration and Management of Overseas Production Enterprises of Imported Food (Draft for Solicitation of Comments)" to solicit public opinions from all parties. Relevant parties in the society put forward a total of 514 relevant comments and suggestions through online messages, emails and written feedback.

From January 2020 to August 2020, the drafting group sorted and summarized 580 opinions according to the opinions and suggestions fed back by relevant departments and bureaus of the General Administration of customs, the customs system and all social parties, analyzed and studied them one by one against the terms, and communicated with relevant parties. Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (Draft for approval) have been sorted out after adopting the reasonable suggestions of all parties and many internal discussions, and submitted to the policy and regulation department of the General Administration of Customs for legislative review.

From November 16, 2020 to January 16, 2021, the General Administration of customs, in accordance with the relevant provisions of the WTO on transparency, completed the Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (Draft) and notified the WTO for comment. The General Administration of Customs organized the study and gave written replies to 14 comments from 12 countries (regions) such as Europe, America and the Asia Pacific.

On April 12, 2021, Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (Order No. 248 of the General Administration of Customs) were officially promulgated and shall enter into force as of January 1, 2022.

**Part II Interpretation**

Article 1 To strengthen the registration management of overseas manufacturers of imported foods, these Regulations are formulated in accordance with provisions of the Food Safety Law of the People's Republic of China and its implementing regulations, the Law of the People's Republic of China on Import and Export Commodity Inspection and its implementing regulations, the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine and its implementation regulations, the Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products Safety, as well as relevant administrative regulations.

[Subject of Article]

This article is about the legislative purpose and legislative basis of this provision.

[Interpretation]

1. Legislative purpose

In order to implement the provisions of the Food Safety Law of the People's Republic of China on the registration of overseas food production enterprises exporting food to China, further strengthen the management of overseas food production enterprises importing food, optimize the registration procedures, clarify the responsibilities of all parties, refine the management requirements, and highlight the management orientation of "sincere compliance with the law, convenience and punishment for breach of faith and violation of law", to give play to the important role of the registration system of overseas production enterprises of imported food in the source control of imported food safety and ensure the safety of imported food, it is necessary to revise the provisions on the administration of the registration of overseas production enterprises of imported food (promulgated by order No. 145 of the former general Administration of quality supervision, inspection and Quarantine on March 22, 2012 and amended by order No. 243 of the General Administration of Customs on November 23, 2018).

2. Legislative basis The "Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food" (General Administration of Customs Order No. 248) (hereinafter referred to as the "Registration Regulations") is based on the "Food Safety Law of the People's Republic of China" and its implementing regulations, and the "People's Republic of China" The Import and Export Commodity Inspection Law and its implementation regulations, the “Entry and Exit Animal and Plant Quarantine Law of the People’s Republic of China” and its implementation regulations, and the “Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products” and other laws and administrative regulations The original regulations have added the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and its implementation regulations, and the "Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products."

Article 96 of the "Food Safety Law of the People's Republic of China" stipulates that "Overseas food production enterprises that export food to China shall be registered by the national entry-exit inspection and quarantine department. Registered overseas food production enterprises provide false materials, or because of their If a major food safety accident occurs in imported food due to its own reasons, the national entry-exit inspection and quarantine department shall cancel the registration and make an announcement.” This is the fundamental legal basis for the registration and management of imported food overseas production enterprises. Articles 92 and 94 of the "Food Safety Law of the People's Republic of China" stipulate that imported food should meet China's national food safety standards, which is the basis for overseas production enterprises and their products to meet the requirements of China's standards. Article 95 of the "Food Safety Law of the People's Republic of China" stipulates that taking measures in response to overseas food safety incidents or imported food safety issues is the basis for taking corresponding measures against problematic products and their manufacturing enterprises.

Article 50 of the “Regulations for the Implementation of the Food Safety Law of the People’s Republic of China” stipulates that “if the national entry-exit inspection and quarantine department finds that a registered foreign food production enterprise no longer meets the registration requirements, it shall order it to make corrections within the prescribed time limit, and the rectification period shall be suspended. Import food produced by it; if the registration requirements are still not met after rectification, the national entry-exit inspection and quarantine department shall cancel the registration of the foreign food production enterprise and make an announcement.” Article 52 of the Regulations for the Implementation of the Food Safety Law of the People’s Republic of China stipulates that Where a food safety incident may have an impact on the territory of China, or if serious food safety problems are found in imported food, food additives, or food-related products, the national entry-exit inspection and quarantine department shall promptly carry out risk warnings, and may provide relevant food, Food additives and food-related products shall be returned or destroyed; import is restricted conditionally; import is suspended or prohibited and other control measures. This is the basis for adopting more detailed control measures for problem products and their manufacturing enterprises.

Article 6 of the Import and Export Commodity Inspection Law of the People's Republic of China stipulates that registration is one of the conformity assessment procedures. Article 8 of the "Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that import and export enterprises shall be classified and managed; Article 14 stipulates that risk assessment and measures shall be taken on imported commodity information; Article 15 stipulates that entry and exit When the staff of inspection and quarantine institutions perform their duties in accordance with the law, relevant units and individuals shall cooperate, and no unit or individual shall illegally interfere or obstruct; Article 32 provides that the registration management of imported food production enterprises shall be implemented and the enterprises shall apply to the General Administration of Customs for registration. ; Article 49 stipulates that imported food production enterprises that have obtained registration shall be ordered to rectify within a time limit if they fail to meet the requirements after inspection, and the registration shall be revoked if the rectification is unqualified or has other serious violations. This is the basis for Article 6, Article 25, Article 24, Article 4, Article 18, Article 23, and Article 24 of these regulations.

The "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" provides a clear basis for the quarantine requirements of overseas food production enterprises and the competent authorities of the country (region) where they are located. Article 17 of the "Implementation Regulations of the Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" stipulates that "the state implements a registration system for foreign production, processing, and storage units that export animal and plant products to China", which is the implementation of overseas food storage units. Basis for registration. Article 8 of the "Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products" stipulates that imported products shall meet the mandatory requirements of China’s national technical specifications and the inspection requirements stipulated in the agreements signed between China and the exporting country (region); for imported products Implement classified management based on the integrity and quality management level of the producers and operators, and the results of the risk assessment of imported products. In summary, the relevant laws and regulations provide a sufficient legislative basis for the "Registration Regulations" and provide strong upper-level legal support. Many of the provisions of this regulation come directly from relevant laws and regulations, embodying the spirit of higher-level law legislation, are the concretization of relevant laws and regulations, and ensure the implementation of laws and regulations.

Article 2 These Regulations apply to the registration management of overseas manufacturers of production, processing, and storage (hereinafter referred to as “overseas manufacturers of imported foods”) that export foods to China. The overseas manufacturers of imported foods mentioned in the above paragraph do not include manufacturers engaging in the production, processing, and storage of food additives and food-related products.

[Subject of Article]

This article is about the scope of application of this provision.

[Interpretation]

According to Article 150 of the "Food Safety Law of the People's Republic of China", food refers to all kinds of finished products and raw materials for human consumption or drinking, as well as articles that are traditionally both food and Chinese medicinal materials, but do not include articles for the purpose of treatment . Food production and processing refers to the process of processing food raw materials or semi-finished products through labor, machinery, energy, etc., and transforming them into products suitable for consumer consumption or consumption. Therefore, the corresponding enterprises, places, fishing boats, etc. engaged in food production and processing activities belong to food production and processing enterprises. According to the expression in Article 2 (5) of the "Food Safety Law of the People's Republic of China", this regulation changes the original article 2 "storage" into "storage", which is consistent with the expression of the upper law. According to Articles 2 and 33 of the "Food Safety Law of the People's Republic of China", the environment of food storage places and the isolation from toxic and harmful pollution sources, the safety and cleanliness of storage containers, tools and equipment, temperature and humidity, etc. Clear requirements. Therefore, an enterprise that has a place and container suitable for food storage and stores food in accordance with food storage safety and sanitation requirements is a food storage enterprise. Food production and processing and food storage are important links that affect food safety. For example, for food that requires specific storage conditions and in bulk, such as improper control of temperature and humidity and storage environment, it is easy to cause food to spoil and deteriorate or contaminate the product, leading to food safety problems. Therefore, overseas production, processing, and storage companies that export food to China are applicable to these regulations. According to Article 150 of the "Food Safety Law of the People's Republic of China", food additives refer to artificial or natural substances added to food for the purpose of improving the quality and color, aroma and taste of food, as well as for the needs of anti-corrosion, preservation and processing technology. Including nutritional supplements. Food-related products generally include packaging materials and containers used for food, tools and equipment used for food production and operation, and detergents and disinfectants used for food. According to the definition of food additives and food-related products in the Food Safety Law of the People’s Republic of China, considering that these two types of products and their production, processing and storage requirements are different from food, this article clarifies the production, processing and storage of food additives and food-related products Enterprises do not apply to this regulation.

Article 3 The General Administration of Customs of the People’s Republic of China (GACC) is responsible for the registration management of overseas manufacturers of imported foods.

[Subject of Article]

This article is about the management system of imported food overseas production enterprises.

[Interpretation]

According to the State Council's institutional reform plan announced on March 13, 2018, the General Administration of Customs is responsible for the registration management and inspection and quarantine management of imported food overseas production enterprises.

The General Administration of Customs is uniformly responsible for the registration and management of imported food overseas production enterprises, which is mainly reflected in the following aspects:

1. The General Administration of Customs conducts risk analysis to determine the registration method and application materials for overseas production enterprises of imported food, and can adjust it according to the situation;

2. The General Administration of Customs may negotiate with the competent authorities of relevant countries (regions) the registration method and application materials for overseas production enterprises of imported food;

3. The General Administration of Customs shall determine the content of the registration application materials such as the enterprise registration application form and the filling requirements according to the needs of the work;

4. The General Administration of Customs, on its own or by entrusting relevant agencies to organize an evaluation team, conducts evaluation and review of overseas manufacturers of imported food that apply for registration;

5. The General Administration of Customs shall conduct re-examination on whether the overseas production enterprises of imported food continue to meet the registration requirements, and review the rectification of the enterprises;

6. The General Administration of Customs shall, based on the assessment and review, make decisions such as registration, disapproval, modification, renewal, cancellation of registration, deregistration, suspension of imports, and resumption of imports, and issue written notices, announcements, or announcements, etc.;

7. The General Administration of Customs will give the registered overseas production enterprises of imported food a registration number in China, and uniformly publish the list of registered overseas production enterprises of imported food.

Article 4 Overseas manufacturers of imported foods shall obtain registration with the GACC.

[Subject of Article]

This article is about the registration obligations of overseas production enterprises of imported food.

[Interpretation]

This article is the full implementation of Article 96 of the Food Safety Law of the People's Republic of China.

According to the Food and Agriculture Organization (FAO) "Food Quality Control Manual" Part 15 "Imported Food Inspection", it is the basic obligation of the country to ensure the safety of food provided to its consumers, and the government must ensure the control of imported food. Therefore, in order to protect the safety and health of consumers, animals and plants in their own countries (regions), many countries (regions) have implemented a registration system for food companies in exporting countries. Evaluation, qualified ones are allowed to register and allow the import of food produced by related enterprises.

With the rapid growth of China’s imported food types and trade volume in recent years, as well as consumers’ increasing requirements for imported food safety, in accordance with the relevant provisions of the Food Safety Law of the People’s Republic of China, the concept of “source management” is applied to all types of food overseas The registration management of production enterprises is consistent with China's domestic food safety supervision requirements to further ensure the safety of imported food.

Article 5 The registration conditions for overseas manufacturers of imported foods are as follows:

1. The food safety management system of the country/region where the manufacturer is located has passed GACC’s equivalence assessment and/or review;

2. The manufacturer was established with approval by the competent authority of the country/region, and the manufacturer is under effective regulation by the competent authority;

3. The manufacturer has an established, effective food safety and sanitation management system and protection system, legally produces and exports food in the country/region, and ensures that foods exported to China comply with relevant Chinese laws, regulations, and national food safety standards;

4. Food exporting to China conforms with relevant inspection and quarantine requirements that have been agreed upon after discussion by the GACC and the competent authorities of the country/region.

[Subject of the article]

This article is about the provisions on the registration conditions of overseas production enterprises of imported food.

[Interpretation]

The registration conditions for overseas production enterprises of imported food refer to the conditions that overseas production enterprises should have or maintain to obtain the registration qualification. In terms of content, according to Article 101 of the food safety law of the people's Republic of China and the relevant provisions of the international food code (CAC) "equivalence", this article has adjusted the expression of paragraph (1) of the original provisions; The relevant requirements of paragraph (2) of the original provisions are deleted because they have been reflected in the measures of the people's Republic of China for the administration of import and export food safety (Order No. 249 of the General Administration of Customs); Revise paragraph (3) of this article to clarify the responsibilities of enterprise subjects; Add paragraph (4) of this article to connect the relevant inspection and quarantine requirements determined by the General Administration of customs and the competent authorities of the country (region) where it is located, and maintain the effective implementation of the relevant inspection and quarantine requirements.

The conditions for an overseas production enterprise of imported food to obtain the registration qualification are as follows: first, the country (region) where the enterprise is located meets the requirements; Second, the enterprise's own qualification should be legally controlled in the country (region) where it is located; Third, the enterprise's own safety and health management shall meet the requirements, its production and export shall meet the requirements of the laws and regulations of the country (region) where it is located, and when the enterprise exports food to China, it shall comply with the relevant laws and regulations of China and the national food safety standards; The fourth is the supplementary requirements. The enterprise shall also meet the relevant inspection and quarantine requirements agreed between the General Administration of customs and the competent authorities of the country (region) where the enterprise is located.

When applying for registration, an overseas production enterprise of imported food shall meet the corresponding conditions listed in this article. First, confirm whether the food safety management system of the country (region) where the enterprise is located has passed the equivalence assessment and review of the General Administration of customs. If it is not clear, the enterprise shall contact the competent authority of the country (region) where it is located for clarification; Second, enterprises should confirm that they have the qualification approved by the competent authorities of the country (region) where they are located and are under their effective supervision; Third, the enterprise itself shall establish an effective food safety and health management and protection system, and its production and export shall meet the requirements of the laws and regulations of the country (region) where it is located. When the enterprise exports food to China, it shall implement the main responsibility and ensure that the food exported to China complies with the relevant laws and regulations of China and the national standards of food safety; Fourth, the enterprise shall also confirm with the competent authorities of the country (region) where it is located whether there are relevant inspection and quarantine requirements agreed with the General Administration of customs. If so, it shall also meet the agreed relevant inspection and quarantine requirements.

Article 6 Registration of overseas manufacturers of imported foods include recommendation for registration by competent authority of the country/region, and application for registration by a manufacturer. The GACC, based on analysis of various factors, including sources of raw materials, production and processing technologies, historical data about food safety, consumer groups, consumption methods of food, and in consideration of international practices, determines the method for registration of overseas manufacturers of imported food and the required application materials.If risk analysis or evidence presents that risks of a certain category of food has changed, GACC may adjust the registration method and required application materials for overseas manufacturers of the corresponding food.

[Subject of Article]

This article is about the registration method of overseas production enterprises of imported food.

[Interpretation]

According to the risk analysis, different registration methods are adopted for different types of imported food overseas production enterprises. The registration methods of overseas production enterprises of imported food are divided into two types: the registration recommended by the competent authority of the country (region) where they are located and the registration application of the enterprise.

Different registration methods are adopted for the classification of different types of imported food overseas production enterprises, which are based on the source of food raw materials (such as animal-derived raw materials, plant-derived raw materials, etc.), production and processing techniques (such as heating, dehydration, pickling, etc.), food Safety monitoring and testing historical record data, consumer groups (for example, for infants or patients with certain diseases, etc.), eating methods (for example, direct eating, heating after heating) and other related factors, combined with consideration of different countries (regions) in the world The status of food safety management refers to the management methods of overseas production enterprises of imported food in different countries (regions).

However, with the development and progress of science and technology, analysis methods and cognition, new food safety risks may be identified and added in the future, and certain food safety risks may also be confirmed to be negligible or can be eliminated. Therefore, if there is a risk analysis or evidence that the risk of a certain type of food has changed, the General Administration of Customs shall adjust the registration method and application materials of the corresponding food overseas production enterprise.

When applying for registration, an overseas production enterprise of imported food shall confirm its own product category and file an application in a corresponding manner that meets these regulations.

Article 7 Overseas manufacturers of the following foods shall be recommended by the competent authorities of their countries/regions to the GACC for registration: meat and meat products, casings, aquatic products, dairy products, bird’s nests and bird’s nest products, bee products, eggs and egg products, edible oils and fats, oilseeds, stuffed pastry products, edible grains, milled grain industry products and malt, fresh and dehydrated vegetables and dried beans, condiments, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, foods for special dietary purposes, and functional foods.

[Subject of Article]

This article is about the category of imported food recommended by the competent authority of the country (region) where the company is located for registration.

[Interpretation]

After analysis and evaluation, it is clear that 18 types of imported food overseas production enterprises should be recommended to the General Administration of Customs for registration by the competent authority of the country (region) where they are located. The HS code range of imported foods of 18 categories and other categories can be inquired on the official website of the General Administration of Customs. The HS code range will be adjusted synchronously according to the update of the tariff code.

Article 8 The competent authority of the country/region shall examine and inspect the manufacturer to be recommended for registration; after confirming that the manufacturer conforms with the registration requirements, the competent authority of the country/region recommends the producer to the GACC for registration, and submits the following application materials:

1. Letter of recommendation by the competent authority of the country/region;

2. List of recommended manufacturers and the manufacturers’ applications for registration;

3. Documents certifying identification of the manufacturer, such as the business license issued by the competent authority of the country/region;

4. Statement that the producer recommended by the competent authority of the country/region conform with requirements of these Regulations;

5. Reports of examinations/inspections/review conducted by the competent authority of the country/region to relevant manufacturers.

If necessary, the GACC may request documents related to the manufacturer’s food safety, sanitation,

and protection system, such as floor plans of the factory/workshops/cold storages, and the processing flow chart and others.

[Subject of Article]

This article is about the work requirements and submission of application materials for the competent authority of the country (region) where it is located to recommend registration to the General Administration of Customs.

[Interpretation]

In order to implement the recommendation responsibility of the competent authority of the country (region) and ensure that the recommended company actually meets the registration requirements, this article specifies that the competent authority of the country (region) where it is located should first review and inspect the company recommended for registration, and then recommend it after confirming that it meets the registration requirements. . When the competent authority of your country (region) recommends registration, you need to submit the 5 application materials listed in this article.

Supervising and inspecting food companies is one of the main responsibilities of the competent authorities of exporting countries (regions). After the competent authority of the country (region) where it is located has completed the review and inspection of the enterprise and confirmed that it meets the registration requirements, it should provide relevant application materials to the General Administration of Customs when recommending registration.

The General Administration of Customs has formulated corresponding registration requirements and comparison checklists for overseas manufacturers of imported foods in accordance with Chinese laws and regulations, national food safety standards, and the characteristics of different product manufacturers. The overseas production enterprise of imported food and the competent authority of the country (region) where it is located can use this form to conduct an audit and inspection of the relevant production enterprise. When the General Administration of Customs conducts registration evaluation, review and re-examination, the compliance with laws, regulations and standards will also be compared to this checklist. This checklist enables overseas manufacturers of imported foods and the competent authorities of their countries (regions) to be basically consistent with the content of the assessment and review of the General Administration of Customs.

Article 9 Overseas manufacturers of foods other than those listed in Article 7 of these Regulations shall, by themselves or by agents, file applications for registration with the GACC and submit the following application materials:

1. Manufacturer’s application for registration;

2. Documents certifying the identification of the manufacturer, such as business license issued by the competent authority of the country/region;

3. Statement by the manufacturer that it conforms with requirements of these Regulations.

[Subject of Article]

This article is about the application for registration and submission of materials for overseas production enterprises of imported foods other than the foods listed in Article 7.

[Interpretation]

This article clarifies the registration application requirements for other food overseas production companies other than the 18 categories listed in Article 7. The overseas food production companies other than the 18 categories can apply for registration to the General Administration of Customs on their own or by entrusting their agents, instead of the country (region) where they are located. The competent authority recommends registration to further simplify the application procedure requirements.

The agents entrusted by the parties may be domestic and overseas organizations and individuals that comply with local laws and regulations. When an agent entrusts an agent to apply to the customs for registration, in addition to the application materials specified in this article, a power of attorney shall be provided. The power of attorney shall contain the basic information, entrusted matters, agency authority, and power of the client and his agent. The start and end dates, the date of entrustment, and the signature or seal of the principal. If the client changes the content of the entrustment or cancels the entrustment in advance, he shall notify the customs in writing.

Article 10 The application for manufacturer registration shall contain the following information: the name of the manufacturer, country/region where the manufacturer is located, address of the production site, legal representative, contact person, contact information, registration number approved by the competent authority of the country/region, the type of food for registration, type of production, and production capacity, etc.

[Subject of Article]

This article is about the content of the application form for the registration of an overseas production enterprise of imported food.

[Interpretation]

In order to clarify and standardize the application of imported food overseas production enterprises, this article clarifies the content of the enterprise registration application. Overseas production enterprises of imported food shall fill in accurately, completely and standardly in accordance with the corresponding items listed in this article.

The General Administration of Customs will formulate registration applications and examples for all types of imported food overseas production enterprises. Details can be found on the official website of the General Administration of Customs.

Article 11 The application materials for manufacturer registration shall be submitted in Chinese or English. If relevant country /region and China have separate agreements on registration method and application materials, registration shall be carried out following the agreement.

[Subject of Article]

This article is an additional provision regarding registration application materials and registration methods.

[Interpretation]

This article specifies that the registration application materials should be completed and submitted in Chinese or English. Taking into account the current mutual agreement between China and relevant countries (regions), in order to ensure the stable implementation of the mutually agreed matters, this article clearly stipulates the registration method and application materials that have been agreed upon, in accordance with the requirements agreed by both parties.

Article 12 Competent authority of the country /region or overseas manufacturers of imported foods shall be held accountable for truthfulness, completeness, and legality of the submitted materials.

[Subject of Article]

This article is about the responsibility of the competent authority of the country (region) or the overseas manufacturer of imported food for the application materials.

[Interpretation]

This article clarifies that the competent authority of the country (region) where it is located or the overseas manufacturer of imported food shall be responsible for the authenticity, completeness and legality of the submitted application materials. The application materials submitted by the competent authority of the country (region) or the overseas production enterprise of imported food are the basic content of the customs department’s assessment and review and an important basis for deciding whether to approve registration or implement follow-up management measures. The competent authority of the country (region) or overseas production enterprises of imported food shall not provide false materials to deceive the customs department, otherwise they shall bear corresponding legal responsibilities.

Article 13 The GACC or GACC entrusted institutions, set up a review team to conduct evaluations and reviews of the overseas manufacturers applying for registration. The evaluation is conducted in forms of document review, video inspection, and/or on-site inspection. A review team is composed of two or more reviewers. Overseas manufacturers of imported foods and the competent authorities of the country/ region shall assist the GACC in carrying out the aforementioned evaluation and review.

[Subject of Article]

This article is about the provisions of evaluation and review.

[Interpretation]

The assessment and review work has been carried out by the review team organized by the General Administration of Customs. With the diversification of management methods and changes in higher-level laws, this regulation proposes that relevant agencies may be entrusted to conduct evaluation and review. The specific implementation measures will be revised and improved in accordance with the higher-level laws and relevant regulations, and will be separately clarified by the General Administration of Customs.

In order to ensure the impartiality of the evaluation and review, this article specifies that the review team shall consist of at least two evaluation and review personnel. This article also clarifies that overseas producers of imported foods and the competent authorities of the country (region) where they are located have the obligation to assist the General Administration of Customs in carrying out evaluation and review.

For different types of overseas companies in different countries (regions), the General Administration of Customs may organize different forms or combined forms of assessment and review according to risk analysis and actual work needs. The evaluation and review forms of overseas production enterprises of imported food are as follows:

1. Written inspection: The General Administration of Customs organizes an evaluation team to inspect the application documents and materials of the enterprise or the competent authority of the country (region) through the review of the submitted application documents. According to the application documents, the General Administration of Customs may request the competent department of the country (region) or the applicant to supplement the missing information or materials.

2. Video inspection: The General Administration of Customs organizes a review team to conduct inspections on the company's food safety and sanitation management system and its food safety and sanitation status through Internet video connections. Enterprises that accept video inspections and the competent authorities of the country (region) where they are located shall provide necessary assistance for video inspections. With regard to related problems found in the video inspection, the General Administration of Customs may request the enterprises that have undergone the video inspection and the competent authorities of the country (region) where they are located to make rectifications and submit corresponding rectifications.

3. On-site inspection: The General Administration of Customs organizes an assessment team to go abroad to the on-site site of the overseas production enterprise applying for registration to conduct inspection and verification of the enterprise's food safety and sanitation management system and its food safety and sanitation status. The enterprise that accepts the on-site inspection and the competent authority of the country (region) where it is located shall provide necessary assistance for the on-site inspection. For related issues found during on-site inspections, the General Administration of Customs may require the enterprises and the competent authorities of the country (region) where they are inspected to make rectifications and submit corresponding rectifications.

The content and standards of the assessment review will be based on the relevant guidelines of the WTO’s three sister organizations (OIE, IPPC, CAC), the relevant inspection and quarantine requirements negotiated by the General Administration of Customs and the competent authority of the country (region), relevant Chinese laws and regulations, and Implementation of national food safety standards.

The General Administration of Customs organizes an assessment team to conduct assessment and review, and will communicate and negotiate in advance with the competent authority of the country (region) where the company is located based on the risk assessment results and international practices.

Article 14 The General Administration of Customs shall, based on the assessment and review, register the overseas production enterprises of imported food that meet the requirements and give the registration number in China, and notify the competent authority of the country (region) or the overseas production enterprise of imported food in writing; The overseas production enterprise of imported food shall not be registered, and the competent authority of the country (region) or the overseas production enterprise of imported food shall be notified in writing.

[Subject of Article]

This article is about the registration results of imported food overseas production enterprises.

[Interpretation] Based on the assessment and review, it is decided whether to register the overseas production enterprise of imported food. Under the original regulations, the registration number of an overseas manufacturer of imported foods follows the registration number of the competent authority of the country (region) where the company is located. However, due to different food safety management systems and numbering rules in different countries, overlapping and confusion of registration numbers often occur. This revision of the newly established registration number requirements in China will uniformly assign registration numbers in China to registered companies in different product categories. Taking into account that different types of imported food overseas production enterprises, their registration application methods are different, some are directly applied by the enterprise, and some are recommended by the competent authority of the country (region) where they are located. This article supplements the notification object. The customs shall notify the competent authority of the country (region) or the overseas manufacturer of imported food in the same way as the application method.

Article 15 When exporting food to China, a registered enterprise shall mark the food’s internal and external packaging with the registration number in China or the registration number approved by the competent authority of the country (region) where it is located.

[Subject of Article]

This article is about the regulation of registration number marking.

[Interpretation] Registered imported food overseas production companies mark the registration number on the inner and outer packaging of food exported to China to protect the right of Chinese consumers to know, to clearly and accurately convey imported food registration information to consumers, and to enhance consumer confidence. This article clarifies that registered enterprises should mark their registration numbers. Registered companies can arbitrarily choose to mark their registration number in China, or the registration number approved by the competent authority of the country (region) where they are located, giving them convenience and the right to choose independently. In the long run, we encourage overseas companies to choose to mark their registration numbers in China. The internal and external packaging referred to in this article refers to the transportation packaging and the separately sold sales unit with independent packaging. For transport packaging, the registration number should be clearly and accurately marked on the transport packaging. For a sales unit containing individually packaged pre-packaged foods that can be sold separately, the registration number should be marked on the food label, and the relevant requirements of the General Rules for Prepackaged Food Labels in China’s National Food Safety Standards shall be implemented.

Article 16 The registration validity period of an overseas production enterprise of imported food is 5 years. The General Administration of Customs shall, when registering an overseas manufacturer of imported food, determine the start and end dates of the validity period of the registration.

[Subject of Article]

This article is about the period of validity of registration.

[Interpretation] According to Article 15 of the "Implementation Regulations of the Food Safety Law of the People's Republic of China", the food production and operation license is valid for 5 years. According to the principle of national treatment of the World Trade Organization (WTO), the registration validity period of imported food overseas production enterprises is 5 years, which is consistent with the management requirements of the validity period of China's food production and operation license. In order to clarify the validity period, the General Administration of Customs shall determine the start and end dates of the registration validity period when registering an overseas manufacturer of imported food. For overseas manufacturers of imported foods that have been registered before the implementation of these regulations, their registrations are still valid, and they can apply for renewal of registration in accordance with the relevant requirements of Article 20 of these regulations before the expiry of the validity period. Those who fail to apply for renewal of registration in accordance with the regulations will be cancelled.

Article 17 The General Administration of Customs shall uniformly announce the list of registered overseas production enterprises of imported food.

[Subject of Article]

This article is about the uniform announcement of the list of imported food overseas production enterprises.

[Interpretation]

This article clarifies that the General Administration of Customs is the main body that uniformly publishes the list of registered foreign food production enterprises. The official website of the General Administration of Customs will publish a list of registered overseas manufacturers of imported food.

Article 18 The General Administration of Customs, on its own or by entrusting relevant agencies to organize review teams, shall conduct re-examinations on whether overseas manufacturers of imported foods continue to meet the registration requirements. The assessment team is composed of more than 2 assessment reviewers.

[Subject of Article]

This article is about the review of overseas production enterprises that have registered imported food.

[Interpretation]

In order to strengthen the interim and ex post supervision of registered imported food overseas production enterprises, and urge registered overseas production enterprises of imported food to continue to comply with the requirements of Chinese laws, regulations and standards, the General Administration of Customs will produce overseas production in accordance with relevant imported foods within the validity period of the registration. The company’s raw material sources, production and processing technology, food safety inspection and monitoring historical record data, consumer groups, eating methods and other related factors, combined with the country (region) competent authority notification and collected risk public opinion information, conduct risk assessment and organize review The group conducts a review of overseas production enterprises of imported food. The review is carried out by the review team organized by the General Administration of Customs, and communicated and negotiated with the competent authority of the country (region) where the enterprise is located in advance. Regarding the specific requirements for entrusting relevant agencies to carry out the review, the General Administration of Customs will formulate and announce separately. In order to ensure the fairness of the review work, this article specifies that the review team shall consist of at least two reviewers. For the specific evaluation and review methods used in the review, please refer to the relevant provisions of Article 13 of these regulations. For different types of overseas companies in different countries (regions), according to risk analysis and actual work needs, the General Administration of Customs organization review can be carried out in different forms or a combination of forms. Overseas production enterprises of imported food and the competent authorities of the country (region) where they are located have the obligation to assist the General Administration of Customs in carrying out the review work. After conducting a review of the overseas production enterprises of imported food, if any problems are found, the General Administration of Customs will take corresponding measures in accordance with the relevant requirements of Article 21, Article 23, and Article 24 of these regulations.

Article 19 During the validity period of the registration, if the registration information of an overseas production enterprise of imported food changes, it shall submit a change application to the General Administration of Customs through the registration application channel, and submit the following materials: (1) A comparison table of registration item change information; ( 2) Proof materials related to the changed information. If the General Administration of Customs considers that it can be changed after evaluation, it shall be changed. If the production site is relocated, the legal representative is changed, or the registration number granted by the country (region) is changed, the registration number should be re-applied, and the registration number in China will automatically become invalid.

[Subject of Article]

This article is about the regulations on the alteration of registration information of registered imported food overseas production enterprises.

[Interpretation]

This article clarifies that if the registration information of an overseas manufacturer of imported food changes, an application shall be submitted to the General Administration of Customs to change the relevant information. In order to ensure the accuracy and standardization of relevant information changes, overseas manufacturers of registered imported foods should comply with the following requirements when applying for changes:

First, they should submit their application for changes through the same channels as when applying for registration. That is, if the competent authority of the country (region) where it is applied for registration is recommended to the General Administration of Customs for registration, the relevant change application should also be submitted by the competent authority of the country (region) to the General Administration of Customs; if the application for registration is made by the enterprise itself Or if an agent is entrusted, the relevant change application shall be submitted to the General Administration of Customs by the enterprise itself or an entrusted agent.

Second, when submitting a change application, the materials that should be submitted include a comparison table of registration item change information and supporting materials related to the change information. The registration item change information comparison table is used to explain which registration items have been changed. Proof materials related to the change information are used to explain the accuracy and necessity of the change information. For example, if an overseas manufacturer of imported milk powder changes its company name, it needs to provide a comparison table of the company name change, explaining how the company name has changed, and at the same time, it needs to provide documents such as approval documents approved by the competent authority of the country (region) for the company name change to prove.

Third, the General Administration of Customs will evaluate and review the content of the relevant change application in accordance with the relevant requirements of Article 13 of these regulations after receiving the change application. After evaluation, it is deemed that the relevant changes and adjustments will not affect the food safety and hygiene management and control of foreign companies that import food (such as changes in the name of the company, etc.), they will be changed. If it is assessed that relevant changes and adjustments may affect the food safety and sanitation management and control of foreign companies that import food (such as plant and equipment renovation or expansion or major adjustments to the food safety and sanitation management system), the General Administration of Customs will require companies to comply with the requirements of this regulation. Submit new registration applications and application materials according to the corresponding application channels. After the new registration application is approved, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled.

Fourth, if the company’s production site is relocated, the legal representative is changed, or the registration number granted by the country (region) is changed, the relevant company should not apply for adjustment of related registration items in the manner of change, but should pass the Submit new registration applications and application materials according to the corresponding application channels. After the new registration application is approved, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled. Among them, the relocation of the production site refers to the relocation of the actual production site (factory area) for food exports to China to a new physical location. The change in the office of the manager does not belong to the relocation of the production site. The change of the legal representative refers to the change of the actual owner of the enterprise. If the actual owner of the enterprise does not change, but the personnel performing the management of the enterprise’s production site (factory) on behalf of the actual owner of the enterprise changes, the registered enterprise may apply for the change first, and the General Administration of Customs will assess the impact of the corresponding change on the enterprise’s food safety and hygiene management and management. The actual impact of the control, decide whether to change it. If it is assessed that relevant changes and adjustments may affect the food safety and sanitation management and control of foreign companies that import food, the General Administration of Customs will require companies to submit new registration applications and application materials in accordance with the corresponding application channels that meet the requirements of this regulation. After the new registration application is approved, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled. If relevant changes and adjustments may affect the food safety and sanitation management and control of foreign companies that import food (such as plant and equipment reconstruction or major adjustments to the food safety and sanitation management system), if the General Administration of Customs finds that a registered company has not reported in a timely manner, it will follow these regulations Article 23 and Article 24 stipulate relevant requirements and take corresponding measures.

Article 20 If an overseas manufacturer of imported food needs to renew its registration, it shall submit an application for renewal to the General Administration of Customs 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: (1) Application for renewal of registration; (2) A statement that promises to continue to meet the registration requirements. The General Administration of Customs will renew the registration of enterprises that meet the registration requirements, and the validity period of the registration will be extended by 5 years.

[Subject of Article]

This article is about the renewal of registration of registered imported food overseas production enterprises.

[Interpretation]

This article revises and refines Article 10 of the original regulations, changing the application period for renewal of registration before the expiry of the registration validity period from the original one year to the period from 6 months to 3 months before the expiration of the validity period. For example, if the registration validity period of an overseas manufacturing company expires on December 31, 2022, the company should apply to the General Administration of Customs for renewal of registration between July 1 and September 30, 2022. The purpose of this setting is to ensure that the General Administration of Customs has sufficient time to complete the relevant evaluation and review of the registration renewal application after the manufacturer submits the application for renewal of registration, so as to avoid the expiration of the validity period because the application time is approaching the expiration deadline and the evaluation cannot be completed in time. , To ensure that qualified overseas companies that have registered imported food products can continue to export to China. An overseas manufacturer of imported food that applies for renewal of registration, if relevant information has not changed, shall submit an application for renewal to the General Administration of Customs through the same channels as when applying for registration. That is, if the competent authority of the country (region) where it is applied for registration is recommended to the General Administration of Customs, the application for renewal of registration should also be submitted by the competent authority of the country (region) to the General Administration of Customs; If the enterprise conducts it on its own or entrusts its agent, the relevant application for renewal of registration shall be submitted to the General Administration of Customs by the enterprise itself or its entrusted agent. Enterprises that need to apply for renewal of registration and their own registration information has changed at the same time, they should first go through the registration information change procedures in time in accordance with Article 19 of these regulations, and submit the renewal application after the information change is completed; or before the expiration of the registration validity period , The enterprise submits a new registration application in time. After the new registration application is passed, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled.

Article 21: If a registered overseas production enterprise of imported food has any of the following circumstances, the General Administration of Customs shall cancel its registration, notify the competent authority of the country (region) where it is located or the overseas production enterprise of imported food, and make an announcement: (1) Failure to comply It is required to apply for renewal of registration; (2) The competent authority of the country (region) where it is located or the overseas manufacturer of imported food actively applies for cancellation; (3) It no longer meets the requirements of Article 5 (2) of these regulations.

[Subject of Article]

This article is about the cancellation of registered overseas production enterprises of imported food.

[Interpretation]

This article refers to the "Food Safety Law of the People's Republic of China" and other relevant regulations, and adds the content of canceling the registration of imported food overseas production enterprises that meet one of the following three conditions: one is not applying for renewal of registration according to the regulations; the other is It is clear that when an overseas manufacturer of imported food or the competent authority of the country (region) where it is located actively applies for cancellation, the General Administration of Customs should cancel it; third, it is clear that when the registered enterprise no longer meets the requirements of Article 5 (2) of this regulation , That is, where the competent authority of the country (region) no longer approves the establishment of the enterprise and is not under its effective supervision, the General Administration of Customs shall cancel it. After the registration of an overseas manufacturer of imported food is cancelled, the products exported to China by that company starting on and after the effective date of cancellation will no longer accept its import declaration. If you need to export food to China, you should re-apply for registration with the General Administration of Customs. If an overseas manufacturer of imported food fails to apply for renewal of the registration on time, its registration qualification will become invalid upon the expiration of the registration validity period. For example, the registration number of an overseas manufacturer of imported food will expire at 24:00 on December 31, 2022, because it is not valid between July 1 and September 30, 2022 (that is, 6-3 months before the expiration of the validity period). Within the period of time) apply to the General Administration of Customs for renewal of registration. Regardless of whether the General Administration of Customs announces the cancellation of its registration qualification in October 2022, the registration qualification of the enterprise will automatically expire at 0:00 on January 1, 2023. If an overseas manufacturer of imported food voluntarily applies for cancellation or no longer meets the requirements of Item (2) of Article 5 of these Regulations, its registration qualification shall become invalid from the day when the General Administration of Customs decides to cancel its registration. For example, the expiration date of the registration validity period of an imported food production company is December 31, 2022, but it voluntarily applied for cancellation of its registration qualification on March 1, 2022. The General Administration of Customs announced on March 5, 2022 that If the company registration is cancelled on March 1, its registration qualification will be invalidated from March 1, 2022.

Article 22 The competent authority of the country (region) where the overseas production enterprise of imported food is located shall implement effective supervision of the registered enterprise, and urge the registered enterprise to continue to meet the registration requirements. If it is found that it does not meet the registration requirements, it shall immediately take control measures and suspend the relevant The company exports food to China until the rectification meets the registration requirements. When an overseas manufacturer of imported food 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 reform meets the registration requirements.

[Subject of Article]

This article is about the relevant regulations on the active suspension of rectification by the overseas production enterprises of registered imported food and the competent authorities of the country (region) where they are located.

[Interpretation]

This article revises and refines Article 14 of the original regulations. It requires the competent authority of the country (region) where the country (region) or the enterprise finds that it does not meet the registration requirements, it should take the initiative to suspend exports to China and take corrective measures immediately until the rectification meets the requirements. Registration requirements. This revision clarifies the regulatory responsibilities of the competent authority of the country (region) where it is located. When problems are discovered, the relevant production enterprises should be suspended from exporting to China, supervised their rectification, and urge registered enterprises to continue to meet the registration requirements. At the same time, it is clarified that overseas manufacturers of imported food should assume the main responsibility for food safety. If they find that they do not meet the registration requirements, they should take the initiative to suspend the export of food to China and immediately take corrective measures until the reform meets the registration requirements. For foreign companies and their country (region) competent authorities that discover problems on their own and rectify and deal with them, their registration qualifications will not be affected. They belong to the daily supervision work of foreign companies and their country (region) competent authorities, and they are not required to report to the General Customs.

Article 23 If the General Administration of Customs finds that an overseas production enterprise that has registered imported food no longer meets the registration requirements, it shall order it to make rectification within the prescribed time limit and suspend the food import of the relevant enterprise during the rectification period. If the import of an enterprise recommended by the competent authority of the country (region) for registration is suspended, the competent authority shall supervise the relevant enterprise to complete the rectification within the prescribed time limit, and submit a written rectification report and a written statement of compliance with the registration requirements to the General Administration of Customs. If an enterprise that has applied for registration by itself or by an agent is suspended from importing, it shall complete the rectification within the prescribed time limit, and submit a written rectification report and a written statement conforming to the registration requirements to the General Administration of Customs. The General Administration of Customs shall review the rectification and reform of the enterprise, and if the review is qualified, the food import of the relevant enterprise shall be resumed.

[Subject of Article]

This article is about the relevant provisions of the General Administration of Customs found that the overseas production enterprises of registered imported food no longer meet the registration requirements and order rectification within a time limit.

[Interpretation]

This article is the revision and improvement of Article 14 of the original regulations, clarifying that the competent authority of the country (region) where it is located, as the actual supervision body of the registered enterprise, shall bear the corresponding supervision responsibility. When it is found that an overseas manufacturer of registered imported foods no longer meets any of the registration requirements listed in Article 5 of these regulations, the General Administration of Customs shall order the relevant enterprises to make rectifications within the prescribed time limit, clarify the problems to be rectified, and rectify the acceptance materials , Rectification completion deadline and other requirements. During the rectification period, food imports by relevant companies will be suspended. When submitting a rectification report and a written statement of compliance with the registration requirements, it shall be submitted within the prescribed time limit through the same means as when applying for registration. That is, if the competent authority of the country (region) where it is applied for registration is recommended to the General Administration of Customs for registration, the rectification report and other related materials should also be submitted by the competent authority of the country (region) to the General Administration of Customs; if the registration is applied for If it is carried out by the enterprise itself or by its agent, the rectification report and other relevant materials shall be submitted to the General Administration of Customs by the enterprise itself or by its agent. After receiving the rectification report and other relevant materials, the General Administration of Customs will organize an evaluation and review in accordance with the relevant requirements of Article 13 of these regulations, and notify the company and the competent authority of the country (region) where the company is located. If the examination is qualified, the food imports of relevant enterprises shall be resumed.

Article 24 If a registered overseas production enterprise of imported food has one of the following circumstances, the General Administration of Customs shall cancel its registration and make an announcement: (1) A major food safety incident in imported food is caused by the enterprise itself; (2) Food safety problems are discovered during entry inspection and quarantine for food exported to China, and the circumstances are serious; (3) There are major problems in the food safety and sanitation management of the enterprise, and the food exported to China cannot be guaranteed to meet the safety and sanitation requirements; (4) (5) Providing false materials or concealing relevant information after rectification; (6) Refusing to cooperate with the General Administration of Customs in conducting re-examination and accident investigation; (7) Leasing, lending, transferring, reselling, Fraudulent use of registration number.

[Subject of Article]

This article is related to the relevant provisions on the cancellation of the registration qualification of registered imported food overseas production enterprises.

[Interpretation]

Deregistration of enterprises that cannot continue to meet the registration requirements of imported food overseas production enterprises is one of the most important interim and ex post management measures in these regulations. This article revises the circumstances in which enterprise registration qualifications are revoked in Article 15 of the original regulations, and adds a situation in which enterprise registration should be revoked. For the seven situations listed in this article, if the General Administration of Customs assesses and confirms that the overseas production enterprise of imported food has any one of them, the registration shall be cancelled and an announcement shall be made.

(1) A major food safety accident occurred. According to Article 150 of the "Food Safety Law of the People's Republic of China", "Food safety accidents refer to food-borne diseases, food contamination and other accidents that are caused by food and are harmful or potentially harmful to human health." Imported food from production and processing to entering the Chinese market requires multiple links such as raw and auxiliary material procurement, production and processing, origin storage, international transportation, destination storage, and market sales, as well as a long international food production and trade chain. Any link in this process exists. Risks to food safety. If a manufacturing enterprise causes a major food safety accident due to its own reasons such as improper inspection and acceptance of raw materials, improper risk prevention and control in production and processing, loss of temperature and control of storage, etc., the registration shall be revoked.

(2) Problems found in inspection and quarantine. According to the “Food Safety Law of the People’s Republic of China” and its implementing regulations, the “Import and Export Commodity Inspection Law of the People’s Republic of China” and its implementing regulations, the “Entry and Exit Animal and Plant Quarantine Law of the People’s Republic of China” and its implementing regulations, Before the food enters the Chinese market, it is inspected and quarantined. The problems of unqualified imported foods can generally be divided into two categories: 1. Unqualified safety and health items, including the discovery of non-edible additives, the existence of prohibited and restricted substances, and biological toxin contamination , Food additives exceeding the standard, microbial contamination, pollutant pollution, the presence of genetically modified ingredients, excessive pesticide and veterinary drug residues, irradiation, etc.; 2. Unqualified non-safety and sanitary items, including unqualified packaging, unqualified labels, unqualified quality, unqualified certificates, pests, and other unqualified items. The customs department assesses whether the circumstances are serious based on the causes of the food safety problems found, the harm they cause, and the degree of impact on the society. If the circumstances are serious, the registration shall be cancelled.

(3) It is found that there are major problems in the management of the enterprise. When the General Administration of Customs learns and confirms that there are major problems in the company’s food safety and hygiene management through re-examination, notifications from the competent authorities of the country (region) where the imported food overseas production company is located, public opinion information collection and judgment, complaints and reports, letters and visits, etc., it cannot guarantee that it will report to China If the domestically exported food meets the safety and sanitation requirements, and it is confirmed with the competent authority of the country (region) where the relevant risk cannot be effectively eliminated by technical means within 3 months, the relevant company registration shall be cancelled.

(4) Unqualified rectification. After an overseas manufacturer of imported food submits a rectification report to the General Administration of Customs, if the General Administration of Customs finds that the company has not completed the rectification in accordance with the pre-determined rectification requirements and rectification time limit, or the result of the rectification has not reached the pre-determined acceptance standard, the General Administration of Customs The agency should cancel the relevant company registration.

(5) Providing false materials and concealing problems. Providing false materials and concealing relevant information refers to the forgery, fabrication or concealment of relevant materials and materials during the process of applying for registration, exporting to China, accepting review by the General Administration of Customs, and accepting the supervision of the competent authority of the country (region) where the imported food is produced. The situation of the data. If the General Administration of Customs has evidence to confirm that the enterprise does falsification or concealment, the relevant enterprise registration shall be cancelled.

(6) Refusing to cooperate with the General Administration of Customs in conducting re-examinations and accident investigations. When the General Administration of Customs conducts re-examination or investigating food safety incidents, if relevant overseas production enterprises refuse to respond to the communication and inspection requirements of the General Administration of Customs, or prevariably delay for more than 3 months; or refuse to provide relevant materials required by the General Administration of Customs Providing or ought to have but falsely claiming to be unable to provide; or refusing to review by the General Administration of Customs for unreasonable reasons is a case of refusing to cooperate with the General Administration of Customs in conducting the review and accident investigation. If the General Administration of Customs has evidence to confirm that the company does refuse to cooperate, the relevant company registration shall be cancelled.

(7) The registration number is used in violation of regulations. The registration number for renting, lending, and transferring means that the registered overseas production enterprise of imported food provides its registration number to other production enterprises that have not been registered by the General Administration of Customs for export to China through leasing, trading, investment, etc. food. The scalping registration number means that the relevant enterprises or individuals obtain the registration number of the overseas production enterprise of imported food through various channels, and provide it to other production enterprises that have not been registered by the General Administration of Customs with compensation. Misuse of the registration number refers to the unauthorized use of the registration number of the registered foreign food production enterprise without the authorization of the registered foreign food production enterprise and the confirmation of the General Administration of Customs. In this case, if the subject of fraudulent use has obtained a registration number, the General Administration of Customs shall revoke the registration number of the subject of fraudulent use. The enterprise that has fraudulently used the registration number can explain the situation to the General Administration of Customs through the competent authority of the country (region) where it is located and provide the corresponding fraudulent use certificate. After the General Administration of Customs assesses and confirms it, the enterprise registration number can be maintained, or it can be The company renews its registration number. For overseas manufacturers of imported foods whose registration has been cancelled, the products exported to China starting on and after the effective date of the cancellation of the General Administration of Customs will no longer accept their import declarations. Those who have declared but have not completed the import procedures shall be returned or destroy in accordance with relevant regulations.

Article 25 When an international organization or a foreign competent authority issues a notification of a disease/epidemic, or the GACC detects a serious disease/epidemic outbreak or public health incident in its inspection and quarantine, the GACC will issue a public announcement suspending food imports from the country/region. During the import suspension, the GACC will not accept applications for registration by food manufacturers in the country/region.

[Subject of Article]

This article is about suspending the acceptance of registration applications for relevant food overseas production enterprises when serious problems such as epidemics and public health incidents are discovered.

[Interpretation]

This article is an amendment to Article 18 of the original regulations, with some adjustments. Article 95 of the "Food Safety Law of the People's Republic of China" stipulates that if food safety incidents occurring overseas may affect China's territory, or serious food safety problems are found in imported food, the national entry-exit inspection and quarantine department shall promptly take risks Early warning or control measures shall be notified to the food safety supervision and management, health administration, and agricultural administration departments of the State Council. Article 52 of the "Regulations for the Implementation of the Food Safety Law of the People's Republic of China" stipulates that if food safety incidents occurring overseas may affect China's territory, or if serious food safety problems are found in imported food, the national entry-exit inspection and quarantine department shall promptly Carry out risk warning, and can take the following control measures for related foods: one is to return or destroy the food; the other is to restrict the import conditionally; the third is to suspend or prohibit the import. Article 5 of the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" stipulates that the state prohibits the entry of relevant animals and plants, animal and plant products and other quarantine objects from countries and regions where animal and plant epidemics are prevalent.

When an international organization or the competent authority of a country (region) exporting food within China issues an epidemic notification, or when the relevant food is found to have serious problems such as an epidemic or public health incident during entry inspection and quarantine, explain the location of the overseas production enterprise that exports the relevant food to China The food safety management system of the competent national (regional) authority may have serious defects or risk of loss of control. The General Administration of Customs shall, in accordance with laws and regulations, promptly adopt emergency preventive measures such as suspension of relevant food imports.

During the suspension of relevant food imports in relevant countries (regions), the follow-up development of the epidemic situation and the investigation of public health incidents require further understanding, collection of information and risk assessment. According to Article 6 of these regulations, the General Administration of Customs may adjust the registration methods and application materials of its production enterprises after risk analysis or evidence showing that the country’s food risks have changed. Therefore, if serious problems such as epidemics and public health incidents are discovered, during the suspension of relevant food imports from the relevant country (region), the registration application of the relevant food production enterprise of the country (region) should not be accepted until the relevant risk assessment is completed.

Article 26 The competent authority of the country /region in these Regulations refers to government agencies in charge of safety and sanitation regulation of food manufacturers in the country/region.

[Subject of Article]

This article is about the concept of "the competent authority of the country (region) where it is located".

[Interpretation]

The "competent authority of the country (region) where it is located", as the competent party of an overseas production enterprise of imported food, is an important role in the registration and management of an overseas production enterprise of imported food. This article clarifies its definition. According to the provisions of this article, the "competent authority of the country (region)" refers to the competent authority responsible for the safety and health supervision of the food production enterprise in the country (region) where the overseas production enterprise of imported food is located. Compared with Article 21 of the original regulation, the relevant expressions have been adjusted. , Deleted the "official authorized institutions and industry organizations" in the original regulations, and further clarified the official identity of the "competent authority of the country (region) where it is located".

Different countries (regions) have different authorities for food production companies. Some countries are responsible for different types of food by different departments and agencies, such as the Ministry of Health and Welfare and Ministry of Agriculture and Water in Japan, the U.S. Food and Drug Administration (FDA), and the Ministry of Agriculture (USDA). ), Food Safety and Inspection Service (FSIS), Tobacco, Alcohol, Firearms, and Explosives Administration (ATF) and other departments. In some countries, different production links of the same product are also managed by different departments.

In the actual implementation of this regulation, if the "competent authority of the country (region) where it is located" is performed by different official agencies, the corresponding official agencies shall connect with the General Administration of Customs according to their own responsibilities, or one of the official agencies shall be responsible for the unified docking with the customs. The General Administration is responsible for official recommendation, assistance in evaluation, review and review, and supervision and supervision of domestic enterprises by its organization.

Article 27 The GACC is responsible for the interpretation of these Regulations.

[Subject of Article]

This article is about the provisions that the General Administration of Customs is responsible for interpreting these regulations.

[Interpretation]

This article originated from Article 22 of the original regulations. According to Article 33 of the State Council’s "Regulations on Procedures for Rule-making", the power to interpret rules belongs to the rule-making authority. The General Administration of Customs has the authority for the formulation of these regulations and therefore has the power to interpret these regulations. It is responsible for making explanations when the specific meaning of these regulations needs to be further clarified, and when new situations arise after the regulations are formulated, the basis for the application of the regulations needs to be clarified. The interpretation of the rules has the same effect as the rules.

Article 28 These Regulations come into effect on January 1, 2022. The Administrative Measures for Registration of Overseas Manufacturers of Imported Foods, released as the Decree 145 of the former General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on March 22, 2012, revised by GACC Decree No. 243 on November 23, 2018, is abolished at the same time.

[Subject of Article]

This article is about the date when the rule becomes effective.

[Interpretation]

This article clarifies that these regulations will come into effect on January 1, 2022, that is, the revised "Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food of the People’s Republic of China" will come into effect on January 1, 2022. The General Administration of Customs and the overseas production of imported food Enterprises and the competent authorities of the countries (regions) where they are located, and other entities related to these regulations, shall, from January 1, 2022, perform various obligations and exercise various rights in accordance with the requirements of these regulations. This article also clarifies that the original "Regulations on Registration and Administration of Imported Food Overseas Production Enterprises" shall be repealed at the same time, and the old and new regulations shall be replaced seamlessly.

This regulation was promulgated on April 12, 2021, and will be implemented on January 1, 2022. A transition period in line with WTO regulations has been granted. There are more than 8 months between the promulgation of this regulation and its implementation. The main consideration is that this revision has changed significantly. In particular, the product range has been expanded from four categories of meat, aquatic products, dairy products and bird’s nest to all food categories. All parties concerned need to use this section. Time to make preparations for the implementation of this regulation.