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Order No. 248 of the General Administration of Customs (Order on the Publication of the Regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises of Imported Food)

The Regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises of Imported Food, which were approved by the General Administration of Customs at its meeting on March 12, 2021, are hereby promulgated and will come into effect on January 1, 2022. On March 22, 2012, Order No. 145 of the former State Administration of Quality Supervision, Inspection and Quarantine announced that the Regulations on the Registration and Administration of Imported Food Overseas Production Enterprises, as amended by Order No. 243 of the General Administration of Customs of November 23, 2018, shall be repealed at the same time.

Director-General Yu Yue

April 12,

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

Chapter 1 General

Article 1 These Provisions are formulated in accordance with the provisions of laws and administrative regulations such as 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 Animal and Plant Quarantine Law of the People's Republic of China and its implementing regulations, and the Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products.

Article 2 These Provisions shall apply to the registration and management of overseas production, processing and storage enterprises (collectively referred to as overseas production enterprises of imported food) that export food to China.

The overseas production enterprises of imported food stipulated in the preceding paragraph do not include the production, processing and storage enterprises of food additives and food-related products.

Article 3 The General Administration of Customs shall be responsible for the registration and administration of overseas production enterprises importing food products.

Article 4 Overseas production enterprises importing food shall be registered with the General Administration of Customs.

Chapter II Registration Conditions and Procedures

Article 5 Conditions for the registration of overseas production enterprises of imported food:

- (1) The food safety management system of the country (region) in which it is located is evaluated and reviewed by the General Administration of Customs;
- (2) established with the approval of the competent authorities of the country (region) in which it is located and under its effective supervision;
- (3) Establish an effective food safety health management and protection system, legally produce and export food in the country (region) in which it is located, and ensure that the food exported to China complies with relevant Chinese laws and regulations and national standards for food safety;
- (4) Comply with the relevant inspection and quarantine requirements agreed upon by the General Administration of Customs and the competent authorities of the country (region) in which they are located.

Article 6 The mode of registration of overseas production enterprises of imported food includes the recommended registration and application for registration by the competent authorities of the country (region) in which they are located.

The General Administration of Customs determines the registration method and application materials of overseas production enterprises of imported food based on the analysis of the source of raw materials, production and processing process, food safety historical data, consumer population, consumption mode and other factors, and in the light of international practice

After risk analysis or evidence of a change in the risk of a certain type of food, the General Administration of Customs may adjust the registration method and application materials of the overseas production enterprises of the corresponding food products.

Article 7 The overseas production enterprises of the following foods shall be recommended and registered by the competent authorities of the country (region) in which they are located to the General Administration of Customs: meat and meat products, intestinal clothing, aquatic products, dairy products, bird's nest and bird's nest products, honeycomb products, egg and egg products, edible oils and oils, bags Stuffed pasta, edible cereals, cereal powdered industrial products and malts, fresh and dehydrated vegetables, as well as dried beans, seasonings, nuts and seeds, dried fruits, unbaked coffee beans and cocoa beans, special dietary foods, health food.

Article 8 The competent authorities of the country (region) in which they are located shall conduct an examination and inspection of the enterprises recommended for registration, confirm that they meet the registration requirements, recommend registration to the General Administration of Customs and submit the following application materials:

- (1) A letter of recommendation from the competent authorities of the country (region) in which it is located;
- (2) The list of enterprises and the application for enterprise registration;
- (3) Enterprise identification documents, such as business licenses issued by the competent authorities of the country (region) in which they are located;
- (4) A statement by the competent authority of the country (region) in which the enterprise is recommended to meet the requirements of these Provisions;
- (5) The examination report of the relevant enterprise by the competent authorities of the country (region) in which it is located.

If necessary, the General Administration of Customs may request documents for the safety, hygiene and protection system of enterprises, such as floor plans for enterprise plants, workshops, cold storage, and process flowcharts.

Article 9 An overseas food production enterprise other than the food listed in Article 7 of these Provisions shall, on its own or by entrusting an agent, submit an application for registration to the General Administration of Customs and submit the following application materials:

- (1) Application for enterprise registration;
- (2) Business identification documents, such as business licenses issued by the competent authorities of the country (region) in which they are located;

(3) A statement of the enterprise's commitment to comply with the requirements of these Provisions.

Article 10 The contents of an application for enterprise registration shall include information such as the name of the enterprise, the country in which it is located, the address of the place of production, the legal representative, the contact person, the contact information, the registration number approved by the competent authorities of the country (region) in which it is located, the type of food to be registered, the type of production and the production capacity.

Article 11 The application materials for registration shall be submitted in Chinese or English, and if the relevant country (region) and China agree otherwise on the registration method and the application materials, they shall be executed in accordance with the agreement of both parties.

Article 12 The competent authorities of the country (region) or the overseas production enterprises of imported food shall be responsible for the authenticity, completeness and legality of the materials submitted.

Article 13 The General Administration of Customs, on its own or by entrusting the relevant institutions, shall, through written inspection, video inspection, on-site inspection and other forms and combinations, carry out an evaluation and examination of the overseas production enterprises applying for registration of imported food products. The judging panel consists of more than 2 assessors.

The overseas production enterprises of imported food products and the competent authorities of the country (region) in which they are located shall assist in carrying out the above-mentioned assessment and examination.

Article 14 On the basis of the assessment and examination, the General Administration of Customs shall register and give the registration number of the imported food overseas production enterprises that meet the requirements to China, notify the competent authorities of the country (region) or the overseas production enterprises of imported food in writing;

Article 15 When an enterprise that has been registered exports food to China, it shall mark the registration number in China and the registration number approved by the competent authorities of the country (region) in which it is located on the internal and outer packaging of the food.

Article 16 The registration of overseas production enterprises of imported food shall be valid for 5 years.

When registering overseas production enterprises of imported food products, the General Administration of Customs shall determine the date of validity of registration.

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

Chapter III Registration Management

Article 18 The General Administration of Customs shall, on its own or by entrusting the relevant institutions, organize a review team to conduct a review of whether the overseas production enterprises of imported food continue to meet the registration requirements. The judging panel consists of more than 2 assessors.

Article 19 If the registration information of an overseas production enterprise of imported food changes during the registration period, the application for change shall be submitted to the General Administration of Customs through the registration application channel, and the following materials shall be submitted:

- (1) A control table of change information on registration matters;
- (2) Supporting materials relating to the change information.

If the General Administration of Customs considers that it can be changed after assessment, it shall make a change.

If the place of production is relocated, the legal representative changes, or the registration number granted by the country (region) in which it is located changes, it shall reapply for registration, and the registration number in China shall automatically lapse.

Article 20 If an overseas production enterprise of imported food needs to renew its registration, it shall, within 3 to 6 months before the expiration of the validity period of registration, submit an application for renewal of registration to the General Administration of Customs through the means of registration application.

Applications for renewal of registration include:

- (1) the application for renewal of registration;
- (ii) A statement of commitment to continue to comply with registration requirements.

The General Administration of Customs shall renew the registration of enterprises that meet the registration requirements for a period of five years.

Article 21 If an overseas production enterprise that has registered imported food has one of the following circumstances, the General Administration of Customs cancels its registration, notifies the competent authorities of the country (region) or the overseas production enterprise of imported food, and publishes it:

- (1) failing to apply for renewal of registration in accordance with the provisions;
- (2) The competent authorities of the country (region) or the overseas production enterprises of imported food products have applied for cancellation on their own initiative;
- (3) No longer meets the requirements of Article 5 (2) of these Provisions.

Article 22 If the competent authorities of the country (region) where the overseas production enterprises of imported food located shall effectively supervise the registered enterprises, urge the registered enterprises to continue to meet the registration requirements, and if they find that they do not meet the registration requirements, they shall immediately take control measures to suspend the export of food products to China by the relevant enterprises until the rectification meets registration requirements.

When an overseas production enterprise of imported food finds that it does not meet the registration requirements, it shall voluntarily suspend the export of food products to China and take immediate corrective measures until the rectification meets the registration requirements.

Article 23 If the General Administration of Customs discovers that an overseas production enterprise of registered imported food no longer meets the registration requirements, it shall order it to carry out rectification within the prescribed time limit and suspend the food import of the relevant enterprise during the rectification period.

If an enterprise recommended for registration by the competent authorities of the country (region) in which it is located is suspended from import, the competent authority shall supervise the enterprise concerned to complete the rectification within the prescribed time limit and submit a written rectification report and a written declaration in compliance with the registration requirements to the General Administration of Customs.

If an enterprise applying for registration on its own or by entrusting 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 declaration in accordance with the registration requirements to the General Administration of Customs.

The General Administration of Customs shall examine the rectification of enterprises, examine those who are qualified, and resume the food imports of the relevant enterprises.

Article 24 If an overseas production enterprise of imported food that has been registered has one of the following circumstances, the General Administration of Customs revokes its registration and announces it:

- (1) A major food safety accident has occurred in imported food products due to the enterprise's own reasons;
- (2) The food exported to China is found to have food safety problems in the incoming inspection and quarantine, and the circumstances are serious;
- (3) If there are major problems in the food safety and health management of an enterprise, it cannot guarantee that its food exports to China meet the requirements of safety and hygiene;
- (4) If, after rectification, it still does not meet the registration requirements;
- (5) providing false materials and concealing the relevant information;
- (6) refusing to cooperate with the General Administration of Customs in carrying out the review and accident investigation;

(7) Renting, lending, transferring, reselling or fraudulently using the registration number.

Chapter 4 By-laws

Article 25 If an international organization issues an outbreak notification to the competent authorities of the country (region) that exports food within China, or if the relevant food products find serious problems such as outbreaks or public health incidents in the incoming inspection and quarantine, the General Administration of Customs announces the suspension the import of relevant food products from that country (region), during which time the application for registration of the relevant food production enterprises of that country (region) shall not be accepted.

Article 26 The competent authorities of the state (region) in these Provisions refer to the official department in charge of the safety and health supervision of food production enterprises in the country (region) where the overseas production enterprises of imported food products are located.

Article 27 These Provisions shall be interpreted by the General Administration of Customs.

Article 28 These Provisions shall come into effect on January 1, 2022. On March 22, 2012, Order No. 145 of the former State Administration of Quality Supervision, Inspection and Quarantine announced that the Regulations on the Registration and Administration of Imported Food Overseas Production Enterprises, as amended by Order No. 243 of the General Administration Customs of November 23, 2018, shall be repealed at the same time.

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