

Public Notice of the General Administration of Customs Soliciting Public Comments on the “Administrative Measures for Registration of Overseas Producers of Imported Foods (Draft for Comments)”

To deeply implement the “the four strictest requirements” of important guidance on food safety, further conduct source supervision on imported food and promote food safety, General Administration of Customs plans to optimize and improve the registration management system of overseas producers of imported foods. The public can offer comments and feedback in the following ways:

- I. Log in GACC website (<http://www.customs.gov.cn>), go to “[homepage>信息公开>征求意见>](#)” and make comments;
- II. Send email to: wang-gang@customs.gov.cn
- III. Send mail to: No.6. Jianguomennei Avenue, Dongcheng District, Beijing, China, 100730; please indicate “Comments on the ‘Administrative Measures for Registration of Overseas Producers of imported foods (Draft for Comments)’ on the envelop.

Comments will be accepted by December 25, 2019.

General Administration of Customs

November 26, 2019

Appendix: Administrative Measures for Registration of Overseas Producers of Imported Foods (Draft for Comments)

<http://www.customs.gov.cn/customs/302452/302329/zjz/2712639/index.html>

Appendix

Administrative Measures for Registration of Overseas Producers of Imported Foods (Draft for Comments)

Chapter I General Provisions

Article 1 [Legislation Basis] To strengthen the supervision and management of overseas producers of imported foods, these Measures are formulated according to provisions of the Food Safety Law of the People's Republic of China and its implementing regulations, and administrative regulations.

Article 2 [Application Scope] These Measures shall apply to overseas manufacturers, processors, and storage facilities (hereinafter referred to as “overseas producers of imported foods”), that export foods to China.

Article 3 [Administration System] The General Administration of Customs of China (GACC) centralizes the administration of the registration of overseas producers of imported foods.

Article 4 [Registration System] Overseas producers of imported foods intend to export foods to China shall obtain registration with GACC.

Article 5 [Classified Management] GACC implements the categorized registration management to overseas producers of imported foods on the basis of risk analysis.

Chapter II Conditions and Procedures for Registration

Article 6 [Registration Conditions] For an overseas producer of imported food, the registration conditions are as follows:

(I) The food safety management system of the country (region) where the producer locates has been evaluated by GACC;

(II) Risks of the food to be imported to China is within the acceptable range, and (the food meets Chinese inspection and quarantine requirements;

(III) The producer was approved by competent authorities of the country (region) where it locates (competent authority), and is under effective oversight by the competent authority; the producer’s sanitary conditions comply with the determined and corresponding inspection and quarantine requirements, and comply with relevant provisions in Chinese laws, regulations and standards.

Article 7 [Application for Registration] An overseas producer of imported food submit application for registration in China to the competent authorities; the competent authority examines item by item the application pursuant to the registration standards and requirements of China; confirming the application is compliant (to the Chinese registration standards and requirements), the competent authority recommends the producer to GACC

(for registration).

GACC will develop the registration standards and requirements, and provide such standards and requirements to the competent authorities of the exporting country (region).

Article 8 [Registration Materials] To recommend a company to get registered, the competent authority should submit the following materials (in Chinese or in English) to GACC:

(I) The list of overseas producers of imported foods it recommends for registration in China and relevant information;

(II) Inspection reports of the recommended food producers;

(III) The (competent authority's) statement that the sanitary conditions and production processes of the food producers can continuously meet requirements by China, the food producers are under its effectively oversight in a long-term, and the competent authority will proactively take the responsibilities of inspections and recommendations if problems occur;

(IV) The producer's statement that its sanitary conditions and production processes can continuously meet requirements by China.

Article 9 [Registration Review] GACC sets up expert review teams to review the recommendation materials submitted by the competent authorities; if necessary, GACC will conduct review, evaluation and verification in multiple forms, including on-site audits, random sampling inspection by video, etc.

Article 10 [Review Personnel] GACC should develop requirements for reviewers' professional technique training, use, and the supervision and administration. Personnel engage in reviews should pass GACC's evaluation.

Article 11 [Registration Decision] The review team shall complete examination and review work and submit review reports to GACC according to procedures and requirements specified by GACC.

GACC makes the decision whether to make registration based on the review report submitted by the review team.

Article 12 [Registration Results] For an overseas producer that comply with registration requirements, GACC will register the producer and determine the starting and ending dates of its registration, and notifies the registration to the competent authority; deciding not to register a overseas producer, GACC will notify in writing the competent authority, and provide reasons of the rejection.

GACC publishes the list of oversea producers of imported food that receive registration in a unified way.

Article 13 [Classified Management Depending on Compliance Degree] Based on risk assessment and the review results, GACC implements categorized management over competent authorities based on the degree of their compliances with the determined and corresponding laws, regulations, and standards in China.

Where GACC has signed bilateral cooperation agreements or corresponding inspection and quarantine requirements with the competent authorities, (the registration management will be) carried out pursuant to the review principles agreed by the two sides.

Article 14 [Period of Validity] The registration for overseas producers of imported foods will be valid for 5 years.

To renew registration, an overseas producer of imported food shall submit its application for registration renewal to GACC through competent authorities, or submit the application in other provided forms; the application for registration renewal should be submitted one year before the registration expires.

Where an overseas producer of imported food fails to apply for renewal of registration within the specified period, GACC will cancel its registration and make a public announcement thereof.

Article 15 [Registration Number] An overseas producer of imported food that has been registered shall faithfully label the registration number, name of the producer, and its address on the smallest package for sale of the foods to be imported to China.

It is prohibited to imitate or transfer the registration number.

Chapter III Registration Management

Article 16 [Supervision and Management] GACC conducts supervision and management of overseas producers of imported foods registered with it.

Article 17 [Supervision Mode] GACC, based on the degree of risks of different types of producers, determines the focuses, forms and frequencies of inspections to the registered overseas food manufacturers.

Article 18 [Annual Verification and Reporting System] For imported food with higher safety risks and higher consumer sensitivity, GACC conducts annual verifications and launches the “reporting system” for the registered overseas producers (of such products).

The scope of foods subject to the annual verification and the reporting requirements will be developed and announced by GACC.

Competent authorities of the country (region) that export foods subject to the annual verification and reporting requirements should submit the following documents and materials to GACC through required form before December 31 of each year:

(I) Commitment stating that the sanitary conditions and production processes of the recommended overseas food producers continuously comply with China's requirements, and the producers are under its effective oversight, attaching report of the latest inspection to the producer;

(II) Statement by the producer confirming that it continuously complies with China's requirements and the producer's self-evaluation report;

(III) Materials for other issues need explanations.

Article 19 [Rectification Provisions] If one of following circumstances occurs, the registered overseas producer of imported food should take rectification measures; while it is taking the rectification measures, its exports of relevant products to China are suspended:

(I) the registered overseas producer of imported food has circumstances that do not comply with registration requirements;

(II) the registered overseas producer of imported food which fails to submit annual verification materials as required;

(III) the registered overseas producer of imported food which fails to label in the smallest package for sale such information as registration number, name and address of the producer, as required.

The competent authorities shall supervise (urge) the producer that need to take rectification measures to complete the rectification measures within given time; the producer then should submit a written rectification report and a written statement about its compliance with the registration requirements to GACC. The producer may resume food export to China only after GACC finds it compliant (with China's requirements).

Article 20 [Alteration Provisions] Where the registration items of a registered overseas producer of imported food change, the said manufacturer shall notify it to GACC through the competent authority in a timely manner; GACC will make arrangements according to the specific situation.

Article 21 [Revocation Provisions] If a registered overseas producer of imported food falls under any of the following circumstances, GACC shall revoke its registration, notify the competent authorities and issue announcement thereof:

(I) Where a major food safety incident occurs in relevant imported food caused by an overseas producer of imported foods;

(II) When nonconformity is detected in its products during entry and exit inspection and quarantine, and the circumstance is serious;

(III) Where major problems are found after investigation in the management of food safety and sanitation, cannot guarantee the safety and sanitation of its products;

(IV) When the manufacturer still fails to meet the requirements for registration after rectification;

(V) When provide false materials or concealing relevant facts;

(VI) Leasing, lending, transferring, reselling, or altering the registration number.

Where competent authorities of the exporting country (region) fails to fulfill inspection and supervision responsibilities or improperly fulfill duties and thus cause the above problems, GACC takes such measures as suspending acceptance of recommendation from the authorities, suspending registration for individual enterprises or all enterprises recommended by the authorities according to the severity degree of the problems.

Article 22 [Cancellation Provisions] If a registered overseas producer of imported food falls under any of the following circumstances, GACC shall cancel its registration qualification, stop importing relevant products, notify the competent authorities, and make it public:

(I) the period of validity expires, and no application for renewal is submitted;

(II) terminating or applying for cancelation according to law;

(III) other circumstances in which cancelation shall be applied according to law.

Article 23 [Importer Responsibilities and the Third-party Review] An importer shall establish a review system for overseas producers of imported foods, ensure that the imported food is produced by registered manufacturers and the manufacturer's name, address, and registration number on the minimum sales packages of food exported to China are real and accurate.

Importers can entrust a third-party that meets the qualification and capabilities required by relevant Chinese laws and regulations to review overseas producers of imported foods.

Article 24 [Entry Inspection Provisions] The Customs shall carry out scientific and effective supervision, random inspection and risk monitoring on imported food, check whether the imported food is produced by registered enterprises, and incorporate the overseas producers of imported foods into the customs credit management system.

Where noncompliance with legal requirements is found through inspection, it shall be handled by GACC in accordance with relevant laws and administrative regulations such as the Food Safety Law of the People's Republic of China and the Law of the People's Republic of China on Inspection of Import and Export Commodity.

Article 25 [Punishment Provisions] Where an importer imports food produced by an overseas producer of imported food that is subject to the registration management of the State, but fails to be registered, the Customs shall instruct the importer to stop the import, confiscate illegal gains and impose a penalty more than 10% but less than 50% of the value of products to the importer according to Article 49 of the Implementation Regulations of the Law of the People's Republic of China on the Inspection of Import and Export Commodity.

Chapter IV Supplementary Provisions

Article 26 [Announcement System] When an international organization or competent authorities of the country (region) who exports food to China issues an epidemic situation notice or when an epidemic situation is detected in the products during the entry inspection and quarantine, or severe problems occur, such as the public health is out of control in the country (region), during the period that GACC announces to suspend the imports of relevant food from such country (region), the registration of relevant food manufacturers recommended by the competent authorities of the country (region) is not accepted.

Article 27 [Continuous Supervision] Competent authorities shall conduct continuous effective supervision on registered enterprises, conduct regular or nonscheduled supervision and examination on relevant enterprises in accordance with Chinese laws, regulations and standards or the inspection and quarantine requirements which are agreed with GACC, and notify GACC in a timely manner if a major food safety risk is found.

Article 28 [Assistance Provision] The institution that recommends the registration of overseas producers of imported foods should assist the review team appointed by GACC to complete the on-site audits and verifications.

Article 29 [Provisions for Hong Kong, Macao and Taiwan] The registration management of production, processing and storage enterprises in Hong Kong Special Administrative Region, Macao Special Administrative Region or Taiwan, who export food to Chinese Mainland, shall be implemented with reference to the Regulations.

Article 30 [Invitation for Registration] Where GACC appoints a customs-affiliated agency to accept a registration application of an overseas producer of imported food, and organize the assessment, it shall be implemented with reference to the Regulations.

Article 31 [Definition] The competent authorities of the country (region) in the Regulations include official departments, officially authorized institutions, industrial organizations, etc. responsible for relevant food safety and health in the country (region) where an overseas producer of imported food is located.

Article 32 [Interpretation] GACC is responsible for interpretation of the Regulations.

Article 33 [Date of Implementation] The Regulations come into effect on XX(month)XX(day)XXXX (year), and Administrative Measures for Registration of Overseas Producers of imported foods promulgated by the original General Administration of Supervision, Inspection and Quarantine on March 22, 2012 is abolished at the same time.