

# Decree No. 248 of the General Administration of Customs (Decree on Promulgating the *Provisions of the People's Republic of China on Registration Administration of Overseas Manufacturers of Imported Food*)

The *Provisions of the People's Republic of China on Registration Administration of Overseas Manufacturers of Imported Food*, deliberated and adopted at the executive meeting of the General Administration of Customs of the People's Republic of China (GACC) on March 12, 2021, is hereby promulgated and shall come into force as of January 1, 2022. The *Provisions on the Registration Administration of Overseas Manufacturers of Imported Food*, published in Decree No. 145 of the former General Administration of Quality Supervision, Inspection and Quarantine on March 22, 2012 and amended according to Decree No. 243 of the GACC on November 23, 2018, shall be repealed as of the same date.

Minister Ni Yuefeng

April 12, 2021

## Provisions of the People's Republic of China on Registration Administration of Overseas Manufacturers of Imported Food

### Chapter I General Provisions

**Article 1** With a view to strengthening the registration administration of the overseas manufacturers of imported food, these *Provisions* are hereby formulated in accordance with the provisions of laws and administrative regulations including the *Food Safety Law of the People's Republic of China* and its *Regulations for the Implementation*, the *Law of the People's Republic of China on Import and Export Commodity Inspection* and its *Regulations for the Implementation*, *Regulations for the Implementation of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine*, and the *Special Rules of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products*.

**Article 2** These *Provisions* shall apply to the registration administration of overseas enterprises engaged in the production, processing and storage of food exported to China (hereinafter referred to as the overseas manufacturers of imported food).

The overseas manufacturers of imported food stated in the preceding paragraph do not include those engaged in the production, processing and storage of food additives and food-related products.

**Article 3** The General Administration of Customs of the People's Republic of China (GACC) shall handle the registration administration of the overseas manufacturers of imported food in a uniform manner.

**Article 4** The overseas manufacturers of imported food shall be registered with the GACC.

### Chapter II Registration Conditions and Procedures

**Article 5** Registration conditions for the overseas manufacturers of imported foods include:

(I) The food safety management system of the country (region) where the enterprise is located has passed the equivalent appraisal and examination by the GACC;



(II) The enterprise is subject to the approval and effective supervision of the competent authorities in the country (region) where it is located;

(III) The enterprise establishes an effective management and protection system for food safety and hygiene, legally conducts food production and exportation in the country (region) where it is located, and ensures that food exported to China conforms to relevant Chinese laws and regulations as well as national food safety standards; and

(IV) The enterprise complies with relevant inspection and quarantine requirements agreed upon between the GACC and the competent authorities in the country (region) where it is located.

**Article 6** An overseas manufacturer of imported food may register by recommendation from the competent authorities in the country (region) where it is located or by application from the manufacturer itself.

The GACC shall, considering international practices, determine the registration means and application materials of the overseas manufacturer of imported food based on the analysis of factors including ingredient sources, production and processing techniques, historical data of food safety, customer groups, and eating methods.

In the event of risk analysis or evidence showing alteration in the risk of a certain kind of food, the registration means and application materials of the overseas manufacturers of relevant food shall be subject to adjustment by the GACC.

**Article 7** In order to apply for registration, an overseas manufacturer of the following food shall be recommended to the GACC by the competent authorities in the country (region) where the enterprise is located: meat and meat products, casing, aquatic products, dairy products, cubilose and cubilose products, bee products, eggs and egg products, edible fats and oils, stuffed pasta, edible cereals, industrial cereal powder products and malt, fresh and dehydrated vegetables and dried beans, seasonings, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, food for special dietary use, and healthcare products.

**Article 8** The competent authorities in the country (region) of the enterprise recommended for registration shall examine and verify the said enterprise, which then, after confirming that it meets the registration requirements, perform recommendation to the GACC and submit the following application materials:

(I) A letter of recommendation from the competent authorities in the country (region) where the enterprise is located;

(II) A list of the recommended enterprises and their applications for registration;

(III) Identification documents of the enterprise, such as the business license issued by the competent authorities in the country (region) where the enterprise is located;

(IV) A statement from the competent authorities in the country (region) where the enterprise is located that the said enterprise complies with the requirements of these *Provisions*; and

(V) A review report on the examination and verification of the relevant enterprise from the competent authorities in the country (region) where the enterprise is located.

The GACC may, if necessary, require the provision of documents on the management and protection system for food safety and hygiene of the enterprise, including plan views of factory, workshop and cold storage, and process flow chart.

**Article 9** The overseas manufacturers of food other than those listed in Article 7 of these *Provisions* shall apply for registration with the GACC by themselves or by entrusting parties with the following application materials:

(I) An application for the registration of the overseas manufacturers of imported food;

(II) Identification documents of the enterprise, such as the business license issued by the competent authorities in the country (region) where the enterprise is located; and



(III) A statement from the enterprise on its compliance with the requirements of these *Provisions*;

**Article 10** The contents of an application for registration of an overseas manufacturer of imported food shall include the name of the enterprise, the country (region) where it is located, the address of the manufacturing site, the legal representative, contact person(s), contact information, the registration number approved by the competent authorities in the country (region) where it is located, the type of food to be registered, the type of production, the production capacity, and other information.

**Article 11** The application materials for registration shall be written in Chinese or English. In the event of other agreements between the relevant country (region) and China on the registration means and application materials, the mutual agreement shall prevail.

**Article 12** The overseas manufacturer of imported food or the competent authorities in the country (region) where the enterprise is located shall be responsible for the authenticity, integrity and legality of the materials submitted.

**Article 13** The GACC shall organize a review team on its own or entrust relevant institutions to evaluate and examine the overseas manufacturers of imported food for their registration applications through written forms, videos, on-site or other forms of inspection, or any of their combinations. The review team shall consist of at least two (2) review personnel.

The overseas manufacturer of imported food and the competent authorities in the country (region) where the enterprise is located shall assist in the aforementioned evaluation and examination.

**Article 14** The overseas manufacturer of imported food that, in accordance with the evaluation and examination, meets the requirements shall be registered and issued with a registration number in China by the GACC. A written notice shall be given to the enterprise or the competent authorities in the country (region) where the enterprise is located. The one failing to meet the requirements shall be rejected from registration, and a written notice shall be given to the enterprise or the competent authorities in the country (region) where the enterprise is located.

**Article 15** The registered overseas manufacturer shall mark the registration number in China or the registration number approved by the competent authorities in the country (region) where it is located on the inner and outer packaging of its food exported to China.

**Article 16** The registration of an overseas manufacturer of imported food shall be valid for five (5) years.

The GACC shall determine the effective and expiration dates of the registration when approving the registration application of the overseas manufacturers of imported food.

**Article 17** The GACC shall publish the list of the registered overseas manufacturers of imported food in a uniform manner.

### Chapter III Registration Administration

**Article 18** The GACC shall organize a review team on its own or entrust relevant institutions to review whether the overseas manufacturers of imported food constantly meet the registration requirements. The review team shall consist of at least two (2) review personnel.

**Article 19** In the event of any change to the registration information of an overseas manufacturer of imported food within the validity period, a request for change shall be submitted to the GACC through the application channel of the registration with the following documents:

- (I) A list of change comparison to the registration information; and
- (II) Documentation related to the change(s).

Where the GACC approves the change(s) after evaluation, the information shall be changed accordingly.



In the event of relocation of the manufacturing site or change(s) to the legal representative or to the registration number approved by the country (region) where the enterprise is located, an application for registration shall be filed anew and the registration number in China shall be invalidated thereupon.

**Article 20** Where an overseas manufacturer of imported food needs to renew the validity period of its registration, it shall apply for renewal to the GACC through the application channel of the registration within three (3) to six (6) months before the expiration date.

The application materials for renewal of the registration include:

- (I) An application for renewal of the registration; and
- (II) A commitment statement of consistent compliance with the registration requirements.

The GACC shall extend the registration of the enterprises that meet the registration requirements by a period of five (5) years.

**Article 21** In the event of any of the following circumstances, the GACC shall cancel the registration of the registered overseas manufacturer of imported food and notify the enterprise or the competent authorities in the country (region) where it is located. At the same time, an announcement shall be made publicly available:

- (I) Failure to apply in the prescribed manner for the renewal of the registration;
- (II) Voluntary application for cancellation from the registered overseas manufacturer of imported food or the competent authorities in the country (region) where it is located; or
- (III) Failure to continue to meet the requirements of Subparagraph 2 of Article 5 of these Provisions.

**Article 22** The competent authorities in the country (region) where the overseas manufacturer of imported food is located shall effectively supervise the registered enterprise to continuously meet the registration requirements. In the event of any failure to meet the registration requirements, immediate control measures shall be taken against the enterprise and the food from the relevant enterprise exported to China shall be suspended until it meets the requirements after rectification.

Where an overseas manufacturer of imported food finds itself incompetent to meet the registration requirements, the food exported to China shall be suspended initiatively and immediate rectification measures shall be taken until it meets the requirements after rectification.

**Article 23** Where the GACC finds that an overseas manufacturer of imported food no longer meets the registration requirements, it shall order the enterprise to make rectification within the time limit, and the food from the relevant enterprise exported to China shall be suspended during the period.

In the event of suspended food export from a registered enterprise recommended for registration by the competent authorities in the country (region) where it is located, the competent authorities shall supervise the relevant enterprise to complete the rectification within the time limit. A written rectification report and a written statement of compliance with the registration requirements shall be submitted to the GACC.

In the event of suspended food export from a registered enterprise applied for registration by itself or by entrusting parties, the said enterprise shall complete the rectification within the time limit. A written rectification report and a written statement of compliance with the registration requirements shall be submitted to the GACC.

The GACC shall examine the rectification of the enterprise. Where the said enterprise passes the examination, food export from it shall be resumed.

**Article 24** In the event of any of the following circumstances, the GACC shall cancel the registration of the registered overseas manufacturer of imported food, and an announcement shall be made publicly available:



(I) Occurrence of serious food safety incidents in connection with the imported food for reasons attributable to the overseas manufacturer;

(II) Serious food safety problems found in the food exported to China during the entry inspection and quarantine;

(III) Major food safety and hygiene management problems found in the enterprise which make the safety and hygiene of the food exported to China unguaranteed;

(IV) Failure to meet the registration requirements after rectification;

(V) Provision of false documents or concealment of relevant information;

(VI) Refusal to cooperate with the GACC in the review and accident investigation; or

(VII) Renting, borrowing, transferring, selling and reselling, or falsely using the registration number.

#### Chapter IV Supplementary Provisions

**Article 25** Where international organizations or the competent authorities in the countries (regions) exporting food to China release an epidemic announcement, or where serious problems such as epidemic and public health incidents are found in the relevant food during the entry inspection and quarantine, the GACC shall announce the suspension of the relevant food export from the countries (regions), and shall not accept applications for registration of the relevant food manufacturers in the countries (regions) during this period.

**Article 26** For the purpose of these *Provisions*, the competent authorities in the country (region) refer to the official departments responsible for the supervision of the safety and hygiene of the food manufacturer in the country (region) where the enterprise is located.

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

**Article 28** These *Provisions* shall come into force as of January 1, 2022. The *Provisions on the Registration Administration of Overseas Manufacturers of Imported Food*, published in Decree No. 145 of the former General Administration of Quality Supervision, Inspection and Quarantine on March 22, 2012 and amended according to Decree No. 243 of the GACC on November 23, 2018, shall be repealed as of the same date.

