

Provisions of the People's Republic of China on the Administration of registration of Enterprises producing imported food abroad

Chapter I General Provisions

Article 1 In order to strengthen the registration administration of overseas enterprises producing imported food, According to 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 implementation regulations, the entry and exit animal and plant quarantine law of the People's Republic of China "and its implementation regulations, the State Council on strengthening food and product safety supervision and management of special provisions" and other laws and administrative regulations, these provisions are formulated.

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

Overseas production enterprises of imported food as mentioned in the preceding paragraph do not include enterprises engaged in the production, processing and storage of food additives and food-related products.

Article 3 The General Administration of Customs shall be uniformly responsible for the registration and administration of enterprises producing imported food abroad.

Article 4 Enterprises producing imported food abroad shall be registered by the General Administration of Customs.

Chapter II Conditions and Procedures for Registration

Article 5 Requirements for registration of enterprises producing imported food abroad:

(1) the food safety management system of the country (region) it is located in has passed the equivalence assessment and examination of the General Administration of Customs;

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

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

(4) It shall meet the relevant inspection and quarantine requirements agreed upon by the General Administration of Customs and the competent authorities of the country (region) where it is

located.

Article 6 The registration methods for enterprises producing imported food abroad include the registration recommended by the competent authorities of the country (region) where they are located and the application for registration by enterprises.

The General Administration of Customs shall determine the registration method and application materials for overseas food production enterprises based on the analysis of raw material sources, production and processing techniques, historical data of food safety, consumer groups, eating patterns and other factors, and in combination with international practices.

Where risk analysis or evidence shows that the risk of a certain type of food has changed, the General Administration of Customs may adjust the registration method and application materials of the relevant overseas food production enterprises.

Article 7 Overseas food producers of the following foods shall be recommended for registration by the competent authorities of the country (region) where they are located to the General Administration of Customs: Meat and meat products, casing, aquatic products, dairy products, bird's nest and bird's nest products, bee products, eggs and egg products, edible oil and oil, filling noodles, edible grain, grain milling industry products and malt, fresh and dehydrated vegetables and dried beans, spices, nuts and seeds group, dried fruit, roasted coffee and cocoa, special dietary foods, health foods.

Article 8 The competent authority of the country (region) where it is located shall examine and verify the enterprise recommended for registration and submit the following application materials to the General Administration of Customs after confirming that the enterprise meets the registration requirements:

- (1) Letter of recommendation from the competent authorities of the country (region) in which it is located;
- (2) a list of enterprises and their application for registration;
- (3) the enterprise's identity certificate, such as the business license issued by the competent authority of the country (region) where it is located;
- (4) the statement that the competent authority of the country (region) where the enterprise is located recommends the enterprise to meet the requirements of these Regulations;
- (5) An examination report on the examination and inspection conducted by the competent authority of the country (region) where the enterprise is located.

When necessary, the General Administration of Customs may require the food safety, hygiene and protection system documents of the enterprise, such as the plan of the enterprise's factory area,

workshop and cold storage, as well as the process flow chart, etc.

Article 9 Overseas food producers other than those listed in Article 7 of these Provisions shall apply for registration with the General Administration of Customs by themselves or entrust agents and submit the following application materials:

- (1) an application for enterprise registration;
- (2) identification documents of the enterprise, such as the business license issued by the competent authority of the country (region) where the enterprise is located;
- (3) the statement of the enterprise's commitment to meet the requirements of these Provisions.

Article 10 The application for registration of an enterprise shall include the name of the enterprise, the country (region) where the enterprise is located, the address of the production site, the legal representative, the contact person, the contact way, the registration number approved by the competent authority of the country (region) where the enterprise is located, the type of food applied for registration, the type of production and the production capacity, etc.

Article 11 Application materials for registration shall be submitted in Chinese or English. If the relevant country (region) and China have otherwise agreed on the method of registration and application materials, such agreement shall be followed.

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

Article 13 The General Administration of Customs shall, on its own or by entrusting relevant institutions, organize review groups to carry out evaluation and examination of the overseas production enterprises of imported food that apply for registration through written inspection, video inspection, on-site inspection and other forms and their combinations. The review team consists of more than 2 assessors.

Overseas producers of imported food and the competent authorities of the countries (regions) where they are located shall assist in carrying out the above-mentioned evaluation and examination work.

Article 14 The General Administration of Customs shall, on the basis of the assessment and examination, register the enterprises that meet the requirements for overseas production of imported food and give them a registration number in China, and notify in writing the competent authorities of the country (region) where they are located or the enterprises that produce imported food abroad; Foreign food import enterprises that do not meet the requirements shall not be registered, and the competent authorities of the country (region) where they are located or the foreign food import enterprises shall be notified in writing.

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

Article 16 The period of validity of registration of an enterprise producing imported food abroad is 5 years.

The General Administration of Customs shall determine the beginning and end dates of the period of validity of registration when registering an overseas food production enterprise.

Article 17 The General Administration of Customs shall publish the list of registered overseas food production enterprises in a unified manner.

Chapter III Administration of Registration

Article 18 The General Administration of Customs shall, on its own or by entrustment of relevant institutions, organize review groups to review whether the enterprises producing imported food abroad continuously meet the registration requirements. The review team consists of more than 2 assessors.

Article 19 Where the registration information of an enterprise producing food imported abroad changes within the validity period of registration, it shall submit an application for alteration to the General Administration of Customs through registration application channels and submit the following materials:

- (1) Comparison table of information on changes in registered items;
- (2) Certification materials related to the change information.

If the General Administration of Customs deems it possible to make a change after assessment, it shall make a change.

Where the location of the production site is changed, the legal representative is changed, or the registration number granted by the country (region) where the production site is located is changed, a new application for registration shall be made, and the registration number in China shall automatically become invalid.

Article 20 Where an overseas production enterprise of imported food needs to renew its registration, it shall, within 3 to 6 months prior to the expiration of the period of registration, apply to the General Administration of Customs for renewal of registration through the channels of registration application.

Application materials for renewal of registration include:

(1) an application for renewal of registration;

(2) a statement of commitment to continue to meet the registration requirements.

The General Administration of Customs will extend the registration of enterprises that meet the registration requirements and extend the validity period of registration for 5 years.

Article 21 In case of any of the following circumstances, the General Administration of Customs shall cancel the registration of a registered overseas food production enterprise, notify the competent authorities of the country (region) where it is located or the overseas food production enterprise, and make an announcement:

(1) failing to apply for renewal of registration in accordance with relevant provisions;

(2) the competent authority of the country (region) where it is located or the overseas food production enterprise applies for cancellation on its own initiative;

(3) it no longer meets the requirements of Item (2) of Article 5 of these Provisions.

Article 22 the import of the overseas food production enterprise country (region) where the competent authorities shall carry out effective supervision of registered enterprises, urge the registered enterprises continue to comply with the registration requirements, found not in conformity with the registration requirements, it shall immediately take control measures, suspend relevant enterprises to export to China food, until they comply with the registration requirements.

If an overseas food producer discovers that the food does not meet the registration requirements, it shall take the initiative to suspend the export of food to China and take rectification measures immediately until the rectification meets the registration requirements.

Article 23 If the General Administration of Customs finds that the registered overseas food production enterprises no longer meet the registration requirements, it shall order them to make rectification within the prescribed time limit and suspend the food import of the relevant enterprises during the rectification period.

If the import of the enterprises recommended for registration by the competent authorities of the country (region) where they are located is suspended, the competent authorities shall supervise the relevant enterprises to complete rectification within the prescribed time limit and submit a written rectification report and a written declaration meeting the registration requirements to the General Administration of Customs.

Where the import of an enterprise applying for registration by itself or through an agent is suspended, it shall complete rectification within the prescribed time limit and submit a written rectification report and a written declaration meeting the registration requirements to the General

Administration of Customs.

The General Administration of Customs shall examine the rectification of the enterprises, and resume the food import of the relevant enterprises if they pass the examination.

Article 24 The General Administration of Customs shall cancel the registration and make a public announcement of the registered overseas production enterprise of imported food under any of the following circumstances:

- (1) serious food safety accidents of imported food are caused by the enterprise itself;
- (2) serious food safety problems are found in the entry inspection and quarantine of food exported to China;
- (3) there are major problems in the food safety and hygiene management of the enterprise, and it cannot guarantee that the food exported to China meets the safety and hygiene requirements;
- (4) it still fails to meet the registration requirements after rectification;
- (5) providing false materials or concealing relevant information;
- (6) refusing to cooperate with the General Administration of Customs in carrying out reexamination and accident investigation;
- (7) leasing, lending, transferring, reselling or falsely using a registration number.

Chapter IV Supplementary Provisions

Article 25 Where international organizations or the competent authorities of countries (regions) exporting food to China issue notification of epidemic situation, or serious problems such as epidemic situation or public health event are found in the entry inspection and quarantine of relevant food, the General Administration of Customs shall announce the suspension of the import of relevant food from the said country (region). During this period, the application for registration of relevant food production enterprises in this country (region) will not be accepted.

Article 26 The competent authority of the country (region) where the food import enterprise is located refers to the official department responsible for the safety and health supervision of the food production enterprise in the country (region) where the food import enterprise is located.

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

Article 28 These provisions shall come into force as of January 1, 2022. Promulgated by Order No. 145 of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on March 22, 2012, and amended by Order No. 243 of the General

Administration of Customs on November 23, 2018, the Provisions on the Administration of Registration of Enterprises Producing Imported Food overseas shall be abolished simultaneously.