

Order No. 248 of the General Administration of Customs
Administrative Measures for Registration of Overseas
Manufacturers of Imported Food

The Regulations of the People's Republic of China on Administrative Measures for Registration of Overseas Manufacturers 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 Administrative Measures for Registration of Overseas Manufacturers of Imported Food as amended by Order No. 243 of the General Administration of Customs of November 23, 2018, shall be repealed at the same time.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 Yuefeng
April 12, 2021

Administrative Measures for Registration of Overseas Manufacturers of Imported Food

Chapter I General Principles

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 Inspect 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 Measures shall apply to overseas manufacturers of food production, processing, and storage (hereinafter referred to as "overseas manufactures of imported food), that export food to China.

The overseas production enterprises of imported food specified 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 is uniformly responsible for the registration and management of overseas manufactures of imported food.

Article 4

Overseas manufactures of imported food shall obtain the registration of the General Administration of Customs.

Chapter II Conditions and procedures for registration

Article 5

Conditions of registration for overseas manufacturers of imported food:

- (1) The food safety management system of the country (region) where it is located has passed the equivalence assessment and review of the General Administration of Customs;
- (2) It is approved by the competent authority of the country (region) where it is located and is under its effective supervision;

- (3) Establish an effective food safety and hygiene management and protection system, legally produce and export in the country (region) where it is located, and ensure that the food exported to China meets relevant Chinese laws and regulations and national food safety standards;
- (4) Comply with the relevant inspection and quarantine requirements negotiated by the General Administration of Customs and the competent authority of the country (region) where it is located.

Article 6

The registration methods for overseas manufacturers of imported food include registration recommended by the competent authority of the country (region) where they are located and application for registration by the enterprise.

The General Administration of Customs determines the method of registration and application materials for overseas manufacturers of imported food 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.

After a risk analysis or there is evidence 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 corresponding food overseas production enterprise.

Article 7

The following overseas manufactures are recommended to the General Administration of Customs by the competent authority of the country (region) where they are located: meat and meat products, casings, aquatic products, dairy products, bird's nest and bird's nest products, bee products, eggs and egg products, edible fats and oils, stuffed pasta, edible grains, industrial products of grain milling and malt, fresh and dehydrated vegetables and dried beans, seasonings, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, special dietary foods, and health foods.

Article 8

The competent authority of the country (region) where it is located shall review and inspect the enterprises recommended for registration, and after confirming that it meets the registration requirements, recommend it to the General Administration of Customs and submit the following application materials:

- (1) (Recommendation letter from the competent authority of the country (region) in which it is located;

- (2) List of companies and registration application of company;
- (3) Enterprise identity documents, such as business license issued by the competent authority of the country (region) where it is located;
- (4) A statement of competent authority of the country (region) where it is located recommends that the enterprise meets the requirements of this regulation;
- (5) The review report of the competent authority of the country (region) where the company is located for review and inspection of the relevant enterprise.

When necessary, the General Administration of Customs may request documents of the company's food safety, hygiene and protection system, such as the floor plan of the company's factory area, workshop, and cold storage, as well as process flow diagrams, etc.

Article 9

The overseas food manufactures other than the foods listed in Article 7 of these Regulations shall apply for registration to the General Administration of Customs and submit the following application materials by themselves or by entrusting their agents:

- (1) Registration application of enterprise;
- (2) Enterprise identification documents, such as business license issued by the competent authority of the country (region) where it is located;
- (3) A statement that the company promises to meet the requirements of this regulation

Article 10

The contents of the registration application of enterprise shall include the name of the enterprise, the country (region) where it is located, the address of the production site, the legal representative, contact person, contact information, the registration number approved by the competent authority of the country (region), the type of food to be registered, production type, production capacity, etc.

Article 11

The registration application materials should be submitted in Chinese or English. If the relevant country (region) and China have agreed on the registration method and application materials, the agreement shall be implemented in accordance with the agreement between the two parties.

Article 12

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 materials.

Article 13

The General Administration of Customs organizes an evaluation team by themselves or entrusted relevant agencies, to conduct evaluation and review of overseas manufacturers of imported food that apply for registration through written inspections, video inspections, on-site inspections and other forms and combinations. The assessment team is composed of 2 or more than 2 assessment reviewers.

The overseas manufacture of imported food and the competent authority of the country (region) where it is located shall assist in the above-mentioned evaluation and review work.

Article 14

The General Administration of Customs shall, based on the assessment and review, register the overseas manufacture 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 manufacture of imported food in writing; The overseas manufacture of imported food that do not meet the requirements shall not be registered, and the competent authority of the country (region) or the overseas manufacture of imported food shall be notified in writing.

Article 15

When exporting food to China, an enterprise that has been registered shall mark its registration number in China or the registration number approved by the competent authority of the country (region) on the inner and outer packaging of the food.

Article 16

The validity period of registration of an overseas manufacture of imported food is 5 years.

When registering an overseas manufacturer of imported food, the General Administration of Customs shall determine the start and end dates of the validity period of the registration.

Article 17

The General Administration of Customs shall uniformly announce the list of registered overseas manufacturers of imported food.

Chapter III Registration Management

Article 18

The General Administration of Customs organize an evaluation team by themselves or by entrusting relevant agencies to conduct a review of whether overseas manufactures of imported food continue to meet the registration requirements. The assessment team is composed of 2 or more than assessment reviewers.

Article 19

During the validity period of the registration, if the registration information of an overseas manufacturer 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) Comparison table of registration item change information;
- (2) Proof materials related to the changed information.

After the assessment of General Administration of Customs and thought it can be changed, 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.

Article 20

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

Application materials for renewal of registration include:

- (1) Registration application of renewal;
- (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.

Article 21

If an overseas manufacturer of imported food has been registered in 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 manufacturer of imported food, and announce it:

- (1) Failure to apply for renewal of registration as required;

- (2) The competent authority of the country (region) where it is located or the overseas production enterprise of imported food voluntarily applies for cancellation;
- (3) No longer meets the requirements of Article 5(2).

Article 22

The competent authority of the country (region) where the overseas food manufacture 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 relevant companies export 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 to China and immediately take corrective measures until meets the registration requirements.

Article 23

If the General Administration of Customs finds that an overseas manufacture that has registered imported food no longer meets the registration requirements, it shall be ordered to make rectification within the prescribed time limit and suspend the food import of the relevant enterprise during the rectification period.

If an enterprise recommended by the competent authority of the country (region) is suspended from import, 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 import, 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 of enterprises, and if the review is qualified, the food imports of relevant enterprises shall be resumed.

Article 24

If a registered overseas manufacture 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 accident occurs in imported food due to the enterprise's own reasons;
- (2) Food safety problems are discovered during entry inspection and quarantine for food exported to China, and the problems 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) After rectification, it still fails to meet the registration requirements;
- (5) Submit false materials or concealing relevant information;
- (6) Refuse to cooperate with the General Administration of Customs in conducting re-examination and accident investigation;
- (7) Renting, lending, transferring, reselling, or fraudulently using the registration number.

Chapter IV Supplementary Provisions

Article 25

If an international organization or the competent authority of a country (region) exporting food to China issues an epidemic notification, or the serious problems such as epidemics and public health incidents are found during entry inspection and quarantine of relevant foods, the General Administration of Customs shall announce the suspension of the notification. During this period, applications for registration of relevant food manufactures in the country (region) will not be accepted.

Article 26

The competent authority of the country (region) refers to the official department responsible for the safety and health supervision of the food manufactures in the country (region) where the overseas manufactures of imported food is located.

Article 27

The General Administration of Customs is responsible for the interpretation of these regulations.

Article 28

These regulations shall come into force on January 1st, 2022. The former "Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food" was promulgated by General Administration of Quality Supervision, Inspection and Quarantine (Order No. 145) on March 22nd, 2012, and revised by the General Administration of Customs (Order No. 243) on November 23rd, 2018 shall be repealed at the same time.