

## **Order No. 249 of the General Administration of Customs Measures for the Administration of Import and Export Food Safety**

The Measures for the Administration of Food Safety in Imports and Exports of the People's Republic of China were approved by the General Administration of Customs on March 12, 2021 and are hereby promulgated and will come into effect on January 1, 2022. Decree No. 144 of the former State Administration of Quality Supervision, Inspection and Quarantine of September 13, and Decree No. 184 of the former State Administration of Quality Supervision, Inspection and Quarantine of October 18, 2016 November 23, 2018 Measures for the Administration of Food Safety in Imports and Exports, as amended by Order No. 243 of the General Administration of Customs, Order No. 20 of the former State Administration of Inspection and Quarantine of 22 February 2000 and amended by Order No. 238 of the General Administration of Customs of 28 April 2018. Measures for the Administration Export Honey Inspection and Quarantine, Order No. 135 of the former State Administration of Quality Supervision, Inspection Quarantine of January 4, 2011 and revised by Order No. 243 of the General Administration of Customs of November 23, 2018 Measures for Administration, "Measures for supervision and administration of imported and exported meat products inspection quarantine" published by Decree No. 136 of the former State Administration of Quality Supervision, Inspection and Quarantine January 4, 2011 and amended in accordance with Order No. 243 of the General Administration of Customs of November 23, 2018 Measures for the Supervision and Administration of Imported and Exported Dairy Inspection and Quarantine, Published by Decree No. 152 of the former State Administration of Quality Supervision, Inspection and Quarantine of January 24, 2013 and amended accordance with Order No. 243 of the General Administration of Customs of November 23, 2018, 2 On November 14, 017, the regulations on the filing and administration of export food production enterprises, promulgated by Decree No. 192 of the former State Administration of Quality Supervision, Inspection and Quarantine and amended by Order No. 243 of the General Administration of Customs of November 23, 2018, shall be repealed at the same time.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

# **Measures for the Administration of Import and Export Food Safety**

## **Chapter 1 General**

### **Article 1**

In order to ensure the safety of imported and exported food and protect the life and health of human, animal and plant, in accordance with the, "Food Safety Law of the People's Republic of China" (hereinafter referred to as "Food Safety Law") and its implementing regulations, "Customs Law of the People's Republic of China", " The Import and Export Commodity Inspection Law of the People's Republic of China" and its implementing regulations, the Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China and its implementing regulations, the Agricultural Product Quality and Safety Law of the People's Republic of China, and the "Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products" and other laws and administrative regulations to formulate these Measures.

### **Article 2**

Those who engage in the following activities shall comply with these Measures:

- (1) The production and operation activities of imported and exported food
- (2) The customs shall supervise and manage import and export food producers and operators and their import and export food safety.

The production and operation activities of import and export food additives and food-related products shall be implemented in accordance with the relevant regulations of the General Administration of Customs.

### **Article 3**

Import and export food safety work adheres to the principle of safety first, implements prevention, risk management, full-process control, and international co-governance.

### **Article 4**

Import and export food producers and operators are responsible for the safety of the import and export food they produce and operate.

Import and export food producers and operators shall engage in import and export food production and operation activities in accordance with multilateral and bilateral agreements between China and relevant countries or international organizations, China's laws and

regulations, and national food safety standards, and accept supervision in accordance with the law to ensure the safety of imported food, take the responsibility to the public and bears social responsibility.

#### **Article 5**

The General Administration of Customs is in charge of the national import and export food safety supervision and administration.

Local customs are responsible for the supervision and management of import and export food safety in their jurisdictions.

#### **Article 6**

The customs use information technology to improve the level of import and export food safety supervision.

#### **Article 7**

The customs shall strengthen the publicity and education of import and export food safety, carry out the popularization of food safety laws, regulations, and national food safety standards and knowledges.

The customs strengthen exchanges and cooperation with international food safety organizations, foreign government agencies, foreign food industry associations, foreign consumer associations, etc., to create an international co-governance pattern for import and export food safety.

#### **Article 8**

Customs personnel engaged in the supervision and management of import and export food safety shall have relevant professional knowledge.

## **Chapter II Food Imports**

### **Article 9**

Imported food shall comply with Chinese laws, regulations and national food safety standards. If there are some special requirements of international treaties or agreements that China concludes or participates in, they shall also comply with the requirements of the international treaties and agreements.

Imports of food without national food safety standards shall comply with the requirements of the relevant temporarily applicable standards promulgated by the health administration department of the State Council.

Foods produced using new food raw materials shall, in accordance with the provisions of Article 37 of the Food Safety Law, obtain a new food raw material health administrative license from the health administration department of the State Council.

### **Article 10**

The customs shall implement conformity assessment on imported foods in accordance with the relevant laws and regulations on import and export commodity inspection.

Imported food conformity assessment activities include: evaluation and review of food safety management systems in foreign countries (regions), overseas production enterprises registration, import and export Business registration and qualification assurance, entry animal and plant quarantine approval, review attached qualification certificate, document review, on-site inspection, supervision and sampling, inspection of import and sales records, and a combination of each other.

### **Article 11**

The General Administration of Customs may evaluate and review the food safety management system and food safety status of overseas countries (regions) that export food to China, and determine corresponding inspection and quarantine requirements based on the results of the evaluation and review.

### **Article 12**

Under any of the following circumstances, the General Administration of Customs may initiate evaluation and review of foreign countries (region) that export food to China:

- (1) An overseas country (region) applies for the first export of a certain type (kind) of food to China;
- (2) Food safety, animal and plant quarantine policies, laws and regulations, and organizational structures of foreign countries (regions) have undergone major adjustments;

- (3) The competent authority of an overseas country (region) applies for adjustment of the main import inspection and quarantine requirements of a certain type (species) of food exported to China;
- (4) Major animal and plant epidemics or food safety incidents occur in foreign countries (regions);
- (5) The customs find serious problems in the food exported to China and believes that there is an animal or plant epidemic disease or a hidden food safety risk;
- (6) Other situations that require evaluation or review.

### **Article 13**

The evaluation and review of food safety management systems of foreign countries (regions) mainly include the evaluation and confirmation of the following contents:

- (1) Laws and regulations related to food safety and animal and plant epidemics;
- (2) Food safety supervision organization;
- (3) Prevention and control of animal and plant epidemics;
- (4) Management and control of pathogenic microorganisms, agricultural and veterinary drugs and pollutants;
- (5) Safety and hygiene control in food production, processing, transportation and storage;
- (6) Supervision of export food safety;
- (7) Food safety protection, traceability and recall system;
- (8) Early warning and emergency response mechanism;
- (9) Technical support capabilities;
- (10) Other situations involving animal and plant epidemics, diseases and food safety.

### **Article 14**

The General Administration of Customs may organize experts to conduct assessment and review through written inspections, video inspections, on-site inspections and other forms or combinations.

### **Article 15**

The General Administration of Customs shall organize an expert group to review the application materials and evaluation questionnaires in written submitted by the countries (regions) . The review includes the authenticity, completeness and validity of the materials. According to the application materials, the General Administration of Customs may request the competent authorities of the applying country (region) to supplement the missing information or materials.

For countries (regions) that have passed the document review, the General Administration of Customs may organize experts to conduct video inspections or on-site inspections of their

food safety management systems. The relevant national (regional) competent authorities and relevant enterprises can be required to implement rectification for the problems found. Relevant countries (regions) should provide necessary assistance for assessment and review.

#### **Article 16**

The country (region) under evaluation and review has one of the following circumstances, the evaluation and review will be terminated, and the General Administration of Customs will notify the competent authority of the country (region):

- (1) Failure to respond to the questionnaire and related materials within 12 months after receiving the questionnaire;
- (2) After receiving a request from the General Administration of Customs for supplementary information and materials, failing to provide it in time as required within three months;
- (3) Sudden related major animal and plant epidemics or major food safety incidents;
- (4) Failure to cooperate with Chinese party to complete the video inspection or on-site inspection, and fail to effectively complete the rectification;
- (5) The country (region) subject to evaluation and review voluntarily applies for termination of evaluation and review.

For the first and second items, if the country (region) undergoing evaluation and review needs an extension due to special reasons, it can apply to the General Administration of Customs for an extension. After approval by the General Administration of Customs, the time for submitting relevant materials again will be determined.

#### **Article 17**

Upon completion of the assessment and examination, the General Administration of Customs shall inform the competent authorities of the country (region) under assessment and review of the results of the assessment and examination.

#### **Article 18**

The General Administration of Customs implement the registration management of overseas food production enterprises exporting to China, and announce the list of registered enterprises.

#### **Article 19**

Overseas exporters or agents who export food to China shall apply for record with the General Administration of Customs.

Food importers should file with the local customs where they get the business license.

Foreign exporters or agents and food importers shall be responsible for the authenticity and validity of the materials they provide when filing for the record.

The General Administration of Customs is responsible for publishing the record list of importers and exporters of imported food.

#### **Article 20**

If there is a change in the filing content of foreign exporters or agent of food importer, it shall go through the change formalities with the filing authority within 60 days from the effective date of the change.

Customs find that the foreign exporters, agent or food importer has provided wrong filing information or the filing content has been changed but has not been changed in time, it may order it to make corrections within the prescribed time limit.

#### **Article 21**

Food importers shall establish a food import and sales record system, and shall truthfully record the food name, net content/specification, quantity, production date, production or import batch number, shelf life, name, address and contact information of overseas exporters and purchasers, and delivery date etc., and save relevant vouchers. The preservation period of records and vouchers shall not be less than six months after the expiration of the food shelf-life period. If the shelf life is not clear, the preservation period shall be more than two years after the sale.

#### **Article 22**

Food importers shall establish a review system for overseas exporters and overseas production enterprises, focusing on the following items:

- (1) The development and implementation of food safety risk control measures
- (2) To ensure that the food exported to China complies with the provisions of Chinese laws and regulations and the national food safety standards.

#### **Article 23**

The customs shall supervise and inspect the implementation of audit activities by food importers in accordance with the law. Food importers should actively cooperate and truthfully provide relevant information and materials.

#### **Article 24**

According to the needs of risk management, the customs may conduct inspections at designated ports and designated supervision sites for imported food. The list of designated ports and designated supervision sites shall be announced by the General Administration of Customs.

**Article 25**

Food importers or their agents shall truthfully declare to the customs when importing food.

**Article 26**

The customs shall implement entry quarantine for imported food in accordance with the requirements of relevant laws and regulations

**Article 27**

The customs shall implement quarantine approval management on imported foods that require entry animal and plant quarantine permit in accordance with the law. Food importers should apply for and obtain entry animal and plant quarantine permits before signing trade contracts or agreements

**Article 28**

The customs shall conduct on-site inspections of imported foods in accordance with the supervision and management requirements. On-site inspections include but are not limited to the following:

- (1) Whether the means of transportation and storage place meet the safety and health requirements;
- (2) Whether the container number, seal number identification content on the inner and outer packaging are consistent with the declared information and accompanying documents, and check whether the actual condition of the goods is consistent with the declared content;
- (3) Whether the food, packaging and bedding materials of animal and plant origin exist in the conditions specified in Article 22 of the "Regulations on the Implementation of the Entry and Exit Animal and Plant Quarantine Law";
- (4) Whether the internal and external packaging meets the requirements of national food safety standards, whether there is pollution, damage, dampness, or penetration;
- (5) Whether the labels, logos and instructions of the inner and outer packaging meet the requirements of laws and regulations, national food safety standards, and the requirements of the General Administration of Customs;
- (6) Whether the sensory properties of the food meet the expected properties of the food;
- (7) Frozen and refrigerated food should be checked for its freshness, whether the core temperature meets the requirements, whether there is disease, whether the temperature of the freezing and refrigeration environment meets the requirements of relevant administrative regulations and standards, whether the cold chain temperature control equipment and facilities are operating normally, and whether the temperature records meet the requirements, steaming test can be carried out if necessary.



**Article 29**

The General Administration of Customs formulates an annual national imported food safety supervision and sampling plan and a special imported food safety supervision and sampling plan and organizes its implementation.

**Article 30**

The packaging, labeling and identification of imported food shall comply with Chinese laws, regulations and national food safety standards; there should be instructions in accordance with the law, and the instructions in Chinese.

For imported fresh and frozen meat products, the label on the inner and outer packaging should be firm, clear, and easily to read, it should be written in Chinese and English, or Chinese and the language of the country of export, indicating the following: country (region) of origin, product name, registration number of production company, production batch number; The outer packaging should indicate the specifications, place of origin (specifically to the state/province/city), destination, production date, shelf life, storage temperature, etc. in Chinese, and the destination must be marked as the People's Republic of China, add official inspection and quarantine labels of exporting countries (regions).

For imported aquatic products, the label on the inner and outer packaging should be firm, clear and easily distinguishable in Chinese and English or Chinese and the language of the country of export, indicating the following: trade name and scientific name, specifications, production date, batch number, shelf life and storage conditions, production methods (seawater fishing, freshwater fishing, aquaculture) , Production area (ocean fishing area, freshwater fishing country or region, country or region where the aquaculture product is located), production and processing enterprise (including fishing vessel, processing vessel, transportation vessel, independent cold store) name and registration number and address (specifically to the state/province/city , the destination must be marked as the People's Republic of China.

The Chinese labels of imported health foods and foods for special dietary use must be printed on the smallest sales package and must not be affixed.

If the internal and external packaging of imported food must have special labeling regulations, it shall be implemented in accordance with relevant regulations.

**Article 31**

After the imported food arrives at the port, it shall be stored in a supervision place designated or approved by the customs; if it needs to be moved, it shall be permitted by the customs and

necessary safety protection measures shall be taken in accordance with the requirements of the customs.

The designated or approved supervision site shall meet the requirements of laws, regulations and national food safety standards,

#### **Article 32**

Bulk imported foods shall be inspected at the unloading port in accordance with customs requirements.

#### **Article 33**

Imported food that has been assessed as qualified shall be allowed to import.

If the imported food fails the conformity assessment, the customs shall issue a non-conformity certificate; if the items related to safety, health, and environmental protection, the customs shall order the food importer concerned to destroy or return it, and notify in writing; if other items are unqualified, it can be imported after meet the requirements of conformity assessment through technical treatment. If the food importer cannot finish the technical processing within the specified time or is still unqualified after technical treatment, the customs shall order the food importer to destroy or return the shipment.

#### **Article 34**

Food safety incidents caused by imported food abroad may cause food safety problems in China, or if the customs find unqualified imported food during the supervision, or finds other food safety problems, the General Administration of Customs and the directly affiliated customs may strengthening the supervision and control measures on imported food, includes increasing the proportion of supervision and random inspection on relevant imported foods can be implemented.

If unqualified imported food is found again during the implementation of enhanced supervision, or if there is evidence showing that the imported food has a major safety hazard, the General Administration of Customs and the directly affiliated customs may automatically detain the imported food.

#### **Article 35**

In the following circumstances, the General Administration of Customs may take measures to suspend or prohibit the exportation from food production enterprise or country (region) to China based on the results of the risk assessment:

(1) The exporting country (region) has a major animal and plant epidemic, or the food safety situation has undergone major changes, and the safety of food exported to China cannot be effectively guaranteed.

(2) Imported food is contaminated by pathogens of quarantine infectious diseases, or there is evidence that it can become a vector of quarantine infectious diseases, and can't implement effective sanitary treatment.

(3) Customs has implemented the control measures stipulated in Article 34, Paragraph 2 of these Measures, and once again found that the relevant safety, health, and environmental protection items are unqualified.

(4) The overseas production enterprise of imported food violates relevant Chinese laws and administrative regulations, and the circumstances are serious.

(5) Other information shows that imported food from an overseas food production company or a country (region) has a great potential safety hazard.

### **Article 36**

When the safety risk of imported food has been reduced to a controllable level, the General Administration of Customs and directly affiliated customs can lift the relevant control measure:

(1) For products subject to control supervision according to paragraph 1 of Article 34, no unqualified product is found within the specified time and batch, the enhanced supervision can be lifted based on the risk assessment

(2) For foods that implement the control measures of Paragraph 2 of Article 34, after the risk assessment of the General Administration of Customs, the food safety can be ensured and the risk of animal and plant epidemics can be controlled, or if no unqualified food is found within the specified time and batch from the date of implementation of the control measures, the customs may lift the control measures based on the risk assessment.

(3) For food that has been suspended or prohibited to export, the competent authority of the exporting country (region) has taken risk control measures, after the assessment of the General Administration of Customs and it meets the requirements, the suspension or export prohibition measures can be lifted; for the food that has resumed export, the General Administration of Customs may adopt the control measures stipulated in Article 34 according to the assessment situation.

### **Article 37**

If it is found that imported food does not comply with laws, regulations and national food safety standards, or there is evidence that it may endanger human health, the stipulation of Article 63 and the third paragraph of Article 94 of the Food Safety Law should be complied, stop import, sale and use immediately, implement recalled, the relevant market operators and consumers shall be notified, and the recall and notification shall be recorded, and the food

shall be recalled, the notification and handling situation should be reported to the local customs.

### **Chapter III Food Export**

#### **Article 38**

Export food production enterprises shall ensure that their exported food conforms to the standards or contractual requirements of the importing country (region) and, if there are special requirements for international treaties or agreement to which China has concluded or acceded, it shall also comply with the requirements of international treaties and agreement. If the importing country (region) does not have a standard, the contract does not require it, and the international treaties agreements to which China has concluded or acceded have no relevant requirements, the export food production enterprise shall ensure that its exported food conforms to china's national standards for food safety.

#### **Article 39**

The Customs shall supervise and manage the export of food products in accordance with the law. Export food supervision and management measures include export food raw materials cultivation and farm filing, export food production enterprises for the record, enterprise verification, document audit, on-site inspection, supervision and sampling, port spot checks, overseas notification verification and various combinations.

#### **Article 40**

The cultivation and farm of exported food raw materials shall be filed with the local customs office.

The General Administration of Customs shall publish the list of records of raw material cultivation and farms in a unified manner, and the procedures and requirements for the filing shall be formulated by the General Administration of Customs.

#### **Article 41**

The Customs shall, in accordance with the law, supervise the cultivation and breeding of raw materials for the record by means of data examination, on-site inspection and enterprise verification.

**Article 42**

Export food production enterprise shall file a record with the customs at the place of residence, and the procedures and requirements for filing the record shall be formulated by the General Administration of Customs.

**Article 43**

If an overseas country (region) implements registration management for an export food production enterprise that China exports to that country (region) and requires the recommendation of the General Administration of Customs, the export food production enterprise shall apply to the customs of the place of residence, which shall report it to the General Administration of Customs after the initial examination.

The General Administration of Customs shall, in conjunction with the organization of enterprise credit, supervision and management, as well as the preliminary examination of customs at the place of residence, carry out the work of external recommendation registration, and the procedures and requirements for external recommendation registration shall be formulated by the General Administration of Customs.

**Article 44**

Export food production enterprises shall establish and improve a traceable food safety and hygiene control system ensure the effective operation of the food safety and hygiene control system, and ensure that the process of production, processing and storage of exported food products continues to comply with the relevant laws and regulations of China and the safety and hygiene requirements of export food production enterprises.

Export food production enterprises shall establish a supplier evaluation system, a record system for inspection of incoming goods, a system for production records, a system for factory inspection records, a system for the traceability of exported products and a system for the disposal of non-conforming food products. The relevant records shall be true and valid, and the shelf life shall not be less than 6 months after the expiration of the shelf life of the food product.

**Article 45**

Export food production enterprises shall ensure that the packaging and mode of transportation of exported food conform to the requirements of food safety.

**Article 46**

Export food production enterprises shall mark on the transport packaging the record number of the production enterprise, the name of the product, the batch number of the production and the date of production.

If the importing country (region) or contract has special requirements, the export food production enterprise may, with the consent of the customs directly under the direct control, adjust the marking items stipulated in the preceding paragraph, provided that the products are traceable.

**Article 47**

The Customs shall supervise and inspect the operation of the food safety and health control system of the export food production enterprises within the jurisdiction. Supervision and inspection include daily supervision and inspection annual supervision and inspection.

Supervision and inspection may take the means of data examination, on-site inspection and enterprise verification, and may be carried out in conjunction with the overseas notification verification, supervision and spot inspection and on-site inspection of exported food products.

**Article 48**

Exported food shall be subject to inspection and quarantine by the customs of the place of origin in accordance with the law.

The General Administration of Customs may designate other places to carry out inspection and quarantine in accordance with needs of facilitating foreign trade and export food inspection and quarantine.

**Article 49**

Export food production enterprises and exporters shall, in accordance with laws, administrative regulations and provisions of the General Administration of Customs, submit an application for pre-export supervision to the customs of the place of origin or group of goods.

After accepting the application for supervision before the declaration of food export, the customs department of the place of origin or group of goods shall carry out on-site inspection and supervision of the inspection and sampling of the export food which needs to be inspected and quarantined in accordance with the law.

**Article 50**

The Customs shall formulate an annual plan for the supervision and sampling of national export food safety and organize its implementation.

**Article 51**

If an exported food product meets the requirements through on-site inspection and supervision by the customs, the customs shall issue a certificate and grant the export. If the requirements of the importing country (region) change the form and content of the certificate, the form and content of the certificate may be changed with the consent of the General Administration of Customs.

If the exported food fails to meet the requirements through on-site inspection and supervision by the Customs, the Customs shall notify the exporter or his agent in writing. If the relevant export food products can be processed by technology, they shall be allowed to be exported after passing the technical treatment; if they cannot be technically treated or if they are still unqualified by technical treatment, they shall not be allowed to export.

**Article 52**

When exporting food products, food exporters or their agents shall, in accordance with law, make a truthful declaration to the Customs.

**Article 53**

The Customs shall carry out inspection of the exported food products at the port and, if they fail the inspection shall not be allowed to export them.

**Article 54**

If an exported food product is notified by an international organization or an overseas government agency because safety problem, the General Administration of Customs shall organize and carry out verification and, as necessary, implement control measures such as adjusting the proportion of supervision and sampling, requiring food exporters to submit inspection reports issued by qualified inspection institutions to the Customs on a case-by-case basis, and withdrawing their registration recommendations to the official authorities abroad.

**Article 55**

If there is a safety problem in the export of food products and has caused or is likely to cause harm to human health and life safety, the exporting food producers and operators shall immediately take appropriate measures to avoid and reduce the occurrence of damage and report it to the local customs office.

**Article 56**

If the Customs discovers a safety problem in the implementation of the supervision and administration of export food, it shall notify the food safety department of the government at the same level and the government at the next higher level.

## **Chapter IV Supervision and Administration**

**Article 57**

The General Administration of Customs shall, in accordance with Article 100 of the Food Safety Law, collect and summarize import and export food safety information, and establish an import and export food safety information management system.

Customs at all levels are responsible for the collection and sorting of import and export food safety information within their jurisdiction and designated by higher-level agencies, and notify local governments, relevant departments, institutions and enterprises in their jurisdictions in accordance with relevant regulations. If the notified information involves other regions, it should be notified to the relevant regional customs in a timely manner.

The import and export food safety information collected and aggregated by the customs includes information on technical trade measures for overseas food in addition to the content specified in Article 100 of the Food Safety Law.

**Article 58**

The customs shall conduct risk research and judgment on the collected import and export food safety information and determine corresponding control measures based on the results of the risk research and judgment.

**Article 59**

For food safety incidents or epidemics that may affect the safety of imported and exported food within or outside the country, or if serious food safety problems are found in imported or exported food, the directly affiliated customs shall promptly report to the General Administration of Customs; the General Administration of Customs shall carry out risk warnings based on the situation. Risk warning notices are issued within the customs system and notified to the food safety supervision and management, health administration, and agricultural administration departments of the State Council, and issue risk warning notices to consumers when necessary.



The General Administration of Customs may issue risk warning notices, it shall adopt the control measures stipulated in Article 34, Article 35, Article 36 and Article 54 on imported and exported food in accordance with the requirements of risk warning notices.

#### **Article 60**

The General Administration of Customs shall formulate an annual national import and export food safety risk monitoring plan. Systematic and continuous collection of monitoring data and related information on food-borne diseases, food contamination and harmful factors in imported and exported food.

#### **Article 61**

If food safety accidents occurring overseas may have an impact on China, or if uncontrollable risks are considered after evaluation, the General Administration of Customs may refer to internationally practices and may directly issue risk warning notices or risk warnings and take control measures. At the same time, timely collect and supplement relevant information and data, conduct risk assessment, and adjust control measures.

#### **Article 62**

The General Administration of Customs shall formulate and organize the implementation of emergency response plan for import and export food safety emergencies.

#### **Article 63**

When performing the duties of import and export food safety supervision and management in accordance with the law, the customs shall have the right to take the following measures:

- (1) Enter the production and business premises to conduct on-site inspections.
- (2) Carry out sampling inspections on the food produced and operated.
- (3) Consult and copy relevant contracts, bills, account books and other relevant materials.
- (4) Sealing up or detaining food that has evidence that it does not meet food safety standards or that there is evidence that there is a hidden safety hazard and that is used for illegal production and operation.

#### **Article 64**

The customs implement credit management on import and export enterprises in accordance with the law.

#### **Article 65**

The customs shall conduct inspections and verifications of import and export food producers and operators, as well as the planting and breeding farms of raw materials for the record in accordance with the law.

**Article 66**

Transit food shall meet the supervision requirements of the General Administration of Customs on transit goods. During the transit period of the food in transit, it shall not be unpacked or unloaded from the means of transport without customs approval.

Transit food should be transported out of the country within the prescribed time limit.

**Article 67**

Import and export food producers and operators who disagree with the inspection results made by the customs may apply for re-inspection in accordance with relevant regulations on re-inspection of imported and exported commodities.

But there is one of the following circumstances, the customs will not accept the re-inspection:

- (1) The test results show that the microbial index exceeds the standard.
- (2) The re-inspection of backup samples exceeds the shelf life.
- (3) The backup sample cannot achieve the purpose of re-inspection due to other reasons.

## **Chapter V Legal Liability**

**Article 68**

If the content of the food importer's record is changed, and the change procedures are not handled with the customs in accordance with the regulations, the customs shall give a warning if the circumstances are serious.

Food importers who provide false filing information during filing shall be fined less than 10,000 yuan by the customs.

**Article 69**

If import and export food producers and operators do not cooperate with customs on the work of import and export food safety inspections, refuse to accept inquiries, provide materials, or reply and provide materials that do not match the actual situation, the customs shall impose a fine of less than 10,000 yuan.

**Article 70**

During the supervision of imported pre-packaged food, the customs found that the imported pre-packaged food was not affixed with the Chinese label or the Chinese label of the imported pre-packaged food did not meet the laws, regulations and national food safety standards. The

food importer refused to implement destruction, return or technical treatment in accordance with the requirements of the customs, the customs shall give a warning or a fine of less than 10,000 yuan.

#### **Article 71**

If the imported food is taken away from the place designated or approved by the customs for supervision without the permission of the customs, the customs shall order it to make corrections and impose a fine of less than 10,000 yuan.

#### **Article 72**

The following illegal acts fall under the provisions of Article 129, Paragraph 1 (3) of the "Food Safety Law" for "exporting food that fails to comply with the provisions of this law", the customs shall give the punishments according to the article 124 of "Food Safety Law":

- (1) Unauthorized exchange of export foods that have been subject to customs supervision and random inspection and have issued certificates.
- (2) The export is adulterated, fake as genuine, shoddy food, or substandard export food pretending to be qualified export food.
- (3) Exporting food produced by a food production enterprise that has not been filed for export.
- (4) Unapproved food producers export products to the countries (regions) with registration requirements, or approved food producers export products exclude their approval scope.
- (5) The export food produced by the export food production enterprise does not use raw materials from the record base or farm in accordance with the regulations.
- (6) Producers and operators of exported foods have the conditions stipulated in Article 123, Article 124, Article 125, and Article 126 of the Food Safety Law, and relevant food has been exported but does not meet the requirements of the importing country (region).

#### **Article 73**

Anyone who violates the provisions of these Measures and constitutes a crime shall be investigated for criminal responsibility according to the law.

## **Chapter VI Supplementary Provisions**

#### **Article 74**

The food safety supervision and management of import and export food safety in special customs supervision areas and bonded supervision places, market purchases, border small-value and cross-market food imports and exports, shall be handled in accordance with the relevant regulations of the General Administration of Customs.

**Article 75**

The import and export of food by express mail, postal mail, cross-border e-commerce and passenger carrying shall comply with the relevant regulations of the General Administration of Customs.

**Article 76**

The import and export of non-trade foods such as samples, gifts, exhibits, aids, etc., imported for duty-free operations, food for personal use and public use by embassies and consulates, and exported for use by embassies and consulates, food for personal use by Chinese enterprise stationed abroad shall be handled in accordance with the relevant regulations of the General Administration of Customs.

**Article 77**

The term "imported and exported food producers and operators" as mentioned in these Measures includes overseas production enterprises, overseas exporters or agents, food importers, export food production enterprises, exporters and related personnel that export food to China.

The overseas production enterprises of imported food referred to in these Measures include overseas production, processing, and storage enterprises that export food to China.

The importers and exporters of imported food as mentioned in these Measures include overseas exporters or agents and food importers who export food to China.

**Article 78**

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

**Article 79**

These Measures shall come into effect on Jan.1<sup>st</sup>, 2022. “ Measures of import and export food safety” was issued by AQSIQ on Sep.13<sup>th</sup>, 2011 (No.144 order), revised by AQSIQ on Oct.18<sup>th</sup>,2016 (No.184 order) and GACC on Nov.23<sup>rd</sup>, 2018 (No.243 order), "Measures for the Inspection and Quarantine Supervision and Administration of Imported and Exported Meat Products" was issued by AQSIQ on Jan.4<sup>th</sup>, 2011(No.136 order) and revised by GACC on Nov.23<sup>rd</sup>, 2018 (No.243 order), "Measures for the Inspection and Quarantine Supervision and Administration of Imported and Exported Aquatic Products" was issued by AQSIQ on Jan.4<sup>th</sup>, 2011(No.136 order), and revised by GACC on Nov.23<sup>rd</sup>, 2018(No.243 order), "Measures for the Inspection and Quarantine Supervision and Administration of Import and

Export Dairy Products" was issued by AQSIQ on Jan.24<sup>th</sup>,2013(No.152 order) and revised by GACC on Nov.23<sup>rd</sup>,2018 (No.243 order) , "Administrative Measures for the Inspection and Quarantine of Exported Honey" was issued by AQSIQ on Feb.22<sup>nd</sup>,2000 (No.20 order) and revised by GACC on Feb.28<sup>th</sup>,2018 (No.238 order), "Administration of Filing of Exported Food Production Enterprises" was issued by AQSIQ on Nov.14<sup>th</sup>,2017(No.192 order) and revised by GACC on Nov.23<sup>rd</sup>, 2018(No.243 order) shall be repealed at the same time.