

(Machine translation)

**"The People's Republic of China imports food overseas production enterprises."
Interpretation of the Registration Regulations**

Part I / Summary

The Regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises of Imported Food (General Administration of Customs Order No. 248) were approved and promulgated by the General Administration of Customs At the General Administration of Customs Meeting on March 12, 2021, and will come into effect on January 1, 2022.

Order No. 145 of the former State Administration of Quality Supervision, Inspection and Quarantine of March 22, 2012, shall be repealed at the same time as the Regulations on the Registration and Administration of Foreign Production Enterprises of Imported Food, as amended by Order No. 243 of the General Administration of Customs of November 23, 2018.

The revision and issuance of the Regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises of Imported Food (General Administration of Customs Order No. 248) is a major step for the General Administration of Customs to fully implement General Secretary Xi Jinping's "four most stringent" requirements for food safety, and is to fully implement the "Strengthening Food on Deepening Reform" of the CPC Central Committee and the State Council. The specific measures for decision-making and deployment, such as the "Healthy China 2030" Outline, are the latest achievements in comprehensively promoting the construction of the "five-pass" and strengthening the supervision of imported food safety.

1. The need for revision

Imported food safety is a matter of people's health and life safety, and is a major livelihood issue. The registration and management system of foreign production enterprises for imported food started in 1999 and was first issued in 2002 to implement the Regulations on the Registration and Administration of Foreign Production Enterprises of Imported Food (Formerly General Administration of Quality Supervision, Inspection and Quarantine Order No. 16).

In 2009, according to the first release of the People's Republic of China Food Safety Law, China organized the revision of the original "Imported Food Foreign Production Enterprises Registration and Administration Regulations" (formerly the State Administration of Quality Supervision, Inspection and Quarantine Order No. 16). On May 1, 2012, the Regulations on the Registration and Administration of Foreign Production Enterprises of Imported Food (formerly State Administration of Quality Supervision, Inspection and Quarantine Order No. 145) were officially implemented, and through the implementation of "source management" for overseas food production enterprises, it played an important role in ensuring food safety in China and promoting the stable development of trade.

With the rapid growth of China's imported food trade and the increasing demands of consumers on imported food safety, the existing provisions cannot adapt to the current new situation requirements. First, the provisions of Article 96 of the Food Safety Law of the People's Republic of China, "Foreign food production enterprises exporting food to the territory of China shall be registered with the State Department of Entry-Exit Inspection and Quarantine"; Second, the registration application is too much pre-examination and after-the-fact supervision is insufficient, cannot adapt to deepen the "release of management service" reform requirements and a large number of overseas enterprises to apply for the actual work; Third, for different types of overseas food production enterprises, the differentiation of management measures is not obvious, "good faith and law-abiding convenience, breach of trust and illegal punishment" guidance is not prominent.

2. The main content of the revision

The Regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises of Imported Food (General Administration of Customs Order No. 248), which were amended to include "General Rules", "Registration Conditions and Procedures", "Registration Management" and "By-laws" four chapters, changed from the original 23 to 28.

(1) Implement the provisions of the Food Safety Law of the People's Republic of China on the registration of overseas food production enterprises that export food to the territory of China.

The scope of registration of overseas production enterprises shall be extended to the whole category of food production enterprises (Articles 2 and 4) as stipulated in the Food Safety Law of the People's Republic of China, and the preventive role of the registration system in the control of imported food safety shall be given full play.

(2) Introduce the risk management principles of the Food Safety Law of the People's Republic of China to further enhance the effectiveness of registration management.

Based on the analysis of the raw material sources, production and processing processes, historical data on food safety, consumer groups, consumption patterns and other factors, and in accordance with international practice, it is determined that the "official recommended registration" model (Articles 7, 8) should be adopted for 18 categories of food products and the "enterprise self-application" model for overseas production enterprises with more simplified procedures for food products other than 18 categories (Article 9). In addition, it is stipulated that the Customs may adjust the registration method and application materials of the relevant enterprises according to the change of certain types of food risk (Article 6).

(3) To further clarify the main responsibilities of enterprises.

It is clear that enterprises should establish an effective food safety and health management and protection system to ensure that food exported to China meets the requirements (Article 5);

(4) Clarify the responsibility of the competent overseas authorities to review the recommendation and supervision.

Before recommending the registration of an enterprise to the General Administration of Customs, the competent authorities of the country (region) shall conduct an audit and inspection of the enterprise recommended for registration, confirm that 4 meet the registration requirements before recommending registration (Article 8). The competent authorities of the country (region) shall effectively supervise the registered enterprises and the responsibility of the competent authorities abroad to urge the registered enterprises to continue to meet the registration requirements (Articles 22 and 23).

(5) Clarify the responsibility of the "applicant".

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

(6) To further strengthen post-mortem supervision in the event of an incident.

Summarize the experience of registration management of overseas production enterprises in the previous period, supplement the application of registration changes, renewals, cancellations and cancellations, and enhance the operability of the relevant provisions (Articles 19 to 21 and 24).

(7) Adjust the corresponding formulation in accordance with relevant laws and regulations.

In accordance with the relevant provisions of the Food Safety Law of the People's Republic of China, replace "storage" with "storage" and make it clear that these provisions do not include enterprises for the production, processing and storage of food additives and food-related products (Article 2).

3. Third, the revision process

In July 2019, the General Administration of Customs Import and Export Food Safety Bureau officially launched the Regulations on the Registration and Administration of Foreign Production Enterprises of Imported Food (announced by Order No. 145 of the former State Administration of Quality Supervision, Inspection and Quarantine on March 22, 2012, and The Amendment Drafting Group was established by Order No. 243 of the General Administration of Customs of November 23, 2018). In the process of revision, in accordance with the requirements of legislative work, widely solicited and carefully listened to the customs system and social opinions, absorbed and adopted reasonable suggestions, more than 5 comprehensive grasp of the status quo of overseas enterprise registration management, enterprise claims and the need for reform.

From August to November 2019, it was agreed to optimize the overall idea of improving the registration management system for overseas production enterprises of imported food products.

On November 26, 2019, the Guangdong Branch, Tianjin and Shanghai Offices were sent to the Guangdong Branch for comments on the Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food (Draft for Comments), and all departments directly under the General Administration of Customs and Customs were consulted. As of December 6, 2019, the Guangdong Branch and 11 directly under the Customs Department have received 53 comments, and the relevant departments within the General Administration of Customs have received 7 comments.

From November 26th to December 25th, 2019, the official website of the General Administration of Customs published the Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food (Draft for Comments) for public comments. Through online messages, e-mails and written feedback, the relevant parties put forward a total of 514 suggestions for comments and amendments.

From January 2020 to August 2020, the drafting team compiled a summary of 580 observations based on feedback from relevant departments within the General Administration of Customs, within the customs system and from all sectors of society, analyzing the study on a case-by-case basis and communicating with relevant parties. After adopting reasonable suggestions from all parties, many internal discussions have been perfected, and the Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food of the People's Republic of China (Draft for Review) have been combing through and being submitted to the Policy and Regulation Department of the General Administration of Customs for legislative review.

From November 16, 2020 to January 16, 2021, the General Administration of Customs, in accordance with the relevant provisions of the World Trade Organization (WTO) transparency, completed the Regulations on the Registration and Administration of Foreign Production Enterprises of Imported Food (Draft) to inform the WTO of the review. The Directorate-General organized a study and provided written responses to 14 comments from 12 countries (regions) including Europe, the United States and Asia-Pacific.

On April 12, 2021, the Regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises of Imported Food (General Administration of Customs Order No. 248) were officially promulgated, effective January 1, 2022.

Part II / Interpretation

Article 1 These Provisions are formulated in accordance with the provisions of the Food Safety Law of the People's Republic of China and its implementing regulations, the Import and Export Commodity Inspection 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 Safety Supervision and Administration of Food and Other Products.

The main thrust of the article

This article is a provision on the legislative purpose and legislative basis of this provision.

Interpretation

(1) Legislative purposes

In order to implement the provisions of the Food Safety Law of the People's Republic of China on the registration of overseas food production enterprises exporting food to China, further strengthen the management of overseas food production enterprises, optimize the registration procedures, clarify the responsibilities of all parties, refine management requirements, highlight the "good faith and law-abiding convenience, breach of trust and illegal punishment" management guidance, play the imported food overseas production enterprises registration system in the control of the source of food safety in the seven mouths, to ensure the import of food safety, it is necessary to Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food (Published by Order No. 145 of the former State Administration of Quality Supervision, Inspection and Quarantine of March 22, 2012 and amended by Order No. 243 of the General Administration of Customs of November 23, 2018).

(2) The basis of legislation

The regulations of the People's Republic of China on the Registration and Administration of Overseas Production Enterprises imported food (General Administration of Customs Order No. 248) (hereinafter referred to as the Registration Provisions) are based on the provisions of laws and administrative regulations such as the Food Safety Law of the People's Republic of China and its implementing regulations, the Import and Export Commodity Inspection 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 Safety Supervision and Administration of Food and Other Products. Compared with the original provisions, the Law of the People's Republic of China on Animal and Plant Quarantine and its Implementing Regulations, and the Special Provisions of the State Council on Strengthening the Safety Supervision and Administration of Food and Other Products have been added.

Article 96 of the Food Safety Law of the People's Republic of China stipulates that "foreign food production enterprises exporting food to the territory of China shall be registered with

the State Department of Entry-Exit Inspection and Quarantine." If a registered overseas food production enterprise provides false materials or causes a major food safety accident to occur in imported food for its own reasons, the State Department of Entry-Exit Inspection and Quarantine shall revoke the registration and make a public announcement. "This is the most fundamental legal basis for the registration and management of overseas production enterprises of imported food. Articles 92 and 94 of the Food Safety Law of the People's Republic of China stipulate that imported food products shall comply with the national standards for food safety in China and shall be the basis for foreign production enterprises and their products to comply with the requirements of our standards. Article 95 of the Food Safety Law of the People's Republic of China stipulates that measures should be taken in response to food safety incidents abroad or food safety problems in imports, which is the basis for taking corresponding measures against the products in question and their production enterprises.

Article 50 of the Regulations on the Implementation of the Food Safety Law of the People's Republic of China stipulates that "if the State Entry-Exit Inspection and Quarantine Department discovers that the registered overseas food production enterprises no longer meet the registration requirements, it shall order them to make rectifications within the prescribed time limit and suspend the import of the food produced by them during the rectification period; "Article 52 of the Regulations on the Implementation of the Food Safety Law of the People's Republic of China stipulates that if a food safety incident occurring outside China may affect the territory of China, or if serious food safety problems are found in imported food, food additives or food-related products, the State Entry-Exit Inspection and Quarantine Department shall promptly issue a risk warning and may take a return or destruction treatment of the relevant food, food additives and food-related products; This is the basis for more detailed control measures for the problem products and their production enterprises.

Article 6 of the Import and Export Commodity Inspection Law of the People's Republic of China stipulates that registration is one of the conformity assessment procedures. Article 8 of the Regulations on the Implementation of the Import and Export Commodity Inspection Law of the People's Republic of China stipulates that the classification management shall be carried out on import and export enterprises; Article 14 stipulates that the information on imported goods shall be assessed and measures taken; Article 15 stipulates that when staff members of entry and exit inspection and quarantine institutions perform their duties in accordance with the law, the relevant units and individuals shall cooperate and no unit or individual may illegally interfere with or obstruct;

Article 19 stipulates that the imported food production industry, which has been registered, shall have its registration revoked if it is ordered to make rectification within a specified period of time after inspection and does not meet the requirements, if it fails to meet the requirements or if there are other serious violations. This is Article 6, Article 25, Article 24, Article 4, Article 18, Article 23 and Article 24 are the basis of these Provisions.

The Law of the People's Republic of China on Animal and Plant Quarantine for Entry and Exit provides a clear basis for the quarantine requirements of overseas food production

enterprises and the competent authorities of their countries (regions). Article 17 of the Regulations on the Implementation of the Law of the People's Republic of China on The Entry and Exit of Animals and Plants stipulates that "the State shall export animal and plant products to China." The foreign production, processing and storage units of the products shall implement the registration system", which is the basis for the registration of the overseas food storage units.

Article 8 of the Special Provisions of the State Council on Strengthening the Safety Supervision and Administration of Food and Other Products stipulates that imported products shall comply with the mandatory requirements of China's national technical specifications and the inspection requirements stipulated in the agreements signed between China and the exporting countries (regions);

To sum up, the relevant laws and regulations provide sufficient legislative basis for the Registration Provisions and provide strong upper law support. Many of the provisions of this provision directly from the relevant laws and regulations, reflecting the legislative spirit of the upper law, is the specific provisions of the relevant laws and regulations, to ensure the implementation of laws and regulations.

Article 2 These Provisions shall apply to the registration and administration of overseas production, processing and storage enterprises (collectively, overseas production enterprises that import food) that export food within China. The overseas production enterprises of imported food mentioned in the preceding paragraph do not include the production, processing and storage enterprises of food additives and food-related products.

The main thrust of the article

This article is a provision on the scope of application of this provision.

Interpretation

According to Article 150 of the Food Safety Law of the People's Republic of China, food refers to all kinds of finished products and raw materials for human consumption or drinking, as well as items that are both food and traditional Chinese medicine in accordance with tradition, but do not include items for therapeutic purposes.

Food production and processing refers to the process of turning food raw materials or semi-finished products into products suitable for consumer consumption or consumption through labor, machinery, energy, etc. Therefore, the corresponding enterprises, places, fishing vessels, etc. engaged in food production and processing activities belong to food production and processing enterprises.

According to Article 2 (v) of the Food Safety Law of the People's Republic of China, these Provisions amend the original article 2 "storage" to "storage" and are consistent with the expression of the superior law. In accordance with Articles 2 and 33 of the Food Safety Law of the People's Republic of China, there are clear requirements for the environment of food storage sites and for the isolation of toxic and harmful sources of pollution, the safe cleaning of storage containers, tools and equipment, temperature and humidity, etc. Therefore, enterprises with suitable places and containers for food storage and the implementation of

food storage in accordance with the requirements of food storage safety and hygiene belong to food storage enterprises.

Food production and processing and food storage are important links affecting food safety. For example, food products that require specific preservation conditions and bulk, such as temperature and humidity, poor storage environment control, can easily cause food corruption to deteriorate or contaminate 11 products, leading to food safety problems. Therefore, these Provisions shall apply to overseas production, processing and storage enterprises that export of food to China.

According to Article 150 of the Food Safety Law of the People's Republic of China, food additives refer to synthetic or natural substances, including nutritional enhancers, added to food for the purpose of improving the quality and color, aroma, taste and needs of anti-corrosion, preservation and processing processes.

Food-related products, generally including packaging materials and containers for food, tools and equipment for food production and operation, as well as detergents for food, disinfectants and so on.

According to the definition of food additives and food-related products in the Food Safety Law of the People's Republic of China, taking into account that these two types of products and their production, processing and storage requirements are different from those of food, this Article makes it clear that the production, processing and storage enterprises of food additives and food-related products shall not apply to these Provisions.

Article 3 The General Administration of Customs shall be responsible for the registration and management of overseas production enterprises importing food.

The main thrust of the article

This article is about the management system of overseas production enterprises of imported food.

Interpretation

According to the state council's institutional reform plan announced on March 13, 2018, the General Administration of Customs is responsible for the registration management and inspection and quarantine management of overseas production enterprises of imported food.

The General Administration of Customs is responsible for the registration and management of overseas production enterprises of imported food, mainly reflected in the following aspects:

1. The General Administration of Customs shall conduct risk analysis to determine the registration methods and application materials of overseas production enterprises of imported food, and may adjust them according to the circumstances;
2. The General Administration of Customs may agree with the competent authorities of the relevant countries (regions) on the registration methods and application materials of overseas production enterprises of imported food;

3. The General Administration of Customs shall, in accordance with the needs of the work, determine the contents of the application materials for registration of enterprises and other registration application materials and filling in the requirements;
4. The General Administration of Customs shall, on its own or by entrusting the relevant institutions, organize an evaluation team to carry out an evaluation and examination of the overseas production enterprises of imported food that apply for registration;
5. Whether the General Administration of Customs shall continue to comply with the registration of overseas production enterprises of imported food
To carry out a review of the required situation and to review the rectification of the enterprise;
6. The General Administration of Customs, in the light of the assessment and examination, has made a decision to register, not to register, to change, to renew the registration, to cancel the registration, to cancel the registration, to suspend the import, to resume the import, etc., and to issue written notice, publication or announcement;
7. The General Administration of Customs shall give the registered number to the overseas production enterprises that have obtained the registration of imported food products in China, and shall publish the list of overseas production enterprises of imported food products that have been registered uniformly.

Article 4 Overseas production enterprises that import food shall be registered with the General Administration of Customs.

The main thrust of the article

This article is about the obligation to register overseas production enterprises of imported food.

Interpretation

This Article is the full implementation of the provisions of Article 96, 13 of the Food Safety Law of the People's Republic of China.

According to imported food inspection in volume 15 of the FAO Food Quality Control Manual, it is a fundamental national obligation to ensure the safety of food supplied to domestic consumers, and governments must ensure control over imported food. Thus, in order to protect the safety and health of consumers, plants and animals in many countries of the world, the food enterprises of the exporting countries are registered, i.e. the competent authorities of the importing country evaluate the export management systems of the food enterprises and their enterprises in the exporting countries, and are qualified to permit registration and allow the import of food produced by the relevant enterprises.

With the rapid growth of china's imported food types and trade volume in recent years, as well as consumers' increasing demand for imported food safety, according to the relevant provisions of the Food Safety Law of the People's Republic of China, the application of the concept of "source management" for all categories of food overseas production enterprises to implement registration management, in line with our domestic food safety regulatory requirements, to further ensure the safety of imported food.

Article 5 Conditions for registration of overseas production enterprises of imported food:

(1) The food safety management system of the country (region) in which it is located shall be assessed and reviewed by the General Administration of Customs;

(2) Established with the approval of the competent authorities of the country (region) in which it is located and under its effective supervision;

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

(4) To comply with the relevant inspection and quarantine requirements set by the General Administration of Customs and the competent authorities of the country (region) in which they are located.

The main thrust of the article

This article is the provision on the conditions for registration of overseas production enterprises of imported food.

Interpretation

The conditions for registration of overseas production enterprises for imported food refer to the conditions that should be met or maintained by overseas production enterprises in obtaining registration qualifications. In terms of content, in accordance with Article 101 of the Food Safety Law of the People's Republic of China and the relevant provisions of the International Codex Alimentarius (CAC) on "equivalence", this article adjusts the expression of paragraph (1) of the original provision; Linking the relevant inspection and quarantine requirements established by the General Administration of Customs and the competent authorities of the country (region) in which they are located, and maintaining the effective implementation of the relevant inspection and quarantine requirements.

The conditions for the registration of overseas production enterprises for imported food are, first, the condition of the country (region) in which the enterprise is located meets the requirements; The enterprise shall also comply with the relevant inspection and quarantine requirements agreed upon by the General Administration of Customs and the competent authorities of the country (region) in which the enterprise is located.

When applying for registration, an overseas production enterprise of imported food shall, in accordance with the corresponding conditions set out in this Article, first, confirm whether the whole management system of food safety in the country (region) where the enterprise is located has passed the equivalent assessment and examination of the General Administration of Customs, and if it is not clear, the enterprise shall contact the competent authorities of the country (region) in which it is located to clarify it; The enterprise itself shall establish an effective food safety and health management and protection system, its production and export in accordance with the requirements of the country (region) regulations, when the enterprise exports food to China, it should implement the main responsibility and ensure that the food exported to China complies with the relevant laws and regulations of China and national standards for food safety;

Article 6 The method of registration of overseas production enterprises for imported food includes the recommendation of the competent authorities of the country (region) to register and apply for registration.

The General Administration of Customs shall, on the basis of the analysis of the raw material sources, production and processing processes, historical data on food safety, consumer groups, consumption patterns and other factors, and in accordance with international practice, determine the registration methods and application materials of overseas production enterprises of imported food products.

If there is a risk analysis or evidence of a change in the risk of certain types of food, the General Administration of Customs may adjust the registration method and application materials of the overseas production enterprises of the corresponding food products.

The main thrust of the article

This article is the provision on the way in which overseas production enterprises imported food are registered.

Interpretation

According to the risk analysis, different types of imported food overseas production enterprises classification adopt different registration methods. The registration method of overseas production enterprises of imported food is divided into two types: the competent authorities of the country (region) recommending registration and the enterprise applying for registration.

Different registration methods are adopted for the classification of different categories of imported food overseas production enterprises, which are based on the source of raw materials of food (e.g. animal-derived raw materials, plant-derived raw materials, etc.), production and processing processes (e.g. heating, dehydration, pickling, etc.), historical data of food safety monitoring and testing, and consumer population (example).

Such as specifically for infants and young children or patients with certain diseases, such as eating methods (e.g. direct consumption, after heating consumption) and other related factors, but also consider the international food safety management situation of different countries (regions), reference to different countries (regions) of imported food overseas production enterprises management.

However, with advances in science and technology, analytical methods, and cognition, new food safety risks may be identified and increased in the future, or some food safety risks may be identified as negligible or eliminable. Therefore, after risk analysis or evidence of a change in the risk of certain types of food, the General Administration of Customs shall adjust the registration methods and application materials of overseas production enterprises of the corresponding food products. When applying for registration, an overseas production enterprise of imported food shall confirm its own product category and apply in the corresponding manner in accordance with these Provisions.

Article 7 The overseas production enterprises of the following foods shall be recommended for registration by the competent authorities of the country (region) in which they are located: meat and meat products, intestinal clothing, aquatic products, dairy products, bird's nest and bird's nest products, bee products, egg and egg products, edible fats and oils, packages Pasta, edible cereals, cereal powder industrial products and 17 malts, fresh and dehydrated vegetables, as well as dried beans, seasonings, nuts

and seeds, dried fruits, unroasted coffee beans and cocoa beans, special dietary foods, health foods.

The main thrust of the article

This article provides for the types of imported food products recommended for registration by the competent authorities of the country in which they are located.

Interpretation

After analysis and evaluation, it is clear that 18 categories of imported food overseas production enterprises should be in their country (region) competent authorities to the General Administration of Customs recommended registration. The HS code range for 18 and other categories of imported food can be found on the official website of the General Administration of Customs. The HS encoding range will be adjusted synchronously based on tax code updates.

Article 8 The competent authorities of the country (region) in which they are located shall conduct an examination and inspection of the enterprises for which they recommend registration, and, after confirming that they meet the registration requirements, recommend the registration to the General Administration of Customs and submit the following application materials:

- (1) A letter of recommendation from the competent authorities of the country (region) in which it is located;**
- (2) The list of enterprises and the application for registration of enterprises;**
- (3) Enterprise identification documents, such as business licenses issued by the competent authorities of the country (region) in which they are located;**
- (4) A declaration by the competent authority of the country (region) recommending that the enterprise meet the requirements of these Provisions;**
- (5) The examination report of the competent authorities of the country (region) in which the relevant enterprises are audited and inspected. If necessary, the General Administration of Customs may request enterprise food safety hygiene and 18 protection system documents, such as enterprise plant, workshop, cold storage floor plan, as well as process flow chart.**

The main thrust of the article

This article is the requirement for the competent authorities of the country (region) to recommend registration to the General Administration of Customs and to submit application materials.

Interpretation

In order to implement the recommendation responsibilities of the competent authorities in the country (region) and to ensure that the recommended enterprises meet the registration requirements, this article makes it clear that the competent authorities of the country (region) in which they are located should first conduct an audit and inspection of the enterprises recommended for registration, confirm that they meet the registration requirements before recommending them. When recommending registration by the competent authorities in the

country (region) of the country in which you are located, you are required to submit the 5 applications listed in this article.

The regulation and inspection of food enterprises is one of the main responsibilities of the competent authorities of the exporting countries. After the competent authorities in the country (region) have completed the examination and inspection of the enterprise and confirmed that the registration requirements have been met, the relevant application materials shall be provided to the General Administration of Customs when recommending registration.

In accordance with Chinese laws and regulations and national standards for food safety, the characteristics of different product production enterprises, the General Administration of Customs has formulated the corresponding registration requirements and control checklists for overseas production enterprises of imported food products. The overseas production enterprises of imported food and the competent authorities of the country (region) in which they are located may use this form to conduct audits and inspections of the relevant production enterprises, and the results of the examination and inspection shall be used as the fifth item of the application materials, i.e. the examination report. When the General Administration of Customs conducts the registration assessment review and review, the legal and regulatory standards required will also be carried out against the checklist. The checklist brings the overseas production enterprises of imported food and the competent authorities of their countries (regions) into line with the assessment and examination contents of the General Administration of Customs.

Article 9 Foreign production enterprises of food other than those listed in Article 7 of these Provisions shall, on their own or by entrusting an agent, submit an application for registration to the General Administration of Customs and submit the following application materials:

- (1) Application for registration of enterprises;**
- (2) Enterprise identification documents, such as business licenses issued by the competent authorities of the country (region) in which they are located;**
- (3) A declaration that the enterprise's commitment meets the requirements of these Provisions.**

The main thrust of the article

This article is concerned with the provisions on the application for registration and submission of materials by overseas production enterprises of imported food other than those listed in Article 7

Interpretation

This article clarifies the registration application requirements for other food overseas production companies other than the 18 categories listed in Article 7. The overseas food production companies other than the 18 categories can apply for registration to the General Administration of Customs by themselves or by entrusting their agents, instead of the country (region) where they are located. The competent authority recommends registration to further simplify the application procedure requirements.

The agents entrusted by the parties may be domestic and overseas organizations and individuals that comply with local laws and regulations. When an agent entrusts an agent to apply to the customs for registration, in addition to the application materials specified in this article, a power of attorney shall be provided. The power of attorney shall contain the basic information, entrusted matters, agency authority, and power of the client and his agent. The start and end dates, the date of entrustment, and the signature or seal of the principal. If the client changes the content of the entrustment or cancels the entrustment in advance, he shall notify the customs in writing.

Article 10 The contents of the application for enterprise registration 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, Information such as production type, production capacity, etc.

The main thrust of the article

This article is about the content of the application for registration of imported food overseas production enterprises Provisions.

Interpretation

In order to clarify and standardize the application of imported food overseas production enterprises, this article clarifies the content of the application for enterprise registration. Overseas production enterprises of imported food shall fill in accurately, completely and standardly in accordance with the corresponding items listed in this article. The General Administration of Customs will formulate registration applications and examples for all types of imported food overseas production enterprises. Details can be found on the official website of the General Administration of Customs.

Article 11 The registration application materials shall be submitted in Chinese or English. If the relevant country (region) and China have agreed otherwise on the registration method and application materials, the agreement shall be implemented in accordance with the agreement between the two parties.

The main thrust of the article

This article is an additional provision regarding registration application materials and registration methods.

Interpretation

This article specifies that the registration application materials should be completed and submitted in Chinese or English. Taking into account the existing mutual agreement between my country and relevant countries (regions), in order to ensure the stable implementation of the agreed matters between the parties, this article clearly stipulates the registration method and application materials that have been agreed upon, and shall be implemented in accordance with the requirements agreed upon by both 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.

The main thrust of the article

This article is about the competent authority of the country (region) or the border of imported food Provisions on the responsibilities of foreign manufacturers for application materials.

Interpretation

This article clarifies that 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 application materials. The application materials submitted by the competent authority of the country (region) or the overseas production enterprise of imported food are the basic content of the customs department's assessment and review and an important basis for deciding whether to approve registration or implement follow-up management measures. The competent authority of the country (region) or Overseas production enterprises of imported food shall not provide false materials to deceive the customs department, otherwise they shall bear corresponding legal responsibilities.

Article 13 The General Administration of Customs, by itself or by entrusting relevant agencies to organize an evaluation team, conducts evaluation and review of overseas production enterprises of imported food applying for registration through written inspections, video inspections, on-site inspections and other forms and combinations thereof. The assessment team is composed of more than 2 assessment reviewers. The overseas production enterprise 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.

The main thrust of the article

This article is about the provisions of evaluation and review.

Interpretation

The evaluation and review work has been carried out by the review team organized by the General Administration of Customs. With the diversification of management methods and changes in higher-level laws, this regulation proposes that relevant agencies may be entrusted to conduct evaluation and review. The specific implementation measures will be revised and improved in accordance with the higher-level laws and relevant regulations, and will be separately clarified by the General Administration of Customs.

In order to ensure the fairness of the evaluation and review, this article specifies that the review team shall be composed of at least two evaluation and review personnel. This article also clarifies that overseas producers of imported foods and the competent authorities of the country (region) where they are located have the obligation to assist the General Administration of Customs in carrying out evaluation and review.

For different types of overseas companies in different countries (regions), the General Administration of Customs may organize different forms or combined forms of assessment and review according to risk analysis and actual work needs. The evaluation and review forms of overseas production enterprises of imported food are as follows:

1. Written inspection: The General Administration of Customs organizes an evaluation team to inspect the application documents and materials of the enterprise or the competent authority of the country (region) through the review of the submitted application documents. According to the application documents, the General

Administration of Customs may request the competent department of the country (region) or the applicant to supplement the missing information or materials.

2. Video inspection: The General Administration of Customs organizes a review team to conduct inspections on the company's food safety and sanitation management system and its food safety and sanitation status through Internet video connections. Enterprises that accept video inspections and the competent authorities of the country (region) where they are located shall provide necessary assistance for video inspections. Regarding the related problems found in the video inspection, the General Administration of Customs may request the enterprises that undergo the video inspection and the competent authorities of the country (region) where they are located to make rectifications and submit corresponding rectifications.
3. On-site inspection: The General Administration of Customs organizes an assessment team to go abroad to the on-site site of the overseas production enterprise applying for registration to conduct inspection and verification of the enterprise's food safety and sanitation management system and its food safety and sanitation status. The enterprise that accepts the on-site inspection and the competent authority of the country (region) where it is located shall provide necessary assistance for the on-site inspection. For related issues found during on-site inspections, the General Administration of Customs may require the enterprises and the competent authorities of the country (region) where they are inspected to make rectifications and submit corresponding rectifications.

The content and standards of the assessment review will be based on the relevant guidelines of the WTO's three sister organizations (OIE, IPPC, CAC), the relevant inspection and quarantine requirements negotiated by the General Administration of Customs and the competent authority of the country (region), relevant Chinese laws and regulations, and Implementation of national food safety standards. The General Administration of Customs organizes an assessment team to conduct assessment and review, and will communicate and negotiate in advance with the competent authority of the country (region) where the company is located based on the risk assessment results and international practices.

Article 14 The General Administration of Customs shall, based on the assessment and review, register the overseas production enterprises 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 production enterprise of imported food in writing; for non-compliance The overseas production enterprise of imported food shall not be registered, and the competent authority of the country (region) or the overseas production enterprise of imported food shall be notified in writing.

The main thrust of the article

This article is about the registration results of overseas production enterprises of imported food.

Interpretation

Based on the evaluation and review, it is decided whether to register the overseas production enterprise of imported food. Under the original regulations, the registration number of an overseas manufacturer of imported foods follows the registration number of the competent

authority of the country (region) where the company is located. However, due to different food safety management systems and numbering rules in different countries, overlapping and confusion of registration numbers often occur. This revision of the newly established registration number requirements in China will uniformly assign registration numbers in China to registered companies in different product categories.

Taking into account that different types of imported food overseas production enterprises, their registration application methods are different, some are directly applied by the enterprise, and some are recommended by the competent authority of the country (region) where they are located. This article supplements the notification object. The customs shall notify the competent authority of the country (region) or the overseas manufacturer of imported food in the same way as the application method.

Article 15 When a registered enterprise exports food to China, it shall mark the food's internal and external packaging with the registration number in China or the registration number approved by the competent authority of the country (region) where it is located.

The main thrust of the article

This article is about the regulations on the labeling of registration numbers.

Interpretation

Overseas manufacturers of registered imported foods mark the registration number on the inner and outer packaging of food exported to China in order to protect the right of knowledge of Chinese consumers, clearly and accurately convey imported food registration information to consumers, and enhance consumer confidence.

This article clarifies that registered enterprises should mark their registration numbers. Registered companies can arbitrarily choose to mark their registration number in China, or the registration number approved by the competent authority of the country (region) where they are located, giving them convenience and the right to choose independently. In the long run, we encourage overseas companies to choose to mark their registration numbers in China.

The internal and external packaging referred to in this article refers to the transportation packaging and the separately sold sales unit with independent packaging. For transport packaging, the registration number should be clearly and accurately marked on the transport packaging. For a sales unit that contains individually packaged prepackaged foods that can be sold separately, the registration number should be marked on the food label, and the relevant requirements of the General Rules for Prepackaged Food Labels in China's National Food Safety Standards shall be implemented.

Article 16 The registration validity period of an overseas production enterprise of imported food is 5 years. The General Administration of Customs shall, when registering an overseas manufacturer of imported food, determine the start and end dates of the validity period of the registration.

The main thrust of the article

This article is about the period of validity of registration. Expect.

Interpretation

According to Article 15 of the "Regulations for the Implementation of the Food Safety Law of the People's Republic of China", the food production and operation license is valid for 5 years. According to the principle of national treatment of the World Trade Organization (WTO), the validity period of registration of overseas production enterprises of imported food is 5 years, which is consistent with the management requirements of the validity period of my country's food production and operation license. In order to clarify the validity period, the General Administration of Customs shall determine the start and end dates of the registration validity period when registering imported food overseas production enterprises. For overseas manufacturers of imported foods that have been registered before the implementation of these regulations, their registrations are still valid, and they can apply for renewal of registration in accordance with the relevant requirements of Article 20 of these regulations before the expiry of the validity period. Those who fail to apply for renewal of registration in accordance with the regulations will be cancelled. This article is about the period of validity of registration. Expect.

Article 17 The General Administration of Customs shall uniformly announce the list of registered overseas production enterprises of imported food.

The main thrust of the article

This article is about the unified announcement of the list of overseas manufacturers of imported food Provisions.

Interpretation

This article clarifies that the General Administration of Customs is the main body that uniformly publishes the list of registered foreign food production enterprises. The official website of the General Administration of Customs will publish a list of registered overseas manufacturers of imported food.

Article 18 The General Administration of Customs, on its own or by entrusting relevant agencies to organize review teams, shall conduct re-examinations on whether overseas manufacturers of imported foods continue to meet the registration requirements. The assessment team is composed of more than 2 assessment reviewers.

The main thrust of the article

This article is about the re-examination of registered overseas production enterprises of imported food Work regulations.

Interpretation

In order to strengthen the interim and ex-post supervision of registered foreign food production enterprises, the registered foreign food production enterprises shall be urged to continue to comply with the requirements of Chinese laws, regulations and standards. During the validity period of the registration, the General Administration of Customs will follow the raw materials of relevant imported food overseas production enterprises. Sources, production and processing technology, historical data of food safety testing and monitoring, consumer groups, eating methods and other related factors, combined with the notification of the competent authority of the country (region) and the collected risk public opinion information, conduct risk assessment, and organize the review team to conduct a risk assessment on imports. Re-examination of overseas food production enterprises.

The review is carried out by the review team organized by the General Administration of Customs, and communicated and negotiated with the competent authority of the country (region) where the enterprise is located in advance. Regarding the specific requirements for entrusting relevant agencies to carry out the review, the General Administration of Customs will formulate and announce separately. To ensure the fairness of the review work, this article specifies that the review team shall be composed of at least two reviewers.

For the specific evaluation and review methods used in the review, please refer to the relevant provisions of Article 13 of these regulations. For different types of overseas companies in different countries (regions), according to risk analysis and actual work needs, the General Administration of Customs organization review can be carried out in different forms or a combination of forms. Overseas production enterprises of imported food and the competent authorities of the country (region) where they are located have the obligation to assist the General Administration of Customs in carrying out the review work.

After re-inspection of overseas production enterprises of imported food, if any problems are found, the General Administration of Customs will take corresponding measures in accordance with the relevant requirements of Article 21, Article 23, and Article 24 of these regulations.

Article 19 During the validity period of the registration, if the registered information of an overseas production enterprise 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) A comparison table of registration item change information;

(2) Proof materials related to the changed information. If the General Administration of Customs considers that it can be changed after evaluation, 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.

The main thrust of the article

This article is about the change of registration information of registered imported food overseas production enterprises.

Interpretation

This article clarifies that if the registration information of an overseas manufacturer of imported food changes, an application shall be submitted to the General Administration of Customs to change the relevant information. To ensure the accuracy and standardization of relevant information changes, overseas manufacturers of registered imported foods shall comply with the following requirements when applying for changes:

1. One is to submit a change application through the same way as when applying for registration. That is, if the competent authority of the country (region) where it is applied for registration is recommended to the General Administration of Customs for registration, the relevant change application should also be submitted by the competent authority of the country (region) to the General Administration of Customs; if the application for registration is made by the enterprise itself Or if an agent is

entrusted, the relevant change application shall be submitted to the General Administration of Customs by the enterprise itself or an entrusted agent.

2. Second, when submitting a change application, the materials that should be submitted include a comparison table of registration item change information and supporting materials related to the change information. Registered item changes 29 Change information comparison table, used to explain which registered items have been changed and what kind of changes. Proof materials related to the change information are used to explain the accuracy and necessity of the change information. For example, if an overseas manufacturer of imported milk powder changes its company name, it needs to provide a comparison table of the company name change, explaining how the company name has changed, and at the same time, it needs to provide documents such as approval documents approved by the competent authority of the country (region) for the company name change to prove.
3. Third, the General Administration of Customs will evaluate and review the content of the relevant change application in accordance with the relevant requirements of Article 13 of these regulations after receiving the change application. After evaluation, it is deemed that the relevant changes and adjustments will not affect the food safety and hygiene management and control of foreign companies that import food (such as changes in the name of the company, etc.), they will be changed. If it is assessed that relevant changes and adjustments may affect the food safety and sanitation management and control of foreign companies that import food (such as plant and equipment renovation or expansion or major adjustments to the food safety and sanitation management system), the General Administration of Customs will require companies to comply with the requirements of this regulation. Submit new registration applications and application materials according to the corresponding application channels. After the new registration application is approved, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled.
4. Fourth, if the company's production site is relocated, the legal representative is changed, or the registration number granted by the country (region) is changed, the relevant company should not apply for adjustment of related registration items in accordance with the method of change, but should pass the Submit new registration applications and application materials according to the corresponding application channels. After the new registration application is approved, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled.
5. Among them, the relocation of the production site refers to the relocation of the actual production site (factory area) for food exports to China to a new physical location. The change of the office 30 of the manager does not belong to the relocation of the production site. The change of the legal representative refers to the change of the actual owner of the enterprise. If the actual owner of the enterprise does not change, but the personnel performing the management of the enterprise's production site (factory) on behalf of the actual owner of the enterprise changes, the registered enterprise can apply for the change first, and the General Administration of Customs will assess the impact of the corresponding change on the enterprise's food safety and sanitation management and The actual impact of the control, decide whether to

change it. If it is assessed that relevant changes and adjustments may affect the food safety and sanitation management and control of foreign companies that import food, the General Administration of Customs will require companies to submit new registration applications and application materials in accordance with the corresponding application channels that meet the requirements of this regulation. After the new registration application is approved, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled.

6. If the relevant changes and adjustments may affect the food safety and sanitation management and control of foreign companies that import food (such as plant and equipment reconstruction or major adjustments to the food safety and sanitation management system), if the General Administration of Customs finds that registered companies have not reported in a timely manner, they will follow these regulations. Article 23 and Article 24 stipulate relevant requirements and take corresponding measures.

Article 20 If an overseas manufacturer of imported food needs to renew its registration, it shall submit an application for renewal 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) Application for renewal of registration; (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.

The main thrust of the article

This article is about the renewal of registration of registered overseas production enterprises of imported food.

Interpretation

This article revises and refines Article 10 of the original regulations, changing the application period for renewal of registration before the expiry of the registration validity period from the original one year to the period from 6 months to 3 months before the expiration of the validity period. For example, if the registration validity period of an overseas manufacturing company expires on December 31, 2022, the company should apply to the General Administration of Customs for renewal between July 1 and September 30, 2022. The purpose of this setting is to ensure that the General Administration of Customs has sufficient time to complete the relevant evaluation and review of the registration renewal application after the manufacturer submits the application for renewal, so as to avoid the expiration of the validity period due to the application time being approaching the expiration deadline of the validity period and the inability to complete the evaluation in time. , To ensure that overseas companies that meet the requirements and registered imported food can continue to export to China.

An overseas manufacturer of imported food that applies for renewal of registration, if relevant information has not changed, shall submit an application for renewal to the General Administration of Customs through the same channels as when applying for registration. That is, if the competent authority of the country (region) where it is applied for registration is

recommended to the General Administration of Customs, the application for renewal of registration should also be submitted by the competent authority of the country (region) to the General Administration of Customs; If the enterprise itself or its agent entrusts it, the relevant application for renewal of registration shall be submitted to the General Administration of Customs by the enterprise itself or its agent.

For companies that need to apply for renewal of registration and their own registration information has changed at the same time, they should first go through the registration information change 32 procedures in a timely manner in accordance with Article 19 of these regulations. After the information change is completed, apply for renewal of registration; or before the expiry of the registration period. Previously, the company submitted a new registration application in a timely manner. After the new registration application is passed, the original registration number in China will automatically become invalid and the original registration qualification will be cancelled.

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) Failing 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) It no longer meets the requirements of Item (2) of Article 5 of these regulations.**

The main thrust of the article

This article is about the cancellation provisions of registered overseas production enterprises of imported food.

Interpretation

This article refers to the "Food Safety Law of the People's Republic of China" and other relevant regulations, and adds the content of canceling the registration of imported food overseas production enterprises that meet one of the following three conditions: one is not applying for renewal of registration according to the regulations; the other is clearly importing. When an overseas food production enterprise or the competent authority of the country (region) where it is located actively applies for cancellation, the General Administration of Customs shall cancel it; If the national (regional) competent authority no longer approves the establishment of an enterprise and is not under its effective supervision, the General Administration of Customs shall cancel it.

After the registration of an overseas manufacturer of imported food is cancelled, the products exported to China from that company will no longer accept its import declaration from the 3rd day after the cancellation becomes effective and thereafter. If you need to export food to China, you should re-apply for registration with the General Administration of Customs.

If an overseas manufacturer of imported food fails to apply for renewal of the registration on time, its registration qualification will become invalid upon the expiration of the registration validity period. For example, the registration number of an overseas manufacturer of

imported food will expire at 24:00 on December 31, 2022, because it is not valid between July 1 and September 30, 2022 (that is, 6-3 months before the expiration of the validity period). Within the period of time), apply to the General Administration of Customs for the renewal of registration. Regardless of whether the General Administration of Customs announces the cancellation of its registration qualification in October 2022, the registration qualification of the enterprise will automatically expire at 0:00 on January 1, 2023.

If an overseas production enterprise of imported food voluntarily applies for cancellation or no longer meets the requirements of Article 5 (2) of these regulations, its registration qualification shall become invalid from the day when the General Administration of Customs decides to cancel its registration. For example, the expiration date of the registration validity period of an imported food production company is December 31, 2022, but it voluntarily applied for cancellation of its registration qualification on March 1, 2022. The General Administration of Customs announced on March 5, 2022 that If the company registration is cancelled on March 1, its registration qualification will be invalidated from March 1, 2022.

Article 22 The competent authority of the country (region) where the overseas production enterprise 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 the relevant The company exports food to China until the rectification meets the registration requirements. When an overseas manufacturer of imported food discovers that it does not meet the registration requirements, it shall take the initiative to suspend the export of food to China and immediately take corrective measures until the 34 reform meets the registration requirements.

The main thrust of the article

This article is about the relevant provisions of the registered overseas production enterprises of imported food and the competent authorities of the country (region) where they are located to suspend the rectification initiatively.

Interpretation

This article revises and refines Article 14 of the original regulations, requiring the competent authority of the country (region), where it is located or the enterprise to find that it does not meet the registration requirements, should actively suspend exports to China, and immediately take corrective measures until the rectification meets the registration requirements.

For overseas companies and their country (region) competent authorities that discover problems on their own and rectify and deal with them, their registration qualifications will not be affected. They are part of the daily supervision work of foreign companies and their country (region) competent authorities, and they are not required to report to the General Customs. Department to report.

Article 23 If the General Administration of Customs finds that an overseas production enterprise that has registered imported food no longer meets the registration requirements, it shall order it 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) for

registration is suspended from importing 35, 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 importing, 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 and reform of the enterprise, and if the review is qualified, the food import of the relevant enterprise shall be resumed.

The main thrust of the article

This article is about the relevant provisions of the General Administration of Customs found that the overseas production enterprises of registered imported food no longer meet the registration requirements and order rectification within a time limit.

Interpretation

This article is a revision and improvement of Article 14 of the original regulations, clarifying that the competent authority of the country (region) where it is located, as the actual supervision body of a registered enterprise, shall bear the corresponding supervision responsibility.

When it is found that an overseas manufacturer of registered imported foods no longer meets any of the registration requirements listed in Article 5 of these regulations, the General Administration of Customs shall order the relevant enterprises to make rectifications within the prescribed time limit, clarify the problems to be rectified, and rectify the acceptance materials, rectification completion deadline and other requirements. During the rectification period, food imports by relevant companies will be suspended.

When submitting a rectification report and a written statement of compliance with the registration requirements, it shall be submitted within the prescribed time limit through the same means as when applying for registration. That is, if the competent authority of the country (region) where it is applied for registration is recommended to the General Administration of Customs for registration, the rectification report and other relevant materials should also be submitted by the competent authority of the country (region) to the General Administration of Customs; if it is applying for registration If it is carried out by the enterprise itself or by its agent, the rectification report and other relevant materials shall be submitted to the General Administration of Customs by the enterprise itself or by its agent.

After receiving the rectification report and other relevant materials, the General Administration of Customs will organize an evaluation and review in accordance with the relevant requirements of Article 13 of these regulations, and notify the company and the competent authority of the country (region) where the company is located. If the examination is qualified, the food imports of relevant enterprises shall be resumed.

Article 24 If a registered overseas production enterprise 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 has occurred 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 circumstances 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) 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 conducting re-examination and accident investigation;

(7) Renting, lending, transferring, reselling, or fraudulently using the registration number.

The main thrust of the article

This article is about the cancellation of the registered capital of a registered overseas production enterprise of imported food relevant provisions of the grid.

Interpretation

Deregistration of enterprises that cannot continue to meet the registration requirements of imported food overseas production enterprises is one of the most important interim and ex post management measures in these regulations. This article revises the circumstances in which enterprise registration qualifications are revoked in Article 15 of the original regulations, and adds a situation in which enterprise registration should be revoked. For the seven situations listed in this article, if the General Administration of Customs assesses and confirms that the overseas production enterprise of imported food has any one of them, the registration shall be cancelled and an announcement shall be made.

(1) A major food safety accident occurred. According to Article 150 of the "Food Safety Law of the People's Republic of China", "Food safety accidents refer to food-borne diseases, food contamination and other accidents that are caused by food and are harmful or potentially harmful to human health." Imported food from production and processing to entering the Chinese market needs to go through multiple links such as raw and auxiliary material procurement, production and processing, origin storage, international transportation, destination storage, market sales, etc. and a long international food production and trade chain. Any link in this process exists. Risks to food safety. If the production enterprise causes a major food safety accident due to its own reasons such as improper inspection and acceptance of raw materials, improper risk prevention and control in production and processing, loss of temperature and control of storage, etc., the registration shall be revoked.

(2) Problems found in inspection and quarantine. According to the "Food Safety Law of the People's Republic of China" and its implementing regulations, 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, Foods are inspected and quarantined before they enter the Chinese market. The problems of unqualified imported foods can generally be divided into two categories:

1. Unqualified safety and health items, including the discovery of non-edible additives, the existence of prohibited and restricted substances, biological toxin contamination, excessive food additives, microbial contamination, pollutant contamination, the presence of genetically modified ingredients, excessive pesticide and veterinary drug residues, irradiation, etc.;
2. Unqualified non-safety and sanitation items, including unqualified packaging, unqualified labels, unqualified quality, unqualified certificates, harmful organisms, and other unqualified items. The customs department assesses whether the circumstances are serious based on the causes of the food safety problems found, the harm they cause, and the degree of impact on the society. If the circumstances are serious, the registration shall be cancelled.
3. It is found that there are major problems in the management of the enterprise. When the General Administration of Customs learns and confirms that there are major problems in the company’s food safety and hygiene management through re-examination, notifications from the competent authorities of the country (region) where the imported food overseas production company is located, public opinion information collection and judgment, complaints and reports, letters and visits, etc., it cannot guarantee that it will report to China. If the domestically exported food meets the safety and sanitation requirements, and it is confirmed with the competent authority of the country (region) where the relevant risks cannot be effectively eliminated by technical means within 3 months, the relevant company registration shall be cancelled.
4. Unqualified rectification. After an overseas manufacturer of imported food submits a rectification report to the General Administration of Customs, if the General Administration of Customs finds that the company has not completed the rectification in accordance with the pre-determined rectification requirements and rectification time limit, or the result of the rectification does not meet the pre-determined acceptance criteria, the General Administration of Customs The agency should cancel the relevant company registration.
5. Providing false materials and concealing problems. Providing false materials and concealing relevant information refers to the forgery, fabrication or concealment of relevant materials during the process of applying for registration, exporting to China, accepting review by the General Administration of Customs, and accepting the supervision of the competent authority of the country (region). , The situation of the data. If the General Administration of Customs has evidence to confirm that the enterprise does falsification or concealment, the relevant enterprise registration shall be cancelled.
6. Refusal to cooperate with the General Administration of Customs in conducting re-examinations and accident investigations. When the General Administration of Customs is conducting a review or investigating a food safety incident, if the relevant

overseas manufacturer refuses to respond to the communication and inspection requirements of the General Administration of Customs or delays for more than 3 months; or refuses the relevant materials requested by the General Administration of Customs Providing or ought to have but falsely claiming to be unable to provide; or refusing to review by the General Administration of Customs for unreasonable reasons is a case of refusing to cooperate with the General Administration of Customs in conducting the review and accident investigation. If the General Administration of Customs has evidence to confirm that the company does refuse to cooperate, the relevant company registration shall be cancelled.

7. The registration number is used in violation of regulations. The registration number for renting, lending, and transferring means that the registered overseas production enterprise of imported food provides its registration number to other production enterprises that have not been registered by the General Administration of Customs for export to China through leasing, trading, investment, etc. food.

The scalping registration number means that the relevant enterprises or individuals obtain the registration number of the overseas production enterprise of imported food through various channels, and provide it to other production enterprises that have not been registered by the General Administration of Customs with compensation.

Misuse of the registration number refers to the unauthorized use of the registration number of the registered foreign food production enterprise without the authorization of the registered foreign food production enterprise and the confirmation of the General Administration of Customs. In this case, if the subject of fraudulent use has obtained a registration number, the General Administration of Customs shall revoke the registration number of the subject of fraudulent use. The enterprise whose registration number is fraudulently used can explain the situation and provide relevant information to the General Administration of Customs through the competent authority of the country (region) where it is located. The 40 fraudulent use certificate, after the assessment and confirmation by the General Administration of Customs, the company registration number can be maintained, or the company can be reissued with a new registration number.

For overseas manufacturers of imported foods whose registration has been cancelled, products exported to China starting from the effective date of the cancellation of the General Administration of Customs and thereafter will no longer accept their import declarations. Those who have declared but have not completed the import procedures shall be returned in accordance with relevant regulations. Or destroy it.

Article 25 If an international organization or the competent authority of a country (region) exporting food within China issues an epidemic notification, or the relevant food discovers an epidemic or public health incident during entry inspection and quarantine, the General Administration of Customs shall announce the suspension of the notification. Regarding food imports from a country (region), applications for registration of relevant food production enterprises in that country (region) will not be accepted during this period.

The main thrust of the article

This article is about suspending the acceptance of registration applications for relevant food overseas production enterprises when serious problems such as epidemics and public health incidents are discovered.

Interpretation

This article is an amendment to Article 18 of the original regulations, with some adjustments. Article 95 of the "Food Safety Law of the People's Republic of China" stipulates that if food safety incidents occurring overseas may affect my country's territory, or serious food safety problems are found in imported food, the national entry-exit inspection and quarantine department shall promptly take risks Early warning or control measures shall be notified to the food safety supervision and management, health administration, and agricultural administration departments of the State Council.

Article 52 of the "Regulations for the Implementation of the Food Safety Law of the People's Republic of China" stipulates that If the food safety incident may affect my country's territory, or if serious food safety problems are found in imported food, the national entry-exit inspection and quarantine department shall carry out risk warning in a timely manner, and may take the following control measures for the relevant food: First, return the goods Or destroy it; the second is to restrict imports conditionally;

The third is to suspend or prohibit imports. Article 5 of the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" stipulates that the state prohibits the entry of relevant animals and plants, animal and plant products and other quarantine objects from countries and regions where animal and plant epidemics are prevalent.

When an international organization or the competent authority of a country (region) exporting food within China issues an epidemic notification, or when the relevant food is found to have serious problems such as an epidemic or public health incident during entry inspection and quarantine, explain the location of the overseas production enterprise that exports the relevant food to China The national (regional) competent authority's food safety management system may have serious defects or risk of loss of control. The General Administration of Customs shall, in accordance with laws and regulations, promptly adopt emergency preventive measures such as suspension of relevant food imports.

During the suspension of relevant food imports in relevant countries (regions), the follow-up development of the epidemic situation and the investigation of public health incidents require further understanding, collection of information and risk assessment. According to Article 6 of these regulations, the General Administration of Customs may adjust the registration methods and application materials of its production enterprises after risk analysis or evidence showing that the country's food risks have changed. Therefore, if serious problems such as epidemics and public health incidents are discovered, during the suspension of relevant food imports from the relevant country (region), the registration application of the relevant food production enterprise of the country (region) should not be accepted until the relevant risk assessment is completed.

Article 26 The competent authority of the country (region) in these provisions refers to the official department in charge of the safety and health supervision of the food production enterprise in the country (region) where the overseas production enterprise of 42 imports of food is located.

The main thrust of the article

This article is about the concept of "the competent authority of the country (region) where it is located" Terms.

Interpretation

The "competent authority of the country (region) where it is located", as the competent party of an overseas production enterprise of imported food, plays an important role in the registration and management of an overseas production enterprise of imported food. This article clarifies its definition. According to the provisions of this article, the "competent authority of the country (region)" refers to the competent authority responsible for the safety and health supervision of the food production enterprise in the country (region) where the overseas production enterprise of imported food is located. Compared with Article 21 of the original regulation, the relevant expressions have been adjusted. , Deleted the "official authorized institutions and industry organizations" in the original regulations, and further clarified the official identity of the "competent authority of the country (region) where it is located".

Different countries (regions) have different authorities for food production companies. Some countries are responsible for different types of food by different departments and agencies, such as the Ministry of Health and Welfare and Ministry of Agriculture and Water in Japan, the U.S. Food and Drug Administration (FDA), and the Ministry of Agriculture (USDA). Food Safety and Inspection Service (FSIS); Tobacco, Alcohol, Firearms, and Explosives Administration (ATF) and other departments. In some countries, different production links of the same product are also managed by different departments.

In the actual implementation of this regulation, if the "competent authority of the country (region) where it is located" is performed by different official agencies, the corresponding official agencies shall connect with the General Administration of Customs according to their own responsibilities, or one of the official agencies shall be responsible for the unified docking with the customs. The General Administration, which is organized to undertake official recommendations, assist in evaluation 43 review and review, and supervise and supervise domestic enterprises.

Article 27 The General Administration of Customs is responsible for the interpretation of these regulations.

The main thrust of the article

This article is about the provisions that the General Administration of Customs is responsible for interpreting these regulations.

Interpretation

This article originated from Article 22 of the original regulations. According to Article 33 of the State Council's "Regulations on Procedures for Rule-making", the power to interpret rules belongs to the rule-making authority. The General Administration of Customs is the authority that makes these regulations, and therefore has the power to interpret these regulations, and is responsible for making explanations when the specific meanings of these regulations need to be further clarified, and new circumstances arise after the regulations are formulated, and the basis for the application of the regulations needs to be clarified. The interpretation of the rules has the same effect as the rules.

Article 28 These regulations shall come into force on January 1, 2022. The former General Administration of Quality Supervision, Inspection and Quarantine Order No. 145 was promulgated on March 22, 2012, and the "Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food" revised in accordance with Order No. 243 of the General Administration of Customs on November 23, 2018 shall be repealed at the same time.

The main thrust of the article

This article is about the date when the rule becomes effective.

Interpretation

This article clarifies that this regulation will come into effect on January 1, 2022, that is, the revised "Regulations on the Registration and Administration of Imported Food Overseas Production Enterprises of the People's Republic of China" will come into effect on January 1, 2022. The General Administration of Customs and the overseas production of imported food Enterprises and the competent authorities of the country (region) where they are located, and other entities related to these regulations, shall, from January 1, 2022, perform various obligations and exercise various rights in accordance with the requirements of these regulations. This article also clarifies that the original "Regulations on Registration and Administration of Imported Food Overseas Production Enterprises" shall be repealed at the same time, and the old and new regulations shall be replaced seamlessly.

This regulation was promulgated on April 12, 2021, and will be implemented on January 1, 2022, and a transition period in line with WTO regulations has been given. There are more than 8 months between the promulgation of this regulation and its implementation. The main consideration is that this revision has changed significantly. In particular, the product range has been expanded from four categories of meat, aquatic products, dairy products and bird's nest to all food categories. All parties concerned need to use this section. Time to make preparations for the implementation of this regulation.