

**Voluntary Report** – Voluntary - Public Distribution

**Date:** December 02,2020

**Report Number:** CH2020-0157

**Report Name:** China Notifies Revised Overseas Facilities Registration Regulations as TBT 1522

**Country:** China - Peoples Republic of

**Post:** Beijing

**Report Category:** FAIRS Subject Report

**Prepared By:** FAS Staff

**Approved By:** Abigail Nguema

**Report Highlights:**

On November 16, 2020, China notified the Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (Draft for Comments) to the WTO TBT Committee as G/TBT/N/CHN/1522. The draft regulations require registration of overseas manufacturers, processors, and storage facilities that export foods to China. A previous draft of the regulations was released for domestic comments on November 26, 2019. Once finalized, these regulations will replace Decree 145, which was issued by the General Administration of Supervision, Inspection, and Quarantine (AQSIQ) in 2012. The comment deadline is January 15, 2021. Comments can be sent to China's TBT Notification and Enquiry Center at [tbt@customs.gov.cn](mailto:tbt@customs.gov.cn). This report contains an unofficial translation of the draft regulations.

## Summary:

On November 16, 2020, China notified the Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (Draft for Comments) to the WTO TBT Committee as G/TBT/N/CHN/1522. The draft regulations, once finalized, will replace the [Administrative Measures for Registration of Overseas Manufacturers of Imported Food \(Decree 145\)](#)<sup>1</sup> implemented on May 1, 2012. The deadline for submission of comments is 60 days from the notification, or January 15, 2021. Comments can be sent to China's TBT Notification and Enquiry Center at [tbt@customs.gov.cn](mailto:tbt@customs.gov.cn).

This is the second draft of overseas facilities registration regulations that has been released for comment during the past two years. On November 26, 2019, the General Administration of Customs of the People's Republic of China (GACC) issued a [first draft](#) for domestic comments.

Differences between the first draft (November 2019) and the current draft (November 2020) include, but are not limited to, the following:

### 1. Product Scope

Notably, like the first draft, the current draft indicates that the applicable product scope includes all "foods" exported to China. However, the current draft clarifies that "facilities engaging in production, processing and storage of food additives and food-related products are not subject to these Regulations."

### 2. Role of the Exporting Country Competent Authority

The first draft requires the exporting country Competent Authority to determine whether all potential food exporting facilities meet China's registration standards and requirements, and if so, to recommend such facilities to GACC for registration.

In contrast, the current draft differentiates between product categories which do and do not require the recommendation of the exporting country Competent Authority for facility registration. Article 6 of the current draft lists the following product categories as those requiring Competent Authority recommendation for registration: meat and meat products (including sausage casings), aquatic products, dairy products, bird nests and bird nest products, bee products, eggs and egg products, edible oils and fats, oilseeds, stuffed wheaten products, edible grains (rice and coarse grains), milled grain products and malt, fresh and dehydrated vegetables and dried beans, seasonings, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, special dietary foods and health foods.

Overseas producers of foods other than those listed in Article 6 shall file application for registration with GACC by themselves or through their agents.

---

<sup>1</sup> This link may not be accessible via all browsers.

### **3. Registration Conditions**

The first draft required that the food safety system of the country/region of potential food exporting facilities be “evaluated by GACC.” In contrast, the current draft adds “recognized by GACC” as an alternative means to fulfill this condition (i.e. the current draft does not explicitly require an evaluation of the foreign food safety system by GACC).

The current draft adds an additional registration requirement, that potential exporting facilities have “established an effective food safety, sanitation, and food defense system, which ensures that foods exported to China comply with the relevant laws, regulations, and requirements provided in national food safety standards of the country/region and China.”

### **4. Annual Verification and Reporting Requirements**

Unlike the first draft, the current draft does not require annual verification by GACC and annual reporting by the Competent Authority for “imported foods with higher safety risks and higher consumer sensitivity.”

### **5. Punitive Measures**

In contrast to the first draft, the current draft does not stipulate punitive measures for importers who import product from unregistered food exporting facilities.

## **BEGIN TRANSLATION**

### **Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers of Imported Food (Draft for Comments)**

#### **Chapter I General Provisions**

**Article 1** To strengthen the supervision and management of overseas producers of imported foods, these Regulations are formulated according to provisions of the Food Safety Law of the People's Republic of China and its implementing regulations, the Law of the People's Republic of China on Import and Export Commodity Inspection and its implementing regulations, the Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products Safety, as well as relevant administrative regulations.

**Article 2** These Regulations apply to the registration, supervision, and management of overseas manufacturers, processors, and storage facilities (hereinafter referred to as “overseas producers of imported foods”) that export foods to China.

Facilities engaging in the production, processing, and storage of food additives and food-related products are not subject to these Regulations.

**Article 3** The General Administration of Customs of the People’s Republic of China (GACC) is responsible for the registration and supervision of overseas producers of imported foods.

**Article 4** Overseas producers of imported foods shall obtain registration with GACC.

## **Chapter II Conditions and Procedures for Registration**

**Article 5** The registration conditions for overseas producers of imported foods are as follows:

1. The food safety system of the country/region where the producer is located (“country/region”) has passed GACC evaluation and review, or is recognized by GACC;
2. (The producer was) approved by the competent authority of the country/region, and (the producer) is under effective oversight by the competent authority;
3. (The producer) has established an effective food safety, sanitation, and food defense system, which ensures that foods exported to China comply with the relevant laws, regulations, and requirements provided in national food safety standards of the country/region and China.
4. (Foods export to China) conform with relevant inspection and quarantine requirements (protocols) that have been determined jointly by GACC and the competent authorities of the country/region.

**Article 6** GACC, based on analysis of various factors, including sources of raw materials, production and processing techniques, historical food safety data, consumer groups, consumption methods of food, and in consideration of international practices, determines:

For overseas producers of the following products: meat and meat products (including sausage casings), aquatic products, dairy products, bird nests and bird nest products, bee products, eggs and egg products, edible oils and fats, oilseeds, stuffed wheaten products, edible grains (rice and coarse grains), milled grain products and malt, fresh and dehydrated vegetables and dried beans, seasonings, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, special dietary food and health foods, the competent authority of the country/region, after examination/inspection and confirming that the facilities conform with the registration requirements, recommends the producers to GACC along with the following application materials:

1. Letter of recommendation by the competent authority of the country/region;
2. List of (recommended) facilities and the application for facility registration;

3. Documents certifying the legal qualifications of the facilities, such as the business license issued by the competent authority of the country/region;
4. Statement by the competent authority of the country/region promising that the recommended facilities conform with requirements of these Regulations;
5. Reports of examinations/inspections/review conducted by the competent authority of the country/region to relevant producers.

If necessary, GACC may request the submission of documents related to the producer's food safety, sanitation, and food defense system; the floor plans of the factory/workshops/cold storages; and the processing flow chart; etc.

If risk analysis or evidence presents that risks of a certain category of food has changed, GACC may adjust the registration application method and required application materials for the corresponding overseas producers.

**Article 7** Overseas producers of foods other than those listed in Article 6 shall file an application for registration with GACC by themselves or through their agents, and submit the following application materials:

1. Application for facility registration;
2. Documents certifying the legal qualifications of the facilities, such as the business license issued by the competent authority of the country/region;
3. Statement by the producer that it conforms with requirements of these Regulations.

**Article 8** The application for facility registration shall contain the following information: name of the facility, country/region where the facility is located, address of the production site, owner of the facility, legal representative, contact person, contact information, registration number issued by the competent authority of the country/region, the type of food (produced by the facility) for registration, type of production and production capacity, etc.

**Article 9** The application materials for facility registration shall be submitted in Chinese or English.

If relevant countries (regions) and China have bilateral agreements on registration application methods and application materials, facility registration shall be carried out following the agreement.

**Article 10** The recommender and the applicant for overseas facility registration of imported food shall be held accountable for the authenticity, completeness and legality of the submitted materials.

**Article 11** GACC, or an institution entrusted by GACC, sets up a review team composed of two or more reviewers to conduct an evaluation and review of the overseas producers of imported foods applying for registration. The evaluation is conducted through document review, video inspection, and/or on-site inspection.

Overseas producers of imported foods and the competent authorities of the country/region shall assist (GACC) in carrying out the aforementioned evaluation and review.

**Article 12** GACC shall, based on the evaluation and review, register the overseas producers of imported foods that meet the requirements, and notify the recommenders or the applicants. GACC denies registration of overseas producers of imported foods that do not meet the requirements and notifies the recommenders or the applicants with the reasons of the denial.

**Article 13** GACC grants Chinese registration numbers to the registered overseas producers of imported foods.

A registered producer shall truthfully mark the Chinese registration number or the registration number approved by the competent authority of the country/region on the inner and outer packaging of its foods exported to China.

**Article 14** The registration for overseas producers of imported foods will be valid for five years.

GACC determines the starting and the ending dates of the validity period of registration when it registers an overseas producer of imported foods.

**Article 15** GACC publishes lists of overseas producers of imported foods that receive registration in a unified way.

### **Chapter III Registration Management**

**Article 16** GACC may, by setting up an evaluation and review team composed of two or more evaluators or reviewers from GACC or an entrusted eligible institution, conduct re-evaluation on whether the overseas producers of imported food continuously meet the registration requirements.

**Article 17** Registered overseas producers of imported foods shall accept and cooperate with its Chinese importers' verification as provided by laws and regulations.

**Article 18** If an overseas producer's registration information changes while the registration is valid, it shall submit an application for the change to GACC through the same path it applied for the original registration.

GACC changes the registration information if it deems such information can be changed.

In cases of changed production site, owner, or registration number in the country/region where the producer is located, (the overseas producer) shall re-apply for registration, and the original registration number will automatically become invalid.

**Article 19** An overseas producer of imported food that applies for a change (of registration information) shall submit the following materials:

1. A table that exhibits the changed information (and the original information);
2. Supporting materials related to the changed information.

**Article 20** If an overseas producer of imported foods intends to renew its registration, it shall, within three to six months before the registration expires, apply to GACC for renewal of registration in the same way it applied for registration the first time.

The registration renewal application includes:

1. An application for renewal of registration;
2. Statement promising to continuously conform with the registration requirements.

GACC shall renew the registration of producers that conform with the registration requirements, and the valid period of registration shall be extended for five years.

**Article 21** If a registered overseas producer of imported foods falls under any of the following circumstances, GACC shall revoke its registration, notify the registration applicant, and issue a public announcement thereof:

1. The overseas producer of imported foods fails to apply for registration renewal following the relevant provisions;
2. The recommender or the applicant apply to revoke the registration;
3. The registration is revoked or withdrawn according to law.

**Article 22** The competent authorities of the countries (regions) shall have effective oversight of the registered facilities, urge them to continuously conform to the registration requirements. Detecting food safety risks in the facilities, the competent authorities shall take appropriate control measures immediately, suspend their exports of relevant products to China, and promptly notify GACC of the issue.

**Article 23** Finding a registered facility no longer conforms with the registration requirements, GACC shall instruct the facility to make rectifications within a given time period and shall suspend imports from the facility during the rectification period.

If imports by a foreign competent authority-recommended producer are suspended, the competent authority shall urge the producer to complete rectification within the given time period and shall submit to GACC a written rectification report and a written statement confirming (the facility) meets the registration requirements. If imports by a self-registered facility or a facility registered by an agent are suspended, the facility shall complete the rectification within the given time period, and submit a written rectification report and a written statement confirming (the facility) meets the registration requirements.

Finding itself unable to conform with the registration requirements, an overseas producer of imported foods shall voluntarily suspend its food exports to China, take timely rectification measures, and report the relevant information in writing to GACC through the same way it applied for registration.

GACC resumes food imports from relevant facilities after they pass GACC review.

**Article 24** If a registered overseas producer of imported foods falls under any of the following circumstances, GACC shall revoke its registration and issue a public announcement thereof:

1. Significant food safety incidents involving imported foods and attributable to the overseas producer;
2. Food safety problems detected in foods exported to China in the entry inspection and quarantine, and the circumstance is serious;
3. Significant problems detected in the producer's food safety and sanitation management, which cannot ensure the safety and sanitation of its food exports to China;
4. The producer fails to meet the registration requirements after (GACC) instructs it to take rectification measures;
5. (The producer) provides false materials or conceals relevant facts;
6. Refusing, obstructing, or interfering in GACC's review and incident investigations;
7. (The producer) leases, lends, transfers, or resells its registration number, or claims another producer's registration number.

#### **Chapter IV Supplementary Provisions**

**Article 25** When an international organization or a foreign competent authority issues a notification of a disease/epidemic, or (GACC) detects a serious disease/epidemic outbreak in its inspection and quarantine, GACC will issue a public announcement suspending food imports from the country/region. During the import suspension, GACC will not accept applications for registration by food producers in the country/region.



**Article 26** Registration of production, processing, and storage facilities in the Hong Kong Special Administrative Region, the Macao Special Administrative Region, or Taiwan region that export foods to Mainland China should refer to the provisions in these Regulations.

**Article 27** The competent authority of the country/region in these Regulations includes government agencies in charge of food safety and sanitation, and government agencies in charge of registration of relevant facilities.

**Article 28** GACC is responsible for the interpretation of these Regulations.

**Article 29** These Regulations come into effect on xx, 2021. The original Administrative Measures for Registration of Overseas Producers of Imported Foods, released as Decree 145 of the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on March 22, 2012, revised by GACC Decree No. 243 on November 23, 2018, is abolished at the same time.

**END TRANSLATION**

**Attachments:**

No Attachments.