

Voluntary Report – Voluntary - Public Distribution

Date: October 08, 2021

Report Number: CH2021-0123

Report Name: GACC Issues Explanatory Letter on Decree 248

Country: China - People's Republic of

Post: Beijing

Report Category: Administrative, Agricultural Situation, Policy and Program Announcements, Agriculture in the News, FAIRS Subject Report, Sanitary/Phytosanitary/Food Safety, Trade Policy Incident Report, Trade Policy Monitoring, WTO Notifications, Beverages, Citrus, Coffee, Dairy and Products, Fishery Products, Avocado, Canned Deciduous Fruit, Dried Fruit, Fresh Deciduous Fruit, Fresh Fruit, Kiwifruit, Raisins, Stone Fruit, Strawberries, Grain and Feed, Livestock and Products, MISC-Commodity, Oilseeds and Products, Potatoes and Potato Products, Poultry and Products, Sugar, Tomatoes and Products, Tree Nuts, Vegetables, Wine

Prepared By: FAS China Staff

Approved By: Adam Branson

Report Highlights:

On September 29, 2021, the General Administration of Customs of the People's Republic of China (GACC) transmitted a letter regarding Decree 248 to the U.S. Embassy in Beijing, China. This report contains an unofficial translation of the letter and contact points for inquiries regarding the decree. FAS China will provide information on the implementation of Decree 248 as it is received. The letter and its attachments were shared with USDA agencies, the Food and Drug Administration, and the Office of the U.S. Trade Representative.

Background

On September 29, 2021, the Embassy of the United States of America in Beijing, China received a letter regarding Decree 248 from the General Administration of Customs of the People's Republic of China (GACC). To educate the U.S. industry on the status of Decree 248, FAS China is providing an unofficial translation of the letter and its attachments in this report. The first attachment has been translated and includes, per GACC, a Catalogue of Imported Foods with Historical Trade. The second and third attachments are in English and Chinese. The second attachment is the Registration Application for Overseas Manufacturers of Imported Foods as provided by GACC. The third attachment is a sample from GACC that is a Competent Authority Conformity Declaration. The letter and its attachments were shared with USDA agencies, the Food and Drug Administration, and the Office of the U.S. Trade Representative. While FAS is furnishing this unofficial translation of the correspondence, only the original Chinese language text is considered official.

GACC has not released implementing regulations for Decree 248 nor answered U.S. industry or the U.S. Government questions on the draft measure that was notified to the World Trade Organization (WTO). Given the proximity of the October 31 deadline noted in the letter and the December 31, 2021 implementation deadline, interested entities are encouraged to contact GACC directly with concerns or questions.

FAS China will continue to provide information on the implementation of Decree 248. Similarly, FAS will continue to monitor China's implementation of Decree 249, a closely related administrative measure. In the letter from GACC, the following contact points for inquiries were provided:

Contacts: Ding Tianjian Shang Kaiyuan

Phone: 15900270722; 010-65194443

Fax: 010-65194715

Email: shipinjuyichu@customs.gov.cn; division_registration@customs.gov.cn

Existing USDA FAS China GAIN reports on Decree 248 and Decree 249

- [Decree 248](#) : Overseas Facilities Registration Regulation
- [Decree 249](#) : Administrative Measures on Import and Export Food Safety
- [Decrees 248 and 249](#) Status Update on Facilities Registration and Food Safety Measures
- [Decree 249, Article 30](#) Interpretive Guidance on Imported Food Labeling Requirements

Begin Translation of Letter from GACC to the U.S. Embassy:

Letter from the Food Safety Bureau of GACC on Matters Related to the Registration of Overseas
Manufacturers of Imported Food

U.S. Embassy:

To ensure normal trade of foods from your country after the implementation of the "Regulations of the People's Republic of China on the Registration and Administration of Overseas Producers of Imported Food" (Decree 248 of the GACC) (hereinafter referred to as the "Registration Regulations"), we are hereby informing you of relevant issues related to the registration of overseas food producers via letter:

1. Overseas producers that are registered by recommendations of foreign competent authorities

(1) Registration of registered overseas production facilities of four categories of products (including meat and meat products, aquatic products, dairy products, bird's nest and bird's nest products) continues to be valid.

(2) For overseas production facilities that export the four categories of products to China for the first time, GACC shall follow Articles 11 to 17 of the "Administrative Measures on Import and Export Food Safety of the People's Republic of China" (Decree 249 of the GACC) to conduct assessment and review of the food safety management system and food safety status of the foreign countries (regions) to determine the inspection and quarantine requirements. After GACC has completed the assessment and review, and determined the corresponding inspection and quarantine requirements, the competent authority of your country could recommend the companies for registration in accordance with the relevant requirements of Article 8 of the "Registration Regulations" by December 31, 2021; such companies could also be recommended for registration following the current practice.

(3) For overseas production enterprises of the remaining 14 categories of products (including casings, bee products, egg and egg products, edible fats and oils, stuffed wheaten products, edible grains, milled grain industry products and malt, fresh and dehydrated vegetables, as well as beans, seasonings, nuts and seeds, fruits, unroasted coffee beans and cocoa beans, special dietary foods, health foods), the competent authorities of your country can complete the "Recommended Registration List of Overseas Production Facilities of Imported Food" (see Annex 2), listing facilities that have exported food products listed in the "Catalogue of Imported Foods with Trade Records" (see Annex 1) to China since January 1, 2017, and complete the Declaration of Conformity of Recommended Registration Facilities (Reference Format)" (see Annex 3). The forms shall be submitted to the Import and Export Food Safety Bureau of GACC by October 31, 2021. GACC will expedite the registration of companies in the list submitted on time. If the list is not submitted on time, starting from November 1, 2021, overseas production facilities of imported foods shall apply for registration in accordance with provisions of Article 8 of the "Registration Regulations".

(4) If your competent authority and GACC have agreed otherwise on the relevant enterprise registration methods and application materials, the agreement between both parties shall prevail.

(5) If the information and assessment materials of the registered overseas production companies of the above-mentioned 18 food categories are incomplete, competent authority in your country is asked to add the missing information in the "Registration Management of Overseas Production Enterprise of Imported Foods " system (translator's note: the CIFER system) before June 30, 2023.

2. Overseas production facilities that apply for registration by themselves

Competent authority in your country shall inform the overseas food production facilities of foods other than the above 18 categories to access the website "Single Window of International Trade" (www.singlewindow.cn) after November 1, 2021, go to the "Registration Management of Overseas Production Enterprise of Imported Foods" system, and apply for registration in accordance with the relevant requirements of Article 9 of the Registration Regulations.

3. Valid period of registration

For overseas production facilities of imported foods that have been registered, GACC will clarify the start and end time of the registration. The registered facilities shall file for registration renewal three to six months before the registration expires; the registration renewal application shall be filed in accordance with provisions of Article 20 of the "Registration Regulations". Registration of facilities will be revoked if they fail to apply for the renewal of registration as required.

4. Responsibilities of overseas production enterprises and overseas competent authorities

The competent authority of your country or the overseas facility of imported food should be held accountable for the authenticity, completeness and legality of the submitted materials. The competent authority of your country should have effective oversight of the registered facilities, and ensure the registered facilities continuously comply with the registration requirements in China. Finding incompliant, actions shall be taken pursuant to provision in Article 22 of the "Registration Regulations".

Regards,

Contacts: Ding Tianjian Shang Kaiyuan

Phone: 15900270722; 010-65194443

Fax: 010-65194715

Email: shipinjuyichu@customs.gov.cn

division_registration@customs.gov.cn

- Attachment:
1. Catalogue of Imported Foods with Historical Trade
 2. Recommended Registration Application for Overseas Manufacturers of Imported Food
 3. Competent Authority Conformity Declaration (Reference Format)

Attachments:

[200929 Attachment 1 for GACC Letter to US Embassy - Catalogue of Imported Foods with Historical Trade.docx](#)

[200929 Attachment 2 for GACC Letter to US Embassy - Registration Application for Overseas Manufacturers of Imported Food.xls](#)

[200929 Attachment 3 for GACC Letter to US Embassy - Competent Authority Conformity Declaration.doc](#)