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Importing Foods without National Food Safety Standards

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Report Highlights:

Article 93 of the 2015 Food Safety Law makes recommendations in the case of imported products without a Chinese food safety standard. Correspondingly, in April 2017, China's National Health and Family Planning Commission (NHFPC) issued the Notice for Regulating the Standard Review of Imported Foods without National Food Safety Standard. The Notice identifies the National Food Safety Risk Assessment Center (CFSA) as the entity to receive applications and conduct the technical review of standards on imported foods without a national food safety standard in accordance to the existing procedures. However, the notice does not provide further details as to how applicants can make submissions, and does not differentiate the treatment between traditionally traded products vs. new-to-market products.

The following report contains an unofficial translation of the NHFPC Notice.

Executive Summary:

Article 93 of the [2015 Food Safety Law](#) stipulates that in the case of importing food without an established national food safety standard, overseas exporters, overseas producing enterprises, or their entrusted importers should submit their implemented national (regional) standards or international standards to the National Health and Family Planning Commission (NHFPC). The NHFPC will then review the relevant standards and decide whether to temporarily apply such standards if they comply with the requirements for food safety. Likewise, the NHFPC should formulate the corresponding national food safety standards in a timely manner.

In April 2017, NHFPC issued the Notice for Regulating the Standard Review of Imported Foods without National Food Safety Standard. The Notice identifies the National Food Safety Risk Assessment Center (CFSA) as the entity to receive applications and conduct the technical review of standards for imported foods without a national food safety standard. The review is to be done in accordance to the existing procedures for standard management. However, the notice does not provide further details as to how applicants can make submissions and does not provide specific guidance as to the treatment of traditionally traded products vs. new-to-market products.

The following report contains an unofficial translation of the NHFPC Notice.

BEGIN TRANSLATION

Notice of the General Office of the National Health and Family Planning Committee for Regulating the Standard Review of Imported Foods without National Food Safety Standard

The Provincial Health and Family Planning Commission, the National Food Safety Risk Assessment Center,

Pursuant to relevant provisions in the Food Safety Law, the National Health and Family Planning Commission (NHFPC), after consulting relevant government agencies, is making the following notices to regulate the standard review work concerning imported foods without national food safety standards:

I. Clarify the scope of imported food without national food safety standards

Imported food without national food safety standards refers to foods produced and traded by foreign (entities) that do not have corresponding national food safety standards in China; such foods do not include foods that are covered by the general standards or specific product standards in the existing national food safety standards, or the foods that have been approved or announced in public notice by the State Council member agencies, or the pre-mixed foods of various materials that already have food safety standards, or other situations that are not categorized as imported foods without national food safety standards.

Imported foods without national food standards should comply with relevant requirements of the Food Safety Law and the administrative regulations by the State Council member agencies.

II. Regulate the Mandates and Procedures for Standard Review of Imported Foods Without National Food Safety Standards

1. Mandates. The NHFPC designates the National Food Safety Risk Assessment Center to conduct the technical review work on standards of imported foods without national food safety standards in pursuant with the mechanism and procedure of national food safety standard management.

2. Procedure of Review

1) Application submission. To apply for importing foods without national food safety standards, the foreign exporter, producer, or the entrusted importer should submit to the CFSA the standard of the country/region or global organization it follows.

2) Preliminary review and comment solicitation. CFDA conducts preliminary review of the application; confirming there is no corresponding national food safety standard, CFSA will publish the application materials in its website (www.cfsa.net.cn) and solicit public comments; the comment period is usually 30 days. CFSA will collect and summarize the comments it receives.

3) Technical review. After soliciting public comments, and if necessary for the review, CFSA will select experts from the Food Safety Risk Assessment Expert Committee to undertake the technical review of the applications. If needed, (CFSA) could invite experts from the National Food Safety Risk Assessment Expert Committee, the General Administration of Quality Inspection and Quarantine (AQSIQ) and China Food and Drug Administration (CFDA) to participate in the review.

Deeming the standard complies with relevant requirements, CFSA will put forward the review opinions to temporarily adopt the standard; deeming the standard fails to comply with relevant requirements, CFSA will inform the applicant and explain the reasons for not adopting the standard; deeming it necessary to develop and revising the corresponding national food safety standard, CFSA will put forward proposal to develop the national food safety standard.

4. Approval and announcement. CFSA submits the technical review opinions to the NHFPC. Approving the opinions, NHFPC will issue a notice to temporarily adopt the standard. If it is necessary to develop/revise the national food safety standard, the standard development/revision should follow the working procedures for national food safety standard development. The temporary standard will be nullified when the corresponding national food safety standard is announced.

5. Review. If evidence proves that the imported foods without national food safety standard have potential food safety problems, or the technical indexes of the adopted standard have changed, NHFPC will organize re-evaluation of the announced applicable standard of the imported foods without national food safety standard.

General Office, NHFPC

April 17, 2017

END OF TRANSLATION