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## **China - Peoples Republic of**

**Post:** Beijing

### **MOH Circular on Food Safety Law**

**Report Categories:**

FAIRS Subject Report

**Approved By:**

William Westman

**Prepared By:**

Mark Petry and Bao Liting

**Report Highlights:**

On June 5, 2009, the Ministry of Health issued “Circular on the Relevant Issues on Implementation of the Food Safety Law”. The circular provides general instructions to relevant government organizations on executing the new law. This report contains an UNOFFICIAL translation of this circular.

**Executive Summary:**

On June 5, 2009, the Ministry of Health issued “Circular on the Relevant Issues on Implementation of the Food Safety Law”. The circular provides general instruction to relevant government organizations on executing the new law. This report contains an UNOFFICIAL translation of this circular.

Section II (ii) relates to many trade related functions and is particularly important for U.S. interests.

Many other regulations and implementing measures have been released following the publication of

the final food safety law (CH9019). The following reports touches on various measures relating to trade that have been released as unofficial English translations from the Office of Agricultural Affairs Beijing: Food Safety Law and its implementation regulations (CH9018, CH9019, CH9040), Ministry of Health draft regulations (CH9051) and quarantine regulations on import food and feed (CH9065).

Special thanks go to the Embassy of Australia in China for their assistance in translating this measure.

**General Information:**  
BEGIN TRANSLATION

(Translation)

**Circular on the Relevant Issues on Implementation of the Food Safety Law**

Source: Ministry of Health [www.moh.gov.cn](http://www.moh.gov.cn)  
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(Original text in Chinese)

<http://www.moh.gov.cn/publicfiles/business/htmlfiles/mohwsjdj/s3594/200906/41060.htm>

To the Ministry of Health (MOH), the competent authorities of State Administration for Industry and Commerce (SAIC), departments of the Ministry of Agriculture, Ministry of Commerce (MOFCOM), Ministry of Industry and Information Technology (MIIT), Administration for Quality, Supervision, Inspection and Quarantine (AQSIQ), and State Food and Drug Administration (SFDA) in all provinces, autonomous regions and municipalities directly under the central government:

In order to implement the Food Safety Law of the People's Republic of China (hereinafter referred to as the Food Safety Law), effectively link up work at all supervision and administration stages covering food production, circulation and consumption, strictly perform food safety supervision and administration responsibilities, and carry out food safety overhaul in a rigorous, orderly and effective manner, the relevant matters concerning the implementation of the Food Safety Law are hereby notified as follows:

**I. Seriously study and implement the Food Safety Law, and perform the supervision and administration responsibilities in accordance with law**

All regions and departments shall organize to seriously study the Food Safety Law in accordance with the Circular of the General Office of the State Council on Seriously Implementing the Food Safety Law (Guo Ban Fa No.25 [2009]), and under the leadership of the local governments and based on the Food Safety Law, the Agricultural Product Quality and Safety Law, the Frontier Health and Quarantine Law and the different functions of the departments as defined by the State Council as well as the relevant departmental rules and regulations, further clarify the duties and

responsibilities of all supervision and administration departments, strengthen communication and cooperation, and perform food safety supervision and administration responsibilities in accordance with law. The relevant state departments are expediting the process of developing and improving the complementary rules and regulations in support of the Food Safety Law. Before the issuance of the new complementary rules and regulations, all food safety supervision and administration departments shall, in principle, perform supervision and enforcement according to the existing provisions, and report to the superior competent authorities on the implementation of the Food Safety Law and any good experience and practices therein in a timely manner.

## **II. Strengthen supervision on every aspect of food safety and accomplish interface of works**

**(i) Strictly control food production operation and catering license.** Since June 1, 2009, competent administrations of public health at all levels no longer issue Food Hygiene Licenses for enterprises engaged in food production, distribution and catering. In addition, the administrations will issue list of food hygiene licenses for enterprises engaged in food production, operation and catering, copy of the license and records of violations of laws and rules shall be respectively reported to Bureau of Quality and Technical Supervision, SAIC, and SFDA of the same level after summary. When applicants submit applications about food production permit, they don't need to provide Food Hygiene License. Those ones who take advantage of the new raw-food material for production of food shall not be engaged in production operation without passing safety assessment and approval of competent administrations of public health under the State Council. After June 1, 2009, in the event local institutional reform and function adjustment aren't available, the department appointed by local people's government shall undertake the works related to the permits for catering and health food production enterprise pursuant to the current working mechanism and make it achieve smooth transition.

**(ii) Strengthen day-to-day supervision over every aspect of food production operation.** Since June 1, 2009, food safety monitoring departments shall carry out supervision and administration on the food safety pursuant to the law. Moreover, MOA shall continue to strengthen supervision and administration over the quality and safety of agricultural products in accordance with relevant regulations and laws on quality and safety of agricultural products. MIIT and MOFCOM shall map out industrial development plan and industrial policy, so as to promote the industrial upgrading and optimization and guide the construction of honesty-credit system in food industry. What's more, MIIT shall promote the formulation of long-term food safety control mechanism characterized by "guided by government, independent management of the trades, social supervision and credit system of enterprises" with a view to promoting the sound development of food industry. MOFCOM shall enhance management over the slaughter of pigs, pay special attention to wine distribution management and continue efforts to such industrial management works related to filing and registration system of wine operators and collateral single source system of wine distribution. The SAIC shall keep a close watch over food operators in the aspect of distribution, take stern actions against violations of laws and regulations concerning operations in accordance with the law, push enterprises engaging in food to establish purchase check records system and strengthen supervision over food advertisements pursuant to law, thereby to set up the sound system related to food safety control in the aspect of distribution. AQSIQ shall strengthen supervision and inspection of food, food additives and enterprises engaging in food production, urging enterprises to set up sound food safety control measures and all kinds of systems related to

records and reports, and supervise production enterprises to perform food safety non-delegable and independent duty; attach more importance to the qualification authentication and supervision of food inspection institutions. AQSIQ shall inspect import and export food, food additives and food-related products listed in the *Catalogue of Import and Export Commodities Subject to Inspection and Quarantine by Exit and Entry Inspection and Quarantine Authorities* in accordance with the *Food Safety Law* and the *Law on Commodity Inspection* as well as related regulations for implementation; carry out inspection of imported foods based on the national food safety standards, continue to make efforts on administration of food sanitation surveillance at port and pay more attention to registration management of enterprises engaging in production of imported food as well as filing management of enterprises engaging in production of exported food. Prior to publishing the national food safety standards, inspection shall be carried out over imported foods according to current quality safety standard of edible agricultural products, food hygienic standard, food quality standard and industry standard of related foods; inspection shall be implemented over food with import records but not the national food safety standards in accordance with already existing provisions; inspection on the Chinese labels and instructions of imported pre-packaged foods shall be performed as per current relevant standards. In terms of responsibilities defined by local government, competent administrations of public health, and SFDA in all parts shall comprehensively coordinate food safety and carry out supervision and management over catering and health food; after June 1, 2009, if local institutional reform hasn't been finished, the present departments in charge shall continue to undertake comprehensive coordination of food safety and supervision of catering. Under the leadership of local government, supervisory and management departments in all levels shall actively cooperate with local authorities of People's Congress to accelerate the formulation of management regulations about individual workshop and food stall-keeper, and to implement supervision measures.

**(iii) Accomplish registration of food enterprise standard.** As of June 1, 2009, the competent administrations of public health shall start to take charge of registration of food enterprise standard in place of Quality Control Department, and the enterprise standards which had been registered before still remain in force. Furthermore, the related departments shall urge food production enterprises to carry out self-examination and rectification in light of regulations of *Food Safety Law*. In the event that there are no national or local food safety standards for food produced by enterprises, the enterprise standard shall be formulated to be as the basis of organizing production. According to requirements of registration of enterprise standard, provincial administration of public health shall advocate registration of food enterprise standard, enhance management over registration of enterprise standard and improve the related working system. Under the leadership of local government, the competent administrations of public health and bureau of quality and technical supervision shall accomplish interface of registration of food enterprise standard.

**(iv) Standardize the production of related food enterprises.** Departments concerned are responsible for supervising and urging enterprises engaging in the production of food-related products, food container and packing materials in particular, to undertake production management as per the present national standards on food security and so on, and launch self-censorship in the meanwhile. Units involved are required to complete self-censorship prior to June 1, 2010, and apply according to relevant regulations and procedures for approval from the Ministry of Health of food-related products and new varieties which are not listed in national standards on food safety. All departments concerned should crack down upon violations on employing toxic and harmful

materials to manufacture food container and packing materials. Related industry associations should strengthen self-discipline, conduction and communication, and organize enterprises involved to fulfill self-examination; in the mean time, supervision departments should provide them with guidance, supervision and assistance as well.

### **III. Work requirements**

**(i) Reach a common understanding and improve the awareness.** Food security has a close bearing on people's health and life security, as well as the sound national economic development and social harmony and stability. It is of great importance to make public the *Food Safety Law* in regulating food production and operation activities, preventing any food safety incident, making the supervision on food safety more standardized, scientific and effective, as well as in improving the integral level of food safety around the country. Each region and department should, from the points of view of thoroughly applying the Scientific Outlook on Development, pushing forward comprehensively the administration according to law and the construction of responsible government, as well as safeguarding the fundamental interests of the people, fully understand the importance of implementing the *Food Safety Law*. In addition, all-round implementation of the *Food Safety Law* should be placed on the agenda as an important long-term task, with close attention paid for effective performance.

**(ii) Promote solid food safety regulation.** Each region and department should, according to the *Notice of the General Office of the State Council on Printing and Distributing the Action Program on Food Safety Regulation (GuoBanFa [2009] No. 8 Document)*, strength the organization and guidance of food safety regulation, work out the action program, complete the working system, define clearly the responsibility, pay particular attention to fulfillment, as well as resolutely investigate and deal with important cases concerning illegal food production and operation. Taking the opportunity of implementing the *Food Safety Law*, food safety issues existed amid each food chain link ranging from farmland to the dining table, should be solved in a systemic and order manner by focusing on carrying out strictly all regulations mentioned in the *Food Safety Law* with increased efforts made. Departments responsible for comprehensive coordination should, under the unified leadership of the local people's government, deal well with the comprehensive coordination of food safety regulation, organize and put forward plans on annual supervision and management for food safety, as well as report timely to the local people's government the work implementation.

**(iii) Carry out conscientiously food safety standards.** Various regions should organize departments engaging in food safety supervision and management, food enterprises and industrial organizations to learn and put into practice standards concerning food safety. The National Standard Committee on Food Safety Evaluation established by the Ministry of Health shall, together with departments involved, start to integrate current effective food-related standards, improve the unity of the standards, deal with and integrate the existing quality safety standards on edible agricultural products, food hygienic standards, food quality standards and related food industrial standards, which shall be made public as a whole as the national standards on food safety while integrating and completing standards concerned to dairy quality and safety. Each region and department should strengthen the tracing evaluation and propaganda and implementation, so as to make it possible for food enterprises to organize production and operation which follow strictly the standards involved, and perform consciously the technical requirements stipulated in the standards, thus laying a solid

foundation for the food safety. The original standards shall remain valid prior to the announcement of new ones. Regions and departments involved are responsible for reporting the implementation of the standards to the Ministry of Health.

**(iv) Enhance the construction of risk monitoring and assessment system.** Recently, MOH is to establish the Committee on Food Safety Risk Assessment and the Center for Food Safety Risk Assessment, and thus to work out together with departments involved the framework for national food safety risk monitoring plan. Regions concerned should speed up to set up institutions specializing in food (including health-care food) safety risk assessment, improve constantly the ability of evaluation and examination, risk assessment and early warning concerned to poisonous and harmful substances based upon the local provincial (regional/municipal) situation and rational plan, so as to undertake in an early manner the task for food safety risk assessment, establishing the system for national food safety risk assessment. In addition, increased efforts should be made to build the system for food safety risk monitoring, establish the system for monitoring of food contaminants and food-borne disease, and total diet investigation which covers the links ranging from food production to operation, as well as all provinces (regions/cities), cities (districts) and counties in two years across the country, and set up database targeting at monitoring of harmful factors for food safety and food-borne disease, in order to fulfill gradually the goal to establish the international system focusing on monitoring, investigation, report and data analysis of food-borne disease. Furthermore, the reporting obligation of food safety incident including food-borne disease and food poisoning of medical institutions at varied levels should be assigned, with the system for incident monitoring, reporting and treatment established. Each region should coordinate and set up information communication platform among departments, make full use of available resources with advanced technical strength and means to fulfill the information interconnection and resource sharing with a view to improving information management level and effects of comprehensive utilization, speed up the construction of the system of unified announcement of food safety information, and perform the legal liability to release information concerned to food safety.

Any problems encountered locally in the implementation of the Food Safety Law and this Circular shall be reported to the superior competent authorities by correspondence in a timely manner.

Ministry of Health (MOH)

Ministry of Industry and Information Technology (MIIT)

Ministry of Agriculture (MOA)

Ministry of Commerce (MOFCOM)

State Administration for Industry and Commerce (SAIC)

General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)

State Food and Drug Administration (SFDA)

5 June 2009