

Administrative Measures of the People's Republic of China on Import and Export Food Safety

Chapter I General Provisions

Article 1 [Basis of the Principle] With a view to guaranteeing import and export food safety and protecting people's health and safety, these *Measures* are hereby formulated in accordance with the *Customs Law of the People's Republic of China*, the *Food Safety Law of the People's Republic of China* (hereinafter referred to as the *Food Safety Law*) and its implementation regulations, the *Law of the People's Republic of China on Import and Export Commodity Inspection* and its implementation regulations, the *Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine* and its implementation regulations, the *Frontier Health and Quarantine Law of the People's Republic of China* and its implementation regulations, the *Law of the People's Republic of China on Agricultural Product Quality Safety*, the *Special Rules of the State Council on Strengthening the Supervision and Management over the Safety of Food and Other Products*, and other laws and administrative regulations.

Article 2 [Applicable Scope] The following activities shall be conducted in accordance with these *Measures*:

(I) Manufacturing and operation activities involving import and export food (excluding additives of import and export food and products related to import and export food, similarly hereinafter) subject to the supervision and management performed by the customs in accordance with their functions; and

(II) Inspection and quarantine, and supervision and management over import and export food.

Article 3 [Working Principle] In line with the principles of safety and prevention first, risk management, whole-process control, and joint international governance, a scientific, well-conceived, efficient and convenient modern governance system featuring integrated coordination, openness and transparency shall be established for the purpose of import and export food safety.

Article 4 [Corporate Responsibility] Manufacturers and business operators of import and export food shall be responsible for the safety of the import and export food manufactured and operated by them.

Manufacturers and business operators of import and export food shall, in accordance with the bilateral or multilateral agreements concluded between China and relevant countries (regions), or international organizations, and the laws, administrative regulations and national food safety standards of China, engage in the manufacturing and operation of import and export food, receive supervision according to the law, warrant the safety of import and export food, act responsibly towards society and the public, and undertake social responsibility.

Article 5 [Division of Responsibility] The General Administration of Customs of the People's Republic of China (GACC) shall oversee the supervision and management over import and export food safety of China.

The customs of all localities shall be responsible for the supervision and management over import and export food safety within their respective jurisdictions.

Article 6 [Informatization of Supervision and Management] The customs shall avail themselves of information-based tools to enhance the supervision and management over import and export food safety.



Article 7 [Credit Management] The customs shall, in accordance with relevant provisions on enterprise credit management, conduct credit management of manufacturers and business operators of import and export food.

Article 8 [Promotion and Education, and Exchanges and Cooperation] The customs shall step up the promotion and education of import and export food safety, and carry out awareness campaigns on food safety laws and administrative regulations, national food safety standards, and relevant knowledge, so as to raise consumers' awareness of import and export food safety and enhance their capacity for self-protection.

The customs shall strengthen exchanges and cooperation with international food safety organizations, oversea government agencies, oversea food industry associations and oversea consumer associations to enable joint international governance of import and export food safety.

Article 9 [Qualifications Requirement] The customs personnel performing the supervision and management over import and export food safety shall possess relevant expertise.

Chapter II Food Import

Article 10 [Basis of Import Supervision and Management] The import of food shall comply with the laws, administrative regulations and national food safety standards of China.

In respect of the import of food not specified in national food safety standards, relevant temporarily applicable standards issued by the health administration under the State Council shall prevail. No such food shall be imported prior to the issue of such standards.

In respect of food manufactured with new food raw materials, the provisions of Article 37 of the *Food Safety Law* shall apply, and the administrative licensing for new food raw material hygiene shall be obtained from the health administration under the State Council.

Article 11 [Supervision and Management over Re-export] Where import food raw materials are only used for re-export after processing, the customs may, in accordance with the standards of or contract concluded with the destination country (region) of re-export, perform inspection, and quarantine shall be performed in accordance with currently effective provisions.

Article 12 [Conformity Assessment of Import] The customs shall, in accordance with the provisions on the inspection of import and export commodities under relevant laws and administrative regulations, conduct conformity assessment of import food.

The conformity assessment of import food shall include: the evaluation and review of food safety management systems of oversea countries (regions), the registration of oversea manufacturers (including oversea manufacturers, processing enterprises and storage enterprises exporting food to China; hereinafter collectively referred to as oversea manufacturers), records filed by and assurance of conformity provided by importers and exporters (including oversea exporters or agents exporting food to China and food importers; hereinafter collectively referred to as importers and exporters), quarantine examination and approval of entry animals and plants, verification of conformity certificates, document examination and approval, on-site inspection, supervision and sampling inspection, inspection of import and sales records, and their combinations.

Article 13 [Evaluation and Review] The GACC may carry out evaluation and review of the food safety management systems and food safety conditions of the oversea countries (regions) exporting food to the territory of China, and establish corresponding inspection and quarantine requirements based on the results thereof.

Article 14 [Initiation of Evaluation and Review] Under any of the following circumstances, the GACC may initiate evaluation and review of an oversea country (region) exporting food to the territory of China:



(I) Where the overseas country (region) files an application for the export of a certain variety of food to China for the first time;

(II) Where the overseas country (region) has made major adjustments to its laws and regulations, and organizational structures relating to food safety, and animal and plant quarantine;

(III) Where the competent department of the overseas country (region) files an application for the adjustment of the principal import inspection and quarantine requirements for a certain variety of food exported to China;

(IV) Where a major animal or plant epidemic disease, or a food safety incident breaks out in the overseas country (region);

(V) Where the customs identifies serious problems in the food exported to China and concludes that there is any animal or plant epidemic disease, or hidden danger in food safety; or

(VI) Other circumstances where evaluation and review are required.

Article 15 [Contents of Evaluation and Review] The evaluation and review of the food safety management systems of overseas countries (regions) shall primarily include the evaluation and confirmation of the following matters:

(I) Relevant laws and regulations on food safety, and animal and plant epidemic diseases;

(II) Organizational structures of food safety supervision and management agencies;

(III) Information of the outbreaks of animal and plant epidemic diseases, and prevention and control measures;

(IV) The management and control of pathogenic microorganisms, pesticides and veterinary medicinal products, and pollutants, among others;

(V) Safety and hygiene control over food manufacturing, processing, transportation and storage;

(VI) The supervision and management over export food safety;

(VII) Systems of food safety protection, tracing and recalls;

(VIII) Early warning and emergency response mechanisms;

(XI) Technical support capacities; and

(X) Other situations involving animal and plant epidemic diseases, and food safety.

Article 16 [Forms of Evaluation and Review] The GACC may organize experts to perform evaluation and review through written inspection, video inspection, and on-site inspection, as well as by means of their combinations.

Article 17 [Written Inspection] Where the GACC organizes an expert panel to conduct written inspection of the application materials submitted by the country (region) under evaluation and review, the expert panel shall examine the authenticity, integrity and validity of such materials. The GACC may, in respect of such application materials, request the competent department of the said country (region) to provide missing information or materials.

The expert panel shall prepare an evaluation report on the written inspection upon completion.

Article 18 [Video Inspection] The GACC may formulate and implement video inspection plans. The GACC shall organize an expert panel to perform inspection via videos over the Internet and other means regarding the authenticity of the materials provided by the country (region) under evaluation and review, and the effectiveness of its food safety management system and food safety conditions. The said country (region) shall, when necessary, provide assistance for video inspection.

The expert panel shall prepare an evaluation report on the video inspection upon completion. The GACC may, based on the results of the video inspection, request the competent department of the said country (region) and relevant enterprises to make corrections to the problems identified therein.



Article 19 [On-site Inspection] The GACC may formulate and implement on-site inspection plans. The GACC shall organize an expert panel to perform on-site inspection of the authenticity of the materials provided by the country (region) under evaluation and review, and the effectiveness of its food safety management system and food safety conditions. The said country (region) shall, when necessary, provide assistance for on-site inspection.

The expert panel shall prepare an evaluation report on the on-site inspection upon completion. The GACC may, based on the results of the on-site inspection, request the competent department of the said country (region) and relevant enterprises to make corrections to the problems identified therein.

Article 20 [Termination of Evaluation and Review] In the course of evaluation and review, the evaluation and review shall be terminated and the GACC shall notify the competent department of the country (region) under evaluation and review, under any of the following circumstances:

(I) Where the country (region) under evaluation and review fails to fill out the questionnaire on the written evaluation and provide relevant materials within 12 months since it receives the said questionnaire;

(II) Where the country (region) under evaluation and review fails to timely provide the missing information and materials within three months since it receives the request of the GACC for such supplements;

(III) Where a major animal or plant epidemic disease, or a major food safety incident breaks out;

(IV) Where the country (region) under evaluation and review fails to support China to complete video inspection or on-site inspection and make effective corrections;

(V) Where the country (region) under evaluation and review applies for the termination of the evaluation and review; or

(VI) Other circumstances subject to the termination of the evaluation and review.

In respect of subparagraphs (I) and (II), if the said country (region) requires a deadline extension under particular circumstances, it may file an application for deadline extension with the GACC. GACC will determine a new deadline for the submission of relevant materials upon approving the application.

Where the GACC confirms that risks are under control in the course of evaluating and reviewing the food safety management system of an oversea country (region)), it may proceed with the process of evaluation and review; where it confirms that risks are uncontrollable, it shall terminate the process.

Article 21 [Results of Evaluation and Review] The GACC shall, upon completion of the evaluation and review, notify the competent department of the said country (region) of the conclusions thereof. The list of countries (regions) that have passed the evaluation and review shall be released by the GACC.

Article 22 [Registration Management] The GACC shall, in accordance with relevant provisions on the registration management of oversea manufacturers of import food, perform registration, and supervision and management over oversea manufacturers exporting food to China, and release the list of registered enterprises.

Article 23 [Record Filing of Importers and Exporters] Oversea exporters or agents exporting food to the territory of China shall file for record with the GACC. Food importers shall file for record with local customs governing the areas where their business licenses are granted.

The GACC shall release the archiving list of importers and exporters of import food.

Article 24 [Record Filing Management of Importers and Exporters] Where an oversea exporter or agent exporting food to the territory of China or a food importer files for record in accordance with Article 23 herein, it shall be held accountable for the authenticity and validity of the contents provided. Where the archived contents of the food importer are altered, it shall, within 60 days since the alteration takes effect, file for the alteration with the local customs governing the area where its business license is granted.



Where, in the course of record filing, the customs identifies false information provided by the food importer, or finds out that any archived content has been altered but no application made, it may order the said food importer to make corrections within a specified period of time. Where the said food importer fails to make corrections as requested, the customs may suspend its import declaration.

Article 25 [Import and Sales Record] Food importers shall establish a system of food import and sales records to truthfully record such information as the names, net content/specifications, quantities, manufacturing dates, manufacturing or import batch numbers and shelf lives of such food, the names, addresses and contact information of overseas exporters and buyers, and delivery dates in writing or electronically, and maintain relevant vouchers. The said records and vouchers shall remain for at least six months after the shelf life of the food expires; in the absence of an expiration date, the said records and vouchers shall remain for at least two years after the food is sold.

Article 26 [Overseas Independent Examination] Food importers shall establish an examination system for overseas exporters and manufacturers with priority given to the following matters:

(I) Efforts of overseas exporters and manufacturers to develop and implement risk monitoring and control measures for food safety; and

(II) Assurance of conformity with the provisions of relevant laws and administrative regulations and the national food safety standards of China in respect of the food exported to China by overseas exporters and manufacturers.

Food importers shall import food from overseas food exporters and manufacturers that pass the examination.

The customs shall, according to the law, perform supervision and inspection of the examination activities conducted by food importers and refer to or request food importers concerned to submit materials stipulated in subparagraphs (I) and (II). In this case, food importers shall actively cooperate with the customs by truthfully providing relevant information and materials.

Article 27 [Pre-inspection] The customs may, in response to the application of a food importer or its agent, perform inspection of import food prior to export. The customs may, in accordance with the results of pre-inspection, grant customs clearance facilitation to the import food that passes pre-inspection. The scope, procedures and requirements for the pre-inspection of import food shall be determined and issued by the GACC.

Article 28 [Import Quarantine, Supervision and Management] In respect of import food subject to entry quarantine according to the law, the customs shall perform quarantine as required by relevant laws and administrative regulations, and the rules of the GACC.

Article 29 [Quarantine Examination and Approval] The customs shall, according to the law, oversee the quarantine examination and approval of import food subject to entry animal and plant quarantine. Food importers shall apply for and obtain a Quarantine Permit for Entry Animals and Plants, before entering into any trade contract or agreement.

The GACC shall, in accordance with relevant provisions of relevant laws and administrative regulations and the lists of objects prohibited from entering the territory of China issued by relevant departments under the State Council, compile, adjust and release the list of import food subject to quarantine examination and approval.

Article 30 [Designated Ports] The food that shall be imported through a port designated by the GACC shall follow the requirements. Designated supervision and management sites shall be established at designated ports in line with relevant standards. The catalogues of food that shall be imported through designated ports, and the construction requirements for and lists of designated ports and their designated supervision and management sites shall be formulated and released by the GACC.

Article 31 [Designated Supervision and Management Sites] In the construction of designated supervision and management sites, factors including the development needs of regional economy and international trade, natural conditions of ports, basic conditions of transportation and logistics of ports,



and import safety guarantee capacities shall be taken into account in an overall manner, and construction plans shall be proposed by the provincial-level people's governments governing such sites.

The provincial-level people's governments governing the supervision and management sites shall formulate and implement corresponding food safety guarantee plans, set up sound mechanisms for basic capacity building of such sites, integrate port resources, and coordinate the efforts of joint inspection units and administrative departments responsible for ports to establish management and cooperation mechanisms for supervision and management site, for the purpose of strengthening supervision and management, and fulfilling their duties

Article 32 [Requirements for Designated Supervision and Management Sites] The construction and management of the designated supervision and management sites of import food shall comply with relevant rules of the GACC.

Article 33 [Import Declarations] Food importers and their agents shall, in accordance with the provisions of relevant laws and administrative regulations and relevant rules of the GACC, make customs declarations with the following documents attached:

(I) Regulatory certificates;

(II) The Quarantine Permit for Entry Animals and Plants and other approval documents;

(III) Conformity certificates; and

(IV) Relevant materials including records filed by oversea exporters or agents, and importers of import food, and record numbers and registration numbers of oversea manufacturers of import food.

Declaration requirements and submission modes of documents attached shall be determined and released by the GACC.

Article 34 [Declaration Responsibility] Food importers or their agents shall truthfully make customs declarations and bear legal liability for the authenticity, accuracy, integrity and conformity of the contents declared. Where the original copies of documents attached need to be verified, food importers or their agents shall submit such documents in a timely manner; where a supplementary declaration is required, food importers or their agents shall make one as required by the customs.

Article 35 [On-site Import Inspection] The matters subject to on-site inspection of import food performed by the customs according to supervision and management requirements including risk monitoring and control instructions shall include but not limited to the followings:

(I) Whether the means of transportation and storage sites meet safety and hygiene requirements;

(II) Whether the container number and seal number are consistent with the information declared and documents attached, and whether the actual conditions of cargo are consistent with those declared;

(III) Whether animal and plant-based food, packaging materials and bedding materials fall under any of the circumstances stipulated in Article 22 of the *Regulations for the Implementation of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine*;

(IV) Whether the interior and exterior packaging meets the national food safety standards; whether the materials used are nontoxic and innocuous; and whether there is any contamination, damage, water leaching, or penetration;

(V) Whether the labels, marks and instructions of the interior and exterior packaging meet the provisions of relevant laws and administrative regulations, the national food safety standards, and the requirements of the GACC;

(VI) Whether the information specified on the interior and exterior packaging is consistent with that declared and documents attached;

(VII) Whether the food is putrid or deteriorated, spoiled by rancid oil or fat, mouldy, infested with pest, contaminated and dirty, mixed with foreign objects, or adulterated; whether it has abnormal colours, tastes strange or reeks of strange odour, forms powder lumps, becomes abnormally stratified,



or contains too much blood ice or frost; or whether there is any visible parasites or other cysts or pests, or other abnormal signs in the sensory properties of food; and

(VIII) In respect of refrigerated and frozen food, inspection shall be conducted to find out whether its freshness and centre temperature meet the requirements, whether there is any pathological change, whether the temperature of the environment that refrigerates and freezes such food meets relevant administrative laws and regulations and standards, whether the temperature control equipment and facilities of cold chains are in normal operation, and whether temperature records meet the requirements; and, when necessary, boiling tests may be conducted.

Article 36 [Sampling Inspection and Supervision Plan for Import] The GACC shall prepare the annual national plan for the supervision and sampling inspection of import food safety and a special plan for the supervision and sampling inspection of import food safety. The customs directly under the GACC shall, in accordance with the requirements of the aforesaid two plans and based on the actual conditions within their respective jurisdictions, prepare local implementation plans, and supplementary plans in line with the import food safety conditions within their respective jurisdictions for implementation after submitting such plans to the GACC for record filing. Subsidiaries of the customs directly under the GACC shall be responsible for the implementation of the annual national food safety supervision and sampling inspection plan and the special plan for the supervision and sampling inspection of import food safety, and the supplementary plans for the supervision and sampling inspection of import food safety prepared by the customs directly under the GACC.

Article 37 [Supervision and Sampling Inspection of Import] The customs shall, in accordance with the supervision and sampling inspection plan and other relevant requirements, conduct supervision and sampling inspection of import food by performing sampling, testing and disposal of import food.

Article 38 [Labels and Marks] The packaging, labels and marks of import food shall comply with the provisions of relevant laws and administrative regulations and the national food safety standards of China; where instructions are required by the law, Chinese instructions shall be provided.

In the case of import fresh and frozen meat products, secure, clear and legible letter marks in Chinese and English or the language of the export country shall be affixed to the interior and exterior packaging to indicate the following matters: the country (region) of origin, product name, registration number of the manufacturer, and batch number; and the exterior packaging shall indicate the specifications, place of origin (specific to prefectures/provinces/municipalities), destination, manufacturing date, shelf life, and storage temperature in Chinese. The destination must be the People's Republic of China with the official inspection and quarantine mark of the export country (region) affixed.

In the case of import aquatic products, secure, clear and legible letter marks in both Chinese and English or the language of the export country shall be affixed to the interior and exterior packaging to indicate the following matters: the product name and scientific name, specifications, manufacturing date, batch number, shelf life, and preservation and storage conditions, mode of manufacturing (marine fisheries, freshwater fisheries, or aquaculture), manufacturing area (waters for marine fisheries, countries or regions for freshwater fisheries, or countries or regions where aquaculture products are sourced from), and the name, number and address (specific to prefectures/provinces/municipalities) of the manufacturer (including fishing vessels, factory ships, cargo ships and independent freezers) concerned. The destination must be the People's Republic of China.

The Chinese labels of import health food and food for special dietary uses must be printed on, instead of being affixed to, minimum sales packages.

Where the interior and exterior packaging of import food is required to bear special marks, relevant provisions shall prevail.

Article 39 [Designated or Approved Supervision and Management Sites] Import food shall be stored at the supervision and management sites designated or approved by the customs upon arrival at the ports; where such food needs to be moved, permission from the customs shall be obtained, and necessary safety protection measures shall be taken as required by the customs.

The sites designated or approved by the customs shall comply with the provisions of relevant laws and administrative regulations and national food safety standards. The requirements and



procedures for the designation and approval of such sites shall be developed and released by the GACC.

Bulk import food shall be subject to inspection at the ports of discharge as required by the customs.

Article 40 [Follow-up Supervision and Management] Where import food passes conformity assessment, it shall be allowed to go on the market for sales and consumption. Where import food fails to pass conformity assessment, the customs shall issue a certificate of disqualification; where import food fails to pass the assessment in respect of safety, health and environmental protection, the customs shall order the food importer to destroy or return such food and notify the said food importer in writing; where import food fails to pass the assessment in respect of other items, the said food importer may complete technical processing within a specified period of time under the supervision of the customs, and such food may go on the market for sales and consumption after it passes a second conformity assessment. Where the food importer fails to complete technical processing within the specified period of time, the customs may order it to destroy or return such food.

Article 41 [Stricter Import Control Measures] The customs responsible for ports, designated sites (premises) and destinations shall perform routine supervision and management over import food, mainly including verification of documents, on-site inspection, and supervision and sampling inspection.

On the basis of risk evaluation, the customs may follow the principle of risk management to impose stricter control measures on the food exported to China by overseas food manufacturers or countries (regions) including strengthened supervision and management and automatic detention.

Article 42 [Strengthened Supervision and Management] Where import food causes a food safety incident overseas and could thereby trigger food safety issues within the territory of China, or the customs discovers nonconforming import food in the course of performing the supervision and management, or identifies other food safety concerns, the GACC and the customs directly under it may strengthen supervision and management over import food including such control measures as raising the ratios of on-site inspection, and supervision and sampling inspection.

Article 43 [Automatic Detention] Where nonconforming import food is discovered again during strengthened supervision and management, or there is evidence suggesting major hidden dangers in import food, the GACC and the customs directly under it may automatically detain such import food.

In the case of imported food automatically detained, the food importers concerned shall submit to the customs inspection reports issued by qualified inspection agencies by batch. The customs shall verify such inspection reports.

Such food shall not be removed from designated supervision and management sites without the permission of the customs.

Article 44 [Suspension and Prohibitive Measures] Under any of the following circumstances, the GACC may, in accordance with the results of risk evaluation, suspend or prohibit the import of food to China from an overseas food manufacturer or country (region):

(I) Where a serious animal or plant epidemic disease breaks out in the export country (region), or major changes take place in its food safety conditions, which makes it impossible to effectively guarantee the safety of food exported to China;

(II) Where it is found out that import food has been contaminated by the pathogen of a quarantine infectious disease, or there is evidence suggesting that the said food could become a quarantine infectious disease vector and that it cannot be subject to effective sanitary control;

(III) Where nonconformities of import food subject to automatic detention regarding safety, health and environmental protection are detected again;

(IV) Where overseas manufacturers of import food violate relevant laws and administrative regulations of China to a flagrant extent; or



(V) Where there is other information implying extremely serious hidden dangers in import food from a certain overseas food manufacturer or country (region).

Article 45 [Cancellation of Stricter Control Measures] Where the risks of import food safety have been brought under control, the GACC and the customs directly under it may lift the risk warning and remove the original stricter control measures, suspension or prohibitive measures in the following ways:

(I) Where no nonconformity has been detected in the batch of food subject to strengthened supervision within the specified period of time, strengthened supervision may be lifted on the basis of risk evaluation;

(II) Under any of the following circumstances, automatic detention may be lifted for food subject to the measure on the basis of risk evaluation:

1. Where the export country (region) has undertaken precautionary measures, and the GACC has confirmed through risk evaluation that such measures can guarantee food safety and control the risks of animal or plant epidemic diseases; or

2. Where no nonconformity has been detected in the batch of food subject to automatic detention within the specified period of time, since the day when automatic detention is imposed.

(III) In the case of food suspended or prohibited from import, where the competent department of the export country (region) has adopted risk control measures, and the GACC has concluded through evaluation that such measures meet relevant requirements, the suspension or prohibition may be lifted. Where the import of the food is resumed, the GACC may impose automatic detention, strengthened supervision or routine supervision and management based on the evaluation results.

Article 46 [Recalls and Reporting] Where the import food is found to violate relevant laws and administrative regulations and national food safety standards, or there is evidence suggesting that it may endanger human health, the food importer concerned shall, in accordance with paragraphs 2 and 3 of Article 63 and paragraph 3 of Article 94 of the *Food Safety Law*, immediately terminate the import, sales and consumption of such food, recall marketed food, notify relevant manufacturers, traders and consumers, keep a record of the recall and notification, and report the recall and treatment of such food to local customs.

Chapter III Food Export

Article 47 [Basis of Export Supervision and Management] Manufacturers of export food shall warrant that the export food they manufacture complies with the standards of the import countries (regions) or contractual requirements; where any requirements are specified in any international treaty or agreement concluded or acceded to by China, the manufacturers concerned shall also warrant that the export food they manufacture complies with the said international treaty or agreement.

Where no requirements specified in the preceding paragraph are proposed, the manufacturers concerned shall warrant that the export food they manufacture complies with the national food safety standards of China.

Article 48 [Export Supervision and Management] The customs shall perform the supervision and management over export food according to the law. The supervision and management measures for export food shall include: record filing of the plantations and farms manufacturing export food raw materials, and export food manufacturers, enterprise verification, document examination and approval, on-site inspection, supervision and sampling inspection, sampling inspection at ports, overseas reporting and verification, and their combinations.

Article 49 [System of Plantations and Farms] Plantations and farms manufacturing export food raw materials shall file with local customs for record, without which the raw materials manufactured by them shall not be used as processing materials of export food. The catalogues of export food required to put plantations and farms producing export food raw materials on record, and specific requirements and



procedures hereof shall be developed and released by the GACC. The list of those put on records shall be released by the GACC.

Processed vegetables supplied to Hong Kong and Macao must come from archived plantations, except for small-variety vegetables otherwise provided for by the GACC.

Article 50 [Management of Plantations and Farms] The customs shall perform supervision and management over archived plantations and farms by means of written review and on-site inspection according to the law. Such plantations and farms shall provide supply proof for every batch of raw materials they produce.

Article 51 [Export Qualifications] Export food manufacturers shall obtain relevant domestic manufacturing and operation qualifications for food and edible agricultural products. Where the department of food safety supervision and management and agricultural administration under the State Council have developed special rules for such qualifications, these rules shall prevail.

Article 52 [Record Filing of Export] Export food manufacturers shall file for record with the local customs governing the area where their business licenses are granted in accordance with relevant regulations of the GACC.

Article 53 [External Registration Recommendations] Where an import country (region) requires the registration of any oversea manufacturer exporting food to it, the export food manufacturer concerned shall file an application with the local customs governing the area where their business licenses are granted. The customs shall conduct external registration recommendations based on enterprise credit, and supervision and management. External recommendations shall be made by the GACC. Relevant procedures and requirements for external recommendations shall be formulated and released by the GACC.

Article 54 [Routine Supervision and Management over Export] Export food manufacturers shall establish a complete and traceable food safety and hygiene control system and guarantee the effective operation of the said system, so as to ensure that the manufacturing, processing and storage processes of export food continuously comply with relevant laws and administrative regulations of China, safety and hygiene requirements for export food manufacturers, relevant laws and regulations of import countries (regions), and requirements of relevant international treaties and agreements.

Export food manufacturers shall establish an examination system for raw material plantations and farms, an evaluation system for suppliers, a record system for incoming goods inspection, a filing system for manufacturing records, a record system for delivery inspection, a traceability system for export food, and a disposal system for nonconforming food, respectively. Relevant records shall be kept in an authentic manner and maintained for at least six months after the shelf life of the food expires; where no expiration date is specified, relevant records shall be maintained for at least two years.

Article 55 [Packaging and Transportation Methods] Export food manufacturers shall ensure that the packaging and transportation methods of export food meet the safety and hygiene requirements.

Article 56 [Labelling of Transportation Packages] Export food manufacturers shall indicate on the transportation packages the manufacturers' filing numbers, product names, manufacturing batch numbers, and manufacturing dates, which shall then be specified by the customs in the certificates issued. Where special requirements are proposed by the import countries (regions) or in the contracts, export food manufacturers concerned may, provided that the products are traceable and the customs directly under the GACC approve, adjust the contents to be indicated.

Article 57 [Export Supervision and Inspection] The customs shall conduct supervision and inspection of the operation of the food safety and hygiene control system of export food manufacturers within their respective jurisdictions. Supervision and inspection shall comprise routine and annual supervision and inspection.

Supervision and inspection may be conducted by means of written review or on-site inspection, or in combination with oversea reporting and verification, supervision and sampling inspection, and on-site inspection of export food.



Article 58 [Supervision and Management Prior to Export Declarations] Export food shall be subject to the inspection and quarantine of the local customs governing the place of origin. The GACC may, in response to the needs of facilitating foreign trade and export food inspection and quarantine, designate another site for inspection and quarantine. Any export food manufacturer or exporter shall, in accordance with laws, administrative regulations and rules of the GACC, file an application for supervision and management prior to export declarations with the customs of the place where the food is manufactured or packaged.

Article 59 [Export Inspection and Quarantine] After accepting an application for supervision and management prior to export declarations, the customs of the place where the food is manufactured or packaged concerned shall, in accordance with relevant inspection and quarantine management regulations and requirements, conduct on-site inspection, and supervision and sampling inspection of export food subject to inspection and quarantine.

Article 60 [Plans for Export Supervision and Sampling Inspection] The GACC shall formulate an annual national plan for export food safety supervision and sampling inspection. The customs directly under the GACC shall, in accordance with the requirements specified in the plan for export food safety supervision and sampling inspection and actual conditions, prepare implementation plans for their respective jurisdictions, and, according to the export food safety conditions within their respective jurisdictions, formulate their own supervision and sampling inspection plans for implementation after submitting such plans to the GACC for record filing. Subsidiaries of the customs directly under the GACC shall be responsible for the implementation of the plans for export food safety supervision and sampling inspection formulated by both the GACC and the customs directly under the GACC.

Article 61 [Export Supervision and Sampling Inspection] The customs shall, in accordance with the plans for supervision and sampling inspection and other requirements, conduct supervision and sampling inspection on export food by means of sampling, testing and disposal.

Article 62 [Certificates for Export Food] Where export food meets the export requirements, the customs shall issue certificates in accordance with the bilateral or multilateral agreements concluded between China and relevant countries as well as the requirements proposed by import countries (regions). Where new requirements for the forms and contents of certificates are proposed by import countries (regions), the customs directly under the GACC may, with the approval of the GACC, modify the said certificates.

Where export food fails to meet the export requirements, the customs shall issue certificates of non-conformance. Where technical processing can be performed according to the law, such processing shall be performed under the supervision of the customs and the food concerned shall not be exported until it meets the export requirements; where no technical processing shall be performed according to the law or the food concerned still fails to meet the export requirements after such processing, it shall not be exported.

Article 63 [Export Declarations] Food exporters or their agents shall, in accordance with the requirements specified in the administrative provisions of the customs on import and export goods declarations, declare to the customs with the conclusions of supervision and management prior to food export declarations, relevant licences and documents attached, relevant business receipts, and other export documents as required by the GACC.

Article 64 [Port Inspection] The port customs shall, in accordance with risk monitoring and control requirements, perform port inspection of food to be exported; where such food fails to pass the inspection, it shall not be exported.

Article 65 [Export Control Measures] The GACC shall conduct verification on risk warning information and other food safety information of China's export food notified by international organizations and oversea government agencies, and, based on risk evaluation and risk management principles, take such control measures as adjusting the proportion of supervision and sampling inspection, terminating external registration recommendations, or suspending or prohibiting export.

Article 66 [Reporting] Where a manufacturer or business operator of export food identifies safety problems in food to be exported, which have already damaged or may cause damage to human health



and safety, the said manufacturer or business operator shall take measures immediately to avoid and curtail the damage and report to the local customs.

Article 67 [Problem Notification] Where safety problems are identified when the customs performs supervision and management over export food, the customs of the place where the food is manufactured or packaged shall notify the competent departments of food safety under the local governments and the governments at the next higher level. The customs may order relevant personnel in charge of the manufacturers, plantations and farms of the export food concerned to make corrections within a specified period of time, refuse to accept their export declarations during the aforesaid period, and revoke or cancel their record filed.

Chapter IV Supervision and Management

Article 68 [Import and Export Food Safety Information] The GACC shall, in accordance with Article 100 of the *Food Safety Law*, collect and summarize import and export food safety information and establish an information management system of import and export food safety. The local customs at all levels shall be responsible for collecting and sorting out import and export food safety information within their respective jurisdictions and that designated by higher authorities, and, in accordance with relevant provisions, notify local governments within their respective jurisdictions, relevant departments, institutions and enterprises of such information. Where the information notified involves other regions, the customs in the regions concerned shall be notified in a timely manner.

In addition to the provisions set forth in Article 100 of the *Food Safety Law*, the import and export food safety information collected and summarized by the customs shall also include the information on technical barriers to trade (TBTs) of oversea food.

Article 69 [Risk Assessment and Resolution] The customs shall conduct risk assessment of the import and export food safety information collected, draw conclusions and resolve them lawfully in accordance with their functions. Where it is found that the risks occur only within their own jurisdictions, risk warning measures shall be promptly formulated for implementation within their respective jurisdictions; where systemic or national risks are found, the information shall be reported to the GACC in a timely manner so that it could conduct risk evaluation of the import and export food safety information collected by and assessment conclusions reported by the customs directly under it, so as to determine the risk monitoring and control measures to be taken.

Article 70 [Risk Warning Announcements and Warning Notices] Where any food safety incident or epidemic disease occurring at home or abroad may affect import and export food safety, or any serious food safety problem is found in import and export food, the customs directly under the GACC shall report to the GACC in a timely manner. The GACC shall release a risk warning in light of the circumstances, report to the departments of food safety supervision and management, health administration, and agricultural administration under the State Council, and, when necessary, release announcements on risk warnings to consumers.

The GACC may release risk warning notices, based on which the local customs at all levels shall strengthen control measures for import and export food.

Article 71 [Risk Monitoring] The GACC shall formulate an annual national plan for import and export food safety risk monitoring, as part of the national plan for food safety risk monitoring, so as to systematically and continuously collect monitoring data and relevant information of foodborne diseases, food contamination, and adverse factors in import and export food. The customs directly under the GACC shall, in accordance with the national plan for import and export food safety risk monitoring, formulate implementation plans for their respective jurisdictions; in addition to the national plan for import and export food safety risk monitoring, they may also, in line with the actual conditions within their respective jurisdictions, formulate their own plans for import and export food safety risk monitoring for implementation after submitting such plans to the GACC for record filing. Subsidiaries of the customs directly under the GACC shall be responsible for the implementation of the national plan for import and



export food safety risk monitoring formulated by the GACC and those developed by the customs directly under the GACC governing them.

Article 72 [Measures for Risk Warning] Where any food safety incident taking place overseas may affect China, or it is concluded that there may be uncontrollable risks based on evaluation results, the GACC may, in accordance with standard international practices, directly release risk warning notices or announcements, and take control measures; meanwhile, it shall promptly collect and supplement relevant information and materials for risk evaluation and control measure adjustment.

Article 73 [Contingency Response] The GACC shall formulate national contingency response plans for import and export food safety emergencies, and the customs directly under it shall formulate contingency response plans for import and export food safety emergencies within their respective jurisdictions.

Article 74 [Mandatory Measures] In the course of fulfilling their duties of supervision and management over import and export food safety according to the law, the customs shall have the rights to take the following measures:

- (I) To conduct on-site inspection in manufacturing and operation sites;
- (II) To conduct sampling inspection of the food manufactured and traded;
- (III) To look up and copy contracts, receipts, account books and other relevant materials;
- (IV) To seize and detain the food proved to have failed to meet food safety standards or have hidden safety-related dangers, and the food used for illegal manufacturing and operation; and
- (V) To seal up sites where illegal manufacturing and trading activities are conducted.

Article 75 [Transit Quarantine] The transit food shall meet the supervision and management requirements of the GACC for transit goods. During the transit, the transit food shall not, without the permission of the customs, be unpacked or unloaded from the means of transportation.

The transit food shall be transported out of the territory of China within the specified period of time.

Article 76 [Re-inspection] Where a manufacturer or business operator of import and export food objects to the inspection results given by the customs, it may apply for re-inspection in accordance with relevant provisions on the re-inspection of import and export commodities. Where an objection to the laboratory test results provided by the customs falls under any of the following circumstances, the customs shall not accept the application for re-inspection:

- (I) Where the inspection results show that microbial indicators exceed the standards;
- (II) Where the backup samples for re-inspection have passed the expiration date; or
- (III) Other reasons that disqualify the backup samples for re-inspection.

Article 77 [Supervision and Management over Alleged Food Smuggling] Where any manufacturer or business operator of import and export food is suspected of being involved in smuggling, the said manufacturer or business operator shall be held accountable according to the law and be subject to control measures imposed by the customs including stricter supervision and management and suspension of declaration acceptance.

Chapter V Legal Liability

Article 78 [Record Filing-related Punishment against Importers] Where a food importer fails to go through the procedures for any changes of contents put on record as prescribed, the customs shall, under serious circumstances, issue a warning against the said importer.



Where a food importer provides false information in record filing, the customs shall impose a fine of less than RMB 10,000 on it.

Article 79 [Inspection-related Punishment] Where a manufacturer or business operator of import and export food does not cooperate with the customs on import and export food safety inspection by refusing to accept inquiries or provide materials, or giving replies or materials inconsistent with the realities, the customs shall impose a fine of less than RMB 10,000 on the said manufacturer or business operator.

Article 80 [Punishment for Import Labels] Where the customs find, during the supervision and management over pre-packaged import food, that no Chinese labels are affixed to the said food or the labels affixed fail to comply with relevant laws and administrative regulations and the national food safety standards, and the food importer concerned refuses to destroy, return or implement technical processing on the said food as required by the customs, the customs shall issue a warning against or impose a fine of less than RMB 10,000 on it.

Article 81 [Punishment for Designated or Approved Import Supervision and Management Sites] Where the import food is picked up and released from the supervision and management sites designated or approved by the customs without the permission of the customs, the customs shall order relevant parties to make corrections and impose a fine of less than RMB 10,000.

Article 82 [Punishment for Export Violations] Where any of the following illegal conduct falls under the provision of “exporting food in breach of this *Law*” in paragraph 1(3) of Article 129 of the *Food Safety Law*, the customs shall impose penalties in accordance with Article 124 of the *Food Safety Law*:

(I) Where a party switches without approval the export food subject to the supervision and sampling inspection of the customs with certificates issued;

(II) Where a party exports the food that is adulterated, fake or shoddy, or passes the unqualified export food off as a qualified one;

(III) Where a party exports the food manufactured by an export food manufacturer that has not been put on record;

(IV) Where a party exports the food manufactured by an unregistered export food manufacturer to a country (region) with registration requirements, or export food that is not covered by the registration scope of a registered export food manufacturer;

(V) Where the food manufactured by an export food manufacturer fails to use the raw materials from archived plantations or farms as prescribed;

(VI) Where the conduct of manufacturers and business operators of export food falls under any of the provisions of Articles 123, 124, 125 and 126 of the *Food Safety Law* and the food concerned has been exported without meeting the requirements of import countries (regions).

Article 83 [Punishment for Declarations] Where a party fails to make a truthful declaration in accordance with Articles 30, 34 and 63 of these *Measures* and thereby evades the supervision and management over import and export food safety performed by the customs, the customs shall confiscate the illegal gains thereof and impose a fine that is more than 5% and less than 20% of the value of the food.

Where a consignee or consignor of import and export goods fails to provide authentic information of the consigned declaration matters for its customs broker as prescribed and thereby leads to the circumstances specified in paragraph 1 of this Article, penalties shall be imposed on the said consignee or consignor in accordance with the provisions in the preceding paragraph.

Where a customs broker fails to conduct reasonable review of the authenticity of the information provided by the consignee or consignor, or leads to the circumstances specified in paragraph 1 of this Article due to negligence, a fine of more than RMB 20,000 and less than RMB 200,000 shall be imposed on it, and the customs may suspend its customs declaration business or practice for no more than six months; where circumstances are serious, the customs shall revoke its declaration registration, disqualify it from practicing customs declaration.



Article 84 [Other Punishment] Where the manufacturers and business operators of import and export food, the customs and customs personnel commit other illegal acts, they shall be subject to relevant laws and administrative regulations.

Chapter VI Supplementary Provisions

Article 85 [Supervision and Management over Special Trade and Food in Special Areas] The supervision and management over import and export food safety shall be implemented in accordance with relevant regulations of the GACC, in respect of the food entering and exiting areas under special customs supervision and management and bonded supervision premises, as well as the food purchased from export food markets, petty trade in border areas, and border trade.

Article 86 [Supervision and Management over Food Transported via Special Channels] Where the food is imported and exported by means of express, post, cross-border e-commerce, or carried by passengers, relevant regulations of the GACC shall prevail.

Article 87 [Supervision and Management over Non-tradable Food] Relevant regulations of the GACC shall prevail in the case of importing and exporting non-tradable food used as samples, presents, gifts, exhibits and aids, importing food for duty-free businesses or for personal and public use of embassies and consulates, and exporting food for personal use by personnel from embassies and consulates, and Chinese enterprises stationed abroad.

Article 88 [Interpretations of Manufacturers and Business Operators] For the purpose of these *Measures*, the manufacturers and business operators of import and export food include: overseas manufacturers exporting food to the territory of China, overseas exporters or their agents, food importers, export food manufacturers, exporters and relevant personnel, among others.

Article 89 [Supervision and Management over Food Additives and Food-related Products] The inspection, quarantine, supervision and management of import and export food additives and food-related products shall be implemented in accordance with relevant rules of the GACC. Where no provisions are specified in these *Measures*, relevant laws, administrative regulations, customs rules, announcements and normative documents shall prevail.

Article 90 [Right to Interpretation] The GACC is responsible for the interpretation of these *Measures*.

Article 91 [Entry into Force and Revocation] These *Measures* shall come into force as of MM/DD, 2020. The *Measures for the Inspection, Quarantine, Supervision and Management over Imported and Exported Meat Products*, the *Measures for the Inspection, Quarantine, Supervision and Management over Imported and Exported Aquatic Products*, the *Measures for the Inspection, Quarantine, Supervision and Management over Imported and Exported Dairy Products*, the *Administrative Measures for the Inspection and Quarantine of Exported Honey*, and the *Measures for the Inspection, Quarantine, Supervision and Management over Vegetables Supplied to Hong Kong and Macao* shall be revoked simultaneously.

