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Report Highlights:

Revised Administrative Measures on Import and Export Food Safety (GACC Degree 249) will enter into force on January 1, 2022, covering a broad range of requirements on food exports to China including overseas facilities registration, record filing by importers and exporters, quarantine and inspection, and product labeling among others. China notified the revised measures to the WTO SPS Committee on November 12, 2020 as G/SPS/N/CHN/1191. Upon implementation, the measures will replace AQSIQ Decree 144 of the same title as well as the AQSIQ decrees regulating the import and export of meat, dairy, and aquatic products, and honey. This report provides an unofficial translation of Decree 249.

Executive Summary

On April 12, 2021, the General Administration of Customs of China (GACC) announced the Administrative Measures on Import and Export Food Safety as GACC Decree 249, which will enter into force on January 1, 2022. Upon implementation, the measures will replace several regulations issued by the former General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ), including AQSIQ Decree 144 of the same title and the AQSIQ decrees regulating the import and export of meat, dairy, and aquatic products and honey. As the overarching regulation applicable to food exports to China, the Administrative Measures on Import and Export Food Safety cover a broad range of requirements including the evaluation and review of foreign food safety management systems; overseas facilities registration; record filing by importers, exporters, and commercial agents; quarantine and inspection; product labeling; and food safety risk alerts among others.

In comparison with the measures currently in effect, GACC Decree 249 presents the following major changes:

- Emphasizes that producers and operators are accountable for the safety of the food products they produce and handle;
- Introduces the concept of a conformity assessment, which covers the evaluation of foreign food safety management systems, the registration of overseas food export facilities, and required record filing by importers and exporters;
- Requires food importers to establish a system for review of their suppliers, including overseas exporters and production facilities;
- Elaborates on the on-site inspection procedures conducted by Customs at ports of entry; and,
- Stipulates the potential control measures in response to food-related incidents overseas that may impact food safety in China.

According to Article 4 of Decree 249, producers and operators are accountable for the safety of the import and export food they produce and handle. Article 77 indicates that the producers and operators of food imports and exports referred to in these Measures include overseas production facilities¹ and exporters/agents exporting food to China, food importers, facilities producing food for export, exporters, and related personnel.

China notified the [Administrative Measures on Import and Export Food Safety \(Draft for Comments\) to the WTO Committee on SPS Measures as G/SPS/N/CHN/1191](#) on November 12, 2020. The full Chinese language text of Decree 249 is available on the [GACC website](#) (link in Chinese).

¹ The overseas production facilities of import food in these Measures include overseas facilities that engage in production, processing, and storage of foods exported to China.

BEGIN TRANSLATION

General Administration of Customs of China Decree 249 Announcing the Administrative Measures on Import and Export Food Safety

The Administrative Measures on Import and Export Food Safety, as deliberated and adopted at the executive meeting of the General Administration of Customs on March 12, 2021, is hereby issued, and shall come into force on January 1, 2022. The Administrative Measures on Import and Export Food Safety issued as AQSIQ Decree 144 on September 13, 2011, revised by AQSIQ Decree 184 on October 18, 2016 and revised by GACC Decree 243 on November 23, 2018, the Measures for the Administration of Inspection and Quarantine of Exported Honey released as AQSIQ Decree 20 on February 22, 2000 and revised by GACC Decree 238 on April 28, 2018, the Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Aquatic Products released as AQSIQ Decree 135 on January 4, 2011 and revised by GACC Decree 243 on November 23, 2018, the Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Meat Products released as AQSIQ Decree 136 on January 4, 2011 and revised by GACC Decree 243 on November 23, 2018, the Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Dairy Products released as AQSIQ Decree 152 on January 24, 2013 and revised by GACC Decree 243 on November 23, 2018, as well as the Administrative Provisions on the Filing of Export Food Producers released as AQSIQ Decree 192 on November 14, 2017 and revised by GACC Decree 243 on November 23, 2018 will be annulled at the same time.

Minister Ni Yuefeng

April 12, 2021

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

Chapter I General Provisions

Article 1 To safeguard import and export food safety and protect the life and health of humans, animals, and plants, these Measures are formulated in accordance with the Food Safety Law of the People's Republic of China (hereinafter referred to as the "Food Safety Law") and its implementing regulations, Customs Law of the People's Republic of China, the Law of the People's Republic of China on the Inspection of Import and Export Commodities and the implementing regulations thereof, the Law of the People's Republic of China on the Quarantine of Animals and Plants at Entry and Exit and the implementing regulations thereof, 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 Quality and Safety of Agricultural Products, and the Special Rules of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products.

Article 2 These Measures shall be observed in the following activities:

1. The production and other business operations of food imports and exports;
2. Customs oversight of import and export food producers and operators, and their import and export food safety.

(Oversight of) the production and business operations of import and export food additive and food-related products shall follow the relevant provisions of GACC.

Article 3 Work involving import and export food safety shall adhere to the principles of safety first, prevention-oriented, risk management, whole-process control, and global co-governance.

Article 4 Producers and operators are held accountable for the safety of the import and export food they produce and handle.

Producers and operators of imported and exported food conduct production and other business operations in accordance with international agreements China concludes or participates in, Chinese laws, regulations, and national food safety standards; such production and business operations are under oversight following laws to ensure import and export food safety, be responsible to the society and the public, and assume social responsibilities.

Article 5 The General Administration of Customs of the People's Republic of China (GACC) oversees import and export food safety in the country.

Local Customs of various levels are responsible for oversight of import and export food safety in the areas under their jurisdiction respectively.

Article 6 Customs uses information technology means to improve the oversight of import and export food safety.

Article 7 Customs shall strengthen the publicity and education about the safety of import and export food, and launch public education about food safety laws, regulations, national food safety standards, and relevant knowledge.

Customs strengthens exchanges and cooperation with international organizations engaged in food safety, overseas government agencies, overseas food industry associations, overseas consumer associations, and the like, to create a pattern of global governance of import and export food safety.

Article 8 Customs officials engaging in oversight of import and export food safety shall possess the necessary professional knowledge.

Chapter II Food Imports

Article 9 Import food shall conform with Chinese laws, regulations, and national food safety standards; for special requirements in international treaties and agreements concluded or participated in by China, such requirements shall be honored.

Import foods without corresponding Chinese national food safety standards shall conform with the temporarily applied standard announced by the health authority under the State Council.

Foods produced with new food materials shall, according to Article 37 of the Food Safety Law, obtain administrative licensing for new food materials issued by the health authority under the State Council.

Article 10 Customs conducts conformity assessments on import foods in accordance with relevant laws and regulations for import and export commodity inspection.

A conformity assessment of food imports includes: evaluation and review of the food safety management system of a foreign country (region) that export foods to China [hereinafter referred to as foreign country (region)], registration of overseas production facilities, record filing and conformity guarantee by importers and exporters,

quarantine and approval of entry animals and plants, examine the attached compliance certification documents, document examination, on-site inspection, supervision and sampling tests, examination of the import and sales records, as well as a combination of these activities.

Article 11 GACC may evaluate and review the food safety management system and food safety situation of a foreign country (region) and determine the inspection and quarantine requirements based on the results of the evaluation and review.

Article 12 Under any of the following circumstances, GACC may initiate evaluation and review on a foreign country (region):

1. A foreign country (region) applies to export a certain category of food to China for the first time;
2. The country (region) had a significant change in its regulations on food safety or animal and plant quarantine, or had a significant change in the regulatory authorities;
3. The foreign competent authority applies for significant adjustment of inspection and quarantine requirements for a certain category of food the country exports to China;
4. A foreign country (region) had an outbreak of a significant animal or plant disease or a food safety incident;
5. Customs detects serious problems in food imports and deems there is an animal/plant disease or food safety risk; or
6. Other circumstances requiring evaluation and review.

Article 13 The evaluation and review of a foreign country (region)'s food safety management system mainly includes evaluation and confirmation of the following items:

1. Laws and regulations related to food safety and animal and plant diseases;
2. The regulatory system of food safety;
3. Spread, prevention, and control of animal and plant diseases;
4. Management and control of pathogenic microorganisms, pesticides and veterinary drugs, and contamination, etc.;
5. Safety and sanitation control over food production, processing, transportation, and storage;
6. Oversight of export food safety;
7. Food safety defense, traceability, and recall system;
8. Alert and emergency response mechanisms;
9. Technical support capacity; and

10. Other situations involving animal or plant disease and food safety.

Article 14 GACC may organize experts to conduct evaluation and review by means of document review, video inspection, on-site inspection, etc., or a combination of these means.

Article 15 GACC organizes experts to review documents submitted by the foreign country (region) undergoing evaluation and review, including application materials and assessment questionnaires; the review will check the authenticity, integrity, and validity of the documents. GACC may request the foreign competent authority to submit information or materials that are lacking.

For a country (region) that has passed the document review, GACC may organize experts to conduct video inspection or on-site inspection about its food safety management system. Finding problems, (GACC) may request the competent authority of relevant countries and relevant facilities to take rectification actions.

Relevant countries (regions) shall provide necessary assistance for the evaluation and review.

Article 16 If the country (region) undergoing evaluation and review falls under one of the following circumstances, GACC may terminate the evaluation and review, and inform the foreign competent authority:

1. No feedback 12 months after receiving the questionnaire (issued by GACC);
2. Fails to provide supplementary information and materials requested by GACC within three months;
3. An outbreak of significant animal or plant disease or food safety incident;
4. Fails to cooperate with China's video inspection or on-site inspection, fails to effectively take corrective actions;
5. Applies for termination of the evaluation and review.

For items 1 and 2, the foreign competent authority may apply for an extension due to special reasons; with GACC's approval, relevant materials shall be submitted within the new deadline set by GACC.

Article 17 After completing the evaluation and review, GACC notifies the evaluation and review conclusions to the competent authority of the country (region) undergoing evaluation and review.

Article 18 GACC adopts registration management of overseas production facilities that export food to China and publishes the lists of registered facilities.

Article 19 Overseas exporters or agents that export food to China (hereinafter referred to as "overseas exporter or agent") shall file for records with GACC.

Food importers shall file for records with Customs at the place where they are located.

Overseas food exporters or agents and food importers are held accountable for the authenticity and validity of the information they provide for record filing.

GACC announces the lists of overseas exporters or agents and food importers that have filed for records.

Article 20 If there is a change in the filed information, overseas exporters or agents or food importers shall, within 60 days from the change, update the record filing information with Customs.

Finding that an overseas exporter or agent or a food importer has erroneous information in its record filing or that the filing content was not updated in time, Customs may order it to make a correction within a given period of time.

Article 21 Food importers shall establish food import and sales record systems, which faithfully record the food name, net content/specifications, quantity, date of production, production or import batch number, shelf life, name/address/contact information of their overseas suppliers and domestic customers, and delivery date, etc., and keep relevant certificates/vouchers. The records and certificates/vouchers shall be kept for at least six months after the expiry of the food shelf life; if the shelf life is not specified, the records and certificates/vouchers shall be kept for at least two years after the products are sold.

Article 22 A food importer shall establish a system for review of overseas exporters and overseas production facilities; the review will focus on the following content:

1. The formulation and implementation of food safety risk control measures; and
2. Assurance that their foods conform to the provisions of Chinese laws, regulations, and national food safety standards.

Article 23 Customs oversees the food importers' review activities. Food importers shall be cooperative and truthfully provide relevant information and materials.

Article 24 Based on risk management requirements, Customs may designate ports for food imports and may conduct inspections at designated locations. The lists of designated ports and designated inspection locations are announced by GACC.

Article 25 While importing foods, a food importer or its agent shall make a truthful declaration to Customs in accordance with relevant laws.

Article 26 Customs carries out quarantine examinations on food imports that are subject to entry quarantine examination.

Article 27 Customs carries out quarantine examinations and approval of food imports that are subject to quarantine examination and approval of entry animals and plants. Food importers obtain the Quarantine Permit for Import Animals and Plants before signing a contract or agreement.

Article 28 Customs conduct on-site inspections of food imports in accordance with the oversight requirements; on-site inspections include but are not limited to the following content:

1. Whether transportation tools and storage sites conform to safety and sanitary requirements;
2. Whether the container number, seal number, labeling on inner and outer packaging, and actual status of the goods are consistent with the declaration and the attached documents;

3. For food of animal or plant origin, whether the packaging and bedding materials have problems that are 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;
4. Whether the inner and outer packaging conforms to the national food safety standards and whether there is contamination, damage, water damage, or leaking;
5. Whether the labels, markings, and instructions on the inner and outer packaging conform to the provisions of the laws, regulations, national food safety standards, and GACC rules;
6. Whether the food has the normal sensory appearances it should have;
7. For frozen and refrigerated foods, whether the freshness and the center temperature conform to the requirements, whether there are lesions, whether the temperature of the frozen and refrigerated environment conform with the relevant standards, whether the temperature control equipment in the cold chain is in normal operation, and whether the temperature records conform to the requirements; if necessary, a boiling test may be conducted.

Article 29 Customs formulates and implements the annual nationwide import food safety supervision and sampling test plans and ad hoc supervision and sampling test plans.

Article 30 The packaging, labels, and markings of food imports shall conform with the provisions of Chinese laws, regulations, and national food safety standards; if product instructions are required, instructions in Chinese shall be attached.

For fresh and frozen meat imports, the inner and outer packaging shall have labels in Chinese and English or in Chinese and the language of the exporting country (region) that are securely fixed, clear, and easy to recognize. The labels shall include the following content: country (region) of origin, product name, registration number of the production facility, and batch number. The outer packaging shall include a label in Chinese with the product specification, place of production (specific state/province/city), destination, date of production, shelf life, storage temperature, etc. The destination must be marked as the People's Republic of China, with the official inspection and quarantine labels of the exporting country (region) affixed.

For aquatic product imports, the inner and outer packaging shall have labels in Chinese and English or Chinese and the language of the exporting country (region) that are firm, clear, and easy to recognize. The label shall include the following content: commodity name and scientific name, product specifications, date of production, batch number, shelf life and storage conditions, production methods (ocean catch, freshwater catch, or aquaculture), production area (marine fishing area, freshwater fishing country or region, country or region where the aquaculture products come from), the name/registration number/address (specific city/province/state) of all involved production and processing facilities (including fishing vessels, processing vessels, transport vessels, and independent cold storage). The destination must be marked as the People's Republic of China.

The Chinese labels of imported health food and foods for special dietary purposes must be printed on the minimum sales packages; (Chinese labels) must not be affixed.

If special marks/logos are required on the inner and outer packaging of food imports, such requirements shall be followed.

Article 31 Food imports shall be stored in a site designated or accredited by Customs at the port of arrival; if the food imports need to be moved, the move must be approved by Customs, and necessary safety protection measures shall be taken following requirements of Customs.

The designated or accredited sites shall comply with the requirements stipulated in laws, regulations, and national food safety standards

Article 32 Bulk food imports shall be inspected at the port of discharge in accordance with the requirements of Customs.

Article 33 Food imports which have been assessed as compliant in the Customs' compliance evaluation may be imported.

Customs issues certificates of noncompliance to food imports assessed as noncompliant. If food imports fail in safety, health, or environmental protection items, Customs will notify the importer in writing and instruct the importer to destroy or return the goods. If food imports fail in other items, the food may be imported after technical treatment and passing the compliance assessment. If food imports cannot complete the technical treatment within the specified time period or fail again in the compliance assessment after technical treatment, Customs will instruct the food importer to destroy or return the food.

Article 34 If food safety incidents abroad may cause risks to food safety in China, or Customs detects noncompliant food imports in its oversight work, or detects other food safety problems, GACC and its authorized Customs offices may, based on risk assessment results, impose control measures on food imports, such as increasing the proportion of inspections and sample testing.

If, after taking control measures including increasing the proportion of inspection and sample testing, GACC again detects noncompliant food imports, or has evidence proving the imported food poses severe safety risks, GACC and authorized Customs offices directly subordinate to GACC may request food importers to provide inspection reports issued by qualified inspection institution for each batch (of imported food). Customs verifies the testing reports submitted by food importers.

Article 35 In the following circumstances, GACC may, based on risk assessment results, take control measures on relevant foods, such as suspending or prohibiting imports:

1. There is a major animal or plant disease outbreak or a significant change in the food safety situation in the exporting country (region), which makes it impossible to effectively guarantee the safety of food exports to China;
2. Food imports are contaminated by quarantined infectious pathogens, or there is evidence proving that (the food) could become a vector of quarantined infectious diseases, and there is no effective sanitation treatment to be taken;
3. The food imports under Customs' control measures pursuant to Article 34 paragraph 2 of these Measures are again found to be noncompliant in items of safety, health, and environmental protection;
4. The overseas production facility violates relevant Chinese laws and regulations, and circumstances are serious; or
5. Other information indicates that relevant foods pose significant safety risks.

Article 36 When the safety risk of food imports has been reduced to a manageable level, GACC and authorized Customs offices directly subordinate to GACC may lift the corresponding control measures in the following ways:

1. Food subject to the control measures provided in Article 34 paragraph 1 of these Measures, which has no noncompliance within the specified time period and batches may be released from the control measures based on a risk assessment;
2. For food subject to the control measures provided in Article 34 paragraph 2 of these Measures, Customs may, based on a risk assessment, lift the control measures if the exporting country (region) has taken preventative measures and GACC's risk assessment proves the (measures) safeguard food safety and control animal/plant epidemic, or there is no noncompliant food within the specified time period and batches since the control measures were implemented.
3. Foods that are under control measures including import suspension or prohibition may be released from the control measures if the competent authority of the exporting country (region) has taken risk control measures and the food passes GACC assessment; upon the resumption of food imports GACC may, depending on assessment, adopt the control measures provided in Article 34 of these Measures.

Article 37 Finding food imports noncompliant with laws, regulations, or national food safety standards, or when there is evidence showing that the food imports may harm human health, food importers shall, in accordance with the provisions of Article 63 and Article 94.3 of the Food Safety Law, stop the import, sales, and use of the food immediately; recall the foods; notify relevant producers, food operators, and consumers; and record the recall and notification. The importer shall report the food recall, notification, and disposal to the local Customs office.

Chapter III Food for Export

Article 38 (Chinese) export food producers shall ensure that their food for export complies with the standards of the importing country (region) or the contract; if international treaties and agreements concluded or participated in by China have special requirements, such requirements in international treaties or agreements shall be followed.

If the importing country (region) does not have an eligible standard, nor does the contract have requirements, and the international treaties/agreement China concluded or participated in do not have relevant requirements, the export food producers shall ensure their food for export complies with the national food safety standards of China.

Article 39 Customs implements oversight on food for export. Oversight measures for export food include record filing of the crop and animal farms of raw materials, record filing of export food producers, facility verification, document review, on-site inspection, supervision and sample testing, sampling inspection at ports, overseas notification verification, and various combinations of such measures.

Article 40 A crop or animal farm producing materials that are used in food for export shall file for record at the local Customs office.

GACC uniformly announces the list of raw material crop and animal farms which have record filing; the procedures and requirements for record filing are formulated by GACC.

Article 41 Customs oversees the record filed crop and animal farms by means of document review, on-site inspections, and facility verifications, etc.

Article 42 A food export facility shall file for records with local Customs; the procedure and requirements for record filing are formulated by GACC.

Article 43 When a foreign country (region) requests registration of food production facilities that export food to the country (region) and requests GACC recommendation, the food production facility must apply to the local Customs office; the local Customs office conducts an initial verification and reports the (application) to GACC.

GACC handles facility registration recommendation with other countries based on the facilities' credit, oversight, and local Customs offices' initial verification; relevant procedures and requirements for facility registration recommendation in other countries are formulated by GACC.

Article 44 Export food producers shall establish a complete and traceable food safety and sanitation control system, and guarantee effective operation of the system, ensure the production, processing, and storage process comply with the relevant laws, regulations, and health and safety requirements for export food producers of China; if the laws and regulations of the importing country (region) and relevant international treaties and contracts have special requirements, such requirements shall be followed.

Export food producers shall establish a supplier evaluation system, a receiving inspection record system, a production record keeping system, a delivery inspection record system, a traceability system for food exports, and a disposal mechanism for noncompliant food. Relevant records shall be authentic and valid and be kept for at least six months after the expiry of the food shelf life; if the shelf life is not specified, the records shall be kept for no less than two years.

Article 45 Export food producers shall guarantee that the packaging and transportation methods of food for export conform to food safety requirements.

Article 46 Export food producers shall indicate their record filing number, product name, production batch number, and date of production on the packaging.

If the importing country (region) or contract has special requirements, the above labeled items may be adjusted by the production facilities with approval of Customs directly under GACC, as long as the products remain traceable.

Article 47 Customs oversees the operation of the food safety and sanitation control systems of export food producers in the region. The oversight includes routine inspections and annual inspections.

The inspections can be conducted through document review, on-site inspections, and facility verifications, etc., and can be carried out in conjunction with the verification of overseas notifications of food exports, supervision and sample testing, and on-site inspection.

Article 48 The Customs office of the place of origin conducts inspections and quarantine on food for export pursuant to laws.

GACC may, for the purpose of facilitating foreign trade and export food inspection/quarantine, designate Customs offices in other locations to carry out the inspection and quarantine.

Article 49 Export food producers or exporters shall apply to the Customs office at the place of origin or where the goods are assembled for pre-export declaration supervision in accordance with the laws, regulations, and provisions of GACC.

After the Customs office at the place of origin or at the place where goods are assembled accepts the pre-export declaration supervision application, it conducts on-site inspection, supervision, and sample testing of the export food that requires inspection and quarantine in accordance with laws.

Article 50 Customs formulate the annual national export food safety supervision and sample testing plans and implement the plans.

Article 51 If Customs' on-site inspection and sample testing prove the food for export conforms to the export requirements, Customs issues certificates and approves exports. If the importing country (region) changes requirements on the format or content of the certificate, Customs, with approval of GACC, may modify the format and content of the certificate.

If Customs' on-site inspection and sample testing prove the food for export is noncompliant with requirements, Customs issues written notifications to the exporter or its agent. If technical treatment may be taken on relevant food for export, the food may only be exported after such technical treatment is taken and the food is compliant; if technical treatment cannot be made, or the food for export is still noncompliant after the technical treatment, the food is not permitted to be exported.

Article 52 Food exporters or their agents, when exporting foods, shall make declaration to Customs following laws.

Article 53 Customs conducts inspections on food for export at ports; food that fails inspections are not permitted to be exported.

Article 54 Taking note of export food notified by international organizations and overseas governments due to safety issues, GACC conducts verification (of the notifications) and takes control measures, including adjusting the ratio of sample testing pursuant to needs, requesting the food exporter to provide inspection reports issued by a qualified inspection institution for each batch (of export), or withdrawing the recommendation to the overseas competent authority for registration.

Article 55 Finding export food safety problems that have caused or may cause harm to human health and life, the export food's producer or operator shall immediately take proper actions to avoid or mitigate such harm and report the safety problem to the local Customs office.

Article 56 Finding safety problems in food for export in its oversight, Customs shall notify the municipal government of the same level and the food safety authority in the higher-level government.

Chapter IV Supervision and Administration

Article 57 In accordance with Article 100 of the Food Safety Law, GACC collects and categorizes safety information related to import and export food and establishes the import and export food safety information management system.

Customs offices at all levels collect and collate import and export food safety information in their region and collect information designated by higher-level authorities; such information shall be notified to the local municipal government, relevant government agencies, institutions, and facilities in the region. If the notified information involves other regions, it shall be timely notified to Customs of the relevant regions.

In addition to the import and export food safety information stipulated in Article 100 of the Food Safety Law, Customs shall collect and categorize information related to foreign technical trade barrier measures on food.

Article 58 Customs analyzes import and export food safety information collected; based on the conclusions from the analysis, Customs determines the corresponding control measures.

Article 59 Noticing food safety incidents or diseases in China or abroad that may affect safety of food imports and exports or detecting serious food safety problems in food imports and exports, Customs offices directly subordinate to GACC shall report the findings to GACC in a timely manner. GACC shall issue risk warnings accordingly, issue risk alert notifications within the Customs system, and notify the State Council's departments of food safety, health, and agriculture. Risk warnings notices are issued to consumers when necessary.

Where GACC issues risk warning notices, (Customs shall) follow requirements of the risk warnings and take control measures on the imported and exported foods pursuant to provisions of Article 34, 35, 36 and 54.

Article 60 Customs formulates annual national risk monitoring plans for import and export food safety; under the plans, data and relevant information on foodborne illnesses, food contamination, and harmful factors in food imports and exports are systematically and continuously collected

Article 61 If food safety incidents abroad may impact China, or assessment deems such incidents may bear uncontrollable risks, GACC may follow international practices to directly issue risk warning notices in the Customs system, or issue risk warning notifications to consumers, and take the control measures provided in Article 34, 35, and 36.

Article 62 Customs formulates and implements the emergency response plan for emergency safety incidents of import and export food.

Article 63 When performing their duties of import and export food safety oversight, Customs has the right to take the following measures:

1. Enter production and operations facilities to carry out on-site inspections;
2. Conduct sample testing of food in production and operations;
3. Check and copy relevant contracts, bills, accounting books, and other documents;
4. Seize and detain food proven to be noncompliant with national food safety standards, food proven to present safety hazards, or food illegally produced or sold.

Article 64 Customs implements credit management on import and export facilities.

Article 65 Customs, in accordance with laws, conducts audits and verifications on producers and operators of import and export food, and the crop and animal farms that file for records (with GACC).

Article 66 Food that transits through China shall comply with the regulatory requirements of GACC for goods in transit. During transit, food shall not be unpacked or removed from the transportation equipment without Customs approval; food in transit should be transported out of China within the specified period.

Article 67 If in disagreement with a Customs test result, a producer or operator of import or export food may apply for retesting in accordance with the measures for retesting of import and export commodities.

Customs rejects retesting applications under any of the following circumstances:

1. Test results show that the microbiological indicators exceed the limit;
2. The back-up samples for retesting have passed the shelf life; or
3. The back-up samples cannot be used for retesting due to other reasons.

Chapter V Legal Liability

Article 68 If the content of record filing of a food importer has changed and the importer fails to apply for a change of record filing with Customs, Customs may issue a warning if the circumstances are serious.

If a food importer provides false information for record filing, Customs impose a fine of less than 10,000 yuan.

Article 69 If a producer or an operator of imported/exported food in China refuses to cooperate with Customs in import and export food safety verification, refuses to accept inquiries, or refuses requests for materials, or the responses and the provided materials are inconsistent with the actual situation, Customs issues a warning to the producer or operation or imposes a fine of less than 10,000 yuan.

Article 70 Finding Chinese labels are not affixed to imported prepackaged food, or the Chinese labels do not conform to laws, regulations, and national food safety standards, and the food importer refuses to destroy, return, or take technical treatment of the food as required by Customs, Customs issues a warning or imposes a fine of less than 10,000 yuan.

Article 71 If an entity takes imported food away from the Customs designated or accredited site without approval, Customs instructs the entity to take corrective measures and imposes a fine of less than 10,000 yuan.

Article 72 An entity that falls under the following circumstances within the scope of “failing to abide by the provisions of the Food Safety Law for food export” stipulated in Article 129.1.3 of the Food Safety Law should be punished by Customs according to Article 124 of the Food Safety Law:

1. It switches, without approval, export food that has passed Customs supervision and sample testing and Customs has issued certificates for the product;
2. It exports food which is adulterated or fake, substitutes low quality food for high quality food, or substitutes noncompliant food for compliant food;
3. It exports food produced by production facilities that have not obtained record filing;
4. It exports foods produced by an unregistered facility to a country (region) that has registration requirements for food production facilities; or exports foods produced by a registered facility, but the product is not within the scope of registered food categories;
5. Export food is not produced using materials from crop or animal farms which have obtained record filing;
or

6. The producer or operator of food for export falls under the circumstances prescribed in Articles 123, 124, 125 and 126 of the Food Safety Law, and the exported food does not comply with the requirements of the importing country (region).

Article 73 Anyone who violates the provisions of these Measures and constitutes a crime shall be investigated for criminal responsibility in accordance with the law.

Chapter VI Supplementary Provisions

Article 74 The safety oversight of areas under special Customs supervision, bonded zones, food purchased from markets, food traded through small-scale border trade or barter trade should be performed pursuant to the relevant GACC rules.

Article 75 The safety oversight of import and export of food through mail, express delivery, cross-border e-commerce retail, or carried by travelers should be performed pursuant to the relevant GACC rules.

Article 76 Samples, presents, gifts, exhibits, or donations for non-trading purposes, duty-free food, foods imported or exported for public or private use by embassies/consulates of other countries, foods for public or private use by Chinese embassies/consulates and staff, foods for private use by personnel of Chinese facilities stationed abroad should be governed by the relevant provisions of GACC.

Article 77 The producers and operators of food imports and exports referred to in these Measures include overseas production facilities and exporters/agents exporting food to China, food importers, facilities producing food for export, exporters, and related personnel.

The overseas production facilities of import food in these Measures include overseas facilities that engage in production, processing, and storage of foods exported to China.

Importers and exporters of imported food in these Measures include overseas exporters or agents that export food to China, or food importers.

Article 78 GACC is responsible for the interpretation of these Measures.

Article 79 These Measures come into force on January 1, 2022. The Administrative Measures on Import and Export Food Safety issued as AQSIQ Decree 144 on September 13, 2011 and revised by AQSIQ Decree 184 on October 18, 2016 and GACC Decree 243 on November 23, 2018, the Measures for the Administration of Inspection and Quarantine of Exported Honey released as AQSIQ Decree 20 on February 22, 2000 and revised by GACC Decree 238 on April 28, 2018, the Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Aquatic Products released as AQSIQ Decree 135 on January 4, 2011 and revised by GACC Decree 243 on November 23, 2018, the Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Meat Products released as AQSIQ Decree 136 on January 4, 2011 and revised by GACC Decree 243 on November 23, 2018, the Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Dairy Products released as AQSIQ Decree 152 on January 24, 2013 and revised by GACC Decree 243 on November 23, 2018, as well as the Administrative Provisions on the Filing of Export Food Producers released as AQSIQ Decree 192 on November 14, 2017 and revised by GACC Decree 243 on November 23, 2018, will be annulled at the same time.

END OF TRANSLATION

Attachments:

No Attachments.