

Provisions on the Administration of the Registration of Foreign Manufacturers of Imported Foods

Chapter I General Provisions

Article 1 These Provisions are hereby enacted with a view to strengthening the supervision and administration of foreign manufacturers of imported foods and in accordance with provisions of laws and administrative regulations such as the *Food Safety Law of the People's Republic of China* and its *Regulations for Implementation* as well as the *Law of the People's Republic of China on Import and Export Commodity Inspection* and its *Regulations for Implementation*, etc.

Article 2 These Provisions apply to the registration as well as the supervision and administration of foreign production, processing and storing enterprises exporting foods to China (hereinafter referred to as foreign manufacturers of imported foods).

Article 3 The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as the AQSIQ) uniformly administers the registration of foreign manufactures of imported foods. The Certification and Accreditation Administration of the People's Republic of China (hereinafter referred to as the CNCA) organises and implements the registration of foreign manufactures of imported foods as well as their supervision and administration.

Article 4 The Implementation Catalogue of Registration of Foreign Manufacturers of Imported Foods (hereinafter referred to as the Catalogue) shall be established and adjusted by the CNCA, and published by the AQSIQ.

The registration review procedure and technical requirement for products of different categories in the Catalogue shall be separately developed and released by the CNCA.

Article 5 Foreign manufacturers of foods listed in the Catalogue shall not be allowed to export their products to China without registration.

Chapter II Registration Conditions and Procedure

Article 6 Registration conditions for foreign manufacturers of imported foods:

- 1) Registration-related systems in the country (region) where the enterprise is located have passed the assessment, such as the veterinary services system, the plant protection system, and the public health management system;

- 2) The country (region) where the enterprise is located shall be free of certain animal and plant epidemic diseases, and animal and plant raw materials used in the foods exporting to China shall come from epidemic disease-free areas;
- 3) The enterprise is subject to the approval and effective supervision of relevant competent authorities of the country (region) where it is located, and its sanitary conditions shall comply with relevant provisions of Chinese laws and regulations as well as standard specifications.

Article 7 In order to apply for registration, foreign manufacturers of imported foods shall pass the recommendation of the competent authorities of the country (region) where it is located or by other stipulated ways to the Certification and Accreditation Administration of the People's Republic of China (also called CNCA) , and submit certificating documents and the following materials in line with Article 6 of the Provisions; all of the relevant material submitted should be Chinese or English texts:

- 1) Relevant laws and regulations of the country (region) where the enterprise is located with regard to animal and plant epidemic diseases, veterinary health, public health, plant protection, pesticides and veterinary drug residues, registration administration and sanitary requirements of food manufacturers, etc., as well as written materials concerning the organisational structure and staffing of competent authorities in the country (region) where the enterprise is located and the enforcement of laws and regulations, etc.;
- 2) List of foreign food manufacturers applying for registration;
- 3) Answer sheet of assessment conducted by competent authorities in the country (region) where the enterprise is located for actual quarantine and health control of the recommended enterprise;
- 4) Commitment of competent authorities in the country (region) where the enterprise is located that the recommended enterprise complies with requirements of Chinese laws and regulations;
- 5) Relevant materials of the enterprise (application for business registration, plan views of factory, workshop, and cold storage, process flow charts, etc.).

Article 8 The CNCA shall organise experts or designated agencies to review the material submitted by competent authorities of the country (region) where the foreign food manufacturer is located or by other prescribed means, and organise a review team consisting of at least 2 members to conduct on-site review as needed.

The review personnel shall pass the assessment by the CNCA.

Article 9 The review team shall conduct review according to the review procedures and requirement for products of different categories in the Catalogue, and submit the review report to the CNCA.

The CNCA shall examine the review report according to the working procedure, and determine whether to accept registration or not. Those who meet the registration requirement will be registered, and a written notice will be given to competent authorities of the country (region) where the foreign food manufacturer is located; in case of refusal to register, a written notice with explanations will be given to competent authorities of the country (region) where the foreign food manufacturer is located.

The CNCA shall uniformly publish the list of registered foreign food manufacturers on a regular basis, and report to the AQSIQ.

Article 10 The registration shall be valid for a period of 4 years.

In the event that the foreign food manufacturer needs to renew the term of validity of its registration, it shall apply for renewal of registration to the CNCA through competent authorities of the country (region) where it is located or by other prescribed means one year before the term of validity expires.

In the event that the manufacturer fails to apply for renewal of registration within the time limit, the CNCA shall cancel its registration and make an announcement.

Article 11 When the registration particulars of registered foreign food manufacturer have changed, the manufacturer shall inform the CNCA in a timely manner through competent authorities of the country (region) where it is located or by other stipulated ways. The CNCA shall settle down the corresponding problems according to specific changes and report to the AQSIQ.

Article 12 The registered foreign food manufacturer shall truthfully label the registration number on the outer package of their foods exporting to China.

Any false use or transfer of registration number is prohibited.

Chapter III Registration Administration

Article 13 The CNCA supervises and administers the foreign manufacturers of foods listed in the Catalogue by the law, and organises experts or designated agencies to conduct re-examination when necessary.

Article 14 If upon the re-examination it is found that the registered foreign food manufacturer is not able to keep meeting the requirement for registration, the CNCA

shall suspend its qualification for registration and report to the AQSIQ for the suspension of the import of relevant products, and also inform competent authorities of the country (region) where the manufacturer is located, and make an announcement.

Competent authorities of the country (region) where the foreign food manufacturer is located shall supervise the enterprise that is subjected to ratification to complete the rectification within the time limit, and submit the written ratification report as well as the written commitment to meeting the requirements of Chinese laws and regulations to the CNCA. Only those that passed the review by the CNCA can continue to export foods to China.

Article 15 Under any of the following circumstances, the CNCA shall cancel the registration of the registered foreign food manufacturer and report to the AQSIQ, and also inform competent authorities of the country (region) where the manufacturer is located, and make an announcement:

- 1) Occurrence of serious food safety incidents in connection with imported foods for reasons attributable to the foreign food manufacturer;
- 2) Serious non-conformance is found by food entry inspection and quarantine;
- 3) Significant food safety and health management problems are found by the inspection, which makes the safety and health of their products un-guaranteed;
- 4) Failure to meet the registration requirements after rectification;
- 5) Providing false materials or concealing the facts;
- 6) Borrowing, falsely using, altering, forging or transferring the registration number.

Article 16 When the imported food listed in the Catalogue enters the country, the entry-exit inspection and quarantine authorities shall check whether it is produced by the registered manufacturer, and whether the registration number is true and accurate; for those found in the inspection that fail to meet the statutory requirements, certain measures shall be taken according to relevant laws and administrative regulations such as the *Law of the People's Republic of China on Import and Export Commodity Inspection*.

Article 17 In case relevant parties import foods manufactured by foreign food manufacturers that are subject to the registration administration but have not been registered, the entry-exit inspection and quarantine authorities shall, according to Article 52 of the *Regulations for the Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection*, order them to cease

such import, confiscate the illegal income, and impose a penalty amounting to 10%-50% of the value of goods.

Chapter IV Supplementary Provisions

Article 18 Where international organisation or competent authorities of the country (region) exporting foods to China release epidemic situation announcement, or serious problems such as epidemic or out-of-control public health is found in the entry inspection and quarantine, the CNCA will not accept the registration of food manufacturers recommended by competent authorities of such country (region) during the period that the AQSIQ announces to suspend the import of relevant foods from such country (region).

Article 19 Competent authorities of the country (region) where the foreign food manufacturer is located shall assist the review team assigned by the CNCA in the on-site review and re-examination.

Article 20 Registration administration of production, processing and storing enterprises exporting foods listed in the Catalogue to mainland China in the Hong Kong SAR, Macao SAR and Taiwan shall be implemented in light of these Provisions.

Article 21 For the purpose of these Provisions, competent authorities of the country (region) include official departments, official authorisation agencies as well as industrial organisations that are responsible for relevant food safety and health in the country (region) where the foreign food manufacturer is located.

Article 22 The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China is responsible for the interpretation of these Provisions.

Article 23 These Provisions will be implemented from March, 2012. The original *Provisions on the Administration of the Registration of Foreign Producers of Imported Foods* published by the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on March 14, 2002 shall be repealed on the same date.