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Administrative regulations on registration of overseas production enterprises for imported food

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Director

March 22, 2012

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Chapter I General rules

Article 1 The “Regulations” is formulated in accordance with the provisions of laws and administrative regulations including “Food Safety Law of the People’s Republic of China” and its implementing regulations, “Law of the People's Republic of China on import and export commodity inspection” and its implementing regulations, etc., to strengthen the supervision and administration of overseas food production enterprises for imported food.

Article 2 The registration and supervision and administration of overseas production, processing and storage enterprises (hereinafter uniformly referred to as overseas production enterprises for imported food) that export food to China shall apply to this regulation.

Article 3 The State Administration for Quality Supervision and Inspection and Quarantine (hereinafter referred to as AQSIQ) shall uniformly manage the registration work of overseas production enterprises for imported food.

The State Certification and Accreditation Administration Committee (hereinafter referred to as CNCA) shall organize the implementation of registration and supervision and administration of overseas production enterprises for imported food.

Article 4 The “Implementation catalogue of registration of overseas production enterprises for imported food” (hereinafter referred to as “Catalogue”) shall be formulated and adjusted by the CNCA and published by the AQSIQ.

The review procedures and technical requirements for registration of different product categories in the “Catalogue” shall be otherwise formulated and issued by the CNCA.

Article 5 For the overseas production enterprises of food in “Catalog”, the products can be imported only after the enterprise has attained the registration.

Chapter II Registration conditions and procedures

Article 6 Registration conditions for overseas production enterprises for imported food:

(I) The veterinary service system, plant protection system and public health management system related to the registration in the country (region) where the enterprise shall be qualified by assessment;

(II) The animal and plant raw materials used for food exported to our country shall come from unaffected areas; in case of food exported to our country with possible existence of risk of spread of animal and plant diseases, the competent authority of the country (region) where the enterprise is located shall provide risk elimination or controlled proof documents and relevant scientific materials.

(III) The enterprise shall be approved by the relevant competent authority of its country (region) and under its effective supervision, the hygienic conditions of it shall conform to the relevant provisions of Chinese laws, regulations and standard specifications.

Article 7 The overseas production enterprise for imported food applying for registration shall be recommended to the CNCA through the competent authority of its country (region) or by other specified means, and submit the proof documents complying with the conditions stipulated in Article 6 of this Measure and the following materials. The submitted relevant materials shall be in Chinese or English text:

(I) Laws and regulations of the country (region) relevant animal and plant epidemic situation, veterinary hygiene, public health, plant protection, pesticide and veterinary drug residues, food production enterprise registration administration and sanitary requirements and other aspects, written materials of the country (region) competent authorities institution setting and personnel situation and the implementation of laws and regulations and other aspects;

(II) List of overseas food production enterprises applying for registration;

(III) The assessment paper done by the country (region) competent authority for its recommended enterprises in respect of actual situations of the quarantine and hygiene control;

(IV) The statement from the country (region) competent authority for its recommended enterprises' conformity with the requirements of Chinese laws and regulations;

(V) Enterprise registration applications, if necessary, to provide plans of plants, workshops and cold storage, process flow diagrams and so on.

Article 8 The CNCA shall organize relevant experts or designated agencies to review the materials submitted by the competent authority of country (region) where the overseas food production enterprises locate or by other means, and shall, in accordance with the work needs, form a review panel with two members above for the site review.

Personnel engaged in the review shall be qualified by the CNCA.

Article 9 The review panel shall complete the assessment work in accordance with the review procedures and requirements for different product categories in the "Catalogue", and submit the evaluation report to the CNCA.

The CNCA shall review the assessment report in accordance with the working procedures, and make a decision on whether to register or not. The enterprises complying with the registration requirements will be registered, which shall be notified in written form to the competent authorities of the countries (regions) where the overseas food production enterprises locate; the enterprises not approved for registration shall be notified in written form to the competent authorities of the

countries (regions) where the overseas food production enterprise locate, and the reasons shall be stated.

The CNCA shall regularly and uniformly publish the list of overseas food production enterprises acquiring the registration, and report to the AQSIQ.

Article 10 The Registration is valid for 4 years.

The overseas food production enterprises needing to continue the registrations shall propose a continuation registration application to the CNCA through the competent authority of its country (region) or by other means before one year of the registration expiry date.

In case of enterprises not proposing the continuation registration application within the time limit, the CNCA shall cancel the registration and make a public announcement.

Article 11 When the registration matters of a registered overseas food production enterprise has been changed, it shall be promptly notified to the CNCA through the competent authority of its country (region) or by other means. The CNCA shall make corresponding handling in accordance with the specific changes, and report to the AQSIQ.

Article 12 An overseas food production enterprise that has been registered shall truthfully mark the registration number on the outside package of food exported to our country.

Infringement or transfer of the registration number is prohibited.

Chapter III Administration of the registration

Article 13 CNCA shall supervise and administer the overseas production enterprises for food included in the “Catalog” according to law, and organize relevant experts or designate institutions for re-examination if necessary.

Article 14 For the registered overseas food production enterprises which has been re-examined to be incapable to continue to meet the registration requirements, the CNCA shall suspend its registration qualification, report to the AQSIQ to suspend the importation of related products, and notify the competent authorities of the country (region) where it is located in at the mean time, and make an announcement.

The competent authorities of the country (region) where the overseas food production enterprises are located in shall supervise the enterprises that need rectification to complete within the prescribed time limit and submit written report of rectification and written statements in accordance with the requirements of Chinese laws and regulations to the CNCA. Only after the inspection of CNCA, could the approved ones continue to export food to China.

Article 15 Where the registered overseas food production enterprises has any of the following circumstances, the CNCA shall revoke its registration, report to the AQSIQ, and notify the competent authorities of the country (region) where it is located in at the mean time, and make an announcement:

(I) where the major food safety accidents of related imported foods are generated due to the cause of overseas food production enterprises;

(II) where its products are found unqualified in the inspection and quarantine of entry with serious circumstances;

(III) where there are major problems inspected in the management of food safety and hygiene, which cannot ensure the safety and hygiene of its foods;

(IV) where it is still inconsistent with the registration requirements after rectification;

(V) where the provided materials are found to be false or the related situations are hidden;

(VI) where the registration number is leased, lent, transferred, resold or obliterated.

Article 16 When the imported foods included in the “Catalog” are entered, the entry-exit inspection and quarantine institutions shall check whether they are produced by the registered enterprises, and whether the registration number is true and accurate. The ones that are found to be inconsistent with the statutory requirements shall accept treatment in accordance with relevant laws and administrative regulations including “Law of The People’s Republic of China on Import and Export Commodity Inspection”.

Article 17 Where the food is produced by overseas food production enterprises that have not yet been registered in the country that has implemented registration administration, the entry-exit inspection and quarantine institution shall order it to stop the importation and confiscate their illegal income in accordance with Article 52 of the “Regulations on Implementation of the Law of the People's Republic of China on Import and Export Commodity Inspection”, and make a penalty between 10% and 50 % of the goods value.

Chapter IV Supplementary provisions

Chapter 18 Where the international institutions or the competent authorities of the country (region) that imports foods to our country release an epidemic announcement, or the products are found to be out of control on epidemic and public hygiene and other serious problems in entry inspection and quarantine, during the AQSIQ announces to suspend the importation of related foods from this country (region), the CNCA shall not accept the registration of the relevant food production enterprises recommended by the competent authorities of this country (region).

Article 19 The competent authorities of the country (region) where the overseas food production enterprises are located in shall assist the assessment group assigned by CNCA to complete on-site assessment and re-examination.

Article 20 The registration administration on the production, processing and storage enterprises of foods included in the “Catalogue” exported by Hong Kong Special Administrative Region, Macao Special Administrative Region and Taiwan to the mainland of China, shall conform to this “Provisions”.

Article 21 The competent authorities of the country (region) where it is located in specified in this “Provisions” include the official departments, official authorized institutions as well as industrial associations responsible for the related food safety and hygiene of the country (region) where the overseas food production enterprises are located in.

Article 22 General Administration of Quality Supervision, Inspection and Quarantine is responsible for the interpretation of this “Provisions”.

Article 23 This “Provisions” shall enter into force from May 1, 2012. The original “Administrative regulations on the registration of overseas production enterprises for imported food” published by General Administration of Quality Supervision, Inspection and Quarantine on March 14, 2002 shall be abolished meanwhile.