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Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food of the People's Republic of China (Draft for Comments)

Chapter I: General Provisions

Article 1 [Legislative Basis]

To strengthen the registration management of overseas production enterprises of imported food, these regulations are formulated in accordance with the "Food Safety Law of the People's Republic of China" and its implementation regulations, the "Import and Export Commodity Inspection Law of the People's Republic of China" and its implementation regulations, the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and its implementation regulations, and the "Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products" and other laws and administrative regulations.

Article 2 [Scope of Application]

These regulations apply to the registration management of overseas production, processing, and storage enterprises (hereinafter collectively referred to as overseas production enterprises of imported food) that export food to China. The overseas production enterprises of food additives and food-related products mentioned in the preceding paragraph are not included.

Article 3 [Management Authority]

The General Administration of Customs is responsible for the unified management of the registration of overseas production enterprises of imported food.

Article 4 [Management Object]

Overseas production enterprises of imported food must obtain registration from the General Administration of Customs.

Chapter II: Registration Conditions and Procedures

Article 5 [Registration Conditions]

The registration conditions for overseas production enterprises of imported food are as follows:

1. Approved by the competent authority of the country (region) where it is located and under its effective supervision;
2. Establish an effective food safety and hygiene management and protection system, legally produce and export in the country (region) where it is located, and ensure that the food exported to China meets China's relevant laws, regulations, and national food safety standards;
3. Comply with the relevant inspection and quarantine requirements agreed upon by the General Administration of Customs and the competent authority of the country (region) where it is located.

Article 6 [System Recognition]

The competent authority of the country (region) where the overseas production enterprise of imported food is located can obtain system recognition from the General Administration of

UNOFFICIAL TRANSLATION

Customs if the food safety management system of the country (region) meets one of the following conditions:

1. Accept and pass the inspection of the food safety management system of the country (region) by the General Administration of Customs;
2. Sign a food safety cooperation agreement with the General Administration of Customs;
3. Sign a mutual recognition agreement of "Authorized Economic Operator" (AEO) with the General Administration of Customs;
4. Sign other cooperation agreements or joint statements with Chinese government departments that include food safety cooperation content.

Article 7 [List Registration]

If the food safety management system of the country (region) where the overseas production enterprise of imported food is located is recognized by the General Administration of Customs, the competent authority of the country (region) can submit a list of recommended food production enterprises for registration in China to the General Administration of Customs. The General Administration of Customs will register the overseas production enterprises of imported food on the list and grant them a registration number in China. The list of food production enterprises should include the relevant information specified in Article 10 of these regulations.

Article 8 [Exit Recognition]

If necessary, the General Administration of Customs can choose to conduct random inspections and verifications of all or part of the enterprises on the list of recommended food production enterprises for registration in China submitted by the recognized competent authority of the overseas country (region) through video inspections, on-site inspections, etc. If the verification finds that the enterprises do not meet the registration requirements, the General Administration of Customs will not register the relevant enterprises and may terminate the recognition of the food safety management system of the relevant overseas country (region) based on the risk assessment results.

Article 9 [Enterprise Application]

Overseas food production enterprises from countries (regions) that have not obtained system recognition from the General Administration of Customs can apply for registration to the General Administration of Customs on their own or through an agent and submit the following application materials:

1. Enterprise registration application information;
2. Proof documents of the application information, such as business licenses issued by the competent authority of the country (region) where it is located, and certification documents issued by the competent authority;
3. A statement of commitment to comply with the requirements of these regulations;
4. For products listed in the "Directory of Foods Requiring Official Recommendation Registration," provide the inspection report and recommendation letter issued by the competent authority of the country (region) where the enterprise is located; If necessary, the General Administration of Customs may require the provision of documents related to the enterprise's food safety and hygiene management and protection system.

UNOFFICIAL TRANSLATION

Article 10 [Application Information]

The registration application information of the enterprise should include the enterprise name, country (region) where it is located, production site address, actual controller (company), contact person, contact information, registration number approved by the competent authority of the country (region) where it is located, type of food applied for registration, production type, production capacity, and other information.

Article 11 [Recommendation Directory]

The General Administration of Customs determines and publishes the "Directory of Foods Requiring Official Recommendation Registration" based on the analysis of factors such as the source of raw materials, production and processing technology, food safety historical data, consumer groups, and consumption methods, combined with international practices. The General Administration of Customs can dynamically adjust the "Directory" based on risk analysis or evidence indicating changes in the risk of certain types of food.

Article 12 [Material Requirements]

Registration application materials should be submitted in Chinese or English. If the relevant country (region) and China have other agreements on the registration method and application materials, the agreements between the two parties shall prevail.

Article 13 [Main Responsibility]

Overseas production enterprises of imported food and the competent authority of the country (region) where they are located are responsible for the authenticity, completeness, and legality of the submitted materials.

Article 14 [Inspection and Verification]

The General Administration of Customs can organize an evaluation team on its own or entrust relevant institutions to conduct inspections and verifications of the overseas production enterprises of imported food applying for registration through methods such as reviewing application materials, video inspections, on-site inspections, or a combination of these methods. The evaluation team consists of more than two evaluators. Overseas production enterprises of imported food and the competent authority of the country (region) where they are located should assist in the above inspection and verification work.

Article 15 [Registration Decision]

For overseas production enterprises of imported food that have complete application materials and meet the requirements upon verification, the General Administration of Customs will register them and grant them a registration number in China, and notify the competent authority of the country (region) where they are located or the overseas production enterprises of imported food. For those that do not meet the requirements, the General Administration of Customs will not register them and notify the competent authority of the country (region) where they are located or the overseas production enterprises of imported food.

Article 16 [Registration Number]

Registered enterprises should mark the registration number in China or the registration number

UNOFFICIAL TRANSLATION

approved by the competent authority of the country (region) where they are located on the inner and outer packaging of the food exported to China.

Article 17 [Registration Validity Period]

The registration validity period for overseas production enterprises of imported food is five years. When the General Administration of Customs registers overseas production enterprises of imported food, it should determine the start and end dates of the registration validity period.

Article 18 [Information Disclosure]

The General Administration of Customs will uniformly disclose the list of registered overseas production enterprises of imported food.

Chapter III: Registration Management

Article 19 [Registration Review]

The General Administration of Customs can organize a review on its own or entrust relevant institutions to review whether overseas production enterprises of imported food continuously meet the registration requirements.

Article 20 [Information Change]

During the registration validity period, if the registration information of overseas production enterprises of imported food changes, they should submit a change application to the General Administration of Customs through the registration application channel and submit the following materials:

1. A comparison table of the changed registration items;
2. Proof materials related to the changed information. The General Administration of Customs will change the information of enterprises that meet the registration requirements. If the production site is relocated, which has a significant impact on the enterprise's food safety and hygiene management and control, a new registration application should be submitted.

Article 21 [Registration Renewal]

If overseas production enterprises of imported food need to renew their registration, they should submit a renewal application to the General Administration of Customs through the registration application channel. The renewal application materials include:

1. Renewal application information;
2. A statement of commitment to continuously meet the registration requirements. The General Administration of Customs will renew the registration for enterprises that meet the registration requirements, extending the registration validity period by five years.

Article 22 [Registration Cancellation]

The General Administration of Customs will cancel the registration of overseas production enterprises of imported food in the following circumstances, notify the competent authority of the country (region) where they are located or the overseas production enterprises of imported food, and disclose the information:

1. Failure to apply for registration renewal as required;

UNOFFICIAL TRANSLATION

2. Voluntary application for cancellation by the competent authority of the country (region) where they are located or the overseas production enterprises of imported food;
3. No longer meeting the requirements of Article 5, Item (2) of these regulations.

Article 23 [Proactive Suspension]

The competent authority of the country (region) where the overseas production enterprises of imported food are located should effectively supervise the registered enterprises, urging them to continuously meet the registration requirements. If they find that the enterprises do not meet the registration requirements, they should immediately take control measures and suspend the export of food to China until the enterprises meet the registration requirements after rectification. If overseas production enterprises of imported food find that they do not meet the registration requirements, they should proactively suspend the export of food to China, immediately take rectification measures, and resume the export of food to China after meeting the registration requirements.

Article 24 [Rectification and Recovery]

If the General Administration of Customs finds that registered overseas production enterprises of imported food no longer meet the registration requirements, it should require them to rectify, and suspend the import of food from the relevant enterprises during the rectification period. After the enterprises complete the rectification, they should submit a written rectification report and a written statement of compliance with the registration requirements to the General Administration of Customs through the registration application channel. The General Administration of Customs should inspect the rectification situation of the enterprises, and if they meet the requirements, the import of food from the relevant enterprises can be resumed.

Article 25 [Registration Revocation]

The General Administration of Customs will revoke the registration of overseas production enterprises of imported food in the following circumstances and disclose the information:

1. Causing a major food safety incident due to the enterprise's own reasons;
2. Finding food safety problems in the food exported to China during entry inspection and quarantine, with serious circumstances;
3. Major problems in the enterprise's food safety and hygiene management, unable to ensure that the food exported to China meets safety and hygiene requirements;
4. Failing to meet the registration requirements after rectification;
5. Providing false materials or concealing relevant information;
6. Refusing to cooperate with the General Administration of Customs in conducting reviews and accident investigations;
7. Leasing, lending, transferring, reselling, or misusing the registration number.

Chapter IV: Supplementary Provisions

Article 26 [Ban Suspension]

If international organizations or the competent authority of the country (region) where the food is exported to China issue an epidemic notification, or if serious problems such as epidemics or public health incidents are found in the food during entry inspection and quarantine, the General Administration of Customs will announce the suspension of the import of the relevant food from

UNOFFICIAL TRANSLATION

the country (region) and will not accept the registration application of the relevant food production enterprises from the country (region) during this period.

Article 27 [Competent Authority Interpretation]

The competent authority of the country (region) mentioned in these regulations refers to the official department responsible for the safety and hygiene supervision of food production enterprises in the country (region) where the overseas production enterprises of imported food are located.

Article 28 [Exemption from Registration]

Overseas production enterprises of food that are mailed, express, cross-border e-commerce retail, carried by passengers, samples, gifts, exhibition items, aid, duty-free operations, and food for the use of foreign embassies and consulates in China and their personnel are exempt from registration.

Article 29 [Interpretation Authority]

The General Administration of Customs is responsible for interpreting these regulations.

Article 30 [Implementation Time]

These regulations will come into effect on [date]. The "Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food of the People's Republic of China" (General Administration of Customs Order No. 248) issued on April 12, 2021, will be repealed simultaneously.