

**General Administration of Quality Supervision, Inspection and
Quarantine of the People's Republic of China**

**Regulation on Registration and Management of Overseas
Producers of Imported Food**

(Zongjuling No. 145)

No. 145

The Regulation on Registration and Management of Overseas Producers of Imported Food is deliberated and passed by the administrative meeting of the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and hereby publicised, and is going into effect as from 1st May 2012.

Director General (Minister)

22nd March 2012

Regulation on Registration and Management of Overseas Producers of Imported Food

Chapter One: General Principles

Article One: This Regulation is made in accordance with the Food Safety Law of the People's Republic of China and its implementation regulations and Import and Export Commodity Inspection Law of the People's Republic of China and its implementation regulations as well as other laws and regulations so as to enhance supervision and management on overseas food producing firms of imported food.

Article Two: This Regulation is applicable to the registration, supervision and management of overseas food producing, processing and storing firms (known as overseas food producing firms in the following text) that export food to China.

The registration of overseas food producing firms that export food to China is under the exclusive management of General Administration of Quality Supervision, Inspection and Quarantine (known as AQSIQ in the following text).

The Certification and Accreditation Administration of the People's Republic of China (known as the CAA in the following text) organizes and implements the registration, supervision and management of overseas producers of imported food.

Article Four: The List of Implementation of Registration of Overseas Producers of Imported Food (known as the List in the following text) is made and readjusted by the CAA and publicised by AQSIQ.

The registration and assessment procedures and technical requirements for different varieties of products on the List is made and publicised by the CAA separately.

Article Five: Overseas producers of food on the List may only export their product(s) (to China) upon being registered.

Chapter Two: Registration Conditions and Procedures

Article Six: Conditions for overseas producers of imported food registration:

1. The veterinarian service system, plant protection system and public health management system as related to the registration in the country (region) where the producer is located is found qualified through assessment.
2. The animal/plant raw materials used in food exported to China shall come from non-epidemic area; for food exported to China that may have the risk of spreading

animal/plant epidemics, the relevant authorities of the country (region) where the firm is located shall provide documentary evidence and related scientific information that the risk is eliminated or controllable.

3. The firm is approved by and under effective supervision of the relevant authorities where the firm is located and its hygienic conditions conform to the relevant stipulations of the Chinese laws, regulations, standards and criteria.

Article Seven: An overseas producer of imported food shall apply for registration through recommendation of the relevant authorities of the country (region) where the firm is located or other required approach to the CAA, by submitting documentary evidence as required by Article Six of this Regulation together with the following information, which shall be presented in Chinese or English:

1. Written information on the laws and regulations in regard to animal/plant epidemics, veterinarian service, public health service, plant protection, pesticide/veterinary drugs residues, food producer registration and management and hygienic requirements, etc., and organizational and personnel establishment of the relevant authorities and the implementation of the laws and regulations in the country (region) where the firm is located;
2. List of overseas food producing firms applying for registration;
3. Questionnaire of assessment on the actual performance of quarantine and hygiene control of the firm recommended by the relevant authorities of the country (region) where the firm is located;
4. Statement of conformity to the requirements of the Chinese laws and regulations of the recommended firm by the relevant authorities of the country (region) where the firm is located;
5. Application for registration of the firm, providing plans of the site, workshop(s) and storage freezer as well as process flowsheet when necessary.

Article Eight: The CAA organizes relevant experts or designated institution to conduct examination on the information submitted by the relevant authorities of the country (region) where the overseas food producing firm is located and dispatches an assessment group to conduct on-site assessment when necessary, and the group is comprised of two or more members.

The group members should pass the CAA examinations.

Article Nine: The assessment group shall accomplish the assessment in accordance with the procedures and requirements in accordance with the variety of the product as specified by the List, and present the assessment report to the CAA.

The CAA shall conduct examination on the assessment report in accordance with the working procedure and make a decision on whether to approve the registration or not. It shall register a firm that conforms with the registration requirements and notify the relevant authorities of the country (region) where the overseas food producing firms is located in writing; and for that approval is withheld, a written notification shall be forwarded to the relevant authorities of the country (region) where the overseas food producing firms is located with explanations.

The CAA shall exclusively publicise the list of the registered overseas food producing firms on a regular basis and report to AQSIQ.

Article Ten: The term of validity of the registration is four years.

For renewal of the registration, an overseas food producing firm shall make an application for the renewal of the registration one year in advance of the expiry of the registration through the relevant authorities of the country (region) where the firm is located or other required approach.

The registration is cancelled for a firm that fails to apply for the renewal of the registration in time and the result shall be publicised.

Article Eleven: In case the registered item(s) of the registered overseas food producing firm changes, the firm shall notify the CAA through the relevant authorities of the country (region) where the firm is located or other required approach in a timely manner and the CAA shall take the relevant measures in the light of the specific change(s) and report to AQSIQ.

Article Twelve: The registered overseas food producing firm shall factually mark the registration number on the packaging of the food exported to China.

The registration number is not allowed to be used in fraudulence or transferred.

Chapter Three: Registration Management

Article Thirteen: The CAA conducts supervision and management on the overseas food producers on the List in accordance with the laws and organizes the experts or designated institution to conduct reexamination when necessary.

Article Fourteen: The CAA, on discovering that a registered overseas food producing firm is incapable of continuously conforming to the requirements of the registration,

shall suspend the firm's registration and notify AQSIQ to suspend import of the relevant product(s), and in the meantime notify the relevant authorities of the country (region) where the firm is located and publicise the case.

Article Fifteen: The CAA shall cancel the registration and notify AQSIQ in the meantime of notifying the relevant authorities of the country (region) where the firm is located and publicise the incident in case a registered overseas food producing firm is found in the following situation:

1. Causing major food safety incident to the relevant imported food owing to the overseas food producing firm;
2. Serious case of the firm's product(s) being found unqualified in the import inspection and quarantine procedures;
3. Serious problem is found in the food safety and hygiene management, which is incapable of ensuring the safety and hygiene of the firm's product(s);
4. Continuing to fail to meet the registration requirements upon rectification;
5. Providing false information on or coverup the relevant situation;
6. Putting the registration number on lease, lend, transfer, resale or in obliteration.

Article Sixteen: When imported food on the List enters the border, the import and export inspection and quarantine institution shall examine if the food is produced by a registered firm, whether the registration number is authentic and accurate and in case the food is found not in conformity with the legal requirements, it shall be handled in accordance with the Import and Export Commodity Inspection Law of the People's Republic of China and other relevant laws and administrative regulations.

Article Seventeen: The act of importing food covered by the registration system of the state produced by an unregistered overseas food producing firm shall be ordered to stop by the import and export inspection and quarantine institution, the illegal earnings shall be seized and a fine between 10% and 50% of the value of the commodities shall be imposed.

Chapter Four: Supplementary Provisions

Article Eighteen: When international organizations or the relevant authorities of the country (region) exporting food to China issue epidemic notification; or the product(s) is found to have serious problems of epidemics or lack of control over public health management in the import inspection and quarantine procedures; or during the suspension of food import from the country (region) as announced by the AQSIQ, the

CAA shall not accept application for registration recommended by the relevant authorities of the country (region) where the above mentioned cases happen.

Article Nineteen: The relevant authorities of the country (region) where the overseas food producing firm is located shall provide assistance to the assessment group dispatched by the CAA to accomplish on-site assessment or reexamination.

Article Twenty: The registration and management of food producing, processing and storing firms exporting food covered by the List to the Chinese mainland from Hong Kong Special Administrative Region, Macau Special Administrative Region and Taiwan shall follow this Regulation.

Article Twenty-one: The relevant authorities of the country (region) where the overseas food producing firm is located referred to in this Regulation include the official department(s) related to food safety and hygiene, and officially authorized institution(s) and industrial organization(s), etc., of the country (region) where the overseas food producing firm is located.

Article Twenty-two: AQSIQ is responsible for the interpretation of this Regulation.

Article Twenty-three: This Regulation goes into effect as from 1st May 2012. In the same time, the Regulation on Registration and Management of Overseas Producers of Imported Food issued by AQSIQ on 14th March 2002 is annulled.