

# Decree No. 249 of the General Administration of Customs Decree on Promulgating the *Measures of the People's Republic of China for the Administration of Import and Export Food Safety*

The *Measures of the People's Republic of China for the Administration of Import and Export Food Safety*, deliberated and adopted at the executive meeting of the General Administration of Customs of the People's Republic of China (GACC) on March 12, 2021, is hereby promulgated and shall come into force as of January 1, 2022. The *Measures for the Administration of Import and Export Food Safety*, published in Decree No. 144 of the former General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on September 13, 2011 and amended according to Decree No. 184 of the former AQSIQ on October 18, 2016 and Decree No. 243 of the GACC on November 23, 2018, the *Measures for the Administration of Inspection and Quarantine of Export Honey*, published in Decree No. 20 of the former State Administration for Entry-Exit Inspection and Quarantine (SAIQ) on February 22, 2000 and amended according to Decree No. 238 of the GACC on April 28, 2018, the *Measures for Supervision and Administration of Inspection and Quarantine of Import and Export Aquatic Products*, published in Decree No. 135 of the former AQSIQ on January 4, 2011 and amended according to Decree No. 243 of the GACC on November 23, 2018, the *Measures for Supervision and Administration of Inspection and Quarantine of Import and Export Meat Products*, published in Decree No. 136 of the former AQSIQ on January 4, 2011 and amended according to Decree No. 243 of the GACC on November 23, 2018, the *Measures for Supervision and Administration of Inspection and Quarantine of Import and Export Dairy Products*, published in Decree No. 152 of the former AQSIQ on January 24, 2013 and amended according to Decree No. 243 of the GACC on November 23, 2018, and the *Provisions on Filing Management of Export Food Production Enterprises*, published in Decree No. 192 of the former AQSIQ on November 14, 2017 and amended according to Decree No. 243 of the GACC on November 23, 2018 shall be repealed as of the same date.

Minister Ni Yuefeng

April 12, 2021

## Measures of the People's Republic of China for the Administration of Import and Export Food Safety

### Chapter I General Provisions

**Article 1** In order to guarantee the safety of import and export food and safeguard the life and health of human beings, animals and plants, these *Measures* are hereby formulated in accordance with the provisions of laws and administrative regulations including the *Food Safety Law of the People's Republic of China* (hereinafter referred to as the *Food Safety Law*) and its *Regulations for the Implementation*, the *Customs Law of the People's Republic of China* and the *Law of the People's Republic of China on Import and Export Commodity Inspection* and its *Regulations for the Implementation*, the *Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine* and its *Regulations for the Implementation*, the *Frontier Health and Quarantine Law of the People's Republic of China* and its *Regulations for the Implementation*, the *Law of the People's Republic of China on Quality and Safety of Agricultural Products*, and the *Special Provisions of the State Council on Enhancing the Supervision and Administration of Safety of Food and Other Products*.



**Article 2** The following activities shall be carried out in compliance with these *Measures*:

(I) Production and operation of import and export food; and

(II) Supervision and administration exercised by the Customs on import and export food producers and operators and on the safety of food they import and export.

The production and operation activities of import and export food additives and food-related products shall be carried out in accordance with relevant provisions of the General Administration of Customs (GACC).

**Article 3** The work on import and export food safety shall be handled in the principles of prioritizing safety, focusing on prevention, managing risks, exercising whole-process control, and pursuing international co-governance.

**Article 4** Import and export food producers and operators shall be held accountable for the safety of import and export food they produce and handle.

Import and export food producers and operators shall carry out production and operation of import and export food in accordance with international treaties or agreements that China has concluded or joined in and Chinese laws, regulations and national food safety standards, accept the supervision and administration in accordance with the law, ensure import and export food safety, be responsible to the society and the public, and assume social responsibilities.

**Article 5** The GACC shall be in charge of the supervision and administration of import and export food safety in the country.

The Customs at various levels shall be responsible for the supervision and administration of import and export food safety in areas within their jurisdiction.

**Article 6** The Customs shall use IT-enabled approaches to improve the supervision and administration of import and export food safety.

**Article 7** The Customs shall enhance the publicity of and education on import and export food safety, and carry out public education on laws and administrative regulations on food safety, national food safety standards, and relevant knowledge.

The Customs shall strengthen exchanges and cooperation with international organizations on food safety, foreign government agencies, foreign food industry associations, and foreign consumer associations, so as to create a paradigm of international co-governance of import and export food safety.

**Article 8** The Customs personnel who engage in the supervision and administration of import and export food safety shall possess relevant professional knowledge.

## Chapter II Food Import

**Article 9** Import food shall conform to Chinese laws and regulations and national food safety standards, and special requirements, if any, in international treaties or agreements that China has concluded or joined in.

Where there is no national food safety standards on some import food, such food shall conform to requirements in the temporarily applicable standards published by the department of health administration of the State Council.

For food produced using new food materials, administrative licensing for new food materials issued by the department of health administration of the State Council shall be obtained in accordance with the provisions in Article 37 of the *Food Safety Law*.

**Article 10** The Customs shall conduct conformity assessment of import food in accordance with provisions in relevant laws and administrative regulations on import and export commodity inspection.



The conformity assessment of import food includes: assessment and review of the food safety management system of a foreign country/region which exports food to China (hereinafter referred to as the foreign country/region), registration of overseas production enterprises, record filing and assurance of conformity of importers and exporters, quarantine approval of entry animals and plants, verification of conformity certification documents attached, document review, on-site inspection, supervision and sample testing, examination of import and sales records, and various combinations of such measures.

**Article 11** The GACC may assess and review the food safety management system and food safety situations of a foreign country/region, and determine the inspection and quarantine requirements in accordance with the assessment and review results.

**Article 12** The GACC may initiate an assessment and review of a foreign country/region under any of the following circumstances:

(I) Where the foreign country/region applies for the export of a certain category/kind of food to China for the first time;

(II) Where the foreign country/region has made a significant adjustment to its laws, regulations and regulatory authorities on food safety or animal and plant quarantine;

(III) Where the competent authority of the foreign country/region applies for any significant adjustment to inspection and quarantine requirements for a certain category/kind of food the country/region exports to China;

(IV) Where any major animal or plant disease or food safety incident has occurred in the foreign country/region;

(V) Where the Customs identifies serious problems in the food exported to China and deems that there is any animal or plant disease or food safety risk; or

(VI) Other circumstances in which an assessment and review is required.

**Article 13** The assessment and review of the food safety management system of a foreign country/region mainly includes assessment and confirmation of the following items:

(I) Laws and regulations related to food safety and animal and plant quarantine;

(II) Regulatory authorities for supervision and administration of food safety;

(III) Spread of animal or plant diseases and control measures;

(IV) Management and control of pathogenic microorganisms, pesticides and veterinary drugs, and contaminants, among others;

(V) Safety and sanitation control of food production, processing, transportation and storage;

(VI) Supervision and administration of export food safety;

(VII) Food safety protection, traceability and recall systems;

(VIII) Early-warning and emergency response mechanisms;

(IX) Technical support capacity; and

(X) Other situations involving animal or plant disease and food safety.

**Article 14** The GACC may organize experts to carry out the assessment and review by means of document review, video inspection, on-site inspection, and various combinations of such measures.

**Article 15** The GACC shall organize experts to review documents, including application materials and written assessment questionnaires, submitted by the country/region undergoing assessment and review. The authenticity, integrity and validity of the materials will be examined in the document review. According to the document review results, the GACC may require the competent authority of the country/region to supplement information or materials that are absent.



For a country/region which has passed the document review, the GACC may organize experts to conduct video inspection or on-site inspection of its food safety management system. It may require the competent authority of the country/region and relevant enterprises to rectify any problems identified.

The country/region shall provide necessary assistance to the assessment and review.

**Article 16** For any country/region undergoing the assessment and review, the GACC may terminate the assessment and review and notify the competent authority of the country/region of the termination under any of the following circumstances:

(I) Where the country/region fails to respond to the written assessment questionnaire within 12 months of receiving the questionnaire;

(II) Where the country/region fails to supplement information and materials within three months of receiving the notice from the GACC;

(III) Where a significant animal or plant disease or major food safety incident occurs in the country/region;

(IV) Where the country/region fails to cooperate with China on video inspection or on-site inspection, or fails to effectively make rectifications; or

(V) Where the country/region applies for termination of the assessment and review.

Under the first two circumstances in the preceding paragraph, the competent authority of the country/region may apply for an extension on account of special reasons and, upon the approval of the GACC, submit relevant materials before the new deadline determined by the GACC.

**Article 17** After the assessment and review, the GACC shall notify the competent authority of the country/region undergoing the assessment and review of the assessment and review results.

**Article 18** The GACC shall implement registration-based administration over overseas production enterprises which export food to China, and publish the list of registered enterprises.

**Article 19** Overseas exporters or agents exporting food to China (hereinafter referred to as overseas exporters or agents) shall file records with the GACC.

Food importers shall file records with the local Customs of their domicile.

When overseas exporters or agents and food importers file records, they shall be held accountable for the authenticity and validity of the materials they provide.

The GACC is responsible for publishing the list of overseas exporters or agents and food importers which have filed records.

**Article 20** Where there is any change in the filed information of overseas exporters or agents and food importers, they shall, within 60 days from the date the change takes place, apply for the change of filed information with the agencies in charge of record filing.

Where the Customs finds that an overseas exporter or agent and food importer provides false information in record filing or that the filed information has not been changed in a timely manner, the Customs may order it to make corrections within a prescribed period.

**Article 21** The food importers shall establish the system of food import and sales records to faithfully record the food name, net content/specification, quantity, date of production, production or import batch number, shelf life, name, address and contact information of overseas exporters and purchasers, and delivery date, among others, and preserve relevant supporting documents. The records and documents shall be kept for no less than six months after the expiry of food shelf life; where the shelf life is not specified, the records and documents shall be kept for at least two years after the food is sold.

**Article 22** The food importers shall establish a system for review of overseas exporters and overseas production enterprises, with the review focus placed on the following items:



(I) Formulation and implementation of food safety control measures; and

(II) How and how well they ensure the food conforms to Chinese laws and regulations and national food safety standards.

**Article 23** The Customs shall conduct supervision and inspection on food importers' implementation of review activities. The food importers shall actively cooperate on the supervision and inspection and truthfully provide relevant information and materials.

**Article 24** The Customs may, in accordance with the need of risk management, require import food to enter through designated ports and be inspected in designated regulatory sites. The list of designated ports and designated regulatory sites shall be published by the GACC.

**Article 25** The food importers or their agents shall truthfully declare with the Customs for import food.

**Article 26** The Customs shall perform quarantine of import food which is subject to entry quarantine in accordance with the law.

**Article 27** The Customs shall carry out quarantine examination and approval of import food that is subject to entry animal and plant quarantine examination and approval. The food importers shall obtain the entry animal and plant quarantine permit before signing trade contracts or agreements.

**Article 28** The Customs shall conduct on-site inspections on import food in accordance with the need of supervision and administration. The on-site inspections include but are not limited to the following items:

(I) Whether the means of transport and storage sites conform to safety and sanitation requirements;

(II) Whether the container number, seal number, identification information on the inner and outer packaging, and the actual condition of goods are consistent with the declaration information and attached documents;

(III) Whether food of animal or plant origin, packaging materials and bedding materials are involved in any circumstances as 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*;

(IV) Whether the inner and outer packaging conforms to the requirements of national food safety standards, and whether there is any contamination, damage, soaking or leaking;

(V) Whether the labels, markings and instructions on the inner and outer packaging conform to laws, administrative regulations, national food safety standards, and requirements specified by the GACC;

(VI) Whether the sensory qualities of food conform to its proper qualities; and

(VII) Freshness of frozen and refrigerated food, whether the center temperature conforms to the requirements, whether there are any lesions, whether the freezing and refrigeration temperature conforms to the requirements specified in relevant standards, whether the temperature control equipment in the cold chain functions normally, and whether the temperature records conform to the requirements. A boiling test may be conducted where necessary.

**Article 29** The GACC shall formulate the annual national plan for supervision and sample testing of import food safety and the special plans for supervision and sample testing of import food safety, and organize the implementation of such plans.

**Article 30** The packaging, labels and identification of import food should comply with Chinese laws and regulations and national food safety standards; where instructions are required in accordance with the law, instructions in Chinese shall be provided.

For import fresh and frozen meat, 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 readily legible, which bear the following contents: country/region of origin, product name, registration





number of the production enterprise, and production batch number; the outer packaging shall indicate in Chinese the product specification, place of production (specific down to state/province/city), destination, date of production, shelf life, and storage temperature, among others. The destination must be marked as the People's Republic of China, with the official inspection and quarantine marking of the exporting country/region affixed.

For import aquatic products, 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 readily legible, which bear the following contents: commodity name and scientific name, product specification, date of production, batch number, shelf life and storage conditions, means of production (ocean catch, freshwater catch, or aquaculture), production area (marine fishing area, freshwater fishing country or region, or country or region where the aquatic products come from), name, registration number and address (specific down to state/province/city) of all production and processing enterprises involved (including fishing vessels, processing vessels, transport vessels, and independent cold storage), and the destination must be marked as the People's Republic of China.

The Chinese labels of import dietary supplements and import food for special dietary purposes must be printed on the minimum sales packaging, and the affixing of such labels is not allowed.

Where special markings are required by relevant regulations on the inner and outer packaging of import food, such regulations shall be observed.

**Article 31** After arriving at the port, import food shall be stored in a site designated or accredited by the Customs; where the import food needs to be moved, an approval must be obtained from the Customs, and necessary safety protection measures shall be taken in accordance with the requirements of the Customs.

The designated or accredited sites shall conform to the requirements specified in laws, administrative regulations, and national food safety standards.

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

**Article 33** Import food which is assessed as qualified in the conformity assessment by the Customs shall be allowed to be imported into China.

Where any import food is assessed as unqualified in the conformity assessment by the Customs, the Customs shall issue a certificate of inconformity; where the import food is assessed as unqualified for safety, health or environmental protection items, the Customs shall notify the food importer in writing and instruct it to destroy or return the food; where the import food is assessed as unqualified for any other items but meets the requirements after technical treatment, its import shall be allowed. Where technical treatment of relevant import food cannot be completed within a prescribed period or the food is still assessed as unqualified after technical treatment, the Customs shall instruct the importer to destroy or return the food.

**Article 34** Where any overseas food safety incident may lead to any food safety risk in China, or the Customs identifies any unqualified import food in exercising the supervision and administration of import food or identifies any other food safety problem, the GACC and the authorized Customs directly under GACC may, in accordance with risk assessment results, take control measures on the import food involved, such as increasing the proportion of supervision and sample testing.

Where the Customs once again identifies unqualified import food after taking control measures such as increasing the proportion of supervision and sample testing in accordance with the provisions in the preceding paragraph, or there is evidence indicating major safety risk in the import food, the GACC and the authorized Customs directly under GACC may require food importers to submit inspection reports issued by qualified inspection institutions to the Customs on a batch-by-batch basis. The Customs shall verify the testing reports provided by the food importers.

**Article 35** Under any of the following circumstances, the GACC may, in accordance with risk assessment results, take control measures on relevant food, such as suspending or prohibiting its import:



(I) Where any major animal or plant disease occurs in the exporting country/region or a significant change takes place in its food safety system, which makes it unable to effectively ensure the safety of food exported to China;

(II) Where the import food is contaminated by pathogens of quarantinable infectious diseases, or there is evidence indicating that the food could become a vector of quarantinable infectious diseases, and there is no effective sanitary treatment available;

(III) Where, for any import food subject to control measures taken by the Customs in accordance with the provisions in Paragraph 2 of Article 34 of these *Measures*, it is again identified to be unqualified for safety, health or environmental protection items;

(IV) Where the overseas production enterprise violates relevant Chinese laws and regulations, and the circumstances are of a serious nature; or

(V) Where other information indicates that the food has significant safety risks.

**Article 36** When the safety risk of import food is reduced to a manageable level, the GACC and the authorized Customs directly under GACC may lift corresponding control measures in the following ways:

(I) For the food subject to the control measures as stipulated in Paragraph 1 of Article 34 of these *Measures*, where no such food is identified to be unqualified within a prescribed period and within specified batches, such control measures may be lifted on the basis of risk assessment;

(II) For the food subject to the control measures as stipulated in Paragraph 2 of Article 34 of these *Measures*, where the exporting country/region has adopted preventive measures, and the risk assessment of GACC indicates that such measures can ensure food safety and control the risk of animal or plant diseases, or there is no such food identified to be unqualified within a prescribed period and within specified batches since the date of taking such control measures, the Customs may lift the measures on the basis of risk assessment; or

(III) For the food subject to import suspension or prohibition, if the competent authority of the exporting country/region has taken risk control measures and the food passes the GACC's assessment, such suspension or prohibition may be lifted. For the food of which the import has been resumed, the GACC may adopt the control measures as specified in Article 34 of these *Measures* based on assessment results.

**Article 37** Where a food importer finds that the import food is noncompliant with laws, administrative regulations, and national food safety standards, or there is evidence indicating that the import food may harm human health, the food importer shall, in accordance with Article 63 and Paragraph 3 of Article 94 of the *Food Safety Law*, immediately stop importing, selling and using the import food, recall the food that has already been sold in market, notify relevant producers, operators and consumers, record the recall and notification, and report the food recall, notification and disposal to the local Customs.

### Chapter III Food Export

**Article 38** An export food production enterprise shall ensure that the food it exports conforms to the standards of the importing country/region or the requirements of contracts, and special requirements, if any, in international treaties or agreements that China has concluded or joined in.

Where the importing country/region has no standard, the contract provides no requirement, and the international treaties or agreements that China has concluded or joined in also include no relevant requirement, the export food production enterprise shall ensure that the food it exports conforms to national food safety standards of China.

**Article 39** The Customs shall implement supervision and administration on export food in accordance with the law. The measures for the supervision and administration of export food include record filing of the crop and animal farms for raw materials, record filing of export food production enterprises, verification of enterprises, document review, on-site inspection, supervision and sample



testing, sampling inspection at ports, overseas notification verification, and various combinations of such measures.

**Article 40** The crop or animal farm producing raw materials that are used in export food shall file records with the local Customs.

The GACC shall consolidate and announce the list of filed crop and animal farms producing materials, and formulate the requirements and procedures for record filing.

**Article 41** The Customs shall, in accordance with the law, adopt methods such as document review, on-site inspection, and enterprise verification to supervise the filed crop and animal farms producing raw materials.

**Article 42** Export food production enterprises shall file records with the local Customs of their domicile in accordance with the record filing procedures and requirements formulated by the GACC.

**Article 43** Where a foreign country/region implements registration-based administration over Chinese production enterprises exporting food to the country/region and requires for a recommendation by the GACC, export food production enterprises shall submit application to the local Customs of their domicile, and the local Customs shall report to the GACC upon initial verification.

The GACC shall handle the registration for export recommendation upon a full consideration of an enterprise's credit, supervision and administration conditions, and the initial verification results of the local Customs in a combined manner, and the procedures and requirements for the registration for export recommendation shall be formulated by the GACC.

**Article 44** An export food production enterprise shall establish a complete and traceable food safety and sanitation control system, and maintain the effective operation of the system to ensure that the production, processing and storage process of the export food continuously conforms to Chinese laws, regulations, and safety and sanitation requirements for export food production enterprises. Where there are special requirements stipulated by relevant laws and regulations of the importing country/region, or included in relevant international treaties or agreements, the export food production enterprise shall also comply with such requirements.

The export food production enterprise shall establish a supplier assessment system, a receiving inspection record system, a production record keeping system, a delivery inspection record system, a traceability system for export food, and a disposal mechanism for unqualified food. Relevant records shall be authentic and valid and kept for at least six months after the expiry of the food shelf life; where the shelf life is not specified, the records shall be kept for no less than two years.

**Article 45** An export food production enterprise shall make sure that the packaging and transportation methods of export food meet the requirements for food safety.

**Article 46** An export food production enterprise shall indicate on the transportation packaging the record filing number of production enterprise, product name, production batch number, and the date of production.

Where the importing country/region or the contract has special requirements, the labeled information specified in the preceding paragraph may be adjusted by the export food production enterprise upon the approval of Customs directly under GACC, as long as the products remain traceable.

**Article 47** The Customs shall supervise and inspect the operation of the food safety and sanitation control system of export food production enterprises within their jurisdiction. The supervision and inspection shall include routine inspections and annual inspections.

The supervision and inspection may be conducted through document review, on-site inspection, and enterprise verification, and may be carried out in conjunction with the verification of overseas notifications of export food, supervision and sample testing, and on-site examination.





**Article 48** Export food shall be inspected and quarantined by the Customs of the place of origin in accordance with the law.

The GACC may, for the purpose of facilitating foreign trade and export food inspection and quarantine, designate other sites to carry out the inspection and quarantine.

**Article 49** Export food production enterprises and food exporters shall submit pre-declaration supervision applications to the Customs at the place of origin or the place where the goods are assembled in accordance with laws, administrative regulations and provisions of the GACC.

After the Customs at the place of origin or the place where the goods are assembled accepts the pre-declaration supervision application, it shall conduct on-site inspection and supervision and sample testing on the export food that is subject to inspection and quarantine in accordance with the law.

**Article 50** The Customs shall formulate the annual national plan for supervision and sample testing of export food safety and organize its implementation.

**Article 51** Where the export food is assessed as qualified during on-site inspection and supervision and sample testing, the Customs shall issue a certificate approving its export. Where there is any change in the requirements of the importing country/region for the form or content of the certificate, the Customs may, upon the approval of the GACC, modify the certificate accordingly.

Where the export food is assessed as unqualified during on-site inspection and supervision and sample testing, the Customs shall notify the exporter or its agent in writing. Where technical treatment can be implemented, the export shall only be allowed after the export food is deemed qualified upon technical treatment; where technical treatment cannot be implemented, or the export food is still unqualified after such treatment, the food export shall not be allowed.

**Article 52** The food exporters or their agents shall truthfully declare with the Customs for export food.

**Article 53** The Customs shall conduct inspections on the export food at ports. Where the export food fails to pass the port inspection, its export shall not be allowed.

**Article 54** Where the GACC receives any notification from international organizations or foreign government agencies on the safety of export food, the GACC shall verify the information, and as needed, take control measures including adjusting the proportion of supervision and sample testing, requiring food exporters to submit inspection reports issued by qualified inspection institutions to the Customs on a batch-by-batch basis, and withdrawing the registration recommendation to overseas competent authorities.

**Article 55** Where the export food has any safety problems which have already caused or may cause harm to human health and life, export food producers and operators shall take immediate measures to avoid and mitigate such harm and report to the local Customs.

**Article 56** Where the Customs identifies any safety problems during the supervision and administration of export food, it shall notify the government at the same level and the competent authority of food safety at the next higher level.

## Chapter IV Supervision and Administration

**Article 57** The GACC shall collect and consolidate the information of import and export food safety, and establish an information management system for import and export food safety in accordance with Article 100 of the *Food Safety Law*.

The Customs at all levels shall be responsible for the collection and collation of the information of import and export food safety within their jurisdiction and of those designated by higher-level Customs, and notify the local governments, relevant government agencies, institutions and enterprises within their jurisdiction in accordance with relevant regulations. Where the notified information relates to other regions, the Customs of these regions shall be notified at the same time.



In addition to the information of import and export food safety as stipulated in Article 100 of the *Food Safety Law*, the Customs shall also collect and consolidate information related to overseas technical trade measures on food.

**Article 58** The Customs shall conduct risk analysis on the collected information of import and export food safety, draw conclusions from the analysis, and decide on corresponding control measures based on the results of risk analysis.

**Article 59** Where food safety incidents or diseases occurring within or outside China may impact on the safety of import and export food, or serious food safety problems are identified in import and export food, the Customs directly under GACC shall report to the GACC in a timely manner. The GACC shall, according to the circumstances, give risk warnings by issuing risk warning circulars within the Customs system, reporting to the departments of food safety supervision and administration, health administration, and agricultural administration of the State Council, and issuing risk warning notices to consumers where necessary.

Where the GACC issues a risk warning circular, the Customs shall adopt the control measures stipulated in Article 34, Article 35, Article 36 and Article 54 of these *Measures* on import and export food in accordance with the requirements of the risk warning circular.

**Article 60** The Customs shall formulate the annual national risk monitoring plan for the safety of import and export food, under which the monitoring data and related information on food-borne diseases, food contamination and hazards in import and export food shall be systematically and continuously collected.

**Article 61** Where any food safety incidents occurring overseas may impact on China, or an assessment indicates uncontrollable risks, the GACC may refer to international practices and directly release risk warning circulars within the Customs system or risk warning notices to consumers, and adopt the control measures as stipulated in Articles 34, 35 and 36 of these *Measures*.

**Article 62** The Customs shall formulate and organize the implementation of the emergency response plan for import and export food safety emergencies.

**Article 63** When performing the duties and functions of supervising and administering import and export food safety in accordance with the law, the Customs may take the following measures:

- (I) Entering the production and operation facilities to carry out on-site inspections;
- (II) Conducting sampling inspection on the food produced and handled in operations;
- (III) Consulting and duplicating relevant contracts, bills, account books and other relevant materials; or
- (IV) Sealing up or detaining food proven to be noncompliant with national food safety standards, containing hidden safety hazards as indicated by evidence, or illegally produced and handled in operations.

**Article 64** The Customs shall implement credit administration over import and export enterprises in accordance with the law.

**Article 65** The Customs shall conduct inspections and verifications of import and export food producers and operators, as well as the field crop and animal farms producing raw materials in accordance with the law.

**Article 66** Food transiting through China shall conform to the regulatory requirements of the GACC for goods in transit. During the transit period, the transit food shall not be unpacked or unloaded from the means of transport without the approval of the Customs. The food in transit shall be transported out of China within a prescribed period.

**Article 67** Where import and export food producers or operators have any objections to the Customs' inspection results, they may apply for a re-inspection in accordance with relevant provisions on the re-inspection of import and export commodities.



Under any of the following circumstances, the Customs shall not accept the application for re-inspection:

- (I) Where the inspection results indicate that the microbiological indicators exceed the standard level;
- (II) Where the shelf life of backup samples used for re-inspection has expired; or
- (III) Where the backup samples cannot be used for the re-inspection due to other reasons.

## Chapter V Legal Liabilities

**Article 68** Where there is any change in the field information of food importers and they fail to apply for the change of filed information with the Customs in accordance with relevant regulations, the Customs shall issue a warning if the circumstances are of a serious nature.

Where food importers provide false information for record filing, the Customs shall impose a fine of no more than RMB 10,000.

**Article 69** Where domestic producers and operators of import and export food do not cooperate with the Customs on import and export food safety inspections, refuse to accept inquiries or request for materials, or the responses and materials provided do not conform to the actual situation, the Customs shall issue a warning or impose a fine of no more than RMB 10,000.

**Article 70** Where the Customs identifies that the pre-packaged import food has not been affixed with a label in Chinese or the label does not conform to laws and regulations and national food safety standards during the regulation of pre-packaged import food, and the food importers refuse to destroy, return or implement technical treatment on the food, the Customs shall issue a warning or impose a fine of no more than RMB 10,000.

**Article 71** Where anyone moves the import food from a site designated or accredited by the Customs without approval of the Customs, the Customs shall instruct the person or business to make rectifications or impose a fine of no more than RMB 10,000.

**Article 72** Where the following violations fall within the scope of “exporting food in breach of this Law” as stipulated in Subparagraph 3 of Paragraph 1 of Article 129 of the *Food Safety Law*, the Customs shall impose punishment in accordance with Article 124 of the *Food Safety Law*:

- (I) Where the export food that has passed the supervision and sample testing of the Customs and for which the Customs has issued a certificate is replaced without approval;
- (II) Where adulterated or fake food is exported, low quality food is substituted for high quality food, or unqualified food is substituted for qualified food;
- (III) Where the food produced by unregistered export food production enterprises is exported;
- (IV) Where the food produced by unregistered export food production enterprises is exported to a country/region that has registration requirements, or the food that is produced by registered export food production enterprises but does not fall within the scope of registered categories is exported;
- (V) Where export food production enterprises use raw materials produced by crop or animal farms in breach of relevant regulations; and
- (VI) Where an export food producer or operator is under any of the circumstances as provided in Articles 123, 124, 125 and 126 of the *Food Safety Law*, and the import food does not conform to the requirements of the importing country/region.

**Article 73** Anyone who violates the provisions of these *Measures* shall be held criminally accountable where such violation constitutes any crime.

## Chapter VI Supplementary Provisions

**Article 74** The supervision and administration of import and export food safety for special customs supervision areas, bonded supervision areas, food purchased from market for export, petty



trade in the border areas, and frontier trade shall be exercised in accordance with relevant provisions of the Customs.

**Article 75** The supervision and administration of the safety of import and export food via mail, express delivery and cross-border e-commerce retail sales, or carried by travelers shall be exercised in accordance with relevant provisions of the Customs.

**Article 76** The supervision and administration of samples, presents, gifts, exhibits or donations for non-trading purposes, food imported for duty-free business operations, food used for the public and private purposes of a foreign embassy or consulate in China and its inbound and outbound personnel, food used for the public and private purposes of a Chinese embassy or consulate and its personnel, and food used for the private purpose of overseas stationed personnel of Chinese enterprises shall be exercised in accordance with relevant provisions of the Customs.

**Article 77** For the purpose of these *Measures*, the import and export food producers and operators include overseas production enterprises exporting food to China, overseas exporters or agents, food importers, export food production enterprises, exporters, and relevant personnel, among others.

For the purpose of these *Measures*, the overseas import food production enterprises include production, processing and storage enterprises exporting food to China.

For the purpose of these *Measures*, the importers and exporters of import food include overseas exporters or agents and food importers exporting food to China.

**Article 78** The GACC reserves the right to interpret these *Measures*.

Article 29 These *Measures* shall come into force as of January 1, 2022. The *Measures of the People's Republic of China for the Administration of Import and Export Food Safety*, deliberated and adopted at the executive meeting of the General Administration of Customs of the People's Republic of China (GACC) on March 12, 2021, is hereby promulgated and shall come into force as of January 1, 2022. The *Measures for the Administration of Import and Export Food Safety*, published in Decree No. 144 of the former General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on September 13, 2011 and amended according to Decree No. 184 of the former AQSIQ on October 18, 2016 and Decree No. 243 of the GACC on November 23, 2018, the *Measures for the Administration of Inspection and Quarantine of Export Honey*, published in Decree No. 20 of the former State Administration for Entry-Exit Inspection and Quarantine (SAIQ) on February 22, 2000 and amended according to Decree No. 238 of the GACC on April 28, 2018, the *Measures for Supervision and Administration of Inspection and Quarantine of Import and Export Aquatic Products*, published in Decree No. 135 of the former AQSIQ on January 4, 2011 and amended according to Decree No. 243 of the GACC on November 23, 2018, the *Measures for Supervision and Administration of Inspection and Quarantine of Import and Export Meat Products*, published in Decree No. 136 of the former AQSIQ on January 4, 2011 and amended according to Decree No. 243 of the GACC on November 23, 2018, the *Measures for Supervision and Administration of Inspection and Quarantine of Import and Export Dairy Products*, published in Decree No. 152 of the former AQSIQ on January 24, 2013 and amended according to Decree No. 243 of the GACC on November 23, 2018, and the *Provisions on Filing Management of Export Food Production Enterprises*, published in Decree No. 192 of the former AQSIQ on November 14, 2017 and amended according to Decree No. 243 of the GACC on November 23, 2018 shall be repealed as of the same date.

Link of the GACC Decree No. 249: *Decree of the General Administration of Customs on Promulgating the Measures of the People's Republic of China for the Administration of Import and Export Food Safety*.

