

# Order of the General Administration of Customs of the People's Republic of China

No. 248

*The Regulations of the People's Republic of China on the Registration and Administration of Imported Food Overseas Production Enterprises* was deliberated and approved at the administrative meeting of the GACC on March 12, 2021. Now it is hereby announced and will be implemented from January 1, 2022. The order No. 145 of the former AQSIQ was promulgated on March 22, 2012, and the provisions on *the Registration and Administration of Imported Food Overseas Production Enterprises* amended according to the order No. 243 of the GACC on November 23, 2018 shall be abolished at the same time.

Director Ni Yuefeng  
April 12, 2021

## The Provisions of the People's Republic of China on the Registration and Administration of Imported Food Overseas Production Enterprises

### Chapter I General Provisions

**Article 1** In order to strengthen the Registration and Administration of Imported Food Overseas Production Enterprises, according to *the Food Safety Law of the People's Republic of China* and its implementing regulations, *Import and Export Commodity Inspection Law of the People's Republic of China* and its implementing regulations, *Entry-Exit Animal and Plant Quarantine Law of the People's Republic of China* and its implementing regulations, *Special Regulations of the State Council on Strengthening Safety Supervision and Administration of Food and Other Products*, other laws and administrative regulations, these Provisions are formulated.

**Article 2** These Provisions shall apply to the registration and administration of overseas production, processing and storage enterprises that export food to China (hereinafter collectively referred to as Imported Food Overseas Production Enterprises).

Imported Food Overseas Production Enterprises specified in the preceding paragraph do not include production, processing and storage enterprises of food additives and food-related products.

**Article 3** The GACC shall be uniformly responsible for the Registration and Administration of Imported Food Overseas Production Enterprises.

**Article 4** The Imported Food Overseas Production Enterprises shall obtain the registration of the GACC.

## **Chapter II Registration Conditions and Procedures**

**Article 5** The registration conditions for the Imported Food Overseas Production Enterprises:

(a) The food safety management system of the country (region) where it is located has passed the equivalence assessment and examination of the GACC;

(b) Approved by the competent authority of the country (region) where it is located and under its effective supervision;

(c) Establish an effective food safety and health management and protection system, legally produce and export in the country (region) where it is located, and ensure that the food exported to China complies with relevant Chinese laws, regulations and national food safety standards;

(d) Comply with the relevant inspection and quarantine requirements agreed by the GACC and the competent authorities of the country (region) where it is located.

**Article 6** The registration methods of the Imported Food Overseas Production Enterprises include the recommendation of the competent authorities of the country (region) where they are located and the application for registration of enterprises.

The GACC, based on the analysis of the raw material sources, production and processing technology, food safety historical data, consumer groups, eating methods and other factors of food, and in combination with international practice, determines the registration methods and application materials of Imported Food Overseas Production Enterprises.

After risk analysis or evidence shows that the risks of certain foods have changed, the GACC may adjust the registration methods and application materials of the Overseas Food Production Enterprises.

**Article 7** The Overseas Production Enterprises of the following foods shall be recommended for registration by the competent authorities of the countries (regions) where they are located to the GACC: Meat and meat products, casings, aquatic products, dairy products, bird's nest and bird's nest products, bee products, eggs and egg products, edible fats and oils, stuffed pasta, edible cereals, cereal milling industrial products and malt, fresh-keeping and dehydrated vegetables, dried beans, seasonings, nuts and seeds, dried fruits,

unbaked coffee beans and cocoa beans, special dietary foods and health foods Product.

**Article 8** The competent authority of the country (region) where it is located shall examine and verify the enterprises recommended for registration, and after confirming that they meet the registration requirements, recommend registration to the GACC and submit the following application materials:

(a) The recommendation letter from the competent authority of the country (region) where it is located;

(b) The list of enterprises and the application for enterprise registration;

(c) The identity certificate of the enterprise, such as the business license issued by the competent authority of the country (region) where it is located;

(d) The statement that the competent authorities of the country (region) where they are located recommend the enterprise to meet the requirements of these Provisions;

(e) The examination report of the competent authority of the country (region) where it is located on the examination and inspection of the relevant enterprises.

When necessary, the GACC may require the provision of enterprise food safety, hygiene and protection system documents, such as the plan of enterprise factory area, workshop and cold storage, as well as the process flow chart, etc.

**Article 9** Overseas Food Production Enterprises other than the foods listed in Article 7 of these Provisions shall apply for registration to the GACC by itself or by entrusting an agent and submit the following application materials:

(a) Application for enterprise registration;

(b) The identity certificate of the enterprise, such as the business license issued by the competent authority of the country (region);

(c) The statement that the enterprise promises to meet the requirements of these Provisions.

**Article 10** The application for enterprise registration shall include the name of the enterprise, country (region), address of production site, legal representative, contact person, contact information, registration number approved by the competent authority of the country (region) , the type of

food to be registered, the type of production, the production capacity and other information.

**Article 11** Registration application materials should be submitted in Chinese or English. If the relevant country (region) and China have agreed otherwise on the registration method and application materials, the agreement shall be implemented in accordance with the agreement between the parties.

**Article 12** The competent authority of the country (region) or the Imported Food Overseas Production Enterprises shall be responsible for the authenticity, completeness and legality of the submitted materials.

**Article 13** The GACC shall organize an assessment team on its own or entrust relevant institutions to pass written inspection, video inspection, on-site inspection and other forms and their combinations, to apply for registration of Imported Food Overseas Production Enterprises to implement the assessment review. The assessment team consists of more than 2 assessment reviewers.

Imported Food Overseas Production Enterprises and the competent authorities of the countries (regions) where they are located shall assist in carrying out the above assessment and examination work.

**Article 14** The GACC shall, according to the assessment and examination, register the Imported Food Overseas Production Enterprises that meet the requirements and give the registration number in China, and notify the competent authorities of the country (region) or the Imported Food Overseas Production Enterprise in writing; Imported Food Overseas Production Enterprises that do not meet the requirements shall not be registered, notify the competent authority of the country (region) or the Imported Food Overseas Production Enterprises in writing.

**Article 15** When a registered enterprise exports food to China, it shall mark the registration number in China or the registration number approved by the competent authority of the country (region) where it is located on the inner and outer packaging of the food.

**Article 16** The registration period of an Imported Food Overseas Production Enterprises is 5 years.

The GACC shall, when registering an Imported Food Overseas Production Enterprise, determine the starting and ending dates of the validity period of the registration.

**Article 17** The GACC shall uniformly publish the list of registered Imported Food Overseas Production Enterprises.

### **Chapter III Registration Administration**

**Article 18** The GACC shall, by itself or by entrusting relevant organizations, organize an assessment team to review whether Imported Food Overseas Production Enterprises continuously meet the registration requirements. The assessment team consists of more than 2 assessment reviewers.

**Article 19** If there is any change in the registration information of an Imported Food Overseas Production Enterprise within the validity period of registration, an application for change shall be submitted to the GACC through the application for registration, and the following materials shall be submitted:

- (a) The registration information change table;
- (b) The certification materials related to the change information.

If the GACC considers that it can be changed after evaluation, it shall be changed.

If the production place is relocated, the legal representative is changed or the registration number granted by the country (region) where it is located is changed, it shall re-apply for registration, and the registration number in China will automatically become invalid.

**Article 20** If Imported Food Overseas Production Enterprises need to renew their registration, it shall apply to the GACC for renewal of registration through the registration application channel within 3 to 6 months before the expiration of the registration validity period.

The application materials for renewal of registration include:

- (a) Application for renewal of registration;
- (b) A statement of commitment to continuously meet the registration requirements.

The GACC shall renew the registration of enterprises that meet the registration requirements, and the validity period of registration shall be extended for 5 years.

**Article 21** In case of any of the following circumstances, the GACC shall cancel its registration, notify the competent authority of the country (region) where it is located or Imported Food Overseas Production Enterprise, and make it public:

(a) Failing to apply for renewal of registration as required;

(b) The competent authority of the country (region) or the Imported Food Overseas Production Enterprise actively applies for cancellation;

(c) No longer meet the requirements of Article 5 (b) of these Provisions.

**Article 22** The competent authorities of the countries (regions) where the Imported Food Overseas Production Enterprises are located shall exercise effective supervision over the registered enterprises, urge the registered enterprises to continuously meet the registration requirements. If they find that they do not meet the registration requirements, they shall immediately take control measures and suspend the relevant enterprises from exporting food to China until the rectification meets the registration requirements.

When an Imported Food Overseas Production Enterprise finds that it does not meet the registration requirements, it shall take the initiative to suspend the export of food to China and immediately take corrective measures until the rectification meets the registration requirements.

**Article 23** If the GACC finds that the registered Imported Food Overseas Production Enterprise no longer meet the registration requirements, it shall order them to make rectification within the prescribed time limit, suspend the food import of relevant enterprises during the rectification period.

If the import of an enterprise recommended for registration by the competent authority of the country (region) is suspended, the competent authority shall supervise the relevant enterprises to complete rectification within the prescribed time limit, submit a written rectification report and a written statement meeting the registration requirements to the GACC.

If an enterprise applying for registration by itself or by entrusting an agent is suspended from import, it shall complete rectification within the prescribed time limit, and submit a written rectification report and a written statement meeting the registration requirements to the GACC.

The GACC shall review the rectification of enterprises, resume the food import of relevant enterprises if they pass the examination.

**Article 24** The GACC shall revoke its registration and make a public

announcement in case of any of the following circumstances:

- (a) Major food safety accidents occurred in imported food due to the enterprise's own reasons;
- (b) The food exported to China is found to have food safety problems in the entry inspection and quarantine, and the circumstances are serious;
- (c) There are major problems in the food safety and hygiene management of the enterprise, and it is impossible to guarantee that the food exported to China meets the safety and hygiene requirements;
- (d) After rectification, it still does not meet the registration requirements;
- (e) Providing false materials and concealing relevant information;
- (f) Refusing to cooperate with the GACC to carry out re-examination and accident investigation;
- (g) Lease, lend, transfer, resell or fraudulently use the registration number.

#### **Chapter IV Supplementary Provisions**

**Article 25** If an international organization or the competent authority of a country (region) that exports food to China issues an epidemic report, or if the relevant food finds serious problems such as epidemic situation and public health incident during the entry inspection and quarantine, the GACC shall announce to suspend the import of relevant food from that country (region), and the application for registration of relevant food production enterprises in that country (region) shall not be accepted during this period

**Article 26** The competent authority of the country (region) in these Provisions refers to the official department responsible for the safety and health supervision of food production enterprises in the country (region) where the imported food production enterprises are located.

**Article 27** The GACC shall be responsible for the interpretation of these Provisions.

**Article 28** The provisions shall come into effect on January 1, 2022. The order No. 145 of the former AQSIQ was promulgated on March 22, 2012, and the provisions on *the Provisions and Administration of Imported Food Overseas Production Enterprises* amended according to the order No. 243 of the GACC on November 23, 2018 shall be abolished at the same time.

# 中华人民共和国海关总署令

第 248 号

《中华人民共和国进口食品境外生产企业注册管理规定》已于 2021 年 3 月 12 日经海关总署署务会议审议通过，现予公布，自 2022 年 1 月 1 日起实施。2012 年 3 月 22 日原国家质量监督检验检疫总局令第 145 号公布，根据 2018 年 11 月 23 日海关总署令第 243 号修改的《进口食品境外生产企业注册管理规定》同时废止。

署长 倪岳峰

2021 年 4 月 12 日



# 中华人民共和国进口食品境外生产企业注册管理规定

## 第一章 总则

**第一条** 为加强进口食品境外生产企业的注册管理，根据《中华人民共和国食品安全法》及其实施条例、《中华人民共和国进出口商品检验法》及其实施条例、《中华人民共和国进出境动植物检疫法》及其实施条例、《国务院关于加强食品等产品安全监督管理的特别规定》等法律、行政法规的规定，制定本规定。

**第二条** 向中国境内出口食品的境外生产、加工、贮存企业（以下统称进口食品境外生产企业）的注册管理适用本规定。

前款规定的进口食品境外生产企业不包括食品添加剂、食品相关产品的生产、加工、贮存企业。

**第三条** 海关总署统一负责进口食品境外生产企业的注册管理工作。

**第四条** 进口食品境外生产企业，应当获得海关总署注册。

## 第二章 注册条件与程序

**第五条** 进口食品境外生产企业注册条件：

（一）所在国家（地区）的食品安全管理体系通过海关总署等效性评估、审查；

(二) 经所在国家(地区)主管当局批准设立并在其有效监管下;

(三) 建立有效的食品安全卫生管理和防护体系,在所在国家(地区)合法生产和出口,保证向中国境内出口的食品符合中国相关法律法规和食品安全国家标准;

(四) 符合海关总署与所在国家(地区)主管当局商定的相关检验检疫要求。

**第六条** 进口食品境外生产企业注册方式包括所在国家(地区)主管当局推荐注册和企业申请注册。

海关总署根据对食品的原料来源、生产加工工艺、食品安全历史数据、消费人群、食用方式等因素的分析,并结合国际惯例确定进口食品境外生产企业注册方式和申请材料。

经风险分析或者有证据表明某类食品的风险发生变化的,海关总署可以对相应食品的境外生产企业注册方式和申请材料进行调整。

**第七条** 下列食品的境外生产企业由所在国家(地区)主管当局向海关总署推荐注册:肉与肉制品、肠衣、水产品、乳品、燕窝与燕窝制品、蜂产品、蛋与蛋制品、食用油脂和油料、包馅面食、食用谷物、谷物制粉工业产品和麦芽、保鲜和脱水蔬菜以及干豆、调味料、坚果与籽类、干果、未烘焙的咖啡豆与可可豆、特殊膳食食品、保健食品。

**第八条** 所在国家（地区）主管当局应当对其推荐注册的企业进行审核检查，确认符合注册要求后，向海关总署推荐注册并提交以下申请材料：

（一）所在国家（地区）主管当局推荐函；

（二）企业名单与企业注册申请书；

（三）企业身份证明文件，如所在国家（地区）主管当局颁发的营业执照等；

（四）所在国家（地区）主管当局推荐企业符合本规定要求的声明；

（五）所在国家（地区）主管当局对相关企业进行审核检查的审查报告。

必要时，海关总署可以要求提供企业食品安全卫生和防护体系文件，如企业厂区、车间、冷库的平面图，以及工艺流程图等。

**第九条** 本规定第七条所列食品以外的其他食品境外生产企业，应当自行或者委托代理人向海关总署提出注册申请并提交以下申请材料：

（一）企业注册申请书；

（二）企业身份证明文件，如所在国家（地区）主管当局颁发的营业执照等；

（三）企业承诺符合本规定要求的声明。

**第十条** 企业注册申请书内容应当包括企业名称、所在国家（地区）、生产场所地址、法定代表人、联系人、联系方式、所

在国家（地区）主管当局批准的注册编号、申请注册食品种类、生产类型、生产能力等信息。

**第十一条** 注册申请材料应当用中文或者英文提交，相关国家（地区）与中国就注册方式和申请材料另有约定的，按照双方约定执行。

**第十二条** 所在国家（地区）主管当局或进口食品境外生产企业应当对提交材料的真实性、完整性、合法性负责。

**第十三条** 海关总署自行或者委托有关机构组织评审组，通过书面检查、视频检查、现场检查等形式及其组合，对申请注册的进口食品境外生产企业实施评估审查。评审组由2名以上评估审查人员组成。

进口食品境外生产企业和所在国家（地区）主管当局应当协助开展上述评估审查工作。

**第十四条** 海关总署根据评估审查情况，对符合要求的进口食品境外生产企业予以注册并给予在华注册编号，书面通知所在国家（地区）主管当局或进口食品境外生产企业；对不符合要求的进口食品境外生产企业不予注册，书面通知所在国家（地区）主管当局或进口食品境外生产企业。

**第十五条** 已获得注册的企业向中国境内出口食品时，应当在食品的内、外包装上标注在华注册编号或者所在国家（地区）主管当局批准的注册编号。

**第十六条** 进口食品境外生产企业注册有效期为5年。

海关总署在对进口食品境外生产企业予以注册时，应当确定注册有效期起止日期。

**第十七条** 海关总署统一公布获得注册的进口食品境外生产企业名单。

### 第三章 注册管理

**第十八条** 海关总署自行或者委托有关机构组织评审组，对进口食品境外生产企业是否持续符合注册要求的情况开展复查。评审组由2名以上评估审查人员组成。

**第十九条** 在注册有效期内，进口食品境外生产企业注册信息发生变化的，应当通过注册申请途径，向海关总署提交变更申请，并提交以下材料：

- （一）注册事项变更信息对照表；
- （二）与变更信息有关的证明材料。

海关总署评估后认为可以变更的，予以变更。

生产场所迁址、法定代表人变更或者所在国家（地区）授予的注册编号改变的应当重新申请注册，在华注册编号自动失效。

**第二十条** 进口食品境外生产企业需要延续注册的，应当在注册有效期届满前3至6个月内，通过注册申请途径，向海关总署提出延续注册申请。

延续注册申请材料包括：

- （一）延续注册申请书；
- （二）承诺持续符合注册要求的声明。

海关总署对符合注册要求的企业予以延续注册，注册有效期延长 5 年。

**第二十一条** 已注册进口食品境外生产企业有下列情形之一的，海关总署注销其注册，通知所在国家（地区）主管当局或进口食品境外生产企业，并予以公布：

（一）未按规定申请延续注册的；

（二）所在国家（地区）主管当局或进口食品境外生产企业主动申请注销的；

（三）不再符合本规定第五条第（二）项要求的。

**第二十二条** 进口食品境外生产企业所在国家（地区）主管当局应当对已注册企业实施有效监管，督促已注册企业持续符合注册要求，发现不符合注册要求的，应当立即采取控制措施，暂停相关企业向中国出口食品，直至整改符合注册要求。

进口食品境外生产企业自行发现不符合注册要求时，应当主动暂停向中国出口食品，立即采取整改措施，直至整改符合注册要求。

**第二十三条** 海关总署发现已注册进口食品境外生产企业不再符合注册要求的，应当责令其在规定期限内进行整改，整改期间暂停相关企业食品进口。

所在国家（地区）主管当局推荐注册的企业被暂停进口的，主管当局应当监督相关企业在规定期限内完成整改，并向海关总署提交书面整改报告和符合注册要求的书面声明。

自行或者委托代理人申请注册的企业被暂停进口的，应当在规定期限内完成整改，并向海关总署提交书面整改报告和符合注册要求的书面声明。

海关总署应当对企业整改情况进行审查，审查合格的，恢复相关企业食品进口。

**第二十四条** 已注册的进口食品境外生产企业有下列情形之一的，海关总署撤销其注册并予以公告：

（一）因企业自身原因致使进口食品发生重大食品安全事故的；

（二）向中国境内出口的食品在进境检验检疫中被发现食品安全问题，情节严重的；

（三）企业食品安全卫生管理存在重大问题，不能保证其向中国境内出口食品符合安全卫生要求的；

（四）经整改后仍不符合注册要求的；

（五）提供虚假材料、隐瞒有关情况的；

（六）拒不配合海关总署开展复查与事故调查的；

（七）出租、出借、转让、倒卖、冒用注册编号的。

## 第四章 附则

**第二十五条** 国际组织或者向中国境内出口食品的国家（地区）主管当局发布疫情通报，或者相关食品在进境检验检疫中发现疫情、公共卫生事件等严重问题的，海关总署公告暂停该国家（地区）相关食品进口，在此期间不予受理该国家（地区）相关

食品生产企业注册申请。

**第二十六条** 本规定中所在国家（地区）主管当局指进口食品境外生产企业所在国家（地区）负责食品生产企业安全卫生监管的官方部门。

**第二十七条** 本规定由海关总署负责解释。

**第二十八条** 本规定自 2022 年 1 月 1 日起施行。2012 年 3 月 22 日原国家质量监督检验检疫总局令第 145 号公布，根据 2018 年 11 月 23 日海关总署令第 243 号修改的《进口食品境外生产企业注册管理规定》同时废止。