

# **Decree of General Administration of Customs of the People's Republic of China**

No. 249

The “Administrative Measures on Safety of Import and Export Food” promulgated in Decree No. 144 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on September 13, 2011 and revised in accordance with Decree No. 184 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on October 18, 2016 and Decree No. 243 of the General Administration of Customs of the People’s Republic of China on November 23, 2018, “Administrative Measures on Inspection and Quarantine of Export Honey” promulgated in Decree No. 20 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on February 22, 2000 and revised in accordance with Decree No. 238 of General Administration of Customs of the People’s Republic of China on April 28, 2018, “Administrative Measures on Inspection, Quarantine and Supervision of Import and Export Import and Export Aquatic Products” promulgated in Decree No. 135 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on January 4, 2011 and revised in accordance with Decree No. 243 of General Administration of Customs of the People’s Republic of China on November 23, 2018, “Administrative Measures on Inspection, Quarantine and Supervision of Import and Export Meat Products” promulgated in Decree No. 136 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on January 4, 2011 and revised in accordance with Decree No. 243 of General Administration of Customs of the People’s Republic of China on November 23, 2018, “Administrative Measures on Inspection, Quarantine and Supervision of Import and Export Dairy Products” promulgated in Decree No. 152 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on January 24, 2013 and revised in accordance with Decree No. 243 of General Administration of Customs of the People’s Republic of China on November 23, 2018, “Regulations on Filing Administration of Export Food Production Enterprises” promulgated in Decree No. 192 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China on November 14, 2017 and revised in accordance with Decree No. 243 of General Administration of Customs of the People’s Republic of China on November 23, 2018 shall be repealed at the same time.

Minister: Ni Yuefeng

April 12, 2021

# **Administrative Measures on Safety of Import and Export Food of the People's Republic of China**

## **Chapter I General Provisions**

**Article 1** For the purpose of guaranteeing the safety of import and export food and protecting the life and health of human beings, animals and plants, these Measures are formulated in accordance with the provisions of “Food Safety Law of the People’s Republic of China” (hereinafter referred to as the Food Safety Law) and its implementing regulations, “Customs Law of the People’s Republic of China”, “Law of the People’s Republic of China on Import and Export Commodity Inspection” and its implementing regulations, “Law of the People’s Republic of China on the Entry and Exit Animal and Plant Quarantine” and its implementing regulations, “Frontier Health and Quarantine Law of the People’s Republic of China and its implementing regulations”, “Law of the People’s Republic of China on Quality and Safety of Agricultural Products”, “Special Provisions of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products, and other laws and administrative regulations.

**Article 2** Those who engage in the following activities shall abide by these Measures:

- (1) The production and operation activities of import and export food;
- (2) The supervision and administration implemented to import and export food producers and business operators by the Customs;

The production and operation activities of import and export food additives and food-related products shall follow the relevant provisions of the General Administration of Customs.

**Article 3** The import and export food safety work shall adhere to the principles of safety first, prevention dominated, risk management, full-process control, and international co-governance.

**Article 4** Producers and business operators of import and export food shall be responsible for the safety of the import and export food under their production and operation.

Producers and business operators of import and export food shall engage in the production and operation activities of import and export food in accordance with the international treaties and agreements concluded or acceded to by China, Chinese laws and regulations, and national food safety standards, accept supervision and administration in accordance with the law, ensure the safety of import and export food, be responsible to the society and the public, and assume social responsibility.

**Article 5** The General Administration of Customs is responsible for the supervision and administration of import and export food safety throughout the country.

The customs offices at all levels shall be responsible for the supervision and administration of import and export food safety in the regions under their respective jurisdiction.

**Article 6** The Customs shall use information technology to improve the supervision and administration level of import and export food safety.

**Article 7** The Customs shall strengthen the publicity and education of import and export food safety, carry out the popularization of food safety laws and administrative regulations, as well as national food safety standards and relevant knowledge.

The Customs shall strengthen exchanges and cooperation with international food safety organizations, overseas government agencies, overseas food industry associations, overseas consumer associations, *etc.* to create an international co-governance pattern for import and export food safety.

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

## **Chapter II Food Import**

**Article 9** Import food shall comply with Chinese laws, regulations and national food safety standards. If there are special requirements in the international treaties and agreements concluded or acceded to by China, it shall also meet the requirements of the international treaties and agreements.

In case of importing food with no available national food safety standards, it shall comply with the requirements of the relevant standards temporarily applicable as promulgated by the health administrative department of the State Council.

For food produced by using new raw-food materials, a hygienic administrative license of new raw-food material shall be obtained from the health administrative department of the State Council in accordance with the provisions of Article 37 of the “Food Safety Law”.

**Article 10** The Customs shall carry out conformity assessment on import food in accordance with the relevant laws and administrative regulations on the inspection of import and export commodities.

The conformity assessment activities on import food shall include: assessment and review on the food safety management system of the foreign countries (regions) that export food to China (hereinafter referred to as the “foreign country (region)”), registration of overseas production enterprises, filing and conformity assurance of importers and exporters, entry animal and plant quarantine approval, inspection of attached conformity certificates, document review, on-site inspection, supervision and random inspection, import and sales record inspection and the combination of the above-mentioned various items.

**Article 11** The General Administration of Customs can carry out assessment and review of the food safety management system and the food safety status of foreign countries (regions), and determine the corresponding requirements on inspection and quarantine based on the assessment and review results.

**Article 12** Under any of the following circumstances, the General Administration of Customs can initiate assessment and review of foreign countries (regions):

(1) A foreign country (region) applies for the export of a certain category (type) of food to China for the first time;

(2) Major adjustments have been made to the food safety, animal and plant quarantine laws and regulations, and organizational frameworks of a foreign country (region);

(3) The competent authorities of a foreign country (region) apply for making major adjustments to the inspection and quarantine requirements for a certain category (type) of food exported to China;

(4) Major animal or plant epidemic situations or food safety incidents have occurred in a foreign country (region);

- (5) The Customs has found serious problems in the food imported into China and believes that there are animal or plant epidemic situations or hidden dangers of food safety;
- (6) Other circumstances in which assessment and review are required.

**Article 13** The assessment and review of the food safety management system of foreign countries (regions) mainly include the assessment and confirmation of the following contents:

- (1) The relevant laws and regulations on food safety, animal and plant quarantine;
- (2) Food safety supervision and administration organizations;
- (3) Prevalence of animal and plant epidemic situations and prevention and control measures;
- (4) Management and control of pathogenic microorganisms, pesticides and veterinary drugs and contaminants;
- (5) Safety and hygiene control in food production, processing, transportation and storage;
- (6) Supervision and administration of export food safety;
- (7) Food safety protection, traceability and recall system;
- (8) Early warning and emergency response mechanism;
- (9) Technical support capability;
- (10) Other circumstances involving animal and plant epidemic situations and food safety.

**Article 14** The General Administration of Customs can organize experts to carry out assessment and review through material examination, video inspection, on-site inspection, and the combinations thereof.

**Article 15** The General Administration of Customs shall organize experts to conduct review on the application materials, written assessment questionnaires and other materials submitted by the country (region) being assessed and reviewed, and the review contents shall include the authenticity, completeness and validity of the materials. Depending on the material examination results, the General Administration of Customs can request the competent authorities of the relevant country (region) to supplement the missing information or materials.

The General Administration of Customs can organize experts to conduct video inspection or on-site inspection on the food safety management system of the country (region) passing the material examination. In case of finding any problem, it may require the competent authorities of relevant country (region) and the relevant enterprises to implement rectification.

The relevant country (region) shall provide necessary assistance for the assessment and review.

**Article 16** If the country (region) being assessed and reviewed is under any of the following circumstances, the General Administration of Customs can terminate the assessment and review and notify the competent authorities of the relevant country (region):

- (1) Failure to give feedback within 12 months after receiving the written assessment questionnaire;
- (2) Failure to provide supplementary information and materials within 3 months upon receipt of the notice from the General Administration of Customs;

- (3) The outbreak of major animal or plant epidemic situations or major food safety incidents;
- (4) Failure to cooperate with China to complete the video inspection or on-site inspection, and failure to effectively make the rectification;
- (5) Submission of an application for termination of the assessment and review on its own initiative;

In the above-mentioned (1) and (2) circumstances, the competent authorities of the relevant country (region) may apply for a delay with special reasons, and shall, after obtaining the approval from the General Administration of Customs, submit the relevant materials in accordance with the time limit redetermined by the General Administration of Customs.

**Article 17** Upon completion of the assessment and review, the General Administration of Customs shall communicate the assessment and review results to the competent authorities of the country (region) being assessed and reviewed.

**Article 18** The General Administration of Customs shall implement the registration administration of overseas production enterprises exporting food to China, and publish the list of the registered enterprises.

**Article 19** Overseas exporters or agents exporting food to China (hereinafter referred to as the “overseas exporters or agents”) shall file a record with the General Administration of Customs.

Food importers shall file a record with the customs at its residence address.

Overseas exporters or agents and food importers, when filing a record, shall be responsible for the authenticity and validity of the materials they provided.

The list of filed overseas exporters or agents and food importers shall be published by the General Administration of Customs.

**Article 20** In case of any change in the filed contents, the overseas exporters or agents and food importers shall go through the change procedures with the filing authority within 60 days from the date of the change.

If the Customs finds that the filed information of overseas exporters or agents and food importers are wrong or the filed contents are not changed in time, it may order them to make corrections within the specified time limit.

**Article 21** Food importers shall establish a food import and sales record system, truthfully record the names, net contents/specifications, quantities, dates of production, production or import batch numbers, shelf lives of food, and the names, addresses and contact information of overseas exporters and purchasers, dates of delivery, *etc.*, and keep relevant certificates. The records and certificates shall be kept for a period of not less than 6 months after the shelf life of the food; if the shelf life is not clearly specified, the preservation period shall be more than 2 years after the sales of the food.

**Article 22** Food importers shall establish an examination and verification system for overseas exporters and overseas production enterprises, focusing on the following contents:

- (1) The formulation and implementation of food safety risk control measures;
- (2) The situation to guarantee that the food exported to China complies with Chinese laws and regulations and national food safety standards.

**Article 23** The Customs shall conduct supervision and inspection on the implementation of examination and verification activities carried out by food importers in accordance with the law. The food importers shall actively cooperate and truthfully provide relevant information and materials.

**Article 24** The Customs may, based on the needs of risk management, implement designated import ports for import food and designated supervision sites for inspection. The lists of the designated ports and the designated supervision sites shall be published by the General Administration of Customs.

**Article 25** Food importers or their agents shall truthfully declare to the Customs in accordance with the law when importing food.

**Article 26** The Customs shall carry out quarantine on the import food that requires entry quarantine in accordance with the law.

**Article 27** The Customs shall carry out quarantine examination and approval administration on the import food that requires entry animal and plant quarantine examination and approval in accordance with the law. Food importers shall, before the signing of the trade contract or agreement, obtain the entry animal and plant quarantine permit.

**Article 28** Based on the needs of the supervision and administration, the Customs can carry out on-site inspection on import food, which shall include but are not limited to the following contents:

- (1) Whether the means of transport and the place of storage meet the safety and hygiene requirements;
- (2) Whether the container number, seal identification number, contents of the labels on the internal and external packaging and the actual condition of the goods are consistent with the declaration information and the attached documents;
- (3) Whether the food of animal and plant origins, packaging materials and paving materials have any condition specified 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”;
- (4) Whether the internal and external packaging complies with the national food safety standards, and whether there is contamination, damage, wet immersion or infiltration;
- (5) Whether the labels, identifications and instructions of the internal and external packaging comply with laws, administrative regulations, national food safety standards and the requirements specified by the General Administration of Customs;
- (6) Whether the sensory properties of food comply with the proper properties of the food;
- (7) Whether the freshness and central temperature of frozen and refrigerated food meet the requirements, whether there is any lesion, whether the temperatures of freezing and refrigeration environment meet the requirements of the relevant standards, whether the cold chain temperature control equipment and facilities run normally, whether the temperature records meet the requirements, and if necessary, a boiling test may be conducted.

**Article 29** The Customs shall formulate the annual national supervision and sampling inspection plan for import food safety and the special supervision and sampling inspection plan for import food safety, and organize the implementation.

**Article 30** The packaging, labeling and identification of import food shall comply with Chinese laws, regulations and national food safety standards; where an instruction is required in accordance with the law, an instruction in Chinese shall also be provided.

For import fresh and frozen meat products, the internal and external packaging shall have a strong, clear and legible Chinese and English or Chinese, and text logos of export country (region) indicating the following contents: the country (region) of origin, product name, the registration number of the production enterprise, and the production batch number; the contents such as the specification, place of origin (specific to the State/Province/City), destination, production date, shelf life, storage temperature, *etc.* shall be indicated on the external packing in Chinese, and the destination must be labeled as the People's Republic of China with the official inspection and quarantine mark of the export country (region).

For import aquatic products, the internal and external packaging shall have a strong, clear and legible Chinese and English or Chinese, and text logos of export country (region) indicating the following contents: trade name and scientific name, specification, production date, batch number, shelf life and storage conditions, production methods (seawater fishing, freshwater fishing, aquaculture), production area (marine fishing area, freshwater fishing country or region, country or region where the aquaculture product is located), name, registration number and address (specific to the State/Province/City) of all production and processing enterprises involved (including fishing vessels, processing vessels, transportation vessels and independent cold storage, *etc.*), and the destination must be labeled as the People's Republic of China.

The labels in Chinese of import health food and special dietary food must be printed on the smallest sales package and shall not be labeled.

If special identification is required for the internal and external packaging of import food, it shall be made in accordance with the relevant regulations.

**Article 31** After import food arrives at the ports, it shall be stored in the place designated or approved by the Customs; if it needs to be moved, it must be permitted by the Customs and necessary safety protection measures shall be taken in accordance with the requirements of the Customs.

The designated or approved place shall comply with the requirements of laws, administrative regulations and national food safety standards.

**Article 32** Bulk import food shall be inspected at the unloading ports in accordance with the requirements of the Customs.

**Article 33** If the import food passes the conformity assessment carried out by the Customs, it's import will be permitted.

If the import food fails to pass the conformity assessment, the Customs shall issue a non-conformity certificate; if the items involving safety, health and environmental protection fail to pass the conformity assessment, the Customs shall notify the food importer in writing, and order it to destroy or return the goods; if other items fail to pass the conformity assessment, the import food shall be subject to the technical treatment and its import will be permitted after it meets the conformity assessment requirements. Where for the relevant import food, the technical treatment cannot be completed within the specified time, or the food still fails to pass the conformity assessment after the technical treatment, the Customs shall order the food importer to destroy or return the goods.

**Article 34** If food safety incidents occurring outside China may cause safety hidden dangers in the food in China, or if the Customs discovered unqualified import food during the implementation of supervision and administration on import food, or other food safety problems are found, the General Administration of Customs and the authorized customs offices directly under the General Administration of Customs can take control measures such as increasing the proportion of supervision and sampling inspection for the relevant import food based on the results of the risk assessment.

After taking control measures such as increasing the proportion of supervision and sampling inspection for the relevant import food as per the preceding paragraph, if the Customs found unqualified import food again, or if there is evidence showing that the import food has significant hidden dangers, the General Administration of Customs and the authorized customs offices directly under the General Administration of Customs can require the food importer to submit to the Customs the inspection reports issued by qualified inspection institutions on a batch-by-batch basis. The Customs shall verify all the inspection reports provided by the food importer.

**Article 35** Under any of the following circumstances, the General Administration of Customs may take control measures to suspend or prohibit the import of the relevant food based on the results of the risk assessment:

- (1) Major animal or plant epidemic situations occur in the export country (region), or the food safety system has undergone major changes, in which the safety of the food exported to China cannot be effectively guaranteed;
- (2) The import food is contaminated by the pathogens of quarantinable infectious diseases, or there is evidence showing that the food can become a vector of quarantinable infectious diseases and hygienic treatment cannot be effectively conducted;
- (3) The import food that has been subject to the control measures specified in paragraph 2 of Article 34 of these Measures, is found to be unqualified again in the related items of safety, health and environmental protection;
- (4) Serious violations against the relevant Chinese laws and regulations by overseas production enterprises;
- (5) Other information shows that the relevant food has major safety hidden dangers.

**Article 36** When the safety risks of the import food have been reduced to a controllable level, the General Administration of Customs and the customs offices directly under the General Administration of Customs can lift the corresponding control measures in accordance with the following ways:

- (1) If the food subject to the control measures specified in paragraph 1 of Article 34 of these Measures is not found to be unqualified in the specified batch within the specified time, the control measures can be lifted on the basis of the risk assessment;
- (2) For the food subject to the control measures specified in paragraph 2 of Article 34 of these Measures, if the export country (region) has taken preventive measures, and after the risk assessment of the General Administration of Customs, the food safety can be guaranteed and the risks of animal and plant epidemic situations can be controlled, or if, from the date of the implementation of the control measures, no unqualified food has been found in the specified batch within the specified time, the Customs can lift the control measures on the basis of the risk assessment.



(3) For the food subject to the control measures of suspension or prohibition from import, if the competent authorities of the export country (region) has taken risk control measures, which has met the requirements after being assessed by the General Administration of Customs, the measures of suspension or prohibition from import can be lifted; for the food whose import is resumed, the General Administration of Customs may take the control measures specified in Article 34 of these Measures depending on the assessment situation.

**Article 37** If any food importer finds that the import food does not comply with laws, administrative regulations and national food safety standards, or there is evidence showing that the import food may endanger human health, it shall, in accordance with the provisions of Article 63 and paragraph 3 of Article 94 of the “Food Safety Law”, immediately stop the import, sales and use of the import food, implement the recall, notify the relevant producers and business operators and consumers, record the recalling and notification situations, and report the recalling, notification and disposal situations of the food to the local customs office.

### **Chapter III Food Export**

**Article 38** Export food production enterprises shall ensure that their export food meets the standards of the import country (region) or the contract requirements; if there are special requirements in the international treaties and agreements concluded or acceded to by China, the requirements of such international treaties and agreements shall also be met.

In case of no standards of the import country (region) and no contract requirements, as well as no relevant requirements in the international treaties and agreements concluded or acceded to by China, export food production enterprises shall ensure that their export food complies with the Chinese national food safety standards.

**Article 39** The Customs shall implement supervision and administration on the export food in accordance with the law. The supervision and administration measures for export food include: the filing of planting and breeding farms of export food raw materials, the filing of export food production enterprises, enterprise verification, document examination, on-site inspection, supervision and sampling inspection, random check at the ports, overseas notification verification and the combination of the above-mentioned various items.

**Article 40** The planting and breeding farms of raw materials for export food shall file a record with the local customs.

The list of planting and breeding farms of raw materials shall be published by the General Administration of Customs, and the filing procedure and requirements shall be formulated by the General Administration of Customs.

**Article 41** The Customs shall implement supervision on the planting and breeding farms of the filed raw materials in accordance with the law by material examination, on-site inspection, enterprise verification, *etc.*

**Article 42** Export food production enterprises shall file a record with the local customs, and the filing procedure and requirements shall be formulated by the General Administration of Customs.

**Article 43** If an foreign country (region) implements registration administration for the export food production enterprises of China exporting food to the country (region) and requires a recommendation from the General Administration of Customs, the relevant export food production enterprises shall submit an application to the customs of their respective

residence places which shall report to the General Administration of Customs after preliminary verification.

The General Administration of Customs shall organize and carry out the recommendation of external registration in combination with the enterprise credit, supervision and administration situations, and the preliminary verification situations of the customs at the residence place. The procedure and requirements for the recommendation of external registration shall be formulated by the General Administration of Customs.

**Article 44** Export food production enterprises shall establish and improve the traceable food safety and hygiene control system and ensure the effective operation of the system to guarantee that the production, processing and storage process of export food continue to comply with the relevant Chinese laws and regulations, and safety and hygiene requirements for export food production enterprises; if there are special requirements in the relevant laws and regulations of the import countries (regions) and the relevant international treaties and agreements, the relevant requirements shall also be met.

Export food production enterprises shall establish an evaluation system for suppliers, a record system for inspection of incoming goods, a system of production records, a record system for factory inspection, a traceability system for export food and a disposal system for unqualified food. The relevant records shall be true and valid, and shall be kept for not less than 6 months after the shelf life of the food; if the shelf life is not clearly specified, the preservation period shall not be less than 2 years.

**Article 45** Export food production enterprises shall ensure that the packaging and transportation methods of export food comply with the food safety requirements.

**Article 46** Export food production enterprises shall indicate on the transport packaging the production enterprise's filing number, product name, production batch number, and production date.

Where an import country (region) or the contract has special requirements, on the premise of ensuring the traceability of the products and with the consent of the customs offices directly under the General Administration of Customs, export food production enterprises may adjust the labeling items specified in the preceding paragraph.

**Article 47** The Customs shall implement supervision and inspection on the operation of the food safety and hygiene control system of the export food production enterprises within its jurisdiction by daily supervision and inspection and annual supervision and inspection.

The supervision and inspection can be carried out in the form of material examination, on-site inspection, enterprise verification, *etc.*, and can be conducted in combination with the work of overseas notification verification, supervision and sampling inspection and on-site inspection of export food.

**Article 48** Export food shall be subject to the inspection and quarantine by the customs of the place of origin in accordance with the law. The General Administration of Customs may designate other locations to implement the inspection and quarantine based on the needs of facilitating foreign trade and export food inspection and quarantine work.

**Article 49** Export food production enterprises and exporters shall, in accordance with laws, administrative regulations and the provisions of the General Administration of Customs, submit an application for pre-declaration supervision of food export to the customs of the place of origin or of the place where the goods are assembled.

After accepting the application for pre-declaration supervision of food export, the customs of the place of origin or of the place where the goods are assembled shall implement on-site inspection, supervision and sampling inspection on the export food that requires inspection and quarantine in accordance with the law.

**Article 50** The Customs shall formulate the annual national supervision and sampling inspection plan for export food safety, and organize the implementation.

**Article 51** If the export food meets the requirements after the on-site inspection and supervision sampling, the Customs shall issue a certificate and permit the export. Where the import country (region) has updated the requirements for the form and contents of the certificate, changes can be made to the form and contents of the certificate with the approval of the General Administration of Customs.

If the export food fails to meet the requirements after the on-site inspection and supervision sampling, the Customs shall notify the exporter or its agent in writing. Where the relevant export food can undergo the technical treatment, it's export shall be permitted after being qualified; if the relevant export food cannot undergo the technical treatment or it is still unqualified after the technical treatment, it's export shall not be permitted.

**Article 52** Food exporters or their agents shall make a declaration to the Customs truthfully when exporting food.

**Article 53** The Customs shall implement inspection on the export food at the ports, and if the food fails to pass the inspection, it's export shall not be permitted.

**Article 54** The General Administration of Customs shall organize and carry out verification for the export food that has been notified for safety problems by international organizations and overseas government agencies, and based on the needs, implement the control measures such as adjusting the proportion of supervision and sampling inspection, requiring the food importer to submit to the Customs the inspection reports issued by qualified inspection institutions on a batch-by-batch basis, withdrawing the recommendation of registration to the overseas official competent authorities, *etc.*

**Article 55** If the export food has any safety problem, which has caused or may cause damage to human health and life safety, the export food producer or business operator shall immediately take corresponding measures to avoid and reduce the damage, and report to the local customs.

**Article 56** Where the Customs discovers any safety problem in the implementation of export food supervision and administration, it shall notify the competent food safety department of the government at the same or the next higher level.

#### **Chapter IV Supervision and Administration**

**Article 57** The General Administration of Customs shall, in accordance with the provisions of Article 100 of the "Food Safety Law", collect and summarize import and export food safety information and establish a management system for import and export food safety information.

The customs at all levels shall be responsible for the collection and collation of import and export food safety information of their respective jurisdictions and designated by the customs at the next higher level, and shall notify the local governments, relevant departments, institutions and enterprises within their respective jurisdictions in accordance with the

relevant provisions. If the information communicated involves other regions, it shall also notify the customs of the relevant regions.

Apart from the contents specified in Article 100 of the “Food Safety Law”, the import and export food safety information collected and summarized by the customs shall also include the information on technical trade measures for overseas food.

**Article 58** The Customs shall conduct risk study and judgment on the collected import and export food safety information, and determine the corresponding control measures based on the results of the risk study and judgment.

**Article 59** Where any food safety incident, epidemic situation or epidemic disease occurring at home or abroad may affect the safety of the import and export food, or serious food safety problems are found in the import and export food, the customs offices directly under the General Administration of Customs shall promptly report to the General Administration of Customs; the General Administration of Customs shall, in light of the situations, give risk early warnings, issue risk warning circulars in the Customs’ system, notify the food safety supervision and administration, health administration, and agricultural administration departments under the State Council, and if necessary, issue risk warning notices to consumers.

If the General Administration of Customs issues a risk warning circular, the control measures specified in Articles 34, 35, 36 and 54 of these Measures shall be taken for the import and export food in accordance with the requirements of the risk warning circular.

**Article 60** The Customs shall formulate an annual national risk monitoring plan for import and export food safety, and systematically and continuously collect monitoring data and related information on food-borne diseases, food contamination and harmful factors in import and export food.

**Article 61** If any food safety incident occurring outside China may have an impact on the food safety in China, or if it is assessed that there may be uncontrollable risks, the General Administration of Customs may, with reference to the international practices, directly issue a risk warning circular or release a risk warning notice to consumers, and take the control measures specified in Articles 34, 35 and 36 of these Measures.

**Article 62** The Customs shall formulate a national emergency response plan for abrupt import and export food safety incidents, and organize the implementation.

**Article 63** When performing its duties of supervising and administrating import and export food safety in accordance with the law, the Customs shall have the right to take the following measures:

- (1) Enter the production and operation premises to carry out on-site inspection;
- (2) Conduct sampling inspection on the food under production or operation;
- (3) Consult and copy relevant contracts, invoices, account books and other relevant materials;
- (4) Seal up or detain the food with evidence showing that it does not comply with national food safety standards or has hidden safety hazards and the food under illegal production or operation;

**Article 64** The Customs shall implement credit management on import and export food enterprises in accordance with the law.

**Article 65** The Customs shall carry out inspection and verification on import and export food producers and business operators, as well as the planting and breeding farms of filed raw materials in accordance with the law.

**Article 66** Transit food shall comply with the supervision requirements of the General Administration of Customs for transit goods. In the course of transit, the transit food shall not be unpacked or unloaded from the means of transport without the approval of the Customs, and shall be transported out of the territory of China within the specified time limit.

**Article 67** If import and export food producers and business operators have any objection to the inspection results made by the Customs, they may apply for re-inspection in accordance with the relevant provisions of re-inspection of import and export commodities. The Customs shall not accept the re-inspection applications under any of the following circumstances:

- (1) The inspection results show that the microbiological indicators exceed the standard;
- (2) The backup samples for re-inspection exceed the shelf life;
- (3) The backup samples fail to achieve the purpose of re-inspection due to other reasons.

### **Chapter V Legal Liability**

**Article 68** If the filing contents of a food importer have been changed but the food importer has not gone through the change formalities with the Customs in accordance with the provisions, and if the circumstances are serious, the Customs shall give a warning.

If any food importer provides false filing information in the filing process, the Customs shall impose a fine of not more than RMB 10,000.

**Article 69** If any domestic import and export food producer or business operator does not cooperate with the Customs in import and export food safety verification, refuses to accept inquiries and provides materials, or replies the contents and provides the materials inconsistent with the actual situations, the Customs shall give a warning or impose a fine of not more than RMB 10,000.

**Article 70** In the supervision of import prepackaged food, if the Customs finds that the import prepackaged food is not pasted with a Chinese label or the Chinese label pasted does not comply with laws, regulations and national food safety standards, and the food importer refuses to carry out the destruction, return or technical treatment in accordance with the requirements of the Customs, the Customs shall give a warning or impose a fine of not more than RMB 10,000.

**Article 71** If without the permission of the Customs, the import food is taken away from the places designated or approved by the Customs, the Customs shall order the food importer to make corrections and impose a fine of not more than RMB 10,000.

**Article 72** Where any of the following illegal acts fall within the “Failure to comply with the provisions of this Law in food export” specified in Sub-clause 1(III) of Article 129 of the “Food Safety Law”, the Customs shall impose a penalty in accordance with the provisions of Article 124 of the “Food Safety Law”:

- (1) Replace without authorization the export food that has been supervised and randomly inspected by the Customs and for which the certificates have been issued;

- (2) Export the food that is mixed with impurities or imitations, or passing fake food off as a genuine one, or passing defective food off as a good one, or passing unqualified export food off as a qualified one;
- (3) Export the food produced by a export food production enterprise that has not been filed;
- (4) Export the food produced by an export food production enterprise that has not approved for registration or the food produced by a registered export food production enterprise beyond its scope of registration;
- (5) The export food produced by the export food production enterprise did not use the raw materials from the filed planting and breeding farms in accordance with the provisions;
- (6) The export food producers or business operators are under the circumstances specified in Articles 123, 124, 125 and 126 of the “Food Safety Law”, and the export food does not meet the requirements of the import country (region).

**Article 73** If anyone violates the provisions of these Measures, and the case constitutes a crime, it shall be investigated for criminal responsibility.

### **Chapter VI Supplementary Provisions**

**Article 74** The supervision and administration of safety of import and export food subject to the special supervision areas and bonded supervision places of the Customs, the purchase from the market, the small-scale border trade shall be implemented in accordance with the relevant provisions of the General Administration of Customs.

**Article 75** The supervision and administration of safety of import and export food subject to the post, express mail, cross-border e-commerce, and that is carried by passengers shall be implemented in accordance with the relevant provisions of the General Administration of Customs.

**Article 76** The supervision and administration of non-tradable food such as samples, souvenirs, gifts, showpieces, aids, *etc.*, the food subject to duty-free business, the food for public use and self-use by the overseas embassies and consulates stationed in China and their personnel at the entry and exit, the food for public use and self-use by the Chinese embassies and consulates and their personnel stationed abroad, the food for self-use of the personnel of Chinese enterprises stationed abroad, *etc.* shall be implemented in accordance with the relevant provisions of the General Administration of Customs.

**Article 77** The producers and business operators of import and export food referred to in these Measures shall include overseas production enterprises, overseas exporters or agents, food importers, export food production enterprises, exporters, and related personnel that export food to China.

The overseas production enterprises of import food referred to in these Measures shall include overseas production, processing and storage enterprises, *etc.* that export food to China.

The importers and exporters of import food referred to in these Measures shall include overseas exporters or agents and food importers that export food to China.

**Article 78** These Measures shall be interpreted by the General Administration of Customs.

These Measures shall come into effect from January 1, 2022. The “Administrative Measures on Safety of Import and Export Food” promulgated in Decree No. 144 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of

China on September 13, 2011 and revised in accordance with Decree No. 184 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on October 18, 2016 and Decree No. 243 of the General Administration of Customs of the People's Republic of China on November 23, 2018, the "Administrative Measures on Inspection and Quarantine of Export Honey" promulgated in Decree No. 20 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on February 22, 2000 and revised in accordance with Decree No. 238 of General Administration of Customs of the People's Republic of China on April 28, 2018, the "Administrative Measures on Inspection, Quarantine and Supervision of Import and Export Aquatic Products" promulgated in Decree No. 135 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on January 4, 2011 and revised in accordance with Decree No. 243 of General Administration of Customs of the People's Republic of China on November 23, 2018, the "Administrative Measures on Inspection, Quarantine and Supervision of Import and Export Meat Products" promulgated in Decree No. 136 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on January 4, 2011 and revised in accordance with Decree No. 243 of General Administration of Customs of the People's Republic of China on November 23, 2018, the "Administrative Measures on Inspection, Quarantine and Supervision of Import and Export Dairy Products" promulgated in Decree No. 152 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on January 24, 2013 and revised in accordance with Decree No. 243 of General Administration of Customs of the People's Republic of China on November 23, 2018, the "Regulations on Filing Administration of Export Food Production Enterprises" promulgated in Decree No. 192 of the former General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China on November 14, 2017 and revised in accordance with Decree No. 243 of General Administration of Customs of the People's Republic of China on November 23, 2018 shall be repealed at the same time.