

*(Machine translation)*

Appendix

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

### **Overview of Part One**

The "Measures of the People's Republic of China on the Administration of Import and Export Food Safety" (hereinafter referred to as the "Measures") were promulgated on April 12, 2021 after being reviewed and approved at the executive meeting of the General Administration of Customs, and will be implemented on January 1, 2022. The "Measures for the Administration of Import and Export Food Safety" promulgated by the former General Administration of Quality Supervision, Inspection and Quarantine on September 13, 2011 by Order No. 144 of the General Administration of Customs Order No. 243 were revised twice on November 23, and it will be repealed on January 1, 2022.

The revision of the "Measures" is a corresponding adjustment made by the customs in accordance with the latest revisions of the "Food Safety Law of the People's Republic of China" (hereinafter referred to as the "Food Safety Law") and its implementation regulations and other higher-level laws. It is an inevitable requirement for administration according to law; Implementing the important measures of General Secretary Jin Ping's "four strictest" requirements on food safety; it is also a concrete manifestation of the strengthening of supervision and optimizing services in the field of import and export food safety based on the functions of the customs after the reform of the State Council. In order to meet the needs of all parties for a further in-depth understanding and accurate grasp of the revised background, legislative ideas and system connotations of the "Measures", the following explanations are made on the revisions of the "Measures":

#### **1. The necessity of revision**

The "Measures" before the amendment have played a very important role in ensuring the safety of imported and exported food, protecting the lives and health of the people and the national ecological security for a period of time. In recent years-2 -, import and export food safety work has continuously faced new situations, new requirements and new challenges, and related management systems need to be further adjusted and improved to meet the requirements of the new period.

First, in the past decade, China's import and export food trade has continued to maintain rapid growth, the globalization of the food supply chain has become increasingly prominent, non-traditional food safety issues have gradually become prominent, and the objective situation of import and export food safety has put forward new demands on the regulatory system. Second, as an important upper-level legal basis for import and export food safety supervision, the "Food Safety Law" and its implementing regulations were revised significantly in 2015 and 2019, respectively, and designated the "Guidelines for Supervision of Imported Food Without National Food Safety Standards". A series of content such as "Port Requirements", "Exported Food Supervision and Administration Requirements", "Imported Food Recalls",

and “Penalties” have been adjusted. For administrative needs in accordance with the law, it is necessary to comply with the revised Food Safety Law and its implementation regulations. It stipulates that the "Measures" shall be revised accordingly. Third, the Party Central Committee has put forward higher requirements on the safety of imported and exported food. In 2013, General Secretary Xi Jinping put forward the “four most stringent” requirements for food safety work, which became the fundamentals of import and export food safety work. Guarding actions to prevent imported food safety risks" requires the revision of the "Measures" to enable the customs department to better implement relevant requirements. Fourth, after the institutional reform of the State Council in 2018, the entry-exit inspection and quarantine management responsibilities and teams were assigned to the customs, and the import and export food safety management institutions and systems have changed. The Measures should be revised based on the current supervision reality.

## **2. The revision process**

After the 2015 "Food Safety Law" was revised, the Import and Export Food Safety Bureau initiated the revision of the "Measures" and organized experts to conduct research on import and export food safety governance theory, comparison of domestic and foreign food safety regulatory systems, and regulatory framework design, and formed the first draft of the revised draft.

The General Administration of Customs attaches great importance to the revision of the Measures. In May 2019, in light of the latest situation and regulatory needs, an expert group was formed to continue to advance the revision of the Measures on the basis of the revised draft. On December 1, 2019, after the "Regulations for the Implementation of the Food Safety Law" was promulgated and implemented, in accordance with the latest provisions of the regulations, a draft of the "Measures" for comments was formed. After completing two internal rounds of solicitation of opinions, on June 11, 2020, the draft of the “Measures” was published on the website of the General Administration of Customs to solicit opinions from the whole society; on November 30, the draft of the “Measures” was submitted to the World Trade Organization (WTO). To report and complete the notification procedure on January 31 of the following year, adopting reasonable opinions and suggestions put forward by WTO members. On the basis of the above-mentioned work, the "Measures" were reviewed and approved at the administrative meeting of the General Administration of Customs on March 12, 2021 and promulgated on April 12.

## **3. The main content of the revision**

### **(1) Basic information**

After the amendment of the "Measures", it includes six chapters: "General Provisions", "Food Imports", "Food Exports", "Supervision and Administration", "Legal Liabilities" and "Supplementary Provisions". The provisions have been increased from Article 64 to Article 79. The "Measures" closely focus on the entire chain of imported food safety supervision and the entire process of export food safety supervision, which are clarified through the two chapters of "food import" and "food export"; import and export food safety information management, risk early warning measures, and risk monitoring The contents are included in the "Supervision and Management" chapter; new regulations such as "risk early warning and

control measures", "emergency management", "supervision and inspection measures", "transit food quarantine" and "re-inspection management" have been added.

The “Measures” further clarify the provisions of the “Regulations for the Implementation of the Food Safety Law” on designated ports, standard application, designated or recognized places, and withdrawal of registered enterprises; Requirements for review, independent review by importers, notification, import and sales records, and credit management have been refined. The "Measures" also fully considered the functional positioning of the customs, combined with the relevant spirit and requirements of the customs business reform, and adjusted some of the work procedures of the customs department related to import and export food safety supervision.

## **(2) Description of key content**

### **1. Explanation of the "General Provisions" and "Supplementary Provisions"**

The "General Provisions" and "Supplementary Provisions" mainly explain the legislative purpose, formulation basis and working principles of the "Measures". It is clearly stated that the purpose of the legislation is "to ensure the safety of imported and exported food, and to protect the lives and health of humans, animals and plants."; The requirements of the national security concept. In terms of the basis for formulation, new laws and regulations such as the Customs Law of the People’s Republic of China, the Frontier Health and Quarantine Law of the People’s Republic of China, the Agricultural Product Quality and Safety Law of the People’s Republic of China. The basis and supervision methods are more abundant.

The General Provisions clarifies the working principles of “safety first, prevention first, risk management, full-process control, and international co-governance” for import and export food safety work, which reflects the "Measures" to establish more scientific and strict import and export food safety supervision. The system is aimed at highlighting domestic and foreign government regulatory agencies, industry organizations, international organizations and other international trade food safety related entities to participate in the implementation of food safety responsibilities, forming a good atmosphere of benign interaction, orderly participation, and joint supervision of all parties, and accelerating the promotion of a scientific, rigorous, efficient, convenient, coordinated, open and transparent modern governance system for import and export food safety.

### **2. Explanation on the part of "food imports"**

There are a total of 29 articles in the "**food import**" section, which is a substantial increase from the 17 articles in the original "Measures". In accordance with the revised Food Safety Law and its implementation regulations, this part clarifies the supervision system of imported food safety in combination with the customs' strengthened supervision and optimized service measures and supervision practices in recent years. Make specific provisions on the initiation of food safety management system evaluation and review, the content and method of evaluation and review, termination and extension, and notification of the results; put forward requirements for importers to establish an audit system for overseas exporters and overseas production enterprises; and also provide for imported food conformity assessment,

Important regulatory systems such as designated ports and designated supervision sites for imported food, on-site inspection of imported food ports, management of Chinese labeling of imported food, disposal of imported food unqualified, and risk control measures for imported food, have been clarified.

### **3. Notes on the "Food Export" section**

There are a total of 19 articles in the **"Food Export"** section, which clarify various measures for the safety supervision of exported food; clarify the recommendation of export food companies for external registration and overseas notification and verification; according to the continuous growth of China's export food trade and the level of quality and safety in recent years The reality of continuous improvement has put forward system requirements for sanitary control of export food production enterprises, supervision and inspection of export food production enterprises, on-site inspection and supervision and random inspection of export food, and export food risk early warning and control measures.

### **4. Explanation of the "Supervision and Management" part**

There are eleven articles in the **"Supervision and Management"** section, which clarify important contents such as credit management of import and export enterprises and management of import and export food re-inspection, and optimize import and export food safety information management, import and export food risk early warning, import and export food risk monitoring plans, etc; aspects of the regulatory system.

### **5. Explanation of the "Legal Liability" section**

There are six articles in the **"Legal Liability"** section, of which Article 68 to Article 71 add corresponding legal responsibilities within the scope of authorization in accordance with the law. Article 72 refines the relevant penalties of the Food Safety Law. Article 13 stipulates the legal liability for criminal offences involved in violation of the provisions of these Measures. In practice, other administrative violations involving import and export food safety management are based on the "Customs Law of the People's Republic of China", "Regulations on the Implementation of Customs Administrative Penalties of the People's Republic of China", "Food Safety Law" and its implementation regulations, and "Import and Export Commodities of the The Inspection Law and its implementation regulations, the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and its implementation regulations, and the "Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products" and other laws and administrative regulations shall impose penalties.

## Interpretation of Part Two

### 1. General Provisions

**Article 1** In order to ensure the safety of imported and exported food and protect human, animal and plant life and health, in accordance with the "Food Safety Law of the People's Republic of China" (hereinafter referred to as the "Food Safety Law") and its implementation regulations, the "Customs Law of the People's Republic of China", The Import and Export Commodity Inspection Law of the People's Republic of China and its implementing regulations, the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and its implementing regulations, the "Frontier Health and Quarantine Law of the People's Republic of China" and its implementation rules, and the "Quality of Agricultural Products of the People's Republic of China", these measures are formulated in accordance with laws and administrative regulations such as the Safety Law and the Special Provisions of the State Council on Strengthening the Supervision and Administration of Food and Other Products Safety.

**[Subject of Article]** This article clarifies the legislative purpose and legislative basis of the "Measures".

**[Interpretation]** The legislative purpose of the "Measures" is to "guarantee the safety of imported and exported food, and protect the lives and health of humans, animals and plants," and comply with the requirements of the "Food Safety Law of the People's Republic of China" and other laws and administrative regulations. Among them, "Protection of human, animal and plant life and health" is also consistent with relevant WTO agreements and other international rules, reflecting the characteristics of import and export food safety regulations.

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

**(1) Import and export food production and operation activities;**

**(2) The customs' safety measures for import and export food producers and operators and their import and export food safety Implement supervision and management.**

**The production and operation activities of import and export food additives and food-related products shall be implemented in accordance with the relevant regulations of the General Administration of Customs.**

**[Subject of Article]** This article is about the provisions of the scope of application of the "Measures".

**[Interpretation]** This article stipulates the scope of application of the Measures. The first item (1) of the first paragraph is aimed at the activities of the counterparty of the administrative management. The import and export food production and operation activities adjusted by these Measures mainly include import and export food production, storage, transportation, and import and export. Item (2) of the first paragraph is for customs supervision activities. Among them, the supervision and management of import and export food producers and operators mainly include subject qualification supervision, credit

management, audit supervision, external registration recommendation management, penalties, etc. The second paragraph is an exclusion clarifying that the production and operation activities of import and export food additives and food-related products are not within the scope of the "Measures".

**Article 3** Import and export food safety work adheres to the principles of safety first, prevention first, risk management, full control, and international co-governance.

**[Subject of Article]** This article is about the principles of import and export food safety work.

**[Interpretation]** This article stipulates the principles of import and export food safety. "Safety first" means that the safety of import and export food must always be the first priority, adhere to the bottom line thinking, and resolutely prevent regional, systemic, and industrial import and export food safety issues. "Prevention first" refers to the prevention and control of risks through various preventive measures and mechanisms for import and export food safety. "Risk management" refers to the effective management and control of import and export food safety risks through scientific risk management methods such as classification and classification of import and export food risks. "Full process control" is based on the characteristics of food safety supervision work, strengthens full process supervision, and establishes a supervision system covering the entire process.

"International co-governance" requires the participation of all parties including international food safety organizations and foreign government agencies to create an international co-governance pattern for food safety. Import and export food safety regulators and all entities in the import and export food supply chain bear corresponding food safety responsibilities, and all relevant parties are required to perform their responsibilities and cooperate closely, and establish scientific, rigorous, efficient and convenient based on the above five principles. , A coordinated, open and transparent import and export food safety governance system that not only conforms to the current international regulatory trends and common practices, but also conforms to the requirements of the socialist customs with Chinese characteristics.

**Article 4** Producers and operators of import and export food are responsible for the safety of the import and export food they produce and operate.

**Import and export food producers and operators shall engage in import and export food production and operation activities in accordance with the international treaties and agreements that China has concluded or participated in, Chinese laws and regulations and national food safety standards, accept supervision and management in accordance with the law, ensure the safety of imported and exported food, and be responsible to the society and the public , To assume social responsibility.**

**[Subject of Article]** This article is about the main responsibility of import and export food producers and operators.

**[Interpretation]** Article 4 of the Food Safety Law stipulates that food producers and operators are responsible for the safety of the food they produce and trade. Import and export food producers and operators are the first persons responsible for the safety of imported and exported food, and shall be responsible for the safety of the food they produce and operate, and bear the main responsibility for the safety of imported and exported food. Article 77 of the "Measures" stipulates that "the import and export food producers and operators

mentioned in these measures include: overseas production enterprises, overseas exporters or agents, food importers, export food production enterprises, exporters that export food to China. Business and related personnel, etc.". The above-mentioned import and export food producers and operators shall bear the main responsibility for import and export food safety.

**Article 5** The General Administration of Customs is in charge of the supervision and administration of the national import and export food safety.

**Customs at all levels are responsible for the supervision and management of import and export food safety in their jurisdictions.**

**[Subject of Article]** This article is a regulation of the supervision and management department of import and export food safety.

**[Interpretation]** Article 91 of the Food Safety Law stipulates that the national entry-exit inspection and quarantine department shall supervise and manage the safety of imported and exported food. On March 21, 2018, the Central Committee of the Communist Party of China issued the "Deepening Party and State Institutional Reform Plan", which assigned the entry-exit inspection and quarantine management responsibilities and teams of the former General Administration of Quality Supervision, Inspection and Quarantine to the General Administration of Customs. Therefore, this article clearly stipulates that the customs shall control the import Supervision and management of export food safety is implemented. The second paragraph of this article clarifies that the General Administration of Customs and all levels of customs are respectively responsible for the supervision and management of import and export food safety throughout the country and within its jurisdiction.

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

**[Subject of Article]** This article is about the regulations on the informatization construction of customs import and export food safety supervision.

**[Interpretation]** Import and export food safety supervision must objectively make good use of information technology, which is clarified by this article, and aims to highlight the important role of information technology and make it an important content of customs deepening reform and strengthening supervision and optimization services, by strengthening supervision information We will actively and effectively improve the ability of import and export food safety governance and the modernization level of the governance system, and fully implement various regulatory requirements for import and export food safety.

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

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

**[Subject of Article]** This article is about the provision of publicity and education on import and export food safety and strengthening international exchanges on food safety.

**[Interpretation]** According to the provisions of Article 10 of the Food Safety Law on strengthening the publicity and education of food safety, the customs should vigorously publicize and popularize the knowledge of import and export food safety, timely release the interpretation of import and export food related policies, and promote the attention and understanding of import and export by the whole society food safety.

The second paragraph of this article is the embodiment of the third international co-governance principle, and is also an objective requirement for import and export food safety supervision. All parties involved have different responsibilities in the import and export food safety supervision chain. Through active exchanges and cooperation with various overseas related parties, including international food safety organizations, overseas government agencies, overseas food industry associations, overseas consumer associations, etc., the customs will establish an international co-governance pattern for import and export food safety while doing a good job in external publicity; create a good atmosphere.

**Article 8** The customs personnel engaged in the supervision and management of import and export food safety shall have related expertise.

**[Subject of Article]** This article is about the professional requirements of customs import and export food safety supervisors.

**[Interpretation]** Article 116 of the Food Safety Law requires strengthening the assessment of relevant laws, regulations, standards, professional knowledge and law enforcement capabilities of food safety law enforcement personnel. Those who do not possess the corresponding knowledge and ability shall not engage in food safety law enforcement.

## 2. Food Imports

**Article 9** Imported food shall comply with Chinese laws and regulations and national food safety standards. International treaties and agreements that China has concluded or participated in shall also comply with the requirements of international treaties and agreements.

**Imports of food for which there is no national food safety standard, shall comply with the requirements of the relevant temporarily applicable standards promulgated by the administrative department of health under the State Council. Foods produced using new food raw materials shall obtain a new food raw material health administrative license from the health administration department of the State Council in accordance with the provisions of Article 37 of the Food Safety Law.**

**[Subject of Article]** This article is about the regulations on the basis of imported food supervision.

**[Interpretation]**

**1. Imported food should comply with China's laws and regulations, national food safety standards and the requirements of international treaties, and agreements, that China has concluded or participated in.**

Article 92 of the "Food Safety Law" stipulates that "imported food shall meet China's national food safety standards. Imported food shall be inspected by the entry-exit inspection and quarantine agency in accordance with the relevant laws and administrative regulations on the inspection of import and export commodities." Imported food complying with China's national food safety standards is the main responsibility that overseas producers, exporters and domestic importers of imported food should implement, and it is also an internationally accepted requirement. At present, China's import and export food safety laws and regulations mainly include the "Food Safety Law", "Agricultural Products Quality Safety Law of the People's Republic of China", "Import and Export Commodity Inspection Law of the People's Republic of China", and "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and other laws. And relevant implementing regulations (details), "Regulations on the Safety of Agricultural Genetically Modified Organisms" and other administrative regulations, "Administrative Measures on Import and Export Food Safety of the People's Republic of China", "Regulations of the People's Republic of China on the Registration Management of Imported Food Overseas Production Enterprises" and other departmental regulations. China's national food safety standards mainly include general standards, product standards, inspection method standards, and production specifications.

At the same time, as a member of many international organizations such as the World Trade Organization (WTO), the World Organization for Animal Health (OIE), and the Food and Agriculture Organization of the United Nations (FAO), China should abide by relevant international treaties and agreements, and refer to relevant international standards, guidelines and Recommendations, including the "Technical Barriers to Trade Agreement" (TBT Agreement), "Agreement on the Implementation of Sanitary and Phytosanitary Measures" (SPS Agreement), "International Food Code", "Terrestrial Animal Health Code", "Aquatic Animal Code", "Plant International Standards for Quarantine Measures, etc. In addition, the inspection and quarantine requirements established by the General Administration of Customs and the competent authorities of exporting countries (regions) through protocols and other bilateral and multilateral agreements are also an important basis for the supervision of imported food. Imported food should meet the inspection and quarantine requirements stipulated in these bilateral and multilateral agreements and announcements.

**2. Importing food for which there is no national food safety standard shall comply with the requirements of the relevant temporarily applicable standards promulgated by the administrative department of health under the State Council.**

Article 47 of the Regulations for the Implementation of the Food Safety Law stipulates that the foods covered by the general standards in the national food safety standards do not belong to the foods for which there is no national food safety standard as stipulated in Article 93 of the Food Safety Law. When foods that are not covered by the general standards and product standards in the national food safety standards are imported, overseas exporters, overseas production enterprises or their entrusted importers shall report to the health administration of the State Council in accordance with the provisions of Article 93 of the Food Safety Law. The department submits relevant national (regional) standards or international standards, and the customs conducts inspections in accordance with the requirements of the health administration department of the State Council.

**3. Foods produced using new food raw materials shall obtain a new food raw material health administrative license from the health administration department of the State Council in accordance with the provisions of Article 37 of the Food Safety Law.**

Article 37 of the Food Safety Law stipulates that the use of new food raw materials to produce food, or to produce new varieties of food additives or new varieties of food-related products, shall submit relevant product safety assessment materials to the health administration department of the State Council. The administrative department of health under the State Council shall organize an examination within 60 days from the date of receipt of the application; for those that meet the food safety requirements, permit and publish; for those that do not meet the food safety requirements, the permit shall not be granted and the reasons shall be stated in writing. For the review process of new food raw materials application license, please refer to the "Administrative Measures for the Safety Review of New Food Raw Materials" (Order No. 1 of the National Health and Family Planning Commission).

Article 16 of the Regulations for the Implementation of the Food Safety Law stipulates that the administrative department of health under the State Council shall promptly announce new food raw materials, new varieties of food additives and new food-related products catalogs and applicable national food safety standards. The health administration department of the State Council in conjunction with the food safety supervision and administration department of the State Council shall update the catalogue of substances that are traditionally both food and Chinese medicinal materials. According to the new food raw materials issued by the health administrative department of the State Council and the traditional material catalogues that are both food and Chinese medicinal materials, the customs implements inspection and quarantine supervision and management of related imported food and food raw materials.

**Article 10** The customs shall implement conformity assessment on imported foods in accordance with the relevant laws and administrative regulations on the inspection of imported and exported commodities.

**Imported food conformity assessment activities include: food safety management system evaluation and review of overseas countries (regions) (hereinafter referred to as foreign countries (regions)) that export food to China, registration of overseas production enterprises, registration of importers and exporters, and qualification assurance, entry Animal and plant quarantine approval, inspection of accompanying qualification certificates, document review, on-site inspection, supervision and random inspection, inspection of import and sales records, and a combination of various items.**

**[Subject of Article]** This article is about the requirements for the implementation of conformity assessment of imported food.

**[Interpretation]** This article is based on the second paragraph of Article 92 of the Food Safety Law "Imported food and food additives shall be inspected by the entry-exit inspection and quarantine agency in accordance with the relevant laws and administrative regulations on the inspection of import and export commodities" and the "China The second paragraph of Article 6 of the Import and Export Commodity Inspection Law of the People's Republic of China stipulates that "the conformity assessment procedure includes: sampling, inspection and inspection; evaluation, verification and conformity assurance; registration, recognition

and approval, as well as a combination of all items”, and the imported food shall be qualified. The assessment activities should be clarified.

**1. Evaluation and review of food safety management systems in foreign countries (regions).**

The General Administration of Customs conducts an assessment of the integrity and effectiveness of the food safety management system of the foreign country (region) that intends to export food to China in accordance with the risk management principle, so as to determine the food safety management system and food safety status of the country (region) Whether it can reach the level required by China, and whether the food exported to China produced under this system can meet the requirements of Chinese laws and regulations and the requirements of national food safety standards.

**2. Registration of overseas production enterprises.**

The General Administration of Customs implements registration management of overseas production, processing, and storage companies that export food to China, and reviews food production companies recommended by the competent authorities of countries (regions) exporting food to China to apply for registration and companies that meet the registration requirements. Registration is granted. The General Administration of Customs has issued the "Regulations on the Registration and Administration of Overseas Production Enterprises of Imported Food of the People's Republic of China", which clarifies the specific requirements and working procedures.

**3. Filing and qualification guarantee for importers and exporters.**

Importer and exporter filing means that importers of imported food, overseas exporters or agents exporting food to China, shall file with the customs for filing. Conformity assurance is an important part of food importers or their agents in fulfilling the main responsibility of food safety. It means that food importers or their agents submit to the customs that the food they import meets Chinese laws and regulations and national food safety standards. Proof of relevant regulations or written commitments.

**4. Approval of entry animal and plant quarantine.**

In order to prevent the introduction of animal infectious diseases, parasitic diseases, plant dangerous pests, weeds, and other harmful organisms, the customs has made clear that the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and its implementation regulations and relevant national regulations require approval Imported foods of animal and plant origin are subject to quarantine approval. The quarantine approval system is an administrative license established in accordance with the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" and its implementation regulations. Importers must apply to the customs for an "entry animal and plant quarantine license" in advance, and the customs implements the management of the verification and cancellation of the license when importing.

**5. Attached to the inspection of the certificate of conformity.**

For imported foods with higher risks or special requirements, when importing food declarations, importers shall submit the qualified certification materials attached to the batch of products as required, and the customs shall conduct verification and inspection of the relevant certification materials. Qualified certification materials are

certification materials provided by overseas manufacturers, exporters or domestic importers in accordance with Chinese laws and regulations, international treaties, agreements and relevant regulations of the General Administration of Customs, such as official certificates and product inspection reports issued by the competent authority of the exporting country (region) Or self-declaration of conformity, etc.

**6. Document review.**

According to customs regulations, the importer shall submit necessary vouchers, relevant approval documents and other materials when declaring imported food. The customs shall review the completeness, authenticity and validity of the above materials in accordance with the law. For imported food that does not meet the requirements of the document review, the application will not be accepted. The Announcement on the Electronicization of Inspection and Quarantine Documents (Announcement No. 90 of 2018 of the General Administration of Customs) that was implemented on August 1, 2018, clarifies the types of paper documents that are not required to be submitted when declaring to the customs for inspection and quarantine procedures, and Provides different electronic submission methods for different document types.

**7. On-site inspection.**

Customs conducts on-site inspections on whether imported food meets the requirements of food safety laws and regulations and national food safety standards. Article 28 of the "Measures" clearly stipulates on-site inspections.

**8. Supervise random inspections.**

According to the imported food safety supervision and sampling plan and the special imported food safety supervision and sampling plan, the customs shall conduct sampling, inspection and disposal of imported food.

**9. Inspection of import and sales records.**

Importers should establish a food import and sales record system in accordance with Article 98 of the Food Safety Law, record relevant information truthfully, and keep relevant vouchers. The customs department conducts inspections on importers' records and the import and sales records kept by them as needed, which is an important means for the post-event supervision of imported foods. On the basis of fully assessing food safety risks, different combinations of the above nine conformity assessment activities are adopted for different imported foods, which are in line with the "Import and Export Commodity Inspection Law of the People's Republic of China" and the "Technical Barriers to Trade Agreement" (TBT Agreement).

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

**[Subject of Article]** This article is about the provisions of the food safety management system and food safety status assessment and review system of foreign countries (regions).

**[Interpretation]** The evaluation and review of food safety management systems of foreign countries (regions) refers to the integrity of the food safety management systems of countries

(regions) that export food to China in accordance with the provisions of the Food Safety Law and the principles of risk management by the General Administration of Customs Evaluation and review are carried out to determine whether the food safety status of the country (region) can reach the level of risk protection acceptable to China. The competent authority of the exporting party shall ensure that the food produced under this system that enters the Chinese market continues to comply with the requirements of Chinese laws and regulations and national food safety standards. The assessment and review of the food safety management system of the country (region) of origin for the exported food conforms to international practices.

**Article 12** Under any of the following circumstances, the General Administration of Customs may District) initiate evaluation and review:

**(1) An overseas country (region) applies for the first export of a certain type (kind) of food to China;**

**(2) The food safety, animal and plant quarantine laws and regulations, and organizational structures of foreign countries (regions) have undergone major adjustments;**

**(3) The competent authority of an overseas country (region) applies for a major adjustment to the inspection and quarantine requirements of a certain type (species) of food exported to China;**

**(4) Major animal and plant epidemics or food safety incidents occur in foreign countries (regions);**

**(5) The customs finds serious problems in the food exported to China and believes that there is an animal or plant epidemic or a hidden food safety hazard;**

**(6) Other situations that require evaluation and review.**

**[Subject of Article]** This article is about the conditions for initiating the evaluation and review of the food safety management system of foreign countries (regions).

**[Interpretation]** This article clarifies the following situations:

- 1.** An overseas country (region) applies for the first export of a certain type (kind) of food to China. For the food that is exported to China for the first time, a comprehensive assessment of the safety risk status of this type of food is required. Including understanding the management system, management organization, management mechanism and system, relevant laws and regulations, risk monitoring results, etc. of the exporting country for this type of food to determine the equivalence of the supervision and China's food safety supervision.
- 2.** The food safety, animal and plant quarantine laws and regulations, and organizational structures of foreign countries (regions) have undergone major adjustments. Food safety, animal and plant quarantine laws and regulations of foreign countries (regions) are an important basis for evaluation and review, and the organization of food safety authorities is an important basis for supervision. After major changes in laws,

regulations, and organizational structures, the basis for obtaining approval conclusions through assessment and review will disappear, and it will not be able to determine whether the food safety status of the country (region) can reach the level of risk protection acceptable to China and the Whether the production of food exported to China under this system can meet the requirements of Chinese laws and regulations and the purpose of national food safety standards. Therefore, the customs needs to re-evaluate and review.

3. The competent authorities of foreign countries (regions) apply for major adjustments to the inspection and quarantine requirements for certain types (species) of food exported to China. After passing the assessment and review of the food safety management system of foreign countries (regions), the General Administration of Customs and the competent authorities of foreign countries (regions) shall negotiate and sign bilateral and multilateral agreements such as protocols on the basis of risk assessment, stipulating the inspection of this category (species) of food Quarantine requirements. If the competent authorities of foreign countries (regions) make major adjustments to the above inspection and quarantine requirements, it is likely that Hua Foods cannot meet the requirements of Chinese laws and regulations and national food safety standards. Therefore, the competent authority should re-negotiate with the General Administration of Customs to determine the bilateral protocol content.
4. Major animal and plant epidemics or food safety incidents occur in foreign countries (regions). The occurrence of major animal and plant epidemics or food safety incidents in overseas countries (regions) shows that the food safety system of that country (region) has failed to effectively prevent related food safety or animal and plant epidemics and disease risks. There may be major defects and need to be reassessed and reviewed.
5. The customs found serious problems in the food exported to China and believed that there was an animal and plant epidemic Or food safety hazards. The customs found serious problems in the food exported to China, including the risks of food safety itself, such as frequent detection of pathogenic microorganisms exceeding the standard, pesticide residues, veterinary drug residues, biotoxins, heavy metals and other toxic and harmful substances, as well as other substances harmful to human health, etc. Circumstances that meet the import requirements; also include situations where obvious loopholes in the food safety supervision system of foreign countries (regions) are found in conformity assessment activities, which need to be reassessed and reviewed.
6. Other situations that require evaluation and review. If the first five items are not clarified, the General Administration of Customs may initiate the relevant evaluation and review if it is necessary to conduct an evaluation and review based on the actual situation.

**Article 13** Evaluation and review of food safety management systems in foreign countries (regions) It mainly includes the evaluation and confirmation of the following contents:

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

**(2) Food safety supervision and management organization;**

**(3) The prevalence of animal and plant epidemics and the prevention and control measures;**

**(4) Management and control of pathogenic microorganisms, agricultural and veterinary drugs and pollutants;**

**(5) Safety and sanitation control in food production, processing, transportation and storage links;**

**(6) Supervision and management of export food safety;**

**(7) Food safety protection, traceability and recall system;**

**(8) Early warning and emergency response mechanism;**

**(9) Technical support ability;**

**(10) Other situations involving animal and plant epidemics and food safety.**

**[Subject of Article]** This article is about the main content of the assessment and review of the food safety management system of foreign countries (regions).

**[Interpretation]** The evaluation and review of food safety management systems in foreign countries (regions) mainly focus on the following:

- 1.** Evaluation and confirmation of laws and regulations related to food safety and animal and plant quarantine. Evaluate the equivalence of the food safety, animal and plant quarantine laws and regulations of the countries (regions) exporting food to China with relevant Chinese laws and regulations, and confirm that the legal system can ensure that the food exported to China continues to comply with Chinese laws and regulations and national food safety standards require.
- 2.** Evaluation and confirmation of food safety supervision and management organizations. Evaluate the central and local structure, organization, operation, funding guarantee, human resources, inter-departmental coordination and information transmission mechanism of food safety supervision and management organizations from countries (regions) exporting food to China, and confirm that the organization can be effective Supervise and manage its food exports to China continue to meet the requirements of Chinese laws and regulations and national food safety standards.
- 3.** Evaluation and confirmation of the epidemic situation of animals and plants and prevention and control measures. Evaluate the establishment and operation of a certain type (species) of food-related animal and plant epidemic prevention and control systems applied by countries (regions) exporting food to China to confirm that the system can effectively prevent the risk of animal and plant epidemics spread by food imported to China.

4. Evaluation and confirmation of the management and control of pathogenic microorganisms, agricultural and veterinary drugs and pollutants. Regarding the prevention and control of pathogenic microorganisms and pollutants in the production and processing of raw materials to finished products, such as chemical inputs and agricultural inputs in the cultivation and breeding of animals and plants used as food raw materials in foreign countries (regions) Relevant laws and regulations, the implementation of food safety risk prevention and control requirements, and the risk monitoring carried out by enterprises and official authorities to confirm that their management and control of pathogenic microorganisms, pesticide and veterinary drug residues and pollutants can effectively guarantee their export to China Food continues to meet the requirements of Chinese laws and regulations and national food safety standards.
5. Evaluation of safety and health control in food production, processing, transportation and storage, confirm. Regarding the sanitary control of the whole process of food production, processing, transportation and storage in countries (regions) exporting food to China, the official competent authority evaluates the relevant procedures and requirements for the supervision and management of production and processing enterprises, transportation and storage enterprises, and confirms their food production, processing, and transportation. The entire chain can effectively ensure that its food exported to China continues to meet the requirements of Chinese laws and regulations and national food safety standards.
6. Evaluation and confirmation of export food safety supervision and management. Evaluate the export food safety supervision and management procedures and requirements of the official competent authorities of the countries (regions) exporting food to China and the implementation of relevant regulations. Confirm whether the supervision and management of its official competent authority is effective.
7. Evaluation and confirmation of food safety protection, traceability and recall systems. Evaluate whether the countries (regions) exporting food to China have established a scientific and complete food safety protection, traceability and recall system, and confirm whether the system can operate effectively and continue to ensure the safety of food exported to China.
8. Evaluation and confirmation of early warning and emergency response mechanisms. Evaluate whether the countries (regions) exporting food to China have established a complete and effective food safety early warning and emergency response mechanism, and confirm whether the mechanism can effectively prevent and control food safety risks and emergencies.
9. Evaluation and confirmation of technical support capabilities. Evaluate the technical support capabilities of the official laboratories or officially authorized laboratories of the countries (regions) exporting food to China, and confirm that they can conduct food safety risks such as animal and plant epidemics, pesticide residues, pathogenic microorganisms, and pollutants. Effective detection.
10. Other situations involving animal and plant epidemics and food safety. Evaluate and confirm the situation of countries (regions) exporting food to China in terms of animal

and plant epidemic prevention and control, food safety supervision, human resource training, animal welfare, scientific research status, participation in international organization activities, etc.

**Article 14** The General Administration of Customs may organize experts to conduct assessment and review through forms and combinations of document review, video inspection, and on-site inspection.

**[Subject of Article]** This article is about the provisions of the evaluation and review of the food safety management system of foreign countries (regions).

**[Interpretation]** The General Administration of Customs, in accordance with international practices, adopts various forms to evaluate and review the content of Article 13 of the Measures. One is data review. The competent authorities of the countries (regions) exporting food to China shall fill in the relevant questionnaires truthfully as required, and the General Administration of Customs shall evaluate and review the answer sheets provided by them. The second is video inspection. The competent authorities of the countries (regions) exporting food to China and the food exporting enterprises to China shall provide documents and records as required, accept and cooperate with the video inspection conducted by the General Administration of Customs, and provide necessary technical support and convenience for the inspection. The third is on-site inspection. The competent authorities of the countries (regions) exporting food to China and the food exporting enterprises to China shall accept and cooperate with the on-site inspection organized by the General Administration of Customs, and provide necessary support and convenience for the inspection.

According to the actual situation, the General Administration of Customs may adopt one or a combination of the above methods to carry out assessment and review.

**Article 15** The General Administration of Customs organizes experts to review the application materials and written assessment questionnaires submitted by the countries (regions) receiving the assessment and review.

**The review includes the authenticity, completeness and validity of the materials. According to the information review, the General Administration of Customs may request the competent authorities of the relevant country (region) to supplement the missing information or data. For countries (regions) that have passed the document review, the General Administration of Customs may organize experts to conduct video inspections or on-site inspections of their food safety management systems. The relevant national (regional) competent authorities and relevant enterprises can be required to implement rectification for the problems found. Relevant countries (regions) should provide necessary assistance for assessment and review.**

**[Principle of Article]** This article is about the review of the food safety management system data of foreign countries (regions).

**[Interpretation]** The competent authority of the exporting country (region) shall be responsible for the authenticity, completeness and validity of the submitted application materials. According to international practice, exporting countries (regions) should actively cooperate with importing countries (regions) to provide necessary assistance for evaluation

and review work, including: timely submission of written questionnaire answers and supplementary information or materials for data review; for on-site/ Video inspection provides necessary facilities and organizes relevant companies to accept on-site/video inspections, etc. As for the matters that need to be rectified during the evaluation and review, the competent department and relevant enterprises shall organize the rectification in a timely manner, and provide the rectification situation to the General Administration of Customs.

**Article 16** In one of the following situations in the country (region) that accepts assessment and review, the General Administration of Customs may terminate the assessment and review and notify the competent authority of the relevant country (region):

**(1) There is no feedback within 12 months of receiving the written assessment questionnaire;**

**(2) Failure to provide the required supplementary information and materials within 3 months after receiving the notice from the General Administration of Customs;**

**(3) Sudden major animal and plant epidemics or major food safety incidents;**

**(4) Failure to cooperate with the Chinese party to complete the video inspection or on-site inspection, and fail to effectively complete the rectification;**

**(5) voluntarily applying for termination of evaluation and review. In the first and second cases of the preceding paragraph, the competent authorities of the relevant country (region) may apply for an extension due to special reasons, and with the approval of the General Administration of Customs, the relevant materials shall be submitted in accordance with the re-determined time limit of the General Administration of Customs.**

**[Subject of Article]** This article is about the termination provisions of the evaluation and review of the food safety management system of foreign countries (regions).

**[Interpretation]** This article enumerates the circumstances under which the evaluation and review are terminated. Provisions are made on the circumstances under which an extension can be applied for due to special reasons.

**Article 17** After the evaluation and review are completed, the General Administration of Customs shall notify the competent authorities of the countries (regions) receiving the evaluation and review of the results of the evaluation and review.

**[Subject of Article]** This article is about the notification of the evaluation results of the food safety management system of foreign countries (regions).

**[Interpretation]** According to Article 101 of the Food Safety Law, the General Administration of Customs, after completing the assessment and review, will report the results to the competent authority of the country (region) that accepts the assessment and review.

**Article 18** The General Administration of Customs shall implement registration management of overseas production enterprises that export food to China, and publish a list of registered enterprises.

**[Subject of Article]** This article is about the regulations on the registration management system for overseas production enterprises of imported food.

**[Interpretation]** The General Administration of Customs implements registration management on overseas production, processing, and storage companies that export food to China, and reviews food production companies recommended by the competent authorities of countries or regions exporting food to China to apply for registration and companies applying for registration, and meet the registration requirements Yes, registration is granted. The registration of overseas production enterprises of imported food shall be implemented in accordance with the relevant provisions of the "Regulations of the People's Republic of China on the Administration of Registration of Overseas Production Enterprises of Imported Food" (Order No. 248 of the General Administration of Customs).

**Article 19** Overseas exporters or agents (hereinafter referred to as overseas exporters or agents) that export food to China shall file with the General Administration of Customs.

**Food importers should file with the customs of their domicile. Foreign exporters or agents and food importers shall be responsible for the authenticity and validity of the materials they provide when filing for the record. The record list of overseas exporters or agents and food importers shall be announced by the General Administration of Customs.**

**[Subject of Article]** This article is about importing food overseas exporters, agents and Importers implement regulations on record management.

**[Interpretation]** According to Article 96 of the "Food Safety Law of the People's Republic of China", the General Administration of Customs implements record management on overseas exporters or agents of imported food. The General Administration of Customs is responsible for the filing of imported food overseas exporters or agents, establishing a filing management system for imported food importers and exporters, and publishing and adjusting the filing list of food importers and exporters. Local customs are responsible for the acceptance of food importers' filing applications, the formal review of filing materials, the issuance of filing numbers, and the organization of inspections of registered importers. The filing management shall be implemented in accordance with the relevant regulations of the General Administration of Customs.

**Article 20** If there is a change in the filing content of an overseas exporter or agent or food importer, it shall go through the formalities for the change with the filing authority within 60 days from the date of the change. If the customs finds that the foreign exporters, agents, or food importers are wrong in the filing information or the filing content has not been changed in time, it may order them to make corrections within the prescribed time limit.

**[Principle of Article]** This article is about changes in the filing information of overseas exporters, agents and importers of imported food.

**[Interpretation]** Overseas exporters or agents and food importers shall bear the obligation of filing changes, that is, they shall go through the formalities with the filing authority within 60 days from the date when the content of the filing is changed. The customs shall supervise the registration changes of overseas exporters or agents or food importers of imported food, and if they find that the registration information is wrong or the content of the registration has not been changed in a timely manner, they may be ordered to make corrections within a time limit.

**Article 21** Food importers shall establish a food import and sales record system to truthfully record the food name, net content/specification, quantity, production date, production or import batch number, shelf life, name and address of overseas exporters and purchasers, and Contact information, delivery date, etc., and save relevant vouchers. The preservation period of records and vouchers shall not be less than 6 months after the expiration of the food shelf life; if there is no guarantee of the shelf life, the preservation period shall be more than 2 years after the sale.

**[Subject of Article]** This article is about the obligation of food importers to establish a food import and sales record system.

**[Interpretation]** Article 98 of the Food Safety Law stipulates that importers shall establish a food and food additive import and sales record system, truthfully record the name, specification, quantity, production date, production or import batch number, the warranty period, the name, address and contact information of the overseas exporter and purchaser, the delivery date, etc., and the relevant vouchers should be kept.

The second paragraph of Article 50 of the Food Safety Law stipulates that food production enterprises shall establish an inspection record system for the purchase of food raw materials, food additives, and food-related products, and truthfully record the names, specifications, and quantities of food raw materials, food additives, and food-related products , Production date or production batch number, shelf life, purchase date, and supplier's name, address, contact information, etc., and save relevant vouchers.

The retention period of records and vouchers shall not be less than six months after the expiration of the product warranty period; if the warranty period is not clearly guaranteed, the retention period shall not be less than two years. The content of food import and sales records shall be implemented in accordance with relevant regulations.

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

**(1) Development and implementation of food safety risk control measures;**

**(2) Ensure that the food complies with Chinese laws and regulations and national food safety standards.**

**[Subject of Article]** This article is about the provisions of the independent review system for food importers.

**[Interpretation]** Article 94 of the Food Safety Law stipulates that overseas exporters and overseas production enterprises shall ensure that the food, food additives, and food-related

products exported to China comply with the provisions of this law and other relevant laws and administrative regulations of China. It is required by national food safety standards, and is responsible for the content of labels and instructions. Food importers shall establish an audit system for overseas exporters and overseas production enterprises; those that fail the audit shall not be imported. Food importers should review overseas exporters and overseas production enterprises through commercial contract agreements and other methods; and through regular or irregular inspections, ensure that the food exported by overseas exporters and overseas production enterprises to China meets the requirements.

**1. Development and implementation of food safety risk control measures.**

This review includes, but is not limited to, the following: the establishment and operation of effective food safety and hygiene management and protection systems by overseas food production enterprises; the supervision of overseas food production enterprises and exporters by the competent authority; the compliance of relevant food exports to China. The status of the bilateral protocol signed between the official competent authority of the exporting country and the General Administration of Customs and the status of other food safety risk control measures.

**2. Food compliance with Chinese laws and regulations and national food safety standards.**

The review includes but is not limited to the following: whether production is implemented in accordance with China's food safety laws and regulations and national food safety standards, and whether raw materials and auxiliary materials meet the relevant provisions of China's food safety laws and regulations and national food safety standards. If necessary, samples of relevant products can be taken and sent to a qualified laboratory for inspection. Only after the relevant inspection results meet the requirements of China's food safety laws and regulations and national food safety standards, they can be exported to China. The label of pre-packaged food shall comply with the relevant provisions of China's food safety laws and regulations and national food safety standards.

**Article 23** The Customs shall conduct inspections on food importers in accordance with the law. Conduct supervision and inspection. Food importers should actively cooperate and truthfully provide relevant information and materials.

**[Subject of Article]** This article is about the supervision and inspection regulations of the customs on the independent review of food importers.

**[Interpretation]** The customs has the power to supervise and inspect the implementation of independent audits of food importers, mainly reviewing the establishment of an audit system and conducting audit activities by food importers. Food importers are obliged to actively cooperate with the supervision and inspection conducted by the customs, and shall truthfully provide relevant information and materials.

**Article 24** The customs may, in accordance with the needs of risk management, implement designated ports for import of imported food and designated supervision sites for inspection. The list of designated ports and designated supervision sites shall be announced by the General Administration of Customs.

**[Subject of Article]** This article is about the system of designated ports and designated supervision sites for imported food.

**[Interpretation]** According to Article 46 of the Regulations on the Implementation of the Food Safety Law, the customs may import certain foods at designated ports according to the needs of risk management. On the basis of risk assessment, the customs may implement designated inspection, inspection, and quarantine supervision operation sites for certain foods.

**Article 25** Food importers or their agents shall truthfully declare to the customs when importing food.

**[Subject of Article]** This article is about the obligation of food importers or their agents to report truthfully.

**[Interpretation]** Article 24 of the "Customs Law of the People's Republic of China" stipulates that the consignee of imported goods and the consignor of export goods shall declare truthfully to the customs and submit the import and export licenses and relevant documents for inspection.

Article 11 of the Import and Export Commodity Inspection Law of the People's Republic of China stipulates that the consignee or its agent of imported commodities that must be inspected by the commodity inspection agency shall report to the commodity inspection agency of the customs declaration place for inspection.

The first paragraph of Article 16 of the "Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that the consignee of statutory inspection of imported goods shall hold necessary vouchers and relevant approval documents such as contracts, invoices, packing lists, bills of lading, etc. Apply for inspection to the entry-exit inspection and quarantine agency of the customs declaration place. Food importers or their agents have the obligation to declare truthfully according to law, and bear corresponding legal responsibilities for their authenticity, accuracy, completeness and standardization.

**Article 26** The customs shall implement quarantine on imported foods that should be subject to entry quarantine in accordance with the law.

**[Subject of Article]** This article is about the quarantine of imported food.

**[Interpretation]** It is an international practice to implement entry quarantine on imported food. The Agreement on the Implementation of Sanitary and Phytosanitary Measures (SPS Agreement) clarifies that each member has the right to take sanitary and phytosanitary measures necessary to protect the life or health of humans, animals or plants.

Article 3 of the "Law of the People's Republic of China on Entry and Exit Animal and Plant Quarantine" stipulates that the State Council shall establish an animal and plant quarantine agency (hereinafter referred to as the National Animal and Plant Quarantine Agency) to uniformly manage the national entry and exit animal and plant quarantine work. The port animal and plant quarantine office established by the state animal and plant quarantine office at the ports open to the outside world and the places where the entry and exit animal and plant

quarantine business is concentrated shall implement the entry and exit animal and plant quarantine in accordance with the law.

Article 27 The customs shall implement quarantine examination and approval management on imported foods that require entry animal and plant quarantine examination and approval in accordance with the law. Food importers should obtain entry animal and plant quarantine permits before signing trade contracts or agreements.

**[Subject of Article]** This article is about the regulation of quarantine examination and approval management.

**[Interpretation]** Article 10 of the "Entry and Exit Animal and Plant Quarantine Law of the People's Republic of China" stipulates that the importation of animals, animal products, plant seeds, seedlings and other propagation materials must apply in advance and go through the quarantine approval procedures.

**Article 28** According to the needs of supervision and management, the customs shall conduct on-site inspections of imported foods. On-site inspections include but are not limited to the following:

**(1) Whether the means of transportation and storage place meet the safety and health requirements;**

**(2) Whether the container number, seal identification number, the marking content on the inner and outer packaging, and the actual condition of the goods are consistent with the declared information and accompanying documents;**

**(3) Whether the food, packaging and bedding materials of animal and plant origin exist in the conditions specified in Article 22 of the "Regulations on the Implementation of the Entry and Exit Animal and Plant Quarantine Law";**

**(4) Whether the internal and external packaging meets the national food safety standards, and whether there is contamination, damage, dampness, or penetration;**

**(5) Whether the labels, logos and instructions of the inner and outer packaging meet the requirements of laws, administrative regulations, national food safety standards, and the General Administration of Customs;**

**(6) Whether the sensory properties of the food meet the expected properties of the food;**

**(7) The freshness of frozen and refrigerated food, whether the core temperature meets the requirements, whether there is disease, whether the temperature of the freezing and refrigeration environment meets the requirements of relevant standards, whether the cold chain temperature control equipment and facilities are operating normally, whether the temperature record meets the requirements, and can be carried out if necessary Cooking test.**

**[Subject of Article]** This article is about the requirements of customs on-site inspection of imported food.

**[Interpretation]** According to Article 6 of the "Customs Law", the customs may exercise its power to inspect inbound and outbound means of transport, inspect inbound and outbound goods and articles; it may detain those who violate this law or other relevant laws and administrative regulations. The inspection requirements are mainly based on Chinese laws and regulations and national food safety standards. The on-site inspection personnel shall operate in accordance with the relevant inspection work guidelines formulated by the customs.

**Article 29** The customs shall formulate annual national imported food safety supervision and random inspection plans and special imported food safety inspection and random inspection plans, and organize their implementation.

**[Subject of Article]** This article is about the provisions of the imported food safety supervision and sampling plan.

**[Interpretation]** The General Administration of Customs formulates the annual national imported food safety supervision and sampling plan and special imported food safety supervision and sampling plan on the basis of risk assessment. In accordance with the requirements of the national imported food safety supervision and sampling plan and the special imported food safety supervision and sampling plan, the directly affiliated customs shall formulate supplementary plans based on the imported food safety status of the areas under their jurisdiction, and report to the General Administration of Customs for filing and implementation. The subordinate customs are responsible for the implementation of the annual national imported food safety supervision sampling plan, the special imported food safety supervision sampling plan, and the subordinate customs import food supervision sampling supplementary plan.

**Article 30** The packaging, labeling and identification of imported food shall comply with Chinese laws and regulations and national food safety standards; if there should be instructions in accordance with the law, there shall also be instructions in Chinese. **For imported fresh and frozen meat products, the inner and outer packaging should have strong, clear, and legible Chinese and English or Chinese and export country (region) text marks, indicating the following: country (region) of origin, name of the product, registration number of the manufacturer; Production batch number; the outer packaging should indicate the specifications, place of origin (specifically to the state/province/city), destination, production date, shelf life, storage temperature, etc., in Chinese, and the destination must be the People's Republic of China, plus the export country (Region) Official inspection and quarantine mark. For imported aquatic products, the inner and outer packaging should have strong, clear, and legible Chinese and English or Chinese and export country (region) text marks, indicating the following: trade name and scientific name, specifications, production date, batch number, shelf life and storage conditions , Production methods (seawater fishing, freshwater fishing, aquaculture), production areas (ocean fishing areas, freshwater fishing countries or regions, countries or regions where the aquaculture products are located), and all production and processing enterprises involved (including fishing vessels, processing vessels, and transport vessels) , Independent cold storage) name, registration number and address (specific to the state/province/city), and the destination must be marked as the People's Republic of China.**

**The Chinese labels of imported health foods and foods for special dietary use must be printed on the smallest sales package and must not be affixed.**

**If there is a special labeling requirement on the inside and outside of imported food, it shall be implemented in accordance with the relevant regulations.**

**[Subject of Article]** This article is about the requirements for packaging, labeling and marking of imported food.

**[Interpretation]** Article 97 of the Food Safety Law stipulates that imported prepackaged foods shall have Chinese labels; if there are instructions in accordance with the law, they shall also have Chinese instructions. Labels and instructions shall comply with the requirements of Chinese laws and administrative regulations and the requirements of national food safety standards, and shall state the origin of the food and the name, address and contact information of the domestic agent. Pre-packaged foods that do not have Chinese labels or instructions, or the labels and instructions do not meet the requirements shall not be imported.

The second and third paragraphs clarify the labeling and marking requirements for the inner and outer packaging of imported fresh frozen meat and aquatic products.

Imported aquatic products directly into the domestic consumer market must be implemented item by item in accordance with the requirements of this article. If imported aquatic products do not directly enter the domestic consumer market (including raw materials for processing and re-export), pallets, containers and shipping cabins may be used as independent packaging units to indicate the information in this article.

Transport ships, fishing ships and processing ships refer to fishing ships with freezing functions.

**The Chinese labels of imported health food and food for special dietary use that meet the definition requirements of Chinese laws and regulations and national food safety standards must be printed directly on the smallest sales package before entry, and must not be affixed within the country.**

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

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

**[Subject of Article]** This article is about the provisions of designated or approved places for imported food.

**[Interpretation]** Article 45 of the Regulations for the Implementation of the Food Safety Law stipulates that after the imported food arrives at the port, it should be stored in a place designated or approved by the entry-exit inspection and quarantine agency; Required to take necessary safety protection measures.

**Article 32** Bulk imported foods shall be inspected at the unloading port in accordance with the requirements of the customs.

**[Subject of Article]** This article is about the regulation of the supervision of bulk imported food.

**[Interpretation]** Article 45 of the Regulations for the Implementation of the Food Safety Law stipulates that bulk imported foods should be inspected at the port of unloading.

**Article 33** Imported food shall be allowed to be imported if it has passed the conformity assessment by the customs.

**If the imported food is unqualified by the customs, the customs shall issue a certificate of non-conformity; if the items related to safety, health, and environmental protection are unqualified, the customs shall notify the food importer in writing and order it to be destroyed or returned; if other items are unqualified, Only those that meet the requirements of conformity assessment through technical treatment can be imported. If the relevant imported food cannot be technically processed within the specified time or is still unqualified after technical processing, the customs shall order the food importer to destroy or return it.**

**[Subject of Article]** This article is about the regulations on the conformity assessment results of imported food and its disposal.

**[Interpretation]** Annex 1 of the "Technical Barriers to Trade Agreement" (TBT Agreement) clarifies that the conformity assessment procedure is any procedure used directly or indirectly to determine whether the relevant requirements in technical regulations or standards are met. The conformity assessment procedure includes in particular: sampling, inspection and inspection: evaluation, verification and conformity assurance registration, accreditation and approval, and a combination of each.

According to Article 6 of the Import and Export Commodity Inspection Law of the People's Republic of China, the mandatory import and export commodity inspection refers to the conformity assessment activity to determine whether the import and export commodities listed in the catalog meet the mandatory requirements of the national technical regulations.

The conformity assessment procedure includes: sampling, inspection and inspection; evaluation, verification and conformity assurance; registration, accreditation and approval, and a combination of each. Article 8 of the "Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that entry-exit inspection and quarantine agencies shall implement classified management of import and export enterprises in accordance with the needs of facilitating foreign trade, and shall follow the inspection and supervision determined in accordance with the internationally accepted conformity assessment procedures Ways to implement inspections on import and export commodities.

The customs conducts conformity assessment on imported foods in accordance with international rules and Chinese laws.

The first paragraph of Article 19 of the "Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that, unless otherwise provided by laws and administrative regulations, the statutory inspection of imported goods is subject to inspections that involve personal property safety, health, and

environmental protection. If qualified, the entry-exit inspection and quarantine agency shall order the party to destroy it, or issue a return processing notice and notify the customs in writing, and the customs shall handle the return procedures with the return processing notice; other unqualified items can be supervised by the entry-exit inspection and quarantine agency. It can be sold or used only if it is re-inspected and passed the technical treatment.

According to the conclusion of the conformity assessment of imported food, the customs shall implement the disposal of imported food, that is, approval of import, destruction and return, and technical treatment.

**[Subject of Article]** This article is about the provisions on the risk early warning and control measures of imported food.

**[Interpretation]** Article 52 of the Regulations for the Implementation of the Food Safety Law stipulates that if food safety incidents occurring overseas may affect China's territory, or if serious food safety problems are found in imported food, the national entry-exit inspection and quarantine department shall promptly carry out risk early warning and take the following control measures for related foods: (1) Return or destruction processing; (2) Conditionally restrict imports; (3) Suspend or prohibit imports.

The General Administration of Customs has adopted progressively stricter risk warning and control measures for imported foods in accordance with the law, and the directly affiliated customs must be authorized by the General Administration of Customs to implement relevant measures. Among them, the adjustment of the supervision and sampling ratio can be targeted at specific products based on risk assessment, overseas manufacturers, exporters, domestic importers and other enterprises of imported food, and it can also be targeted at a specific country or region of origin of imported food.

**Article 35** Under any of the following circumstances, the General Administration of Customs may take control measures such as suspension or prohibition of import of relevant foods based on the results of the risk assessment:

**(1) A major animal or plant epidemic occurs in the exporting country (region), or a major change in the food safety system fails to effectively guarantee the safety of food exported to China;**

**(2) Imported food is contaminated by pathogens of quarantine infectious diseases, or there is evidence that it can become a vector of quarantine infectious diseases, and effective sanitary treatment cannot be implemented;**

**(3) The imported food for which the customs implements the control measures specified in paragraph 2 of Article 34 of these Measures again finds that the relevant safety, health, and environmental protection items are substandard;**

**(4) The overseas production enterprise violates relevant Chinese laws and regulations and the circumstances are serious;**

**(5) Other information shows that the relevant food has major safety hazards.**

**[Subject of Article]** This article is about the suspension or prohibition of imported food.

**[Interpretation]** Article 52 of the Regulations for the Implementation of the Food Safety Law stipulates that if food safety incidents occurring overseas may affect China's territory, or if serious food safety problems are found in imported food, the national entry-exit inspection and quarantine department shall promptly Carry out risk early warning and take the following control measures for related foods: (1) Return or destruction processing; (2) Conditionally restrict imports; (3) Suspend or prohibit imports. The General Administration of Customs shall carry out risk assessments in a timely manner in accordance with the circumstances listed in this article, and decide in accordance with the law whether to take control measures such as suspension or prohibition of imports. This measure can target specific countries (regions), specific types of food, and specific overseas production companies.

**Article 36** When the safety risk of imported food has been reduced to a controllable level, the General Administration of Customs and the authorized customs directly under the authority may release the corresponding control measures in the following ways:

**(1) If the foods subject to the control measures in paragraph 1 of Article 34 of these Measures are not found to be unqualified within the specified time and batch, the control measures may be lifted on the basis of risk assessment;**

**(2) The exporting country (region) has adopted preventive measures for the foods subject to the control measures in paragraph 2 of Article 34 of these Measures, and the risk assessment of the General Administration of Customs can ensure food safety, control the risk of animal and plant epidemics, or prevent the implementation of such measures. If no unqualified food is found within the specified time and batch from the date of the control measures, the customs may lift the control measures based on the risk assessment;**

**(3) The exporting country shall implement suspension or prohibition of import control measures for food If the (regional) competent authority has adopted risk control measures, and the General Administration of Customs has assessed that they meet the requirements, the suspension or import ban measures may be lifted. For the resumption of imported food, the General Administration of Customs may adopt the control measures specified in Article 34 of these Measures based on the assessment.**

**[Subject of Article]** This article is about the removal of imported food risk early warning and control measures.

**[Interpretation]**

**1. Lift the control measures in Article 34, paragraph 1.**

Relevant companies actively take preventive and control measures to ensure that their food safety risks exported to China have been reduced to a controllable level. If the customs does not find any unqualified items within the specified time and within the specified batches, on the basis of risk assessment, adjust (reduce) the ratio of supervision and random inspection until it returns to normal.

**2. Lifting the control measures in Article 34, paragraph 2.**

1. The exporting country effectively eliminates or reduces risks by formulating and implementing preventive measures against risk factors. The risk assessment of the

General Administration of Customs has confirmed that its preventive measures are effective and can ensure that the risk of food exported to China has been reduced to a controllable level, and food importers can no longer submit relevant imported food inspection reports on a batch-by-batch basis.

3. If the customs does not find any unqualified items within the prescribed time and batches, based on the risk assessment, the food importer may no longer be required to submit relevant imported food inspection reports on a batch-by-batch basis.

### **3. Lifting the suspension or prohibition of import control measures.**

For countries (regions) that have implemented suspension or prohibition of import food control measures, the competent authority of the country (region) should take risk control measures to ensure that the safety risks of their food exported to China have been reduced to a controllable level, and report to the General Administration of Customs. Submit an application for resumption of export. After the risk assessment, the General Administration of Customs has confirmed that its risk control measures are effective and can guarantee the safety of food exported to China. The suspension or prohibition of import control measures can be lifted, and the control measures stipulated in Article 34 of the Measures shall be adopted as appropriate.

**Article 37** When a food importer discovers that the imported food does not comply with laws, administrative regulations and national food safety standards, or has evidence that it may endanger human health, it shall comply with Articles 63 and 94 of the Food Safety Law. The third paragraph stipulates that the import, sales and use shall be stopped immediately, the recall shall be implemented, the relevant producers and consumers shall be notified, the recall and notification shall be recorded, and the food recall, notification and handling shall be reported to the local customs.

**[Subject of Article]** This article is about the provisions on the recall of imported food.

**[Interpretation]** Article 94 of the Food Safety Law stipulates that if it is found that imported food does not meet China's national food safety standards or there is evidence that it may endanger human health, the importer shall immediately stop the import and follow the 60th Food Safety Law. The provisions of the three recalls.

Article 49 of the Regulations for the Implementation of the Food Safety Law stipulates that if an importer recalls imported food in accordance with Article 94, paragraph 3 of the Food Safety Law, he shall report the food recall and handling of the food to the local county-level people's government for food safety. Report from the supervision and management department and the local entry-exit inspection and quarantine agency.

Once a food importer finds that the imported food does not comply with laws, administrative regulations, and national food safety standards, or if there is evidence that it may endanger human health, it should voluntarily stop importing, selling and using it, implement voluntary recalls, and notify relevant producers and consumers, Record the recall and notification, and report the recall, notification and handling to the local customs.

## Part three on Food Export

**Article 38** Exported food production enterprises shall ensure that their exported food meets the standards or contract requirements of the importing country (region); if the international treaties or agreements that China has concluded or participated in have special requirements, they shall also comply with the requirements of the international treaties or agreements.

**If the importing country (region) has no standards and no requirements in the contract, and the international treaties or agreements that China has concluded or participated in do not have relevant requirements, the export food production enterprises shall ensure that their exported food meets China's national food safety standards.**

**[Subject of Article]** This article is about the general requirements of export food supervision.

**[Interpretation]** Article 99 of the Food Safety Law stipulates that export food production enterprises shall ensure that their exported food meets the standards or contract requirements of the importing country (region). Article 53 of the Regulations for the Implementation of the Food Safety Law stipulates that export food production enterprises shall ensure that their exported food meets the standards or contract requirements of the importing country (region); if the international treaties or agreements that China has concluded or participated in have requirements, they shall return It should meet the requirements of international treaties and agreements.

Article 33 of the Food Safety Law stipulates that food production and operation shall comply with food safety standards. For the export of food for which the importing country (region) has no standards and no requirements in the contract, and the international treaties and agreements that China has concluded or participated in do not have relevant requirements, export food production enterprises shall ensure that their exported food meets China's national food safety standards.

Article 39 The customs shall supervise and manage exported foods in accordance with the law. Export food supervision and management measures include: export food raw material planting and breeding farm filing, export food production enterprise filing, enterprise verification, document review, on-site inspection, supervision and random inspection, port inspection, overseas notification and inspection, and a combination of various items.

**[Subject of Article]** This article is about the regulation of export food supervision and management measures.

**[Interpretation]** Article 99 of the Food Safety Law stipulates that export food production enterprises and export food raw material planting and breeding farms shall file with the national entry-exit inspection and quarantine department; Article 100 stipulates that the national entry-exit inspection and quarantine department shall Implement credit management for importers, exporters and export food production enterprises of imported and exported food, establish credit records, and publish them to the public in accordance with the law. For importers, exporters and export food production enterprises with bad records, the inspection and quarantine of their import and export food shall be strengthened. Implement strict supervision and management of exported food, and implement risk management for different product types (types) in different countries (regions) for export. Through the filing of export

food raw material planting and breeding farms, the filing of export food production enterprises, enterprise verification, document review, on-site inspection, supervision and random inspection, port inspection, overseas notification and inspection, and various combinations, the whole process of supervision is realized.

**Article 40** The planting and breeding farms of raw materials for export shall be filed with the local customs.

**The General Administration of Customs publishes a unified list of raw material cultivation and breeding farms for the record, and the procedures and requirements for the record shall be formulated by the General Administration of Customs.**

**[Subject of Article]** This article is about the regulations on the planting of export food raw materials and the filing of breeding farms.

**[Interpretation]** Article 99 of the Food Safety Law stipulates that the export food raw material planting and breeding farms shall be filed with the entry-exit inspection and quarantine department. As the main body responsible for safety, the export food raw material planting and breeding farm shall apply to the local customs for filing procedures.

**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 planting and breeding farms of the recorded raw materials.

**[Principle of Article]** This article is about the regulations on the way of recording export food raw materials planting and breeding farm supervision.

**[Interpretation]** The General Administration of Customs, in accordance with international practices, supervises the planting and breeding farms of registered food raw materials for export in various forms. One is data review. The export food raw material planting and breeding farms shall fill in the relevant questionnaires truthfully as required, and the customs shall review the answer sheets provided by them. The second is on-site inspection. The planting and breeding farms of export food raw materials shall accept and cooperate with the on-site inspection organized by the customs, and provide necessary support and convenience for the inspection. The third is enterprise verification. The customs shall carry out inspections on the planting and breeding farms of raw materials for export in accordance with relevant requirements.

**Article 42** An export food production enterprise shall file with the customs at the place of domicile, and the filing procedures and requirements shall be formulated by the General Administration of Customs.

**[Subject of Article]** This article is about the filing of export food production enterprises.

**[Interpretation]** Article 99 of the Food Safety Law stipulates that export food production enterprises shall file with the entry-exit inspection and quarantine department. Export food production enterprises are the main body of filing. After the implementation of the "Measures", the "Regulations on the Administration of Filing of Export Food Production Enterprises" (promulgated by the original AQSIQ Order No. 192, amended by the General Administration of Customs Order No. 243 on November 23, 2018) At the same time, the

procedures and requirements for the filing of export food production enterprises shall be separately formulated by the General Administration of Customs.

**Article 43:** Where a foreign country (region) implements registration and management of export food production enterprises exported from China to the country (region) and requires the General Administration of Customs to recommend, the export food production enterprise must apply to the customs at the place of residence. Report to the General Administration of Customs after preliminary verification.

**[Subject of Article]** This article is about the requirements for the registration of export food production enterprises.

**[Interpretation]** Article 32 of the "Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that the state implements sanitary registration management for import and export food production enterprises. Only export food production enterprises that have obtained sanitary registration can produce, process and store export food. Foods produced by import and export food production enterprises that have obtained sanitation registration can be imported or exported. Export food production enterprises that implement sanitation registration management shall apply for sanitation registration at the entry-exit inspection and quarantine agency in accordance with regulations. If an export food production enterprise needs to be registered abroad, it shall be handled by the General Administration of Customs after the sanitation registration is carried out in accordance with the regulations.

The prerequisite for the external recommendation and registration of export food production enterprises is that foreign countries (regions) have registration management requirements for export food production enterprises exported from China to that country (region), and the General Administration of Customs is required to recommend them. The export food production enterprise is the main body of the application for external recommendation registration. The export food production enterprise submits an application for external recommendation registration to the customs of the company's domicile. The customs accepts the application and submits it to the General Administration of Customs after preliminary verification, and the General Administration of Customs uniformly recommends it to the outside world.

**Article 44** The export food production enterprise shall establish a complete and traceable food safety and sanitation control system, ensure the effective operation of the food safety and sanitation control system, and ensure that the export food production, processing, and storage processes continue to comply with relevant Chinese laws and regulations. Export food production enterprises Safety and health requirements; if the relevant laws and regulations of the importing country (region) and relevant international treaties and agreements have special requirements, the relevant requirements shall also be met.

**An export food production enterprise shall establish a supplier evaluation system, a purchase inspection record system, a production record file system, a factory inspection record system, an export food traceability system, and a substandard food disposal system. The relevant records shall be true and effective, and the storage period shall not be less than 6 months after the expiration of the food shelf life; if there is no clear guarantee of the shelf life, the storage period shall not be less than 2 years.**

**[Subject of Article]** This article is a regulation on the food safety and sanitation control system of export food production enterprises.

**[Interpretation]**

- 1. Establish a complete and traceable food safety and sanitation control system.**  
Article 51 of the "Regulations for the Implementation of the Food Safety Law" stipulates that for overseas production enterprises that have passed the certification of China's Good Manufacturing Practices, Hazard Analysis and Critical Control Points System, certification agencies shall conduct follow-up investigations in accordance with the law. For enterprises that no longer meet the certification requirements, the certification body shall revoke the certification in accordance with the law and announce it to the public. Export food production enterprises shall establish a traceable food safety and sanitation control system in accordance with the law to ensure that their exported food meets the standards or contract requirements of the importing country (region) and the special requirements of the relevant international treaties and agreements on the food safety and sanitation control system.
- 2. Establish an export food safety-related system.**  
Article 44 of the Food Safety Law stipulates that food production and operation enterprises shall establish and improve food safety management systems. Export food production enterprises shall establish supplier evaluation system, purchase inspection record system, production record file system, factory inspection record system, export food traceability system and substandard food disposal system and other food safety management systems in accordance with the law. The relevant record retention period is limited to not less than 6 months after the expiration of the product warranty period. For some foods (such as alcohol, etc.) that do not have a warranty period, the retention period is not less than 2 years.

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

**[Subject of Article]** This article is about the requirements of export food packaging and transportation methods.

**[Interpretation]** Article 33, Paragraph 1, Item 6 of the "Food Safety Law" stipulates that containers, tools and equipment for storing, transporting, and loading and unloading food shall be safe, harmless, kept clean, prevent food contamination, and comply with guaranteed food Special requirements such as temperature and humidity required for safety shall not be stored and transported together with toxic and hazardous materials. Article 24 of the Regulations for the Implementation of the Food Safety Law stipulates that the storage and transportation of food with special requirements on temperature, humidity, etc. shall have equipment and facilities such as heat preservation, refrigeration or freezing, and maintain effective operation.

As the main body responsible for ensuring that the packaging and transportation methods of exported food meet the food safety requirements, export food production enterprises shall ensure that the containers, tools and equipment used to transport food are safe, harmless, kept clean, and prevent pollution; if there are special requirements for food transportation, they shall Carry out under suitable temperature, humidity and other environments to prevent food

from decay and deterioration, dehydration, deformation and taste; no food and toxic and hazardous materials should be transported together to prevent cross-contamination.

**Article 46** The export food production enterprise shall mark the production enterprise record number, product name, production batch number and production date on the transportation packaging.

**Where the importing country (region) or contract has special requirements, under the premise of ensuring the traceability of the product, and with the approval of the directly affiliated customs, the export food production enterprise may adjust the labeling items specified in the preceding paragraph.**

**[Subject of Article]** This article is about the labeling of export food transportation packaging information.

**[Interpretation]** Article 42 of the Food Safety Law stipulates that food producers and operators shall establish a food traceability system in accordance with the provisions of this law to ensure food traceability. The export food production enterprise shall mark the necessary product information on the transport packaging of the export food. For importing countries (regions) or contracts that have special requirements, under the premise of ensuring the traceability of the products, and with the approval of the directly affiliated customs, the export food production enterprise may adjust the labeling items specified in the preceding paragraph.

**Article 47** The customs shall supervise and inspect the operation of the food safety and hygiene control system of export food production enterprises within its jurisdiction. Supervision and inspection include daily supervision and inspection and annual supervision and inspection.

**Supervision and inspection can adopt methods such as document review, on-site inspection, and enterprise verification, and can be carried out in conjunction with overseas notification and verification of exported food, supervision and random inspection, and on-site inspection.**

**[Subject of Article]** This article is about the supervision and inspection of the export food production enterprises by the customs.

**[Interpretation]** This article divides supervision and inspection into daily supervision and inspection and annual supervision and inspection. At the same time, it has clarified the methods that can be adopted for supervision and inspection, including document review, on-site inspection, and enterprise verification, and can be carried out in conjunction with overseas notification and verification of exported food, supervision and random inspection, and on-site inspection.

After exporting food production enterprises and exporters submit a pre-export supervision application, they can simultaneously conduct daily supervision and inspection on the corresponding export food production enterprises. For problems found in daily supervision and inspection work, the inspection department is responsible for ordering the company to rectify the problems found, and implementing follow-up verification; if major food safety hazards are found, emergency measures should be taken, and relevant departments should be

notified in time, and the risk meeting should be initiated. If an import and export food production and operation enterprise is found to be suspected of violation of food safety laws and regulations, the department that found the clue shall promptly transfer to the relevant department to initiate the punishment procedure in accordance with the law.

**Article 48** Exported food shall be inspected and quarantined by the customs of the place of origin according to law. The General Administration of Customs may designate other locations to implement inspection and quarantine in accordance with the needs of facilitating foreign trade and export food inspection and quarantine.

**[Subject of Article]** This article is about the regulations of the export food regulatory agency.

**[Interpretation]** Article 24 Paragraph 2 of the "Implementation Regulations of the Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that export commodities shall be inspected at the place of production. The General Administration of Customs may designate inspections at other locations in accordance with the needs of facilitating foreign trade and inspection of imported and exported commodities. The general principle of territorial management for the inspection and quarantine of exported food is that the customs of the place where the exported food is produced shall implement inspection and quarantine. Taking into account the promotion of trade development, new trade forms such as the purchase of export food from the market can implement inspection and quarantine on export food at the place of assembly.

**Article 49:** Exported 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 supervision before export declaration to the customs of the place of production or the place of organization.

After the customs of the place of origin or the place of organization accepts the application for supervision before the declaration of food export, it shall carry out on-site inspection and supervision and random inspection of the exported food that needs to be inspected and quarantined in accordance with the law.

**[Subject of Article]** This article is about the regulation of export food declaration and supervision.

**[Interpretation]** Exported food production enterprises and exporters, as the main body responsible for food safety, shall submit an application for pre-export declaration supervision to the customs of the place of production or the place of organization in accordance with regulations. The customs at the place of origin or the place where the goods are organized carry out on-site inspections and supervision inspections through the supervision and management of export enterprises, supervision and random inspection, risk monitoring, comprehensive assessment and issuance of certificates.

**Article 50** The customs shall formulate an annual national export food safety supervision and sampling plan and organize its implementation.

**[Subject of Article]** This article is about the regulations on the supervision and sampling system of exported food.

**[Interpretation]** The General Administration of Customs formulates an annual national export food safety supervision and sampling plan on the basis of risk assessment. The directly affiliated customs shall, in accordance with the requirements of the national export food safety supervision and sampling plan, formulate supplementary plans based on the export food safety status of the areas under their jurisdiction, and report to the General Administration of Customs for filing and implementation. The subordinate customs are responsible for the implementation of the annual national export food safety supervision sampling plan and the subordinate customs's supplementary export food supervision sampling plan.

**Article 51** If the exported food meets the requirements through customs on-site inspection and supervision and random inspection, the customs shall issue a certificate and allow export.

**Where the importing country (region) requires changes in the form and content of the certificate, the form and content of the certificate may be changed with the approval of the General Administration of Customs. If the exported food fails to meet the requirements through customs on-site inspection and supervision and random inspection, the customs shall notify the exporter or its agent in writing. If the relevant export food can be processed technically, it shall be allowed to be exported after the technical processing is qualified; if the food cannot be processed technically or is still unqualified after the technical processing, the export shall not be allowed.**

**[Subject of Article]** This article is about the provisions on the issuance of certificates and subsequent disposal of exported food.

**[Interpretation]** In accordance with the provisions of the international treaties and agreements that China has concluded or participated in, or at the request of the importing country (region) and agreed upon by the competent authorities of the import and export, or because the importing country requires the application by the exporting food enterprise, the customs may export food Issue an official certificate. For exported food that requires a certificate issued by the customs, it shall be subject to on-site inspection and supervision and random inspection by the customs before export. The customs shall implement the supervision and sampling inspection plan in accordance with the export food supervision and sampling plan (including the national export food supervision and sampling inspection plan and the subordinate customs export food supervision and sampling inspection plan), rather than implementing batch laboratory testing on certified food. After on-site inspection by the customs and supervision and random inspections, if the export requirements are met, the export is permitted, and the customs may issue a certificate.

The certificate issued by the customs for exported food is the customs inspection, quarantine, and identification of entry and exit goods, packaging, transportation vehicles, and entry and exit personnel related to safety, hygiene, health, environmental protection, and anti-fraud in accordance with national laws and regulations and multilateral and bilateral agreements. And the certification documents issued after supervision and management, such as "Animal Quarantine Certificate", "Plant Quarantine Certificate", "Animal Health Certificate", "Veterinary Health Certificate", "Fumigation/Disinfection Certificate", etc. The format of the certificate issued by the customs shall be determined by the competent authorities of the import and export parties in accordance with relevant international standards and the requirements of the importing country (region). For the certificate confirmed by both parties, if the importing country (region) has a change in the form and content of the certificate, the

form and content of the certificate can be changed with the approval of the General Administration of Customs. Article 27 of the "Regulations for the Implementation of the Commodity Inspection Law of the People's Republic of China" stipulates that export commodities subject to statutory inspection that have been inspected by the entry-exit inspection and quarantine agency or have been unqualified by the port entry-exit inspection and quarantine agency may be approved by the entry-exit inspection and quarantine agency. Technical treatment is carried out under supervision, and only those qualified after re-inspection are allowed to export; those who cannot be technically treated or fail to pass the re-inspection after technical treatment are not allowed to export.

**Article 52** Food exporters or their agents shall truthfully declare to the customs when exporting food.

**[Subject of Article]** This article is about the requirements for the declaration of exported food.

**[Interpretation]** Article 24 of the "Customs Law of the People's Republic of China" stipulates that the consignor of export goods shall declare truthfully to the customs. The subject of the declaration to the customs is the food exporter or its agent, who shall be responsible for the authenticity of the declared information. For non-fulfillment of the obligation to declare truthfully, according to the circumstances, in accordance with the "Customs Law of the People's Republic of China", "The Import and Export Commodity Inspection Law of the People's Republic of China" and its implementation regulations, the "People's Republic of China Customs Administrative Punishment Implementation Regulations" and these "Measures" and other laws and regulations Provide for penalties.

**Article 53** The customs shall carry out inspections of exported food at the port, and those that fail the inspection shall not be allowed to export. **[Subject of Article]** This article is about the inspection of export food ports. **[Interpretation]** The port customs conduct inspections, focusing on checking whether the name, mark, batch number, quantity, specification, and transportation packaging information of the goods are consistent; whether the inspection and quarantine validity period has expired; whether the packaging of the goods is in good condition; and the inspection of items with clear requirements. Port customs inspections find that the exported food is unqualified and cannot be technically processed in accordance with the law or is still unqualified after technical processing, the export is not allowed.

**Article 54:** Where exported food is notified by international organizations or foreign government agencies due to safety issues, the General Administration of Customs shall organize inspections, adjust the proportion of supervision and random inspections as needed, and require food exporters to submit qualified inspections to the customs on a batch-by-batch basis. Control measures such as inspection reports issued by agencies and withdrawal of registration recommendations to overseas official competent agencies.

**[Subject of Article]** This article is about the requirements for the notification and verification of exported food.

**[Interpretation]** After exporting food is notified by international organizations and foreign government agencies due to safety issues, the General Administration of Customs organizes inspections to verify the authenticity of the information notified abroad, study and judge the reasons for the notification, understand the emergency response and improvement

management measures taken by relevant enterprises, and follow Need to take necessary follow-up risk control measures.

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

**[Subject of Article]** This article deals with the handling of food safety issues for export.

**[Interpretation]** Article 63 Paragraph 1 of the Food Safety Law stipulates that if a food producer discovers that the food it produces does not meet the food safety standards, it shall immediately stop production, recall the food that has been on the market, and notify the relevant producers and operators. Consumers, and record recalls and notifications; paragraph 2 stipulates that when food operators find that the food they operate does not meet food safety standards, they should immediately stop operating, notify relevant producers and consumers, and record the suspension of operations and notifications . If the food producer believes that it should be recalled, it should be recalled immediately. The relevant measures taken by the export food producer and business operator shall be reported to the local customs. For export food producers, the local customs here is the “customs at the place of domicile” listed in Article 42 of the Measures, and for the export food operators, it is the “customs at the place of declaration” listed in Article 52 of the Measures. ”.

**Article 56** Where the customs finds safety problems during the supervision and management of exported food, it shall notify the government at the same level and the food safety authority of the government at the next higher level. **[Subject of Article]** This article is about the provisions of the notification system for export food issues. **[Interpretation]** The second paragraph of Article 119 of the Food Safety Law stipulates that the food safety supervision and management, health administration, and agricultural administration departments of the people's governments at or above the county level shall notify each other of the food safety information they have learned. Local customs should carry out reports on the safety of exported food, urge and remind the notified enterprises or departments to earnestly fulfill their export food safety responsibilities, and eliminate hidden food safety hazards in a timely manner. For exported foods that have been notified overseas or have safety issues, the customs shall notify local governments in addition to the relevant information to the relevant enterprises, focusing on the violations of laws and regulations by the relevant enterprises.

## Chapter Four on Supervision and Administration

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

**Customs at all levels are responsible for the collection and sorting of import and export food safety information within their jurisdiction and designated by the superior customs, and notify local governments, relevant departments, institutions and enterprises in their jurisdictions in accordance with relevant regulations. If the notified information involves other regions, the relevant regional customs shall be notified at the same time.**

**The import and export food safety information collected and aggregated by the customs includes, in addition to the content specified in Article 100 of the Food Safety Law, information on technical trade measures for overseas food.**

**[Subject of Article]** This article is about the regulation of import and export food safety information management.

**[Interpretation]** The General Administration of Customs establishes an import and export food safety information management system, and the customs at all levels are responsible for the collection and sorting of information. Specifically include: food safety information discovered in the supervision and management of import and export food inspection and quarantine; food safety information reported by other domestic government departments and reported by industry associations, enterprises and consumers; international organizations, foreign government agencies, foreign industry associations, and enterprises Food safety information reflected by consumers and other information related to the safety of imported and exported food. It also specifically includes information on technical trade measures for overseas food. The General Administration of Customs and all levels of customs shall implement the notification of relevant food safety information in accordance with regulations.

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

**[Subject of Article]** This article is about the regulation of import and export food safety information management.

**[Interpretation]** Article 100 of the Food Safety Law stipulates that the customs department shall collect and summarize import and export food safety information. Risk research and judgment on the collected import and export food safety information is an important means to determine the level of risk information and formulate risk management measures. After risk analysis and judgment, if risky import and export food is confirmed, the General Administration of Customs and all levels of customs shall take control measures according to the level of risk information. Customs at all levels are responsible for organizing and implementing measures. After risk research and judgment, if the risk level cannot be determined in time, the General Administration of Customs may directly issue risk warning notices or risk warning notices in accordance with internationally accepted practices, and take corresponding control measures. When the import and export food safety risk no longer exists

or has been reduced to an acceptable level, the customs shall promptly cancel the risk warning notice, risk warning notice and control measures.

**Article 59:** Where food safety incidents or epidemics within or outside the country may affect the safety of imported and exported food, or serious food safety problems are found in imported or exported food, the customs directly under the jurisdiction shall promptly report to the General Administration of Customs; the General Administration of Customs shall, according to the situation, Carry out risk warning, issue risk warning notices in the customs system, report to the food safety supervision and management, health administration, and agricultural administration departments of the State Council, and issue risk warning notices to consumers when necessary.

**When the General Administration of Customs issues a risk warning notice, it shall adopt the control measures stipulated in Article 34, Article 35, Article 36 and Article 54 of these Measures on imported and exported food in accordance with the requirements of the risk warning notice.**

**[Subject of Article]** This article is about when serious food safety problems occur within and outside the country Provisions of resettlement measures.

**[Interpretation]** Article 95 of the Food Safety Law stipulates that food safety incidents occurring overseas may affect China's territory, or if serious food safety problems are found in imported foods, food additives, or food-related products, the country shall enter and exit the country. The inspection and quarantine department shall promptly adopt risk early warning or control measures and notify the food safety supervision and management, health administration, and agricultural administration departments of the State Council. The department receiving the notification shall take corresponding measures in a timely manner. The food safety supervision and administration department of the people's government at or above the county level shall supervise and administer imported food and food additives sold on the domestic market. If a serious food safety problem is found, the food safety supervision and administration department of the State Council shall promptly notify the national entry-exit inspection and quarantine department. The national entry-exit inspection and quarantine department shall take corresponding measures in a timely manner.

If the General Administration of Customs issues a risk warning notification, it shall adopt the control measures specified in Article 34 or Article 35 of the Measures in accordance with the requirements of the risk warning notification. When the relevant imported food safety risk has been reduced to an acceptable level, the General Administration of Customs and the authorized customs directly under it may take corresponding control measures in accordance with Article 36 of the Measures. Article 54 of the "Measures" stipulates that if exported food is notified by international organizations or foreign government agencies due to safety issues, the General Administration of Customs shall organize inspections and take corresponding control measures based on actual conditions.

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

**[Subject of Article]** This article is about the provisions of the import and export food safety risk monitoring system.

**[Interpretation]** Article 14 of the Food Safety Law clearly stipulates the establishment of a national food safety risk monitoring system, and the formulation and implementation of a national food safety risk monitoring plan. The import and export food safety risk monitoring plan is an important part of the national food safety risk monitoring plan. The General Administration of Customs has established a national import and export food safety risk monitoring system, and formulates an annual plan for import and export food safety risk monitoring, which will be implemented by customs at all levels. The General Administration of Customs organizes an analysis of the results of risk monitoring, and shows that imported food may have potential safety hazards, it can issue an early warning of import and export food safety risks, and take corresponding risk early warning and control measures. When the import and export food safety risk no longer exists or has been reduced to an acceptable level, the General Administration of Customs will lift the risk warning and control measures. The General Administration of Customs regularly summarizes the results of risk monitoring, and promptly submits food safety risk assessment recommendations to the health administration department of the State Council.

**Article 61:** Where food safety incidents occurring overseas may have an impact on China, or if uncontrollable risks are found after assessment, the General Administration of Customs may follow international practices and directly issue risk warning notifications in the customs system or to consumers. Issue risk warning notices and adopt the control measures stipulated in Article 34, Article 35 and Article 36 of these Measures.

**[Subject of Article]** This article is about the early warning and handling of food safety incidents that occur overseas.

**[Interpretation]** Article 95 of the Food Safety Law stipulates that food safety incidents occurring overseas may have an impact on China, or if serious food safety problems are found in imported foods, food additives, or food-related products, the country shall enter and exit the country. The inspection and quarantine department shall take risk early warning or control measures in a timely manner, and notify the food and drug regulatory, health administration, and agricultural administration departments of the State Council. In the event that food safety incidents occurring overseas may have an impact on China, or their potential risks are not fully understood, or the known risks are deemed uncontrollable after evaluation, the customs may take relevant early warning and control measures.

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

**[Subject of Article]** This article is about the provisions of the emergency response plan for emergencies.

**[Interpretation]** Article 6 of the Food Safety Law provides for the response to food safety emergencies, the establishment and improvement of the food safety full-process supervision and management working mechanism and the information sharing mechanism. The emergency plan for import and export food safety emergencies shall include the classification of import and export food safety emergencies, emergency response, emergency command system, operation mechanism, emergency safeguard measures, etc.

**Article 63** The Customs shall have the right to take the following measures when performing the duties of import and export food safety supervision and management according to law:

**(1) Entering the production and business premises for on-site inspection;**

**(2) Carrying out sampling inspections on the food produced and operated;**

**(3) Consult and copy relevant contracts, bills, account books and other relevant materials;**

**(4) Sealing up or detaining food that has evidence that it does not meet the national food safety standards or that there is evidence that there are hidden safety hazards and illegal production and operation.**

**[Subject of Article]** This article is a provision on administrative compulsory measures for import and export food safety.

**[Interpretation]** Article 110 of the Food Safety Law clearly stipulates the measures that are authorized to take when performing food safety supervision and management duties and supervising and inspecting the compliance of producers and operators with this law. The customs shall perform the duties of supervision and management of import and export food safety in accordance with the law, supervise and manage the compliance of import and export food producers and operators with the "Measures", and may adopt administrative inspection measures and administrative compulsory measures. Administrative inspection measures include entering the production and business premises of import and export food to carry out on-site inspections, to inspect whether the producers and operators are conducting production and business activities in accordance with the requirements of this "Measures"; The import and export food meets the national food safety standards for verification and confirmation; consult and copy relevant contracts, bills, account books and other relevant materials. Administrative compulsory measures include the seizure and seizure of food that has evidence that it does not meet the national food safety standards or that there is evidence that there are hidden safety hazards and illegal production and operation.

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

**[Subject of Article]** This article is about the provisions on the credit management of import and export food production and operation enterprises.

**[Interpretation]** Article 100 of the Food Safety Law stipulates that the national entry-exit inspection and quarantine department shall implement credit management on importers, exporters and export food production enterprises of imported and exported food, establish credit records, and publish it to the public in accordance with the law. For importers, exporters and export food production enterprises with bad records, the inspection and quarantine of their import and export food shall be strengthened. The customs implements credit management on enterprises in accordance with the law, and implements different customs clearance facilitation measures or implements disciplinary measures according to different credit levels.

**Article 65** The customs shall conduct inspections and verifications of import and export food producers and operators, as well as the planting and breeding farms of raw materials for the record.

**[Purpose of Article]** This article is about the implementation of inspections and inspections of enterprises related to import and export food.

**[Interpretation]** In accordance with the "Customs Inspection Regulations of the People's Republic of China" (Guotiaoyuan Order No. 209) and its implementation measures, the customs supervises and manages import and export food producers and operators, record raw material plantations, and record raw material farms.

**Article 66** Transit food shall meet the supervision requirements of the General Administration of Customs on transit goods. During the transit period of the food in transit, it shall not be unpacked or unloaded from the means of transport without the approval of the customs, and shall be transported out of the country within the prescribed time limit.

**[Subject of Article]** This article is about the regulation of transit food supervision.

**[Interpretation]** Transit food should comply with the "Customs Law of the People's Republic of China", "The Customs of the People's Republic of China on Transit Goods Supervision Measures", "The Implementation Regulations of the People's Republic of China Entry and Exit Animal and Plant Quarantine Law", and the "Regulations of the People's Republic of China on the Import and Export of Endangered Wild Animals and Plants" "Regulations on the Safety Management of Agricultural Genetically Modified Organisms" and other relevant regulations.

**Article 67** If an import and export food producer or business operator has objections to the customs inspection results, they may apply for re-inspection in accordance with the relevant provisions on the re-inspection of import and export commodities. Under any of the following circumstances, the customs will not accept re-inspection:

- (1) The test results show that the microbial index exceeds the standard;**
- (2) The re-inspection of backup samples exceeds the shelf life;**
- (3) The backup sample cannot achieve the purpose of re-inspection due to other reasons.**

**[Subject of Article]** This article is about applying for re-inspection of customs inspection results.

**[Interpretation]** Article 28 of the "Import and Export Commodity Inspection Law of the People's Republic of China" stipulates that a re-inspection can be filed if there are objections to the inspection results. The circumstances under which the Customs does not accept re-inspection in response to this clause are as follows:

1. The test result shows that the microbiological index exceeds the standard. According to Article 7.3 of "National Food Safety Standard Food Microbiological Inspection General Principles" (GB4789.1), after the inspection results are reported, the remaining samples and the same batch of products will not be subject to microbiological item re-inspection.

2. The re-inspection of backup samples exceeds the shelf life. For products that are applied for re-inspection, and their re-inspection backup samples have exceeded their shelf life, no re-inspection application will be accepted. The above two exemptions are only for cases where the laboratory test results are unqualified.

3. The backup sample cannot achieve the purpose of re-inspection due to other reasons. The customs responsible for accepting the re-inspection application shall investigate and judge the re-inspection application. The customs shall explain the relevant situation, retain the corresponding information, and make a timely conclusion of not accepting the application.

## Chapter Five on Legal Liability

**Article 68** If the content of the food importer's record is changed, and the change formalities are not handled with the customs in accordance with the regulations, the customs shall issue a warning if the circumstances are serious. If a food importer provides false filing information in the filing, the customs shall impose a fine of less than 10,000 yuan.

**[Subject of Article]** This article is about penalties for illegal activities related to the filing of food importers.

**[Interpretation]** Article 13 Paragraph 2 of the "Administrative Punishment Law of the People's Republic of China" stipulates that if laws and administrative regulations have not yet been enacted, the State Council departmental rules may set warnings, notify criticisms or fines for violations of administrative order Administrative penalties. The limit of fines shall be stipulated by the State Council. Article 96 of the Food Safety Law stipulates that overseas exporters or agents who export food to China, and importers of imported food shall file with the national entry-exit inspection and quarantine department. Food importers should file with the customs of their domicile. Foreign exporters or agents and food importers shall be responsible for the authenticity and validity of the materials they provide when filing for the record. If the customs finds that the foreign exporters, agents, or food importers are wrong in the filing information or the filing content has not been changed in time, it may order them to make corrections within the prescribed time limit.

**Article 69:** Where domestic import and export food producers and operators do not cooperate with the customs import and export food safety inspections, refuse to accept inquiries, provide materials, or the content of the reply and the materials provided do not match the actual situation, the customs shall impose a warning or a fine of less than 10,000 yuan .

**[Principle of Article]** This article is about punishments for domestic import and export food producers and operators who do not cooperate with customs import and export food safety inspections for illegal acts.

**[Interpretation]** This article is based on Article 13 of the "Administrative Punishment Law of the People's Republic of China", which is a legal liability clause for the illegal acts of administrative counterparts not cooperating with customs food safety inspections.

**Article 70** During the supervision of imported pre-packaged food, the customs finds that the imported pre-packaged food is not affixed with Chinese labels or the Chinese label does not comply with laws, regulations and national food safety standards. For technical treatment, the customs shall impose a warning or a fine of less than 10,000 yuan. **[Principle of Article]** This article is about penalties for illegal activities related to the Chinese labeling of imported pre-packaged foods. **[Interpretation]** This article stipulates illegal activities related to the Chinese labeling of imported pre-packaged foods. The customs may impose a warning or a fine of less than 10,000 yuan for such violations. There are two main components. First, the imported

pre-packaged food is not affixed with Chinese labels or the Chinese labels do not comply with laws, regulations and national food safety standards. The second is that food importers refuse to implement destruction, return or technical treatment in accordance with customs requirements.

**Article 71** If the imported food is taken away from the place designated or approved by the customs without the permission of the customs, the customs shall order it to make corrections and impose a fine of less than 10,000 yuan. [Subject of Article] This article is about the legal liability for illegal acts of removing imported food from the place designated or approved by the customs without the permission of the customs. [Interpretation] Article 45 of the Regulations for the Implementation of the Food Safety Law clearly stipulates the requirements for the storage place of imported food. For those who knowingly do not allow the imported food to be removed from the designated or approved place, or if it has been notified by the customs that it is not allowed to be removed. For importers and their agents who leave without authorization, the customs shall order them to make corrections and impose a fine of less than 10,000 yuan. There are two elements that constitute an illegal act in this article. One is that it is not permitted by the customs; the other is that the imported food is removed from the place designated or approved by the customs. Emphasizes that "lifting away" actions cannot be carried out without the permission of the customs.

**Article 72:** Where the following illegal acts fall under the "Food Safety Law" Article 129, Paragraph 1, Item 3 of "exporting food that fails to comply with the provisions of this Law", the customs shall comply with Article 129 of the Food Safety Law. The provisions of Article 124 shall impose penalties:

**(1) Unauthorized exchange of export foods that have been subject to customs supervision and random inspection and have issued certificates;**

**(2) Exporting food that is adulterated, faked as genuine, shoddy, or substandard export food is pretending to be qualified export food;**

**(3) Exporting food produced by a food production enterprise that has not been filed for export;**

**(4) Exporting to countries (regions) with registration requirements the food produced by the food production enterprise that has not been registered for export or the food outside the registered scope produced by the food production enterprise that has been registered for export;**

**(5) The export food produced by the export food production enterprise fails to use the raw materials of the planting and breeding farm on record in accordance with the regulations;**

**(6) Producers and operators of exported foods are under the circumstances stipulated in Article 123, Article 124, Article 125, and Article 126 of the Food Safety Law, and they are exporting The food does not meet the requirements of the importing country (region).**

**[Subject of Article]** This article is about punishment for illegal export of food for failure to comply with the provisions of the Food Safety Law.

**[Interpretation]** This article uses the enumeration method to clarify the six situations that constitute "exporting food that does not comply with the provisions of this law." Article 48 of the "Implementation Regulations on Import and Export Commodity Inspection Law" also clearly stipulates that the act of "unauthorized exchange of imported and exported commodities that have passed the inspection by the entry-exit inspection and quarantine agency" shall be punished. Violations of this regulation may include export food production enterprises, exporters and related personnel.

**Article 73** Anyone who violates the provisions of these Measures and constitutes a crime shall be investigated for criminal responsibility in accordance with the law.

**[Subject of Article]** This article is about the legal liability of criminal offences in violation of the provisions of these Measures.

**[Interpretation]** The administrative counterpart may commit the following crimes: crime of smuggling ordinary goods and articles, crime of evading commodity inspection, crime of obstructing animal and plant quarantine, crime of obstructing border health and quarantine, crime of producing and selling food that does not meet safety standards, production and sales of poisonous, The crime of harmful food, the crime of producing and selling fake and inferior products, the crime of illegal business operation, etc.

The staff of the administrative agency may be guilty of the following crimes: crime of dereliction of duty in food supervision, crime of not transferring criminal cases for favoritism and malpractice, crime of indulging in the production and sale of counterfeit and inferior goods, crime of malpractice by commodity inspection, crime of negligence in commodity inspection, crime of malpractice by animal and plant quarantine, and animal and plant quarantine The crime of negligence, abuse of power and dereliction of duty.

Article 3, paragraph 1, of the Regulations on the Transfer of Suspected Criminal Cases by Administrative Law Enforcement Organs stipulates that "the administrative law enforcement agency discovers the amount involved in the illegal facts, the circumstances of the illegal facts, and the consequences caused by the illegal facts in the process of investigating and punishing illegal acts in accordance with the law.

According to the provisions of the Criminal Law on crimes of disrupting the order of the socialist market economy and crimes of disrupting the order of social management, the Supreme People's Court and the Supreme People's Procuratorate's judicial interpretations on crimes of disrupting the order of the socialist market economy and crimes of disrupting the order of social management, and the Supreme People's Court The Procuratorate and the Ministry of Public Security stipulate the standards for prosecution of economic crimes.

Those suspected of constituting a crime and need to be investigated for criminal responsibility in accordance with the law must be transferred to the public security organ in accordance with these regulations."

## Chapter Six on Supplementary Provisions

**Article 74** The supervision and management of import and export food safety in special customs supervision areas, bonded supervision sites, market purchases, border small-value trade and border trade between border residents shall be implemented in accordance with the relevant regulations of the General Administration of Customs.

**[Subject of Article]** This article is about the regulation of special trade methods.

**[Interpretation]** This article stipulates that the supervision of the import and export of food in special trade methods such as special customs supervision areas, bonded supervision places, market procurement, border small trade and border trade between border residents shall be implemented in accordance with the corresponding regulations of the General Administration of Customs.

**Article 75** The safety supervision and administration of import and export food by mail, express mail, cross-border e-commerce retail, and passengers carried shall be handled in accordance with the relevant regulations of the General Administration of Customs. **[Subject of Article]** This article is about the regulation of customs clearance through special channels. **[Interpretation]** This article stipulates that the supervision of food through special channels such as mailing, express mail, cross-border e-commerce retail and passenger carrying methods shall be handled in accordance with the corresponding regulations of the General Administration of Customs.

**Article 76** Non-trade foods such as samples, gifts, premiums, exhibits, aids, foods for duty-free operations, foods for foreign embassies and consulates in China and their personnel entering and exiting the country for public and personal use, embassies and consulates abroad and The supervision and management of the food for public and personal use by the personnel and the food for the personal use by the personnel of Chinese enterprises stationed abroad shall be handled in accordance with the relevant regulations of the General Administration of Customs.

**[Subject of Article]** This article is about the regulation of non-trade food, tax-free food, and foreign-related food supervision.

**[Interpretation]** This article provides for non-trade foods such as samples, gifts, gifts, exhibits, aids, tax-free foods, foods for foreign embassies and consulates in China and their personnel to enter and exit the country for public and personal use, and diplomatic missions abroad. The supervision of the food for public and personal use of the museum and its personnel, and the food for the personal use of the personnel of Chinese enterprises stationed abroad shall be handled in accordance with the corresponding regulations of the General Administration of Customs.

**Article 77** The term “imported and exported food production and business operators” as mentioned in these Measures includes: 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 imported food referred to in these Measures include overseas production, processing, and storage enterprises that export food to China. The importers and exporters of imported food as mentioned in these Measures include overseas exporters or agents and food importers that export food to China.

**[Subject of Article]** This article is about the definition of import and export food producers and operators.

**[Interpretation]** This article is based on Article 44 of the Food Safety Law, adding relevant personnel to import and export food producers and operators; it is clarified that overseas production enterprises of imported food include not only food production and operation enterprises exporting to China, but also processing enterprises, Storage enterprises; it is clear that importers and exporters of imported food include overseas exporters or agents and food importers that export food to China.

**Article 78** The General Administration of Customs is responsible for the interpretation of these measures.

**[Subject of Article]** This article is about the power to interpret the "Measures".

**[Interpretation]** This article clarifies that the General Administration of Customs is responsible for the interpretation of the "Measures".

**Article 79** These Measures shall come into force on January 1, 2022. The original State Administration of Quality Supervision, Inspection and Quarantine Order No. 144 was published on September 13, 2011 and in accordance with the original State Administration of Quality Supervision, Inspection and Quarantine Order No. 184 of October 18, 2016 and the General Administration of Customs Order No. 243 of November 23, 2018 The "Administrative Measures for the Safety of Imported and Exported Food" as revised No. 20, and the "Exported Honey Inspection and Quarantine" which was promulgated by Order No. 20 of the former State Inspection and Quarantine Bureau on February 22, 2000 and amended in accordance with Order No. 238 of the General Administration of Customs on April 28, 2018. Management Measures", the former General Administration of Quality Supervision, Inspection and Quarantine Order No. 135 on January 4, 2011, and the "Administrative Measures for Inspection and Quarantine Supervision and Administration of Imported and Exported Aquatic Products" promulgated in accordance with Order No. 243 of the General Administration of Customs on November 23, 2018, The Measures for the Inspection and Quarantine Supervision and Administration of Imported and Exported Meat Products promulgated by Order No. 136 of the former General Administration of Quality Supervision, Inspection and Quarantine on January 4, 2011 and revised in accordance with Order No. 243 of the General Administration of Customs on November 23, 2018, 2013 On January 24, the former General Administration of Quality Supervision, Inspection and Quarantine Order No. 152 and revised in accordance with the General Administration of Customs Order No. 243 on November 23, 2018 "Import and Export Dairy Inspection and Quarantine Supervision and Administration Measures", November 14, 2017 The "Regulations on the Recordation Administration of Export Food Production Enterprises" promulgated by Order No. 192 of the former General Administration of Quality Supervision, Inspection and Quarantine and amended in accordance with Order No. 243 of the General Administration of Customs on November 23, 2018 shall be repealed at the same time.

**[Subject of Article]** This article is about the implementation time of the "Measures" and the abolition of relevant regulations.

**[Interpretation]** The departmental regulations that have been repealed from the date of implementation of the "Measures" in this article include "Import and Export Food Safety Management Measures", "Export Honey Inspection and Quarantine Management Measures", "Import and Export Aquatic Products Inspection and Quarantine Supervision and

Administration Measures", and "Import and Export Meat Products" Measures for the Inspection and Quarantine Supervision, the Measures for the Inspection and Quarantine Supervision and Administration of Imported and Exported Dairy Products, and the Regulations on the Recordation Administration of Export Food Production Enterprises. The "Measures" came into effect on January 1, 2022. They not only replaced the original "Measures" promulgated by the former General Administration of Quality Supervision, Inspection and Quarantine and revised by the General Administration of Customs, but also involved the four aspects of inspection and quarantine supervision of honey, import and export aquatic products, meat and dairy products. The relevant provisions of each regulation are integrated together.