**Explanation of “Measures of the people's Republic of China for the administration of import and export food safety”**

**Part I General introduction**

The measures of the people's Republic of China for the administration of import and export food safety (hereinafter referred to as the measures) were promulgated on April 12, 2021 after being deliberated and adopted by the executive meeting of the General Administration of customs, and shall be implemented as of 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 No. 144 on September 13, 2011 has been amended twice by the former General Administration of quality supervision, inspection and quarantine No. 184 on October 18, 2016 and the General Administration of Customs No. 243 on November 23, 2018, and will be repealed as of January 1, 2022. The revision of the measures is a corresponding adjustment made by the customs in accordance with the latest revision 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 is an inevitable requirement of administration according to law; It is an important measure for the customs to fully implement the general secretary Xi Jinping's "four most stringent" requirements for food safety. After the institutional reform of the State Council, the customs, based on its functions, has strengthened supervision and optimized services in the field of import and export food safety. In order to meet the needs of all parties to further understand and accurately grasp the revision background, legislative ideas and system connotation of the measures, the following explanations are made on the revision of the measures:

1、 Necessity of revision

The revised measures have played a very important role in ensuring the safety of imported and exported food, protecting people's life and health and national ecological security for a period of time. In recent years, the import and export food safety work has been facing new situations, new requirements and new challenges, and the relevant 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 maintained rapid growth, the globalization trend of food supply chain has become increasingly prominent, non-traditional food safety problems have gradually become prominent, and the objective situation of import and export food safety has put forward new requirements for the regulatory system. Second, as an important upper legal basis for import and export food safety supervision, the food safety law and its implementation regulations were significantly revised in 2015 and 2019 respectively, adjusting a series of contents such as "regulatory basis for imported food without national food safety standards", "requirements for designated ports", "requirements for supervision and administration of exported food products", "recall of imported food" and "penalties". For the need of administration according to law, it is necessary to revise the measures accordingly in accordance with the provisions of the revised food safety law and its implementation regulations. Third, the CPC Central Committee has put forward higher requirements for import and export food safety. In 2013, general secretary Xi Jinping put forward the "four most stringent" requirements for food safety work, and became the fundamental food safety work. In 2019, the CPC Central Committee and the State Council's opinions on deepening reform and strengthening food safety work called for the implementation of "guarding the import of food and guarding against imported food safety risks". So that the Customs Department can better implement the relevant requirements. Fourth, after the institutional reform of the State Council in 2018, the management responsibilities and teams of entry-exit inspection and quarantine were assigned to the customs, and the import and export food safety management organization and system have changed. The measures should be revised based on the current supervision reality.

2、 Revision process

After the revision of the food safety law in 2015, the import and export food safety administration launched the revision of the measures, organized experts to study the governance theory of import and export food safety, the comparison of food safety supervision systems at home and abroad, and the design of supervision system framework, 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 combination with the latest situation and regulatory needs, an expert group was established to continue to promote the revision of the measures on the basis of the first draft of the revised draft. On December 1, 2019, after the promulgation and implementation of the regulations on the implementation of the food safety law, a draft of the measures was formed according to the latest provisions of the regulations. After two rounds of internal solicitation, on June 11, 2020, the draft of the measures was publicly solicited from the whole society on the website of the General Administration of customs. On November 30, the exposure draft of the measures was notified to the World Trade Organization (WTO), and the notification procedure was completed on January 31 of the following year, adopting the reasonable opinions and suggestions put forward by WTO members. On the basis of the above work, the measures were considered and adopted by the executive meeting of the General Administration of Customs on March 12, 2021 and promulgated on April 12.

3、 Main contents of revision

（1） Basic information.

After the revision of the measures, there are six chapters including "General Provisions", "Food import", "Food export", "Supervision and administration", "Legal liability" and "Supplementary Provisions", and the provisions are increased from 64 to 79. The measures closely focus on the safety chain supervision of imported food and the whole process supervision of exported food safety, and are defined through two chapters of "food import" and "food export"; incorporate the contents of import and export food safety information management, risk early warning measures and risk monitoring into the chapter of "supervision and management"; regulations on "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, application of standards, designated or recognized places, withdrawal of registered enterprises, etc. The requirements for conformity assessment of imported food, assessment and review of food safety management system of overseas countries (regions), independent audit of importers, notification, import and sales records, credit management and so on were detailed. The measures also fully consider the functional orientation of the customs and adjust some working procedures of the Customs Department related to the supervision of import and export food safety in combination with the spirit and requirements of customs business reform.

（2） Description of key contents.

1. Description of "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 clear that the legislative purpose is "to ensure the safety of imported and exported food and protect human, animal and plant life and health". It is emphasized that starting from the function of guarding national security, the customs not only ensures the safety of traditional food, but also pays attention to the safety of non-traditional food and ecological security, fully reflecting the requirements of the overall national security concept. In terms of formulation basis, 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 law of the people's Republic of China on the quality and safety of agricultural products and its implementation rules have been added, reflecting that the Customs has richer basis and supervision means in the safety supervision of imported and exported food.

The general part defines the working principle of "safety first, mainly prevention, risk management, whole process control and international co governance" in the import and export food safety work, which reflects that the measures aims to establish a more scientific and strict import and export food safety supervision system. It aims to highlight the joint participation of domestic and foreign government regulatory departments, industry organizations, international organizations and other subjects related to international trade food safety in the implementation of food safety responsibilities, form a good atmosphere of benign interaction, orderly participation and joint supervision, and accelerate the formation of a scientific, rigorous, efficient, convenient, coordinated, unified, open and transparent modern governance system for import and export food safety.

2. Description on "Food import".

There are 29 articles in the "Food import" part, which is a significant increase over the 17 articles in the original measures. According to the revised food safety law and its implementation regulations, combined with various measures and supervision reality of Customs to strengthen supervision and optimize services in recent years, this part defines the supervision system of imported food safety, and discusses the start, evaluation and review contents, methods, termination and extension of the evaluation and review of food safety management system in foreign countries (regions) of imported food Make specific provisions on notification results, etc. Put forward requirements for importers to establish an audit system for overseas exporters and overseas production enterprises. It also defines important regulatory systems such as conformity assessment of imported food, designated ports and designated regulatory sites for imported food, on-site inspection of imported food ports, management of Chinese labels of imported food, disposal of unqualified imported food, risk control measures for imported food, etc.

3. Description on "Food export".

There are 19 articles in the "Food export" section, which defines various measures for the safety supervision of exported food. The recommendation of export food enterprises for external registration and overseas notification verification shall be clarified. According to the reality of the continuous growth of China's export food trade and the continuous improvement of quality and safety level in recent years, institutional requirements are put forward for the health control of export food production enterprises, the supervision and inspection of export food production enterprises, the on-site inspection and supervision sampling inspection of export food, and the early warning and control measures of export food risk.

4. Description on "Supervision and management".

There are 11 articles in the "Supervision and management" part, which defines the important contents such as credit management of import and export enterprises and re inspection management of import and export food, and optimizes the supervision system of import and export food safety information management, import and export food risk early warning, import and export food risk monitoring plan, etc.

5. Description on "Legal liability".

There are six articles in the part of "Legal liability", of which articles 68 to 71 add corresponding legal liability within the scope of authorization according to law, Article 72 refines the relevant punishment provisions of the food safety law, and Article 73 stipulates the legal liability for criminal crimes involved in violation of the provisions of these measures. In practice, other administrative violations involving the safety management of imported and exported food are in accordance with the Customs Law of the people's Republic of China, the regulations of the people's Republic of China on the implementation of customs administrative penalties, the food safety law and its implementing regulations, the law of the people's Republic of China on import and export commodity inspection and its implementing regulations, and the law of the people's Republic of China on entry and exit animal and plant quarantine and its implementation regulations, the special provisions of the State Council on strengthening the safety supervision and administration of food and other products, and other laws and administrative regulations.

Part II interpretation

Chapter I General provisions

Article 1 In order to ensure the safety of imported and exported food and protect human, animal and plant life and health, formulated measures in accordance with provisions of laws and administrative regulations such as 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 law of the people's Republic of China on import and export commodity inspection and its implementation regulations, the law of the people's Republic of China on entry and exit animal and plant quarantine, the Frontier health and Quarantine Law of the people's Republic of China and its implementation rules, the law of the people's Republic of China on the quality and safety of agricultural products, and the special provisions of the State Council on strengthening the safety supervision and administration of food and other products.

[Article purport] this article defines the legislative purpose and legislative basis of the measures.

[Interpretation] the legislative purpose of the measures is to "ensure the safety of imported and exported food and protect human, animal and plant life and health", which meets the requirements of the food safety law of the people's Republic of China and other laws and administrative regulations. Among them, "protecting human, animal and plant life and health" is also consistent with the relevant WTO agreements and other international rules, reflecting the characteristics of import and export food safety supervision regulations.

Article 2 These Measures shall be observed when engaging in the following activities:

（1） Import and export food production and business activities;

（2） The customs shall supervise and manage the producers and operators of imported and exported food and the safety of imported and exported food.

The production and operation of imported and exported food additives and food related products shall be carried out in accordance with the relevant provisions of the General Administration of customs.

[Article purport] this article is about the scope of application of the measures.

[Interpretation] this article specifies the scope of application of the measures.

Subparagraph (1) of the first paragraph is aimed at the activities of the administrative counterpart. The production and operation activities of imported and exported food adjusted in these measures mainly include the production, storage, transportation, import and export of imported and exported food. Subparagraph (2) of the first paragraph deals with customs supervision activities. The supervision and management of import and export food producers and operators mainly includes subject qualification supervision, credit management, audit supervision, external registration and recommendation management, punishment and so on. Paragraph 2 is an exception, which makes it clear that the production and business activities of import and export food additives and food related products are not within the scope of application of the measures.

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

[Article purport] this article is about the working principles of import and export food safety.

[Interpretation] this article stipulates the principles of import and export food safety. "Safety first" means that the import and export food safety work must always put ensuring safety in the first place, adhere to the bottom line thinking, and resolutely prevent regional, systematic and Industrial Import and export food safety problems. "Mainly prevention" is the work of import and export food safety to prevent and control risks through various preventive measures and mechanisms. "Risk management" refers to the import and export food safety work, which realizes the effective control of import and export food safety risks through scientific risk management means such as grading and classification of import and export food risks. "Whole process control" is to strengthen the whole process supervision and establish a supervision system covering the whole process based on the characteristics of food safety supervision. "International Co governance" needs the participation of international food safety organizations, overseas government agencies and other parties to create an international co governance pattern of food safety. Import and export food safety regulators and all entities in the import and export food supply chain bear corresponding food safety responsibilities. All relevant parties need to fulfill their responsibilities and cooperate closely, and establish a scientific, rigorous, efficient, convenient, coordinated, unified, open and transparent system based on the above five principles, which is in line with the current international regulatory trends and common practices, it is also an import and export food safety management system that meets the requirements of the socialist customs with Chinese characteristics.

Article 4 Producers and operators of imported and exported food shall be responsible for the safety of imported and exported food they produce and operate. Producers and operators of imported and exported food shall engage in the production and operation of imported and exported food in accordance with international treaties and agreements concluded or acceded to by China, Chinese laws and regulations and national food safety standards, accept supervision and administration according to law, ensure the safety of imported and exported food, be responsible to the society and the public and bear social responsibilities.

[Article purport] this article is about the provisions on the main responsibility of producers and operators of imported and exported food.

[Interpretation] Article 4 of the food safety law stipulates that food producers and operators shall be responsible for the safety of the food they produce and operate. The producers and operators of import and export food are the first responsible person for the safety of import and export food. They shall be responsible for the safety of the food they produce and operate and bear the main responsibility for the safety of import and export food. Article 77 of the measures stipulates that "the producers and operators of imported and exported food as mentioned in these measures include overseas production enterprises, overseas exporters or agents, food importers, export food production enterprises, exporters and relevant personnel who export food to China". The above-mentioned producers and operators of imported and exported food shall bear the main responsibility for the safety of imported and exported food.

Article 5 The General Administration of Customs shall be in charge of the supervision and administration of import and export food safety throughout the country. The Customs at all levels shall be responsible for the supervision and administration of import and export food safety in the areas under their jurisdiction.

[Article purport] this article is about the provisions of the supervision and administration department of import and export food safety.

[Interpretation] Article 91 of the food safety law stipulates that the state entry exit inspection and quarantine department shall supervise and manage the safety of imported and exported food. On March 21, 2018, the CPC Central Committee issued the plan for deepening the reform of Party and state institutions, which transferred the management responsibilities and team of entry-exit inspection and Quarantine 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 supervise and manage the safety of imported and exported food. The second paragraph of this article specifies that the General Administration of customs and customs at all levels shall be responsible for the supervision and administration of import and export food safety throughout the country and within their jurisdiction.

Article 6 The customs shall use information-based means to improve the level of supervision and administration of import and export food safety.

[Article purport] this article is about the provisions on the informational construction of import and export food safety supervision of the customs.

[Interpretation] Objectively, the import and export food safety supervision must make good use of information means, which is defined through this article, in order to highlight the important role of information means as an important content of customs deepening reform, strengthening supervision and optimizing services, and actively and effectively improve the management ability of import and export food safety and the modernization level of management system by strengthening the construction of supervision information, fully implement the 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 has strengthened exchanges and cooperation with international food safety organizations, overseas government agencies, overseas food industry associations and overseas consumer associations, so as to create an international co governance pattern of import and export food safety.

[Article purport] this article is about carrying out 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 shall vigorously publicize and popularize the knowledge of import and export food safety, timely release the interpretation of policies related to import and export food, and promote the whole society to pay attention to and understand the safety of import and export food.

The second paragraph of this article is the embodiment of the principle of international co governance in Article 3, and it is also the objective requirement of import and export food safety supervision. All parties involved bear different responsibilities in the chain of import and export food safety supervision. The customs actively carries out exchanges and cooperation with relevant overseas parties, including international food safety organizations, overseas government agencies, overseas food industry associations and overseas consumer associations. While doing a good job in external publicity, the customs builds an international co governance pattern of import and export food safety and creates a good atmosphere.

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

[Article purport] this article is about the professional requirements of customs import and export food safety supervisors.

[Interpretation] Article 116 of the food safety law requires to strengthen the assessment of relevant laws, regulations, standards, professional knowledge and law enforcement ability of food safety law enforcement personnel. Those who do not have the corresponding knowledge and ability shall not engage in food safety law enforcement.

Chapter II Food import

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

The import of food for which there is no national food safety standard shall meet the requirements of the relevant temporarily applicable standards published by the administrative department of health under the State Council.

The food produced with new food raw materials shall obtain the hygiene administrative license of new food raw materials from the health administrative department of the State Council in accordance with the provisions of Article 37 of the food safety law.

[Article purport] This article is about the basis for supervision of imported food.

[Interpretation] 1. Imported food shall comply with Chinese laws and regulations, national food safety standards and the requirements of international treaties and agreements concluded or acceded to by China.

According to Article 92 of the food safety law,"Imported food shall comply with China's national food safety standards. Imported food shall pass the inspection by the entry-exit inspection and quarantine authority in accordance with the provisions of relevant laws and administrative regulations on import and export commodity inspection",it is the main responsibility of overseas producers, exporters and domestic importers of imported food to ensure that imported food complies with China's national food safety standards, and it is also an internationally accepted requirement. At present, China's system of laws and regulations on import and export food safety mainly includes laws such as the food safety law, the law of the people's Republic of China on the quality and safety of agricultural products, the law of the people's Republic of China on import and export commodity inspection, the law of the people's Republic of China on entry and exit animal and plant quarantine and relevant implementation regulations (rules), the regulations on the safety of agricultural genetically modified organisms and other administrative regulations, the administrative measures of the people's Republic of China on the safety of imported and exported food, the provisions of the people's Republic of China on the registration of overseas production enterprises of imported food and other departmental rules. China's national food safety standards mainly include general standards, product standards, inspection method standards, production specifications and standards, etc.

At the same time, as a member of the World Trade Organization (WTO), the world organization for animal health (OIE), the food and Agriculture Organization of the United Nations (FAO) and other international organizations, China should abide by relevant international treaties and agreements and refer to relevant international standards, guidelines and suggestions, including the agreement on technical barriers to trade (TBT Agreement), the agreement on the implementation of sanitary and phytosanitary measures (SPS Agreement) Codex Alimentarius, code of terrestrial animal health, code of aquatic animals, international standard for phytosanitary measures, etc. In addition, the inspection and quarantine requirements determined by the General Administration of customs and the competent authorities of exporting countries (regions) in the form of protocols and other bilateral and multilateral agreements are also an important basis for the supervision of imported food. Imported food shall meet the inspection and quarantine requirements specified in these bilateral and multilateral agreements and announcements.

2. The import of food for which there is no national food safety standard shall meet the requirements of the relevant temporarily applicable standards published 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 food covered by the general standards in the national food safety standards does not belong to the food without national food safety standards as stipulated in Article 93 of the food safety law. When importing foods that are not covered by the general standards and product standards in the national food safety standards, overseas exporters, overseas production enterprises or their entrusted importers shall submit relevant national (regional) standards or international standards to the health administration department of the State Council in accordance with Article 93 of the food safety law, and the customs shall inspect them in accordance with the requirements of the health administration department of the State Council.

3. The food produced with new food raw materials shall obtain the hygiene administrative license of new food raw materials from the health administrative 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 when using new food raw materials to produce food, or producing new varieties of food additives and new varieties of food related products, the safety evaluation materials of relevant products shall be submitted to the administrative department of health under the State Council. The administrative department of health under the State Council shall, within 60 days from the date of receiving the application, organize the examination, approve and publish the license for those who meet the food safety requirements, and refuse the license for those who do not meet the food safety requirements and explain the reasons in writing. Please refer to the administrative measures for safety review of new food raw materials (Order No. 1 of the national health and Family Planning Commission) for the review process of new food raw material application license. 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 timely publish the catalogue of new food raw materials, new varieties of food additives and new varieties of food related products, as well as the 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 list of substances that are both food and traditional Chinese medicine according to the tradition. The customs shall implement inspection and quarantine supervision and administration of relevant imported food and food raw materials in accordance with the new food raw materials issued by the health administrative department of the State Council and the catalogue of substances that are both traditional food and traditional Chinese medicinal materials.

Article 10 The customs shall assess the conformity of imported food in accordance with the provisions of relevant laws and administrative regulations on import and export commodity inspection.

Imported food conformity assessment activities include: imported food conformity assessment activities include: evaluation and review of food safety management system of overseas countries (regions) [hereinafter referred to as overseas countries (regions)] exporting food to China, registration of overseas production enterprises, filing and qualification guarantee of importers and exporters, approval of entry animal and plant quarantine, inspection of attached qualification certificates, document review on site inspection, supervision and sampling inspection, inspection of import and sales records and combination of various items.

[Article purport] This article is about the implementation of conformity assessment of imported food.

[Interpretation] This article is based on the provisions of paragraph 2 of Article 92 of the food safety law that "imported food and food additives shall pass the inspection of entry-exit inspection and quarantine institutions in accordance with the provisions of relevant laws and administrative regulations on import and export commodity inspection" and paragraph 2 of Article 6 of the law of the people's Republic of China on import and export commodity inspection "Conformity assessment procedures include: sampling, inspection and inspection; evaluation, verification and conformity assurance; registration, recognition and approval and the combination of various", which defines the conformity assessment activities of imported food.

1. Evaluation and review of food safety management system in overseas countries (regions). The General Administration of Customs shall, in accordance with the principle of risk management, evaluate the integrity and effectiveness of the food safety management system of overseas countries (regions) that intend to export food to China, so as to determine whether the food safety management system and food safety status of the country (region) 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 national food safety standards.

2. Registration of overseas production enterprises. The General Administration of Customs implements the registration administration of overseas production, processing and storage enterprises exporting food to China, examines the food production enterprises recommended by the competent authorities of the countries (regions) exporting food to China and the enterprises applying for registration, and approves registration if they meet the registration conditions. The General Administration of Customs has promulgated the provisions of the people's Republic of China on the registration and administration of overseas production enterprises of imported food, which defines the specific requirements and working procedures.

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 who export 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, the importer shall submit the qualified certification materials attached to the batch of products as required when declaring imported food, 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 provisions 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 implemented on August 1, 2018 (General Administration of Customs Announcement No. 90 of 2018) clarified the types of paper documents that are not required to be submitted when reporting 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 performs inspections on importers' records and the import and sales records kept by importers 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 meets the requirements of 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 exported food conforms to international practices.

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

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

(2) The food safety, animal and plant quarantine laws and regulations, and organizational structures of the overseas country (region) undergo 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 overseas countries (regions);

(5) The customs finds serious problems in the food exported to China and believes that there are animal or plant epidemics or food safety hazards;

(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 evaluation and review will disappear, and it will not be able to determine whether the food safety status of the country (region) can reach the acceptable level of risk protection in 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 protocols and other bilateral and multilateral agreements on the basis of risk assessment to provide for the inspection of such foods’ quarantine requirements. If the competent authorities of foreign countries (regions) make major adjustments to the above inspection and quarantine requirements, it is likely that the food exported to China will not 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) indicates 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 a hidden food safety hazard. 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 that are harmful to human health, etc.; 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 The evaluation and review of food safety management systems of foreign countries (regions) mainly include 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 and 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.

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, and confirm that the system can effectively prevent the risk of animal and plant epidemics transmitted 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, and the prevention and control of pathogenic microorganisms and pollutants in the process of planting and breeding 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 and confirmation of safety and health control in food production, processing, transportation and storage. 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.

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.

[Subject 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 assessment 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 is subject to evaluation and review, the General Administration of Customs may terminate the evaluation and review and notify the competent authorities of the relevant country (region): (1) Failure to provide feedback within 12 months of receiving the written evaluation questionnaire; (2) Failure to provide the required information within 3 months after receiving the notice of the General Administration of Customs of supplementary information and materials; (3) Sudden major animal and plant epidemics or major food safety incidents; (4) Failure to cooperate the Chinese party has completed the video inspection or on-site inspection, and failed to effectively complete the rectification; (5) voluntarily applied for the termination of the 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 is granted. The registration of overseas production enterprises of imported food shall be implemented in accordance with the "Regulations of the People's Republic of China on the Administration of Registration of Overseas Production Enterprises of Imported Food" (General Administration of Customs Order No. 248).

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 the implementation of record management of imported food overseas exporters, agents and importers.

[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. The 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 record content of an overseas exporter or agent or food importer, it shall go through the change formalities with the record 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.

[Subject 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. 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 quality guarantee period; if the guarantee period is not clearly guaranteed, 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 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 content: (1) Formulating and implementing food safety risk control measures; (2) Ensuring that the food complies with Chinese laws and regulations and food safety The situation of national 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 shall audit overseas exporters and overseas production enterprises by means of business contracts; Ensure that the food exported by overseas exporters and overseas production enterprises to China meets the requirements through regular or irregular inspection.

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

The audit includes but is not limited to the following contents: the establishment and operation of an effective food safety and health management and protection system by overseas food production enterprises; The supervision of the competent authorities over overseas food production enterprises and exporters; Compliance of relevant food exported to China with the bilateral Protocol signed between the official competent department of the exporting country and the General Administration of customs and other food safety risk control measures.

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

The audit includes but is not limited to the following contents: whether the production is carried out in accordance with China's food safety laws and regulations and national food safety standards, and whether the raw materials and auxiliary materials comply with China's food safety laws and regulations and national food safety standards. If necessary, samples of relevant products can be taken and sent to qualified laboratories for inspection. Only after the relevant inspection results meet the provisions of China's food safety laws and regulations and national food safety standards can they be exported to China. The label of prepackaged food shall comply with Chinese food safety laws and regulations, national food safety standards and other relevant provisions.

Article 23 the customs shall supervise and inspect the implementation of audit activities by food importers according to law. Food importers shall actively cooperate and truthfully provide relevant information and materials.

[main purpose of the article]This article is about the supervision and inspection provisions of the Customs on the independent audit of food importers.

[interpretation] the Customs has the power to supervise and inspect the implementation of independent audit by food importers, mainly to audit the establishment of audit system and audit activities by food importers. Food importers have the obligation to actively cooperate with the customs in supervision and inspection, and shall truthfully provide relevant information and materials.

Article 24 the customs may, according to the needs of risk management, inspect the imported food at designated ports and designated supervision sites. The list of designated ports and designated supervision sites shall be published by the General Administration of customs.

[main purpose of the 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 for the implementation of the food safety law, the customs may import some foods at designated ports according to the needs of risk management. On the basis of risk assessment, the customs may designate a supervision operation site for inspection, inspection and Quarantine of some foods.

Article 25 when importing food, food importers or their agents shall truthfully declare to the customs according to law.

[main purpose of the article] This article is about the obligation of food importers or their agents to truthfully report.

[interpretation] Article 24 of the Customs Law of the people's Republic of China stipulates that the consignee of import goods and the consignor of export goods shall truthfully declare to the customs and submit import and export licenses and relevant documents for inspection. Article 11 of the law of the people's Republic of China on import and export commodity inspection stipulates that the consignee or his agent of import commodities that must be inspected by the commodity inspection authorities shall apply for inspection to the commodity inspection authorities at the place of customs declaration. The first paragraph of Article 16 of the regulations for the implementation of the law of the people's Republic of China on import and export commodity inspection stipulates that the consignee of import commodities subject to statutory inspection shall report for inspection to the entry-exit inspection and quarantine authority at the place of customs declaration on the strength of the contract, invoice, packing list, bill of lading and other necessary certificates and relevant approval documents. Food importers or their agents have the obligation to report truthfully according to law and bear corresponding legal responsibilities for their authenticity, accuracy, integrity and standardization.

Article 26 the customs shall carry out quarantine inspection on the imported food subject to entry quarantine according to law.

[main purpose of the article]This article is about the entry quarantine of imported food.

[interpretation] it is a common international practice to implement entry quarantine on imported food. The agreement on the implementation of sanitary and phytosanitary measures (SPS Agreement) stipulates that members have the right to take sanitary and phytosanitary measures necessary to protect the life or health of human, 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 office (hereinafter referred to as the State animal and plant quarantine office) to uniformly administer the entry and exit animal and plant quarantine throughout the country. Port animal and plant quarantine offices established by the State animal and plant quarantine office at ports open to the outside world and at places where entry and exit animal and plant quarantine operations are concentrated shall carry out entry and exit animal and plant quarantine according to law.

Article 27 the customs shall, in accordance with law, inspect the imported food that needs the examination and approval of entry animal and plant quarantine

Quarantine approval management shall be implemented for the products. A food importer shall obtain an entry animal and plant quarantine license before signing a trade contract or agreement.

[main purpose of the article] This article is about the administration of quarantine examination and approval.

[interpretation] Article 10 of the law of the people's Republic of China on entry and exit animal and plant quarantine stipulates that those who import animals, animal products, plant seeds, seedlings and other reproductive materials must submit an application in advance and go through the quarantine examination and approval procedures.

Article 28 the customs shall carry out on-site inspection of imported food according to the needs of supervision and administration. The on-site inspection shall include but not limited to the following contents:

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

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

（3） Whether the food, packaging and bedding materials of animal and plant origin are in the situation specified in Article 22 of the regulations for the implementation of the law on entry and exit animal and plant quarantine;

（4） Whether the internal and external packaging meets the national food safety standards, and whether there is pollution, damage, wet immersion and penetration;

（5） Whether the labels, marks and instructions of internal and external packaging meet the requirements of laws, administrative regulations, national food safety standards and the provisions of the General Administration of customs;

（6） Whether the sensory properties of the food meet the due properties of the food;

（7） Whether the freshness and central temperature of frozen and refrigerated food meet the requirements, whether there are lesions, whether the ambient temperature of frozen and refrigerated food meets the requirements of relevant standards, whether the cold chain temperature control equipment and facilities operate normally, and whether the temperature record meets the requirements. If necessary, cooking test can be carried out.

[main purpose of the article] This article is about the requirements for on-site inspection of imported food by the customs.

[interpretation] according to Article 6 of the Customs Law, the customs may exercise its power to inspect inbound and outbound means of transport and inspect inbound and outbound goods and articles; Those who violate this law or other relevant laws and administrative regulations may be detained. The inspection requirements are mainly based on Chinese laws and regulations and national food safety standards. The on-site inspection personnel shall operate according to the relevant inspection guidelines formulated by the customs.

Article 29 the customs shall formulate the annual national plan for supervision and sampling inspection of imported food safety and the special plan for supervision and sampling inspection of imported food safety, and organize the implementation.

[main purpose of the article] This article is about the provisions on the sampling plan for the safety supervision of imported food.

[interpretation] On the basis of risk assessment, the General Administration of Customs shall formulate the annual national supervision and sampling plan for imported food safety and the special supervision and sampling plan for imported food safety. In accordance with the requirements of the national plan for supervision and sampling of imported food safety and the special plan for supervision and sampling of imported food safety, the customs directly under the central government shall formulate a supplementary plan according to the safety status of imported food in its jurisdiction, which shall be implemented after being reported to the general Administration of Customs for the record. The customs is responsible for the annual national supervision and sampling inspection of imported food safety

Implementation of the plan, the special supervision and sampling plan for imported food safety and the supplementary plan for supervision and sampling of imported food of the customs directly under it.

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 a manual according to law, there should also be a manual in Chinese. For imported fresh and frozen meat products, there shall be firm, clear and easy to distinguish Chinese and English or Chinese and export country (region) text marks on the inner and outer packages, indicating the following contents: country (region) of origin, product name, registration number of production enterprise and production batch number; The specification, place of origin (specific to state / Province / city), destination, production date, shelf life, storage temperature, etc. shall be marked on the outer package in Chinese. The destination must be marked

The people's Republic of China shall bear the official inspection and quarantine mark of the exporting country (region). For imported aquatic products, there shall be firm, clear and easy to distinguish Chinese and English or Chinese and export country (region) text marks on the inner and outer packaging, indicating the following contents: commodity name and scientific name, specification, production date, batch number, shelf life and storage conditions, production mode (seawater fishing, freshwater fishing, aquaculture) and production area (marine fishing area, freshwater fishing country or region, country or region where aquaculture products are located), name, registration number and address of all production and processing enterprises involved (including fishing vessels, processing vessels, transport vessels and independent cold storage) (specific to state / Province / city) . the destination must be marked as the people's Republic of China. The Chinese labels of imported health food and special food and edible food must be printed on the minimum sales package and shall not be pasted. If there are special identification provisions on the inner and outer packages of imported food, the relevant provisions shall prevail.

[main purpose of the article] This article stipulates the requirements for packaging, labeling and labeling of imported food.

[interpretation] Article 97 of the food safety law stipulates that imported prepackaged food shall have Chinese labels; If there should be a manual according to law, there should also be a manual in Chinese. The labels and instructions shall comply with the provisions of Chinese laws and administrative regulations and the requirements of national food safety standards, and specify the origin of the food and the name, address and contact information of domestic agents. Prepackaged food without labels or instructions in Chinese, or the labels or instructions do not comply with the provisions, shall not be imported. The second and third paragraphs specify the requirements for the labels and marks of the internal and external packaging of imported fresh and frozen meat and aquatic products. Where imported aquatic products directly enter the domestic consumer market, they must be implemented item by item in accordance with the requirements of this article. Imported aquatic products do not directly enter the domestic consumer market (including being used as processing raw materials

For re export), pallets, containers and shipping holds can be used as independent packaging units to mark all the information in this article. Transport vessels, fishing vessels and processing vessels refer to fishing vessels with freezing function. The Chinese labels of imported health food and special food food that meet the requirements of Chinese laws and regulations and the definition of national food safety standards must be directly printed on the minimum sales package before entering the country, and shall not be pasted in China.

Article 31 after the imported food arrives at the port, it shall be stored in the place designated or approved by the customs; If it needs to be moved, it must be approved by the customs, and necessary security measures must be taken in accordance with the requirements of the customs. The designated or recognized places shall meet the requirements of laws, administrative regulations and national food safety standards.

[main purpose of the article] This article is about the provisions on designated or recognized 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 shall be stored in the place designated or recognized by the entry-exit inspection and quarantine authority; If it needs to be moved, necessary safety protection measures shall be taken in accordance with the requirements of the entry-exit inspection and quarantine institution.

Article 32 bulk imported food shall be inspected at the port of discharge in accordance with the requirements of the customs.

[main purpose of the article] This article is about the regulation of bulk imported food.

[interpretation] Article 45 of the regulations for the implementation of the food safety law stipulates that bulk imported food shall be inspected at the unloading port.

Article 33

Imported food is allowed to be imported if it passes the customs conformity assessment. If the imported food fails to pass the conformity assessment by the customs, the customs shall issue a certificate of non conformity;

If the items involving safety, health and environmental protection are unqualified, the customs shall notify the food importer in writing and order him to destroy or return them; If other items fail to meet the requirements of conformity assessment after technical treatment, they shall be allowed to be imported. If the relevant imported food fails to complete the technical treatment within the specified time or is still unqualified after the technical treatment, the customs shall order the food importer to destroy or return it.

[main purpose of the article] This article provides for the conformity assessment results and disposal of imported food.

[interpretation] Annex 1 of the agreement on technical barriers to trade (TBT Agreement) specifies that the conformity assessment procedure is any procedure directly or indirectly used to determine whether the relevant requirements in technical regulations or standards are met. Conformity assessment procedures include, inter Alia, sampling, inspection and inspection, evaluation, verification and conformity assurance, registration, recognition and approval, and combinations of. Article 6 of the law of the people's Republic of China on import and export commodity inspection stipulates that the import and export commodity inspection that must be implemented refers to the conformity assessment activities to determine whether the import and export commodities listed in the catalogue meet the mandatory requirements of the national technical specifications. Conformity assessment procedure

Sequence includes: sampling, inspection and inspection; Evaluation, verification and conformity assurance; Registration, recognition and approval and combinations of. Article 8 of the regulations for the implementation of the law of the people's Republic of China on import and export commodity inspection stipulates that the entry-exit inspection and quarantine institutions shall implement classified management of import and export enterprises according to the needs of facilitating foreign trade, and inspect import and export commodities in accordance with the inspection and supervision methods determined according to the internationally accepted conformity assessment procedures. The customs shall conduct conformity assessment of imported food in accordance with international rules and Chinese laws. Paragraph 1 of Article 19 of the regulations for the implementation of the law of the people's Republic of China on import and export commodity inspection stipulates that, unless otherwise provided by laws and administrative regulations, if the imported commodities subject to statutory inspection are found to be unqualified in terms of personal and property safety, health and environmental protection, the entry-exit inspection and quarantine authority shall order the party concerned to destroy them, or issue a notice of return and notify the customs in writing, The customs shall handle the return formalities with the return notice; If other items are unqualified, technical treatment may be carried out under the supervision of the entry-exit inspection and quarantine institution. Only those that pass the re inspection can be sold or used. The customs shall dispose of the imported food according to the conclusion of the conformity assessment of the imported food, that is, approval for import, destruction, return and technical treatment.

Article 34 If a food safety incident outside China may lead to potential food safety hazards in China, or unqualified imported food is found in the process of customs supervision and administration of imported food, or other food safety problems are found, the General Administration of customs and the authorized customs directly under the General Administration of Customs may implement control measures such as increasing the proportion of supervision and sampling inspection of relevant imported food according to the risk assessment results. The customs shall, in accordance with the provisions of the preceding paragraph, take measures such as increasing the proportion of supervision and sampling inspection of imported food

If unqualified imported food is found again after the measures are taken, or there is evidence showing that there are major potential safety hazards in imported food, the General Administration of customs and the authorized customs directly under the General Administration of Customs may require food importers to submit inspection reports issued by qualified inspection institutions to the customs batch by batch. The customs shall verify the inspection report provided by the food importer.

[main purpose of the article] This article is about the provisions on risk early warning and control measures for imported food.

[interpretation] Article 52 of the regulations for the implementation of the food safety law stipulates that if a food safety incident occurring abroad may have an impact on China, or serious food safety problems are found in imported food, the state entry exit inspection and quarantine department shall timely carry out risk early warning and may take the following control measures for relevant food:

（1） Return or destruction; （2） Conditionally restrict imports; （3） Suspension or prohibition of import. The General Administration of Customs shall take stricter risk early warning and control measures for imported food level by level according to law. The customs directly under the General Administration of Customs shall be authorized by the General Administration of customs before implementing relevant measures. On the basis of risk assessment, the adjustment of supervision and sampling proportion can be specific to specific products, overseas production enterprises, exporters, domestic importers and other enterprises of imported food, as well as a specific country or region of origin of imported food.

Article 35 under any of the following circumstances, the General Administration of Customs may, based on the risk assessment results, take control measures to suspend or prohibit the import of relevant food: (1) a major animal and plant epidemic occurs in the exporting country (region), or a major change occurs in the food safety system, which is unable to effectively ensure the food safety exported to China;

（2） The imported food is contaminated by the pathogen of a quarantinable infectious disease, or there is evidence that it can become the vector of a quarantinable infectious disease and cannot be effectively sanitized;

（3） The customs finds that the relevant safety, health and environmental protection items of imported food subject to the control measures specified in paragraph 2 of Article 34 of these measures are unqualified again;

（4） An overseas production enterprise violates the relevant laws and regulations of China, and the circumstances are serious;

（5） Other information shows that there are major potential safety hazards in relevant food.

[main purpose of the 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 a food safety incident occurring abroad may have an impact on China, or serious food safety problems are found in imported food, the state entry exit inspection and quarantine department shall timely carry out risk early warning and may take the following control measures for relevant food:

（1） Return or destruction;

（2） Conditionally restrict imports;

（3） Suspension or prohibition of import. The General Administration of Customs shall timely carry out risk assessment according to the circumstances listed in this article and decide whether to take control measures to suspend or prohibit import according to law. This measure can be targeted at specific countries (regions), specific types of food and specific overseas production enterprises.

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 General Administration of Customs may lift the corresponding control measures in the following ways:

（1） If the food under the control measures in paragraph 1 of Article 34 of these measures is not found to be unqualified within the specified time and batch, the control measures may be lifted on the basis of risk assessment;

（2） If the exporting country (region) has taken preventive measures for the food subject to the control measures in paragraph 2 of Article 34 of these measures, and the risk assessment by the General Administration of customs can ensure food safety and control the risk of animal and plant epidemic, or no unqualified food is found within the specified time and batch from the date of implementation of the control measures, the customs may lift the control measures on the basis of risk assessment;

（3） If the competent department of the exporting country (region) has taken risk control measures for the food subject to the suspension or prohibition of import control measures, and the General Administration of Customs has assessed that it meets the requirements, the suspension or prohibition of import control measures may be lifted. The General Administration of Customs may take the control measures specified in Article 34 of these measures according to the evaluation of the resumed imported food.

[main purpose of the article] This article is about the provisions on lifting the risk early warning and control measures for imported food.

[interpretation]

1、 Remove the control measures in paragraph 1 of Article 34.

Relevant enterprises actively take preventive and control measures to ensure that the food safety risk of their export to China has been reduced to a controllable level. If the customs does not find any nonconformity within the specified time and batch, it shall adjust (reduce) the proportion of supervision and sampling inspection on the basis of risk assessment until it returns to normal.

2、 Remove the control measures in paragraph 2 of Article 34.

1. Exporting countries effectively eliminate or reduce risks by formulating and implementing preventive measures against risk factors. After the risk assessment of the General Administration of customs, it is 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. Food importers can no longer submit relevant imported food inspection reports batch by batch.

2. If the or customs does not find any nonconformity within the specified time and batch, the food importer may no longer be required to submit the relevant imported food inspection report batch by batch on the basis of risk assessment.

3、 Lifting the suspension or prohibition of import control measures.

For the countries (regions) that have been suspended or prohibited from importing food control measures, the competent authorities of the countries (regions) shall take risk control measures to ensure that the food safety risk of their export to China has been reduced to a controllable level, and apply to the General Administration of Customs for resumption of export. After risk assessment, the General Administration of Customs confirms that its risk control measures are effective and can ensure the safety of food exported to China, may lift the suspension or prohibition of import control measures and take the control measures specified in Article 34 of the measures as appropriate.

Article 37 If a food importer finds that the imported food does not meet the laws, administrative regulations and national food safety standards, or there is evidence that it may endanger human health, it shall immediately stop the import, sale and use, implement the recall, and notify the relevant producers, operators and consumers in accordance with the provisions of Article 63 and paragraph 3 of Article 94 of the food safety law, Record the recall and notification, and report the food recall, notification and handling to the local customs.

[main purpose of the article] This article is about the recall of imported food.

[interpretation] Article 94 of the food safety law stipulates that if it is found that the 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 importing and recall it in accordance with Article 63 of the food safety law. Article 49 of the regulations for the implementation of the food safety law stipulates that if an importer recalls imported food in accordance with paragraph 3 of Article 94 of the food safety law, it shall report the food recall and treatment to the food safety supervision and Administration Department of the local people's government at the county level and the local Entry-Exit Inspection and quarantine institution. Once a food importer finds that the imported food does not comply with laws, administrative regulations and national food safety standards, or there is evidence that it may endanger human health, it shall take the initiative to stop the import, sales and use, implement independent recall, notify relevant producers, operators and consumers, record the recall and notification, and report the recall, notification and handling to the local customs.

Chapter III food export

Article 38 an export food production enterprise shall ensure that its export food meets the standards or contract requirements of the importing country (region); If the international treaties and agreements concluded or acceded to by China have special requirements, they shall also meet the requirements of international treaties and agreements. If the importing country (region) has no standards, no requirements are made in the contract, and there are no relevant requirements in the international treaties and agreements concluded or acceded to by China, the export food production enterprise shall ensure that its exported food complies with China's national food safety standards.

[main purpose of the article] This article is about the general requirements for the supervision of exported food.

[interpretation] Article 99 of the food safety law stipulates that an export food production enterprise shall ensure that its export food meets the standards or contract requirements of the importing country (region).

Article 53 of the Regulations for the “Implementation Rules of Food Safety Law of the People’s Republic of China” stipulates that the production enterprise exporting food shall ensure that its exported food meets the standards or contract requirements of the importing country (region); Where there are requirements in international treaties and agreements concluded or acceded to by China, they shall also comply with 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, 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 export food raw materials shall report to the local customs office. case.

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. The first 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 procedures and requirements for the filing 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" (formerly issued by AQSIQ Order No. 192, amended by Order No. 243 of the General Administration of Customs on November 23, 2018) repeal 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 an overseas country (region) implements the registration management of China's export food production enterprises exported to that country (region) and requires the recommendation of the General Administration of customs, the export food production enterprises shall submit an application to the Customs at their domicile, and the Customs at their domicile shall 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 may 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 An export food production enterprise shall establish and improve a traceable food safety and health control system, ensure the effective operation of the food safety and health control system, and ensure that the production, processing and storage of export food continue to comply with relevant Chinese laws and regulations and the safety and health requirements of export food production enterprises; If there are special requirements in the relevant laws and regulations of the importing country (region) and relevant international treaties and agreements, the relevant requirements shall also be met.

Export food production enterprises shall establish supplier evaluation system, incoming inspection record system, production record file system, ex factory inspection record system, export food traceability system and unqualified food disposal system. Relevant records shall be true and valid, and the storage period shall not be less than 6 months after the expiration of the food shelf life; If the shelf life is not specified, the shelf life 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.

1. 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 a supplier evaluation system, a purchase inspection record system, a production record file system, a factory inspection record system, a export food traceability system, and a 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 shelf life. For some foods (such as alcohol, etc.) that do not have a shelf life requirement, 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. Certainly.

[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 sanitation 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 take the form of 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 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 their application for supervision before export declaration, they can simultaneously carry out 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 and report to higher authorities; if an import and export food production and operation enterprise is found to be suspected of food safety violations, the department that found the clues should 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 Export food production enterprises and exporters shall submit an application for supervision before export declaration to the customs in the place of origin or the place of organization in accordance with laws, administrative regulations and the provisions of the General Administration of Customs.

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' 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 be approved for 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 treatment is qualified; if the food cannot be technically processed or is still unqualified after the technical treatment, 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 inspection plan (including the national export food supervision and inspection plan and the subordinate customs export food supervision and sampling inspection plan), rather than implementing batch inspections on the 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 may undergo technical treatment under the supervision of the entry-exit inspection and quarantine institution if they are inspected by the entry-exit inspection and quarantine institution or fail to pass the inspection by the port entry-exit inspection and quarantine institution, and shall not be exported until they pass the re inspection; Those who cannot undergo technical treatment or fail to pass the re inspection after technical treatment shall not be exported.

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 declaration to the customs is the food exporter or its agent, who shall be responsible for the authenticity of the declared information. Those who fail to fulfill the obligation of truthful declaration shall be punished in accordance with the provisions of the “Customs Law of the People's Republic of China”, the “Law of the People's Republic of China on import and export commodity inspection” and its implementing regulations, the “Implementing Regulations of the Customs of the People's Republic of China” on Administrative Penalties, these measures and other laws and regulations.

Article 53 The customs shall carry out inspections of exported food at the port. If the inspection fails to pass the inspection, the export shall not be allowed.

[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 the exported food is notified by international organizations or overseas government agencies due to safety problems, the General Administration of Customs shall organize verification, and implement control measures such as adjusting the proportion of supervision and sampling inspection, requiring food exporters to submit inspection reports issued by qualified inspection institutions to the customs batch by batch, and withdrawing registration recommendations to overseas official competent authorities.

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

[Interpretation] After the exported food is notified by international organizations and overseas government agencies due to safety problems, the General Administration of Customs shall organize verification, verify the authenticity of the information notified abroad, study and judge the reasons for the notification, understand the emergency disposal and improvement management measures taken by relevant enterprises, and take necessary follow-up risk control measures as needed.

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 finds 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 remember Record recalls and notifications; paragraph 2 stipulates that when food operators discover that their food does not meet food safety standards, they should immediately stop operations, 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 residence” 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 regulation of the notification system of 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 food that has been notified overseas or has safety issues, the customs shall not only notify the relevant enterprises of the relevant information, but also notify the local government, focusing on the violations of laws and regulations by the relevant enterprises.

Chapter IV Supervision and Administration

Article 57 The General Administration of Customs, in accordance with Article 100 of the “Food Safety Law”, collects and aggregates import and export food safety information, and establishes 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 jurisdictions and designated by higher 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 information on technical trade measures for overseas food in addition to the content specified in Article 100 of the Food Safety Law.

[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, it includes: food safety information found in the supervision and administration of import and export food inspection and quarantine; Food safety information reported by other domestic government departments and reflected by industry associations, enterprises and consumers; Food safety information reflected by international organizations, overseas government agencies, overseas industry associations, enterprises and consumers and other information related to import and export food safety. In particular, it also includes information on overseas food technical trade measures.

The General Administration of customs and customs at all levels shall perform the notification of relevant food safety information according to 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 a timely manner, 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 When there are food safety incidents or epidemic diseases occur at home and abroad that may affect the safety of imported and exported food, or serious food safety problems are found in imported and exported food, the customs directly under the General Administration of Customs shall report to the General Administration of Customs in a timely manner. The General Administration of Customs shall carry out risk early warning according to the situation, issue risk warning notices within the customs system, and notify the food safety supervision and administration, health administration and agricultural administration departments of the State Council, and issue risk warning notices to consumers when necessary.

For those that the General Administration of Customs issues a risk warning notice, the control measures specified in Articles 34, 35, 36 and 54 should be adopted for imported and exported food in accordance with the requirements of the risk warning notice

[Article Purport] This article is about the provisions on disposal measures in case of serious food safety problems at home and abroad.

[Interpretation] Article 95 of the food safety law stipulates that if a food safety incident occurring abroad may have an impact on China, or serious food safety problems are found in imported food, food additives and food related products, the state entry exit inspection and quarantine department shall timely take risk early warning or control measures and report to the food safety supervision and administration of the State Council. The public health and agricultural administrative departments shall make a circular. The department receiving the notification shall take corresponding measures in time. The food safety supervision and administration departments of the people's governments at or above the county level shall supervise and administer the imported food and food additives sold on the domestic market. If serious food safety problems are found, the food safety supervision and administration department of the State Council shall timely notify the state entry exit inspection and quarantine department. The state entry exit inspection and quarantine department shall take corresponding measures in time.

For those that the General Administration of Customs issues a risk warning notice, the control measures specified in Articles 34 and 35 should be taken in accordance with the requirements of the risk warning notice. When the relevant imported food safety risks have been reduced to an acceptable level, the General Administration of Customs and the authorized customs directly under the General Administration of Customs may take corresponding control measures in accordance with Article 36 of the measures. Article 54 of the measures stipulates that if the exported food is notified by international organizations or overseas government agencies due to safety problems, the General Administration of Customs shall organize verification and take corresponding control measures according to the actual situation.

Article 60 the customs shall formulate an annual national risk monitoring plan for import and export food safety, and systematically and continuously collect monitoring data and relevant information of factors of food-borne diseases, food pollution and harmful substances in import and export food.

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

[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 shall establish a national import and export food safety risk monitoring system and formulate an annual plan for import and export food safety risk monitoring, which shall be implemented by customs at all levels.

If the General Administration of Customs analyzes the results of risk monitoring and shows that there may be potential safety hazards in imported food, it can issue 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 shall remove the risk early warning and control measures.

The General Administration of Customs shall regularly summarize the results of risk monitoring and timely put forward suggestions on food safety risk assessment to the administrative department of health under the State Council.

Article 61 When a food safety incident occurring outside China may have an impact on China, or it is considered that there are uncontrollable risks after assessment, the General Administration of Customs may, with reference to the prevailing international practices, directly issue a risk early warning notice within the customs system or issue a risk early warning notice to consumers, and take control measures specified in Articles 34, 35 and 36 of the measures.

[Article Purport] This article is about the provisions on early warning and handling of food safety incidents abroad.

[Interpretation] Article 95 of the food safety law stipulates that if a food safety incident occurring abroad may have an impact on China, or serious food safety problems are found in imported food, food additives and food related products, the state entry exit inspection and quarantine department shall take risk early warning or control measures in time and report to the food and drug administration. The public health and agricultural administrative departments shall make a circular.

The customs may take relevant early warning and control measures when food safety incidents occurring abroad may have an impact on China, or their potential risks are not fully understood, or the known risks are considered uncontrollable after assessment.

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

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

[Interpretation] Article 6 of the food safety law stipulates the response to food safety emergencies, the establishment and improvement of the whole-process supervision and management mechanism of food safety 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 guarantee measures, etc.

Article 63 when performing the duties of supervision and administration of import and export food safety according to law, the Customs has the right to take the following measures:

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

(2) Conduct sampling inspection on the food produced and operated;

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

(4) Seal up or detain food that is proved to be inconsistent with the national food safety standards, or there is evidence to prove the existence of potential safety hazards and illegal production and operation of food.

[Article Purport] This article is about the provisions on administrative coercive measures for import and export food safety.

[Interpretation] Article 110 of the food safety law clearly stipulates the duties of food safety supervision and management, and the measures that can be taken on producers and operators in respect of their compliance of the law.

The customs shall perform the duties of supervision and administration of import and export food safety according to law, supervise and manage the compliance of import and export food producers and operators with the measures, and may take administrative inspection measures and administrative coercive measures.

Administrative inspection measures include entering the production and operation sites of imported and exported food to carry out on-site inspection, and checking whether the producers and operators carry out production and operation activities in accordance with the requirements of the measures; conduct sampling inspection on imported and exported foods produced and operated; verify and confirm the compliance of relevant imported and exported food with national food safety standards through sampling inspection; review and copy relevant contracts, bills, account books and other relevant materials.

Administrative coercive measures include sealing up and detaining food that is proved to be inconsistent with national food safety standards or that there are potential safety hazards and illegal production and operation.

Article 64 The customs shall implement credit management on import and export enterprises according to law.

[Article Purport] 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 food importers, exporters and food export production enterprises , establish credit records and publish them to the public according to law. For importers, exporters and food export production enterprises with bad records, the inspection and quarantine shall be strengthened for their imported and exported food. The customs implements credit management on enterprises according to law, and implements different customs clearance facilitation measures or disciplinary measures according to different credit levels.

Article 65 The customs shall carry out inspection and verification on the producers and operators of imported and exported food, as well as the registered planting and breeding farms of raw materials according to law.

[Article Purport] This article is about the provisions on the inspection and verification of enterprises related to imported and exported food.

[Interpretation] In accordance with the regulations of the People's Republic of China on Customs Inspection (Order No. 209 of the State Council) and its implementation measures, the customs shall supervise and manage the producers and operators of imported and exported food, the registered raw material plantations and the registered raw material farms.

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

[Article Purport] this article is about the regulation of transit food.

[Interpretation] Transit food shall comply with the Customs Law of the People’s Republic of China, the Measures of the Customs of the People’s Republic of China for the Supervision of Transit Goods, the Regulations for the Implementation of the Law of the People’s Republic of China on Entry and Exit Animal and Plant Quarantine, the Regulations of the People’s Republic of China on the Import and Export Administration of Endangered Wild Animals and Plants, the Regulations on the Safety Administration of Agricultural Genetically Modified Organisms and Other Relevant Provisions.

Article 67 If the producers and operators of import and export food disagree with the inspection results of the customs, they may apply for re inspection in accordance with the relevant provisions on re-inspection of import and export commodities.

Under any of the following circumstances, the customs shall not accept the re-inspection:

(1) The test results show that the microbial indexes exceed the standard;

(2) Re inspection of backup samples exceeding the shelf life;

(3) The backup sample cannot achieve the purpose of re inspection due to other reasons.

[Article Purport] This article is about the application for reinspection of the inspection results of the customs.

[Interpretation] Article 28 of the Law of the People’s Republic of China on Import and Export Commodity Inspection stipulates that if there is any objection to the inspection results, a re-inspection can be proposed. For this clause, the customs will not accept the re inspection as follows:

1. The test results show that the microbial indexes exceed the standard. According to Article 7.3 of the general rules for microbiological inspection of food (GB4789.1), after the inspection results are reported, the remaining samples and the same batch of products will not be retested.

2. The retest the backup samples are beyond the shelf life. If the products applied for reinspection and their backup samples have exceeded the shelf life, the reinspection application will not be accepted. The exemptions in the above two paragraphs are only for the unqualified laboratory test results.

3. The backup sample cannot achieve the purpose of reinspection due to other reasons. The Customs responsible for accepting the application for re inspection shall investigate and judge the application for reinspection. The customs shall explain the relevant situation, retain the corresponding materials, and make a conclusion of rejection in time.

# Chapter V Legal Liability

Article 68 When a food importer changes the contents of the record and fails to go through the change formalities with the customs in accordance with the provisions, and the circumstances are serious, the customs shall give a warning.

If a food importer provides false filing information in the filing, the customs shall impose a fine of less than 10000 yuan.

[Article Purport] This article is about the provisions on the punishment of illegal acts related to the filing of food importers.

[Interpretation] The second paragraph of Article 13 of the Administrative Punishment Law of the People’s Republic of China stipulates that if no laws or administrative regulations have been formulated, the departmental rules of the State Council may impose administrative penalties of warning, circulating a notice of criticism or a certain amount of fine for acts violating the administrative order. The limits of fines shall be prescribed by the State Council.

Article 96 of the food safety law stipulates that overseas exporters or agents exporting food to China and importers of imported food shall file with the state entry-exit inspection and quarantine department for the record. Food importers shall file with the customs of their domicile. Overseas exporters, agents and food importers shall be responsible for the authenticity and effectiveness of the materials they provide. If the customs find that the record information of overseas exporters, agents and food importers is wrong or the record content has not been changed in time, it may order them to make corrections within the specified time limit.

Article 69 When a domestic producer or operator of imported and exported food fails to cooperate with the customs in the safety inspection of imported and exported food, refuses to accept inquiries and provide materials, or the contents of the reply and the materials provided are inconsistent with the actual situation, the customs shall impose a warning or a fine of less than 10000 yuan.

[Article Purport] This article is about the punishment of illegal acts of domestic import and export food producers and operators who do not cooperate with the customs in import and export food safety verification.

[Interpretation] According to Article 13 of the Administrative Punishment Law of the People’s Republic of China, this article is a legal liability provision for the illegal acts of the administrative counterpart who does not cooperate with the customs food safety inspection.

Article 70 During the supervision of imported prepackaged food, the customs finds that the imported prepackaged food is not labeled in Chinese or the Chinese label does not meet the laws, regulations and national food safety standards, and the food importer refuses to destroy, return or take technical treatment in accordance with the requirements of the customs, the customs shall impose a warning or a fine of not more than 10000 yuan.

[Article Purport] This article is about the punishment of illegal acts related to the Chinese label of imported prepackaged food.

[Interpretation] This article stipulates the illegal acts related to the Chinese label of imported prepackaged food. The customs shall give a warning or impose a fine of less than 10000 yuan for such illegal acts. There are two main elements. First, the imported prepackaged food is not labeled in Chinese or the Chinese label does not comply with laws, regulations and national food safety standards. Second, food importers refuse to carry out destruction, return or technical treatment in accordance with the requirements of the customs.

Article 71 Without the permission of the customs, the imported food shall be not taken away from the designated place of the customs or an approved place. If such a violation, the customs shall order to make corrections and impose a fine of not more than 10000 yuan.

[Article Purport] This article is about the legal liability for the illegal act of lifting imported food away 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 importers and their agents who knowingly do not allow the lifting of imported food from the designated or recognized place, or who have received a notice from the customs that they are not allowed to lift without authorization, the customs shall order them to make corrections and impose a fine of less than 10000 yuan. There are two elements that constitute an illegal act in this article: one is without the permission of the customs; Second, taking the imported food away from the places designated or recognized by the customs. It is emphasized that "lifting away" behavior. cannot be implemented without the permission of the customs

Article 72 When the following illegal acts belong to "exporting food without complying with the provisions of the Law" as stipulated in Item 3, paragraph 1, Article 129 of the food safety law, the customs shall conduct punishment in accordance with the provisions of Article 124 of the food safety law:

（1） Unauthorized exchange of export food that has been sampled and inspected by the customs and has issued certificates;

（2） Exporting food adulterated, counterfeited or shoddy, or passing off substandard export food as qualified export food;

（3） Exporting food produced by an export food production enterprise without filing;

（4） Exporting food produced by an unregistered export food production enterprise to a country (region) with registration requirements, or exporting food outside the scope of registration produced by a registered export food production enterprise;

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

（6） The producers and operators of export food are subject to the provisions of articles 123, 124, 125 and 126 of the food safety law , and the exported food does not meet the requirements of the importing country (region).

[Article Purport] This article is about the punishment of illegal acts of exporting food that fail to comply with the provisions of the food safety law.

[Interpretation] This article defines six situations that constitute "exporting food without complying with the provisions of this Law" by way of enumeration. Article 48 of the Regulations for the Implementation of the Law on Import and Export Commodity Inspection also clearly stipulates that the act of "replacing the import and export commodities that have passed the inspection by the entry-exit inspection and quarantine department without authorization" shall be punished. The subjects violating these provisions may include export food production enterprises, exporters and relevant personnel.

Article 73 Anyone who violates the provisions of these measures and constitutes a crime shall be investigated for criminal responsibility according to law.

[Article Purport] This article is about the provisions on the legal liability of criminal crimes involved in violation of the provisions of these measures.

[Interpretation] The administrative counterpart may commit the following crimes: smuggling ordinary goods and articles, evading commodity inspection, obstructing animal and plant quarantine, obstructing frontier health and quarantine, producing and selling food that does not meet safety standards, producing and selling toxic and harmful food, producing and selling fake and shoddy products, performing illegal business etc.

Staff members of administrative organs may commit the following crimes: dereliction of duty in food supervision, failure to transfer criminal cases for favoritism, crime of indulgence in the production and sale of fake and shoddy commodities, crime of favoritism in commodity inspection, crime of dereliction of duty in commodity inspection, crime of favoritism in animal and plant quarantine, crime of dereliction of duty in animal and plant quarantine, crime of abuse of power and crime of dereliction of duty.

Paragraph 1 of Article 3 of the Provisions on the Transfer of Suspected Criminal Cases by Administrative Law Enforcement Organs stipulates that "In the process of investigating and dealing with illegal acts according to law, the administrative law enforcement organ finds the amount involved in the illegal facts, the circumstances of the illegal facts, the consequences caused by the illegal facts etc. are suspected of constituting a crime and need to be investigated for criminal responsibility according to law, in accordance with the provisions of the criminal law on the crime of undermining the socialist market economic order and the crime of hindering social management order, and the provisions of the Supreme People’s Court and the Supreme People’s Procuratorate on the crime of undermining the socialist market economic order, and the Ministry of public security on the prosecution standards of economic crime cases, the organ must transfer them to the public security organ in accordance with these provisions ".

# Chapter VI Supplementary provisions

Article 74 The supervision and administration of import and export food safety in areas under special supervision of the customs, bonded supervision places, and in the mode of market procurement, small border trade and border people inter market trade shall be carried out in accordance with the relevant provisions of the General Administration of Customs.

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

[Interpretation] This article stipulates that the supervision of import and export of food in special trade modes such as special customs supervision areas, bonded supervision places, market procurement, small border trade and border people inter market trade shall be implemented in accordance with the corresponding provisions of the General Administration of customs.

Article 75 The supervision and administration of import and export food safety by mail, express, cross-border e-commerce retail and passenger carrying shall be handled in accordance with the relevant provisions of the General Administration of customs.

[Article Purport] This article is about the regulation of customs clearance through special channels.

[Interpretation] This article stipulates that the supervision of customs clearance food through special channels such as mail, express, cross-border e-commerce retail and passenger carrying methods shall be handled in accordance with the corresponding provisions of the General Administration of customs.

Article 76 The supervision and administration of non-trade food such as samples, gifts, giveaways, exhibits and aid goods, food operated duty-free, food for public and personal use of foreign embassies and consulates in China and their personnel entering and leaving the country, food for public and personal use of foreign embassies and consulates and their personnel, and food for personal use of Chinese enterprises stationed abroad shall be handled in accordance with the relevant provisions of the General Administration of Customs

[Article Purport] This article is about the regulation of non-trade food, duty-free food and foreign-related food.

[Interpretation] This article stipulates that the supervision of non trade food such as samples, gifts, giveaways, exhibits and aid goods, food operated duty-free, food for public and personal use of foreign embassies and consulates in China and their personnel, food for public and personal use of foreign embassies and consulates and their personnel, and food for personal use of Chinese enterprises stationed abroad shall be handled in accordance with the corresponding provisions of the General Administration of customs.

Article 77 The import and export food producers and operators mentioned in the measures include overseas production enterprises, overseas exporters or agents, food importers, food export production enterprises, exporters and relevant personnel exporting food to China.

The overseas production enterprises of imported food as mentioned in the measures include overseas production, processing and storage enterprises exporting food to China.

The importers and exporters of imported food as mentioned in the measures includes exporters , agents and importers who export food to China.

[Article Purport] This article is about the definition of producers and operators of imported and exported food.

[Interpretation] This article is based on Article 44 of the food safety law. relevant personnel have been added to the producers and operators of imported and exported food. It clarifies that overseas production enterprises of imported food include not only food production and operation enterprises exporting to China, but also processing enterprises and storage enterprises. It clarifies that importers and exporters of imported food include overseas exporters or agents and food importers exporting food to China.

Article 78 The General Administration of Customs shall be responsible for the interpretation of these measures.

[Article Purport] This article is about the interpretation power of the measures.

[Interpretation] This article makes it clear that the General Administration of Customs is responsible for the interpretation of the measures.

Article 79 The Measures shall come into force as of January 1, 2022. Regulations that will be repealed at the same time include:

The Measures for the Administration of Import and Export Food Safety, promulgated by order No. 144 of the former General Administration of Quality Supervision, Inspection and Quarantine on September 13, 2011 and amended by order No. 184 of the former General Administration of Quality Supervision, Inspection and Quarantine on October 18, 2016 and order No. 243 of the General Administration of Customs on November 23, 2018; The Measures for the Administration of Inspection and Quarantine of Exported Honey, promulgated by order No. 20 of the former State Administration of Inspection and Quarantine on February 22, 2000 and amended in accordance with order No. 238 of the General Administration of Customs on April 28, 2018; The Measures for the Supervision and Administration of Inspection and Quarantine of Import and Export Products, promulgated by order No. 135 of the former General Administration of Quality Supervision, Inspection and Quarantine on January 4, 2011 and amended by order No. 243 of the General Administration of Customs on November 23, 2018; The Measures for the Supervision and Administration of Inspection and Quarantine 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 amended by order No. 243 of the General Administration of Customs on November 23, 2018; The Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Dairy Products, promulgated by the former General Administration of quality supervision, inspection and quarantine Order No. 152 on January 24, 2013 and amended by the General Administration of Customs Order No. 243 on November 23, 2018; The Provisions on the Administration of Filing of Export Food Production Enterprises promulgated by order No. 192 of the former General Administration of Quality Supervision, Inspection and Quarantine on November 14, 2017, and amended by order No. 243 of the General Administration of Customs on November 23, 2018.

[Article Purport] This article is about the implementation time of the measures and the repealing of relevant regulations.

[Interpretation] The departmental rules got repealed as of the date of implementation of the measures in this article include the Administrative Measures for the Safety of Imported and Exported food, the Administrative Measures for the Inspection and Quarantine of Exported Honey, the Administrative Measures for the Inspection and Quarantine of Imported and Exported Products, the Administrative Measures for the Inspection and Quarantine of Imported and Exported Meat Products, and the Administrative Measures for the Inspection and Quarantine of Imported and Exported Dairy Products, the Regulations on the Administration of the Filing of Export Food Production Enterprises. The measures will be implemented from January 1, 2022. They not only replace the original measures published by the former AQSIQ and modified by the General Administration of Customs, but also integrate the relevant provisions of the four regulations related to the inspection and quarantine supervision of exported honey, imported and exported acquatic products, meat and dairy products.