

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

No. 249

The *Measures of the People's Republic of China for the Administration of Import and Export Food Safety*, which were deliberated and adopted at the executive meeting of the General Administration of Customs on March 12, 2021, are hereby promulgated, and shall come into force as of January 1, 2022. The *Measures for the Administration of Import and Export Food Safety* promulgated in the form of Decree No. 144 by the former General Administration of Quality Supervision, Inspection and Quarantine on September 13, 2011 and amended in accordance with Decree No. 184 of the former General Administration of Quality Supervision, Inspection and Quarantine on October 18, 2016 and Decree 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 in the form of Decree No. 20 by the former State Inspection and Quarantine Administration on February 22, 2000 and amended in accordance with Decree No. 238 of the General Administration of Customs on April 28, 2018, the *Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Aquatic Products* promulgated in the form of Decree No. 135 by the former General Administration of Quality Supervision, Inspection and Quarantine on January 4, 2011 and amended in accordance with Decree 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 in the form of Decree No. 136 by the former General Administration of Quality Supervision, Inspection and Quarantine on January 4, 2011 and amended in accordance with Decree 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 in the form of Decree No. 152 by the former General Administration of Quality Supervision, Inspection and Quarantine on January 24, 2013, and amended in accordance with Decree No. 243 of the General Administration of Customs on November 23, 2018 and the *Provisions on the Administration of Filing of Export Food Production Enterprises* promulgated in the form of Decree No. 192 of the former General Administration of Quality Supervision, Inspection and Quarantine on November 14, 2017 and amended in accordance with Decree No. 243 of the General Administration of Customs on November 23, 2018 shall be abolished simultaneously.

Minister      Ni Yuefeng  
April 14, 2021

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

## Chapter I General Provisions

**Article 1** For the purposes of ensuring the safety of import and export food and protecting the life and health of human beings, animals, and plants, these Measures are formulated in accordance with such laws and administrative rules or regulations as *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* and its implementation regulations, the *Frontier Health and Quarantine Law of the People's Republic of China* and its implementation details, the *Agricultural Product Quality Safety Law of the People's Republic of China*, the *Special Rules of the State Council on Strengthening the Supervision and Management of the Safety of Food and Other Products*.

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

(I) Import and export food production and operation activities.

(II) The Customs Administration shall implement supervision and administration on import and export food producers and operators and the safety of their import and export food.

The production and operation activities of import and export food additives and food-related products shall be subject to the relevant rules of the General Administration of Customs.

**Article 3** Regarding the safety of import and export food, the principles of safety first, prevention crucial, risk management, whole process control, and international co-governance shall be followed.

**Article 4** Import and export food producers and operators shall be responsible for the safety of the import and export food they produce and manage.

Import and export food producers and operators shall undertake import and export food production and operation activities in accordance with any international treaty or agreement entered into or acceded to by China and the laws, regulations, national food safety standards of China, accept supervision and administration in accordance with the law, ensure the import and export food safety, be responsible for the society and the public, and assume social responsibility.

**Article 5** The General Administration of Customs shall take principal charge of supervision and administration on import and export food safety throughout the country.

The Customs Administrations at all levels shall be responsible for the supervision and administration of import and export food safety within their respective jurisdictions.

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

**Article 7** The Customs Administration shall step up publicity and education about the import and export food safety, and disseminate food safety laws, administrative regulations, and national standards and knowledge on food safety.

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

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

## Chapter II Food Import

**Article 9** Imported food shall comply with the laws, regulations, and national food safety standards of China and the special requirements of any international treaty or agreement entered into or acceded to by China.

The imported food, for which the national food safety standards are unavailable, shall comply with the requirements of the relevant interim applicable standards promulgated by the health authority of the State Council.

For food produced with new food raw materials, a health administrative permit for new food raw materials shall be obtained from the health authority of the State Council in accordance with provisions specified in Article 37 of the *Food Safety Law*.

**Article 10** The Customs Administration shall implement conformity assessment on import food in accordance with the laws and administrative regulations on the inspection of import and export goods.

Import food conformity assessment activities include the assessment and examination of the food safety management system of a foreign country (region) exporting food to China (hereinafter simply referred to as a foreign country (region)), the registration of an overseas production enterprise, the importer and exporter record and conformity guarantee, the quarantine approval of imported animals and plants, the inspection of an accompanying certificate of conformity, the verification of documentation, on-site inspection, supervisory sampling inspection, the inspection of import and sales records, and a combination of all the miscellaneous items.

**Article 11** The General Administration of Customs may assess and examine the food safety management system and food safety status of a foreign country (region), and determine corresponding inspection and quarantine requirements based on the results of the assessment and examination.

**Article 12** Under any of the following circumstances, the General Administration of Customs may initiate an assessment and examination on a foreign country (region):

(I) A foreign country (region) applies for the export of a class or kind of food to China for the first time;

(II) A significant adjustment occurs to the food safety, animal and plant quarantine laws and regulations, or organizational structure, among others, of the foreign country (region);

(III) A significant adjustment occurs to the inspection and quarantine requirements for a certain class or kind of food applied for by the competent authority of a foreign country (region) with China as its destination;

(IV) A significant outbreak of animal or plant diseases or food safety incidents occur in a foreign country (region);

(V) The Customs Administration discovers a serious problem in the food imported to China and holds that there is an outbreak of animal or plant diseases or a potential food safety risk;

(VI) Other circumstances necessary for an assessment and examination.

**Article 13** An assessment and examination on the food safety management system of a foreign country (region) shall mainly include the assessment and confirmation of the followings:

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

(II) The organizational structure for supervision and administration on food safety;

(III) The prevailing animal or plant diseases and prevention and control measures;

(IV) The management and control of pathogenic microorganisms, pesticides and veterinary

drugs, and contaminants, among others;

(V) Safety and health control in the procedures of food production, processing, transportation, and warehousing;

(VI) Supervision and administration on export food safety;

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

(VIII) Early warning and emergency response mechanism;

(IX) Technical support capabilities;

(X) Others relating to the prevailing animal or plant diseases and food safety;

**Article 14** The General Administration of Customs may arrange for experts to conduct an assessment and examination in the form of material examinations, video inspection, and on-site inspection, among others, or in such a combination.

**Article 15** The General Administration of Customs shall arrange for experts to examine the application materials, written assessment questionnaires, and other materials submitted by a country (region) subject to assessment and examination, and the examination involved covers the materials' authenticity, completeness and validity. Based on the examination of materials, the General Administration of Customs may require the competent authority of the relevant country (region) to provide the missing information or documents.

If a country (region) has passed the examination of materials, the General Administration of Customs may arrange for experts to conduct a video inspection or an on-site inspection on its food safety management system. The competent authority of the relevant country (region) and relevant enterprises may be required to take corrective actions on any problems discovered.

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

**Article 16** Where a country (region) subject to assessment and examination falls under any of the following circumstances, the General Administration of Customs may terminate the assessment and examination, and notify the competent authority of the relevant country (region):

(I) Failing to provide a feedback within 12 months after receiving the written assessment questionnaire;

(II) Failing to provide supplemented information and materials as required within three months after receiving a notice from the General Administration of Customs;

(III) A sudden significant outbreak of animal or plant disease or a serious food safety incident;

(IV) Failing to cooperate with the Chinese side in completing a video inspection or on-site inspection, or failing to effectively complete corrective actions;

(V) Voluntarily applying for termination of the assessment and examination.

Under any circumstances in subparagraphs (I) and (II) of the preceding paragraph, the competent authority of the relevant country (region), on account of a special reason, may apply for deferral, and, upon consent by the General Administration of Customs, submit the relevant materials within a period determined anew by the General Administration of Customs.

**Article 17** After completion of an assessment and examination, the General Administration of Customs shall notify the competent authority of a country (region) subject to assessment and examination of the assessment and examination results.

**Article 18** The General Administration of Customs shall exercise registration administration on overseas production enterprises that export food to China, and promulgate a name list of enterprises that have been registered.

**Article 19** An overseas exporter or agent that exports food to China (hereinafter referred to as the "overseas exporter or agent") shall make a filing with the General Administration of Customs.

A food importer shall make a filing with the Customs Administration in the place of his or her domicile.

An overseas exporter or agent, or food importer shall be responsible for the truthfulness and validity of the materials provided when making a filing.

A list of overseas exporters or agents and food importers that have made a filing shall be published by the General Administration of Customs.

**Article 20** Where there is a change in the content of the filing, the overseas exporter or agent or food importer shall process the modification formalities with the filing authorities within 60 days from the change date.

Where the information filed by an overseas exporter or agent, or a food importer is found to be erroneous, or the content of his or her filing fails to be modified in a timely manner, the Customs Administration may order him or her to make corrections within a specified period.

**Article 21** A food importer shall establish a food import and sales record system, truthfully record the name, net content/specification, quantity, production date, production or import lot number, shelf life, the name, address, and contact information of the overseas exporter or purchaser, delivery date, and other information on food, and keep relevant documents. The records and documents shall be kept for not less than six months after the expiration of shelf life of food, or for not less than two years after sale in the absence of such shelf life.

**Article 22** A food importer shall establish an overseas exporters and overseas production enterprises audit system with a focus on examining the following:

(I) Formulation and implementations of food safety risk control measures;

(II) Ensurance that the food complies with the laws, regulations, and national food safety standards of China;

**Article 23** The Customs Administration shall conduct supervisory inspections on the examination activities conducted by food importers in accordance with the law. A food importer shall actively cooperate and truthfully provide relevant information and materials.

**Article 24** The Customs Administration may, as needed for risk management, designate a port for import and a supervision zone for inspection with respect to import food. A list of designated ports and designated supervision zones shall be promulgated by the General Administration of Customs.

**Article 25** A food importer or his or her agent shall, in accordance with the law, truthfully make a declaration to the Customs Administration when importing food.

**Article 26** The Customs Administration shall, in accordance with the law, implement quarantine inspection on the import food subject to entry quarantine.

**Article 27** The Customs Administration shall, in accordance with the law, exercise quarantine approval management of the import food subject to imported animal and plant quarantine approval. A food importer shall obtain an imported animal and plant quarantine permit before signing a trade contract or agreement.

**Article 28** The Customs Administration shall, as needed for supervision and administration, conduct an on-site inspection on the import food, which includes but is not limited to the following:

(I) Whether the means of transportation and storage areas meet the safety and health

requirements;

(II) Whether the container number, seal identification number, the content of the marks on the inner and outer packaging, and the actual condition of the goods are consistent with the declared information and accompanying documentation;

(III) Whether the food of animal and plant origin, packaging, and dunnage materials fall under the circumstances specified in Article 22 of the *Regulations on the Implementation of the Law on Quarantining Imported and Exported Animals and Plants*;

(IV) Whether inner and outer packaging complies with the national food safety standards, and whether contamination, damage, soak, or leakage exists;

(V) Whether the labels, marks and instructions on inner and outer packaging meet the requirements of laws, administrative regulations, national food safety standards, and the rules of the General Administration of Customs;

(VI) Whether the perceivable status of food is in its expected condition;

(VII) Whether the freshness and core temperature of frozen and refrigerated food meet the requirements, whether there is a disease, whether the temperature of the freezing and refrigeration environment meets the requirements of relevant standards, whether the cold chain temperature control equipment and facility function normally, and whether temperature records meet the requirements. A steaming and cooking test may be conducted when necessary.

**Article 29** The Customs Administration shall formulate an annual national import food safety supervisory sampling inspection plan and a special import food safety supervisory sampling inspection plan and organize their implementation.

**Article 30** The packagings, labels, and marks of import food shall comply with the laws, regulations, national food safety standards of China, and shall be accompanied by an instruction manual in Chinese if the law so requires.

For an imported cold fresh meat product, its inner and outer packaging shall bear a secure, clear, and legible written identification in both Chinese and English, or in Chinese and the language of the export country (region), indicating the following: country or region of origin, name of the product, registration number of the production enterprise, and production lot number; and the outer packaging shall bear the specifications, place of origin (specific to state, province, or city), place of destination, production date, shelf life, storage temperature, and other information in Chinese, and must indicate that the place of destination is the People's Republic of China, and carry the official inspection and quarantine mark of the export country (region).

For an imported aquatic product, its inner and outer packaging shall bear a secure, clear, and legible written identification in both Chinese and English, or in Chinese and the language of the export country (region), indicating the following: name of the goods and scientific name, specifications, production date, lot number, shelf life, and storage conditions, production method (seawater fishing, freshwater fishing, or aquaculture), production area (sea area in the case of ocean fishing, country (region) in the case of freshwater fishing, or country (region) where the aquaculture product originates), the name, registration number, and address (specific to state, province, or city) of each production or processing enterprise involved (including a fishing vessel, processing vessel, transport vessel, or an independent cold store), and the place of destination must be indicated as the People's Republic of China.

The label of an imported dietary supplement or food for special dietary use in Chinese must be printed on the smallest sales package, and shall not be affixed thereto.

The relevant provisions or stipulations shall be followed if there are any special labelling stipulations for the inner and outer packaging of import food.

**Article 31** Import food, after delivery to a port, should be stored in the places designated or

approved by the Customs Administration. Permission must be obtained from the Customs Administration if such food needs moving, and necessary safety protection measures shall be taken according to the requirements of the Customs Administration.

The places designated or approved should comply with the requirements stipulated in laws, administrative regulations and national food safety standards.

**Article 32** Import food in bulk should be inspected at the port of discharge according to requirements of the Customs Administration.

**Article 33** Import food shall be permitted to import upon passing the conformity assessment by the Customs Administration.

The Customs Administration shall issue a certificate of non-conformity for the import food failing the conformity assessment by the Customs Administration; for the foods of non-conformity involving safety, health and environmental protection, the Customs Administration shall send a written notice to a food importer and order him or her to destruct or return the food involved. For non-conformity of other items, the food shall be permitted to import after having met the requirements stipulated in conformity assessment by means of technical treatment. For the corresponding import food that fails such technical treatment within a prescribed time period or still fails to meet the relevant requirements after the technical treatment, the Customs Administration shall order the food importer to destruct or return the food involved.

**Article 34** In case of any foods with potential safety hazards within the territory of China caused by food safety incidents in foreign countries, or the import food found to be disqualified during the food supervision and management by the Customs Administration, or other issues related to food safety discovered, General Administration of Customs and its authorized Customs directly under the General Administration, may, based on the results of risk assessment, take such control measures as increasing the proportion for supervision and sampling inspection on the relevant import food.

For the import food found to be non-conforming again by the Customs Administration after taking such control measures as increasing the proportion for supervision and sampling inspection on the relevant import food as prescribed above, or certain evidences showing the significant potential safety hazard in the import food, General Administration of Customs and its authorized Customs directly under the General Administration, may request the food importer to provide, by batches, the Customs Administration with inspection reports issued by the accredited test agency. The Customs Administration should verify such inspection reports submitted by the food importer.

**Article 35** General Administration of Customs may, based on the results of risk assessment, adopt such control measures as suspending or prohibiting the import of relevant food in any of the following cases:

(I) Exporting country (region) is subject to a significant epidemic in flora and fauna, or to a significant change in food safety system, which affects its capability to effectively guarantee the safety of food exported to China;

(II) Imported food is contaminated by pathogens of epidemic or evidenced to be capable of becoming the media of spreading such epidemics, with no possibilities of taking effective sanitary treatment;

(III) The imported food for which the control measures specified in the second paragraph of Article 34 in these Measures have been implemented by the Customs Administration is discovered again to be non-conforming in such aspects as safety, health and environmental protection;

(IV) Foreign food producers are in serious violation of Chinese laws and regulations;

(V) Other information shows the significant potential safety hazards in relevant food.

**Article 36** When the import food safety risks have been lowered to a controllable level,

General Administration of Customs and its authorized Customs directly under the General Administration, may lift the corresponding control measures in the following ways:

(I) For the food with control measures taken according to the first paragraph of Article 34 of these Measures and for which no more non-conformity is found within a prescribed time period and in relevant batches, the control measures may be lifted on the basis of risk assessment;

(II) For the food with control measures taken according to the second paragraph of Article 34 of these Measures, for which the exporting country (region) has already taken preventive measures and is capable of ensuring the food safety and controlling the risks in epidemics in flora and fauna after the risk assessment by General Administration of Customs, or no more non-conformity is found within a prescribed time period and in relevant batches from the date of the relevant control measures taken, the Customs Administration may lift the control measures on the basis of risk assessment;

(III) For the food under control measures suspended or prohibited from the import, for which the competent authorities in the exporting country (region) have already taken risk control measures and have met the requirements after assessment by General Administration of Customs, such measures of suspending or prohibiting the import may be lifted. For the food permitted to be imported again, General Administration of Customs may, based on the results of assessment, take the control measures prescribed in Article 34 of these Measures.

**Article 37** Upon discovering that the import food fails to comply with laws, administrative regulations and national food safety standards, or there are evidences proving that the import food poses potential hazards to human health, food importers should, based on Article 63 and the third paragraph of Article 94 of the *Food Safety Law*, immediately suspend the import, sales and use, implement a recall, give a notice to relevant food producers, operators and consumers, record the processes of recall and notice, and file a report to the local Customs Administration about such recall, notice and response.

### **Chapter III Food Export**

**Article 38** Producers of export food should guarantee that the export food shall comply with the requirements stipulated in the standards of the importing country (region) or contracts. The requirements in the international treaties and protocols shall also be followed if there are any special clauses in such treaties and protocols entered into or acceded to by China

Under the circumstances that standards in the importing country (region) are unavailable or there are no such requirements in the contracts, and there are no relevant requirements stipulated in international treaties and protocols entered into or acceded by China, producers of export food should guarantee that the export food shall comply with Chinese national standards on food safety.

**Article 39** The Customs Administration shall, in accordance with the law, implement supervision and management on export food. Measures for supervision and management on export food include: recordation of plantations and farms for raw materials of export food, recordation of producers of export food, verification of enterprises, review of documentation, inspection on site, supervision and sampling inspection, inspection at port, notice to foreign countries for verification and a combination thereof.

**Article 40** The plantations and farms for raw materials of export food shall submit their record to the local Customs Administration.

General Administration of Customs should uniformly make public a recordation list of the plantations and farms for raw materials, and the relevant recordation procedures and requirements shall be formulated by the General Administration of Customs.

**Article 41** The Customs Administration shall, by law, supervise the recorded plantations and farms for raw materials by such means as review of documentation, inspection on site and

verification of enterprises.

**Article 42** Producers of export food shall submit their record to the local the Customs Administration, and the recordation procedures and requirements shall be formulated by the General Administration of Customs.

**Article 43** In case that a foreign country (region) requires registration of Chinese producers of export food to export food to its country (region) and requests recommendation from the General Administration of Customs, such producers must file an application to the Customs Administration in their domicile, which should preliminarily review the application and then report to the General Administration of Customs.

The General Administration of Customs shall, based on the enterprises' credit, supervision and management, and results of preliminary review by the Customs Administration in their domicile, organize and carry out the external recommendation registration, whose procedures and requirements shall be formulated by General Administration of Customs.

**Article 44** Producers of export food should set up a complete and traceable control system for food safety and sanitation, guarantee the effective functioning of the same and ensure that the export food is produced, processed and stored in consistent compliance with Chinese laws and regulations and requirements of safety and sanitation on producers for export food. For any special requirements in the relevant laws and regulations of an importing country (region) as well as international treaties and agreements, the corresponding requirements shall have to be fulfilled.

Producers of export food shall set up such systems as suppliers assessment, incoming inspection records, production record archiving, ex-factory inspection records, export food tracings and non-conforming food disposal. Relevant records shall be true and valid and be kept for at least 6 months from the expiration date of the food or for at least 2 years for unavailability of explicit expiration date.

**Article 45** Producers of export food shall guarantee that the export food is packaged and transported according to the food safety requirements.

**Article 46** Producers of export food shall indicate on their transportation packages the record number of producer, name of product, batch number and date of manufacture.

In case of special requirements stipulated by the importing country (region) or in the contract, the producers of export food, on the premise of guaranteeing that the products are traceable and with approval obtained from the Customs Administration directly under the General Administration, may modify the information indicated on the packages as mentioned in the preceding article.

**Article 47** The Customs Administration shall, within its jurisdiction, supervise and inspect the operation of control system for food safety and sanitation by producers of export food, including routine supervision and inspection as well as annual supervision and inspection.

For supervision and inspection, review of documentation, inspection on site and audit of enterprises may be adopted, along with export food overseas notice for review, supervision, sampling inspection, inspection on site, etc .

**Article 48** Inspection and quarantine on the export food shall be implemented by the Customs Administration in the place of origin by law.

The General Administration of Customs may, based on facilitation of foreign trade and the inspection and quarantine requirements for export food, designate other sites for inspection and quarantine.

**Article 49** Producers and exporters of export food shall, in accordance with the law, administrative regulations and the provisions stipulated by the General Administration of Customs, submit an application to the Customs Administration in the place of origin or place of consolidation

for supervision before declaration for export.

The Customs Administration in the place of origin or place of consolidation, upon accepting such application, shall, by law, conduct inspection on site, supervision and sampling inspection on the export food subject to inspection and quarantine.

**Article 50** The Customs Administration shall formulate an annual national schedule for supervision and sampling inspection on export food safety, and organize its implementation.

**Article 51** **For the export food that has met the requirements through on-site inspection, supervision and sampling inspection, the** Customs Administration shall issue relevant certificates and permit it to be exported. In case there is a change in the form and content of such certificates required by an importing country (region), modifications may be made accordingly provided that approval is obtained from the General Administration of Customs.

The Customs Administration shall give a written notice to exporters or agents for any non-conformity of export food found during inspection on site, supervision and sampling inspection. Such food can still be permitted to export after having met relevant requirements through technical treatment, and such food that cannot be treated technically or still fails to meet relevant requirements after technical treatment is not permitted to export.

**Article 52** When exporting any food, exporters or agents shall, by law, make a truthful declaration to the Customs Administration.

**Article 53** The Customs Administration shall check the export food at port, which shall not be permitted to export if found to be non-conforming upon inspection.

**Article 54** For export food with safety issues notified by international organizations and foreign governments, the General Administration of Customs shall organize the verification, and, based on necessity, adjust the proportion of supervision and sampling inspection, order the food exporters to submit, by batches, inspection reports issued by accredited test agencies to the Customs Administration, withdraw the recommendation of registration in foreign official competent authorities and take other control measures of the same nature.

**Article 55** For export food with safety issues that have already impaired or may impair human health and life safety, producers of export food should immediately take corresponding measures to avoid and minimize such impairment and file a report to the local Customs Administration.

**Article 56** The Customs Administration, for any safety issues discovered during supervision and management on the export food, should notify the competent authorities of the government both at the same and the superior level for food safety .

#### **Chapter IV Supervision and Management**

**Article 57** **The** General Administration of Customs, based on Article 100 of the *Food Safety Law*, collects and summarizes the safety information about import and export food, and sets up a safety information management system for import and export food.

The Customs Administrations at all levels take charge of collecting and sorting out the safety information about import and export food within their jurisdictions and designated by the Customs Administration at the superior level, and, based on relevant provisions, notify the local governments, relevant authorities, institutions and enterprises in their jurisdictions. In case that the information notified involves other regions, a notice should be given also to the Customs Administration in relevant regions.

In addition to the contents required by Article 100 of the *Food Safety Law*, the safety information about import and export food collected and summarized by the Customs Administration should also include the information about technical measures to trade food in foreign countries.

**Article 58** The Customs Administration should conduct risk research and judgment on the collected safety information about the import and export food, and, based on the relevant results, determine the corresponding control measures.

**Article 59** In case of an outbreak of food safety incidents or epidemics at home and abroad that may affect import and export food safety, or any serious food safety issues discovered in the import and export food, the Customs Administration directly under the General Administration should immediately file a report to the General Administration of Customs. The General Administration of Customs shall, depending on the developments, release a risk alert, render a risk warning notice within the system of the Customs Administration, notify the department of the State Council responsible for food safety supervision and management, health administrative and agricultural administrative departments, and, if necessary, give a risk warning notice to consumers.

For the import and export food with a risk warning notice given by the General Administration of Customs, the control measures stipulated in Article 34, Article 35, Article 36 and Article 54 of these Measures shall be taken according to the requirements specified in the risk warning notice.

**Article 60** The Customs Administration formulates an annual national schedule to monitor safety risks in import and export food, and collect monitoring data and relevant information related to food-borne diseases, food contamination and harmful factors in the import and export food in a systematic and consistent manner.

**Article 61** In case of an outbreak of food safety incidents in foreign countries that may affect the food within the territory of China or uncontrollable risks believed to be existing after an assessment, the General Administration of Customs may, with reference to international practices, directly release the risk warning notice within the system of the Customs Administration or to consumers and take the control measures stipulated in Article 34, Article 35 and Article 36 of these Measures.

**Article 62** The Customs Administration formulates and organizes the implementation of contingency plans against emergencies in import and export food safety.

**Article 63** The Customs Administration, when performing by law its duties of supervision and management on import and export food safety, is entitled to take the measures as follows:

(I) Access to the site of production and operation for an on-the-spot inspection;

(II) Conduct sampling inspection on the food produced or managed;

(III) Look up and duplicate relevant contracts, bills, accounting books and other relevant documentation;

(IV) Seal up or detain the food that is evidenced to fail to comply with Chinese national standards on food safety, or evidenced for potential safety hazards and production and operation in violation of laws.

**Article 64** The Customs Administration shall conduct credit management on the importers and exporters by law.

**Article 65** The Customs Administration shall, by law, carry out audit and verification on the producers and operators of import and export food as well as recorded plantations and farms for raw materials.

**Article 66** Transit food shall comply with the requirements of General Administration of Customs for transit goods. Transit food, in the course of transit, shall not be unpacked or unloaded from transportation means without approval from the Customs Administration, and should be shipped out of the territory by a prescribed deadline.

**Article 67** Producers and operators of import and export food, with any objections to the

inspection results provided by the Customs Administration, may apply for a re-inspection according to provisions on re-inspection of import and export goods.

The re-inspection may be rejected by the Customs Administration in any of the following cases:

- (I) Test results show microbiological indicators exceed the criteria;
- (II) Backup samples for re-inspection have expired;
- (III) Re-inspection on backup samples is made impossible due to other reasons.

## **Chapter V Legal Liabilities**

**Article 68** The record of a food importer, has been modified, and the importer has failed to process the change formalities with the Customs Administration according to the stipulations, , the Customs Administration shall give a warning if the circumstances are serious.

Any food importer providing false information in the record shall be imposed a fine less than RMB 10,000 by the Customs Administration.

**Article 69** Any producers and operators of import and export food in China that fail to cooperate with the Customs Administration in inspection on import and export food safety, refuse to answer questions and provide materials, or provide the answers and materials that are inconsistent with the actual conditions, shall be warned or imposed a fine less than RMB 10,000 by the Customs Administration.

**Article 70** The Customs Administration, upon discovering the Chinese labels unattached to the prepackaged import food, or Chinese labels attached failing to comply with laws, regulations and Chinese national standards on food safety during relevant supervision, and the food importer refuses to destruct, return or technically treat the food according to requirements of the Customs Administration, shall give the food importer a warning or impose a fine less than RMB 10,000 ..

**Article 71** For the import food moved away from the place designated or approved by the Customs Administration without its permission, the Customs Administration shall give an order for correction, and impose a fine less than RMB 10,000 .

**Article 72** For the following violations belonging to "failure to comply with these Measures to export food" as stipulated in the third subparagraph, the first paragraph, Article 129 of the *Food Safety Law*, the Customs Administration shall, based on Article 124 of the *Food Safety Law*, render a punishment:

(I) Changing without authorization the export food that has been supervised and sampled for inspection by the Customs Administration with certificates issued;

(II) Exporting the food that is adulterated, deceiving or misleading and shoddy, and replacing the conforming export food with non-conforming one;

(III) Exporting the food that is produced by producers of export food that have not yet been put on record;

(IV) Exporting the food that is produced by unregistered producers of export food to the country (region) with requirements for registration, or exporting the food that is produced beyond the range of registration of registered producers of export food;

(V) The export food produced by producers of export food fails to use, according to the stipulations, the raw materials from plantations and farms that are put on record;

(VI) Producers and operators of export food fall under the circumstances in Article 123, Article 124, Article 125 and Article 126 of the *Food Safety Law*, and the export food fails to comply with requirements in the importing country (region).

**Article 73** Anyone, violating these Measures and constituting a crime, shall be investigated for criminal responsibility by law.

## **Chapter VI Supplementary Provisions**

**Article 74** For supervision and management on the import and export food safety in the customs special supervision areas, bonded supervision zones, market purchase and small-scale border trades and fairs among the inhabitants of border areas, the relevant provisions stipulated by the General Administration of Customs shall be followed.

**Article 75** For supervision and management on the import and export food safety involving e-mail, express mail, cross-border e-commerce retail and passengers carrying, the relevant provisions stipulated by the General Administration of Customs shall be followed.

**Article 76** For non-traded foods such as sample, gift, present, exhibit and aid, duty-free foods, foods for public or personal use by foreign embassies and consulates in China and personnel thereof to cross border, foods for public or personal use by Chinese embassies and consulates in foreign countries and personnel thereof, and foods for personal use by personnel of Chinese enterprises in foreign countries, the relevant provisions stipulated by General Administration of Customs shall be followed.

**Article 77** The producers and operators of import and export food as referred to in these Measures include foreign producers, foreign exporters or agents that export food to China, and food importers, producers of export food, exporters and relevant personnel thereof.

The foreign producers of import food as referred to in these Measures include foreign enterprises engaged in production, processing and storage of export food to China.

The importers and exporters of import food as referred to in these Measures include foreign exporters or agents, and food importers that export food to China.

**Article 78** The interpretation of these Measures shall be vested in the General Administration of Customs.

**Article 79** These measures shall come into force as of January 1, 2022. The *Measures for the Administration of Import and Export Food Safety* promulgated in the form of Decree No. 144 by the former General Administration of Quality Supervision, Inspection and Quarantine on September 13, 2011 and amended in accordance with Decree No. 184 of the former General Administration of Quality Supervision, Inspection and Quarantine on October 18, 2016 and Decree 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 in the form of Decree No. 20 by the former State Inspection and Quarantine Administration on February 22, 2000 and amended in accordance with Decree No. 238 of the General Administration of Customs on April 28, 2018, the *Measures for the Supervision and Administration of Inspection and Quarantine of Imported and Exported Aquatic Products* promulgated in the form of Decree No. 135 by the former General Administration of Quality Supervision, Inspection and Quarantine on January 4, 2011 and amended in accordance with Decree 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 in the form of Decree No. 136 by the former General Administration of Quality Supervision, Inspection and Quarantine on January 4, 2011 and amended in accordance with Decree 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 in the form of Decree No. 152 by the former General Administration of Quality Supervision, Inspection and Quarantine on January 24, 2013, and amended in accordance with Decree No. 243 of the General Administration of Customs on November 23, 2018 and the *Provisions on the Administration of Filing of Export Food Production Enterprises* promulgated in the form of Decree No. 192 of the former General

Administration of Quality Supervision, Inspection and Quarantine on November 14, 2017 and amended in accordance with Decree No. 243 of the General Administration of Customs on November 23, 2018 shall be abolished simultaneously.