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Registration Management Rules for Overseas Food Companies

March 22, 2012 – Administration of Quality Supervision Inspection and Quarantine (AQSIQ)

Chapter 1. General Provision

Article 1. This regulation is set up in accordance with the Food Safety Law of the People’s Republic of China and its implementing regulations, and the Law of the People’s Republic of China on Import and Export Commodity Inspection and its implementing regulations, to step up management of overseas food companies.

Article 2. This regulation applies to registration and management of overseas companies engaged in production, processing and storage activities (hereinafter referred to as overseas food companies) that exported food to China.

Article 3. General Administration of Quality Supervision, Inspection and Quarantine of P. R.C (hereinafter referred to as AQSIQ) will take charge of the registration work of overseas food companies.

Certification and Accreditation Administration of the People’s Republic of China (hereinafter referred to as CNCA) is responsible for exercising the registration and management of overseas food companies.

Article 4. Table of contents for the implementation of registration for overseas food companies (hereinafter referred to as Contents) is set up, re-adjusted, and announced by CNCA.

The registration review procedure and technical requirements for different products in Contents are set up and announced by CNCA separately.

Article 5. Overseas food companies in Contents are allowed access to Chinese markets when their registration is approved.

Chapter 2. Conditions and Procedure of Registration

Article 6. Conditions of Registration

(1) registration related veterinary service system, plant protection system and public health management system in the producing country (region) must be assessed.

(2) Materials of the food shall come from non-disease area; if the food has any risk of transmitting disease, the head of the producing country (region) authority shall provide risk removable or risk controllable certified documents and relevant research material.

(3) Companies already approved and regulated by the authorities of the producing country (region) shall also abide by the laws, rules and regulations of China.

Article 7. Companies applying for registration shall turn in recommendation papers to CNCA through the authorities of the producing country (region) or by other means. Other certified documents and materials, according to Provision 6 Conditions of registration shall also be turned in:

(1) laws and regulations related to animal and plant diseases, veterinary health, public health, plant protection, pesticide and veterinary drug residues, food production registration management and hygiene requirements for food companies; written materials of the structure and personnel of the authorities in producing country (region), as well as the implementation of relevant laws and regulations.

(2) List of applying companies

(3) Assessment papers from the authorities of the producing country (region) on the actual situation of the companies' quarantine and health control.

(4) Announcement from the authorities of the producing country (region) that companies align with Chinese laws and regulations.

(5) Registration application form, plan sheet of the factory, workshop and storage and process flow sheet when necessary.

Article 8. CNCA shall have specific experts and institutions to review the materials turned in by the overseas food companies, and conduct on-site review by a panel of 2 persons and over. The reviewers shall have passed the exam of CNCA.

Article 9. The panel shall finish the assessment according to the review procedures and technical requirements for different products in Contents, and submit the results to CNCA.

CNCA shall further review the results to work procedures and make final decisions accordingly. Applicants up to standard shall be approved and notify the authorities in the producing country (region) in written form; applicants disapproved, will also have a written notice given to the producing country (region) with explanation attached.

CNCA shall release the list of approved overseas food companies on a regular basis and have them reported to AQSIQ.

Article 10. The term of validity is 4 years. Overseas food companies ever in need of extending the term of validity shall have to make proposal to CNCA for registration through the authorities of the producing country (region) or by other means one year before the expiration date. As for food companies that have not asked for extension out of the expiration date, CNCA shall cancel its registration and give a public notice.

Article 11. When Companies approved by CNCA have changes in registration items, they shall report to CNCA through the authorities of the producing country (region) or by other means. CNCA will deal with the changes according to actual situation and report them to AQSIQ.

Article 12. Overseas food companies approved shall have right registration numbers on the external packaging of exported food. False use or transfer of registration numbers is prohibited.

Chapter 3. Registration management

Article 13. CNCA shall exercise management of the overseas food companies in Contents in accordance with the laws, and carry out review work by specific experts and relevant institutions.

Article 14. As for companies approved, once they are found short of the registration requirements in the review, CNCA shall suspend their registration qualification and report to AQSIQ for suspension in importing such products. CNCA, in the meantime, shall also report it to authorities of the producing country (region) and give a public notice.

Authorities of the producing country (region) shall step up management of the problem companies and urge them to rectify within the time limit, and turn in to CNCA a written report as well as a written announcement in accordance with the Chinese laws and regulations.

Article 15. As for companies approved, once they are found of the following incidents, CNCA shall cancel their registration qualification and report to the authorities of the producing country (region) and give a public notice:

- (1) Food safety crisis takes place because of the problems with the product of the overseas food companies;
- (2) Products seriously fail the inspection and quarantine when coming across the border;
- (3) Problems are found in the health management of food safety, and when food safety cannot be ensured;
- (4) Products cannot meet with the registration requirements after rectification;
- (5) Provide false materials or conceal real situations;
- (6) Lease, lend, transfer, resell or alter the registration number.

Article 16. When importing products listed in Contents, inbound and outbound inspection and quarantine agencies shall make sure whether the company has been approved, and whether

the registration number is true and correct. Once they are found short of the requirements, agencies have the right to handle it in accordance with the Law of the People's Republic of China on Import and Export Commodity Inspection.

Article 17. When importing products from the companies not approved by CNCA, inbound and outbound inspection and quarantine agencies are entitled to order them to stop importing, confiscate the illegal gains, and levy a fine worth between 10% and 50% of the goods price.

Chapter 4. Supplementary articles

Article 18. When International organizations or authorities of the producing country (region) report epidemic disease, or when imported products are found to have epidemic disease or lost control in public sanitation, or when AQSIQ issues public notice to suspend import from related country (region), CNCA won't accept any recommendation of enterprises registration from these country (region) authorities.

Article 19. Authorities of the producing country (region) shall facilitate the CNCA-appointed panel to finish on-site assessment and review work.

Article 20. The registration management for food companies from Hong Kong Special Administrative Region, Macau Special Administrative Region and Taiwan area shall also accord with this regulation when exporting products in Contents Contents.

Article 21. In this regulation, the authorities in the producing country (region) include governmental departments, authorized institutions and organizations in charge of food safety and sanitation.

Article 22. AQSIQ reserves the right to explain this regulation.

Article 23. This regulation will come into effect as of May 1st, 2012. The former registration management rules of overseas food companies released on March 14th, 2002 will be abolished simultaneously.

The U.S. – China Health Products Association is working towards the development of China's natural health product industry by advocating for a more open and transparent regulatory environment. The association is committed to increasing the trade and availability of its member's products, which will benefit the health and wellbeing of both industry and consumers alike.