
Announcement No. 55, 2012 of the General Administration of Quality Supervision, Inspection and Quarantine of P.R.C.

No. 55, 2012

Announcement on the promulgation of Administrative Provisions on Filing of Importers and Exporters of Imported Foods and Administrative Provisions on Recording of Importing and Marketing of Foods

For the purpose of further enhancing the supervision and administration of import foods, and in line with the provisions of the Food Safety Law of the People's Republic of China and its implementation regulations, the special provisions of the State Council on strengthening supervision and administration of foods and other products, the administrative measures on safety of import and export foods as well as provisions of other laws and regulations, **the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)** has formulated the Administrative Provisions on Filing of Importers and Exporters of Imported Foods and Administrative Provisions on Recording of Importing and Marketing of Imported Foods. They are hereby approved and promulgated and shall come into force as of October 1, 2012.

Enclosed are texts of the Administrative Provisions on Filing of Importers and Exporters of Imported Foods (Appendix 1) and Administrative Provisions on Recording of Importing and Marketing of Imported Foods (Appendix 2).

April 5, 2012

Appendix 1:

Administrative Provisions on Filing of Importers and Exporters of Imported Foods

Chapter I General Provisions

Article 1 These provisions are enacted in accordance with the Food Safety Law of the People's Republic of China, the special provisions of the State Council on strengthening supervision and administration of foods and other products, the administrative measures on safety of import and export foods as well as other laws and regulation for the purpose of acquiring relevant information of importers and exporters, sources and flows of imported foods, guaranteeing the traceability of imported foods, effectively handling imported foods safety incidents, and safeguarding import foods safety.

Article 2 These provisions apply to the filing and administration of overseas exporters or agents exporting foods to China mainland (excluding Hong Kong and Macao) and consignees of import foods inside China mainland (hereinafter referred to as exporters and importers).

Products other than the food categories as listed in the Appendix of the Provisions, like food additives, food-related products, some varieties of grain, some oilseeds, fruit, edible live animals, etc. shall follow other relevant regulations.

Article 3 AQSIQ shall be in charge of the supervision and administration of the filing of importers and exporters of import foods, the establishment of a filing management system for importers and exporters of import foods (hereinafter referred to as the filing management system), and the release and adjustment of the list of filed importers and exporters of import foods.

The Entry- Exit Inspection and Quarantine Bureaus (hereinafter referred to as Inspection and Quarantine Bureaus) set up by AQSIQ throughout China shall be responsible for the accepting and handling of the filing applications of consignees of import foods, the examination of filing materials and information, and the verification of the filed information of importers and exporters at the time of importing foods.

Chapter II Filing of Exporters or Agents

Article 4 Exporters or agents exporting foods to China shall submit a filing application to AQSIQ and be responsible for the authenticity of the filing information.

Article 5 Exporters or agents shall fill and submit the Application Form of Food Exporter/Agent (Appendix 1) through the filing management system, providing authentic and valid information such as the name, country/region, and address of the exporter or agent, and the contact name, telephone, food category of operation, contractor name, telephone etc, so that relevant people can be reached through the submitted information in time of an emergency.

After submitting the application form, exporters or agents may receive a file number and an inquiry number produced by the filing management system and with these numbers they can inquire their filing proceeding and amend the filing information.

Article 6 Exporters or agents shall make timely amendment through the filing management system when their address, telephone or other information changes. All information and amendments provided by exporters and agents will be recorded by the system. If the name of an exporter or agent changes, a new filing application form shall be submitted.

Article 7 AQSIQ shall put on record the filing applications of the exporters or agents who submit complete filing information. A list of filed exporters and agents with their names and countries/regions shall be generated by the filing management system and made public on the website of AQSIQ.

Chapter III Filing of Consignees of Import Foods

Article 8 Consignees of import foods (hereinafter referred to as consignees) shall submit a filing application to the Inspection and Quarantine Bureau in their industry and commerce registration place and be responsible for the authenticity of the filing information.

Article 9 Consignees shall submit the filing application to their local Inspection and Quarantine Bureau before the foods are imported. The following materials shall be provided:

1. A completed application form of consignees;
2. A copy of industry and commerce business license, organization code certificate, identification paper of the legal representative, registration form for the filing and recording of foreign trade operators, with the original submitted for verification at the same time;
3. Quality and safety management system of the enterprise;
4. Organization structure, department functions and job responsibilities concerning food safety;
5. Planned food category of operation and storage location;
6. Explanations, including the food category and quantity, shall be made on the last two years' experience of food importing, processing and marketing;

7. Those enterprises that applied for inspection on themselves shall provide a copy of their filing registration certificates, with the original produced for verification.

Inspection and Quarantine Bureaus shall approve the filing application after verifying the information provided by enterprises.

Article 10 Besides the above mentioned paper materials, consignees shall fill and submit the filing application form (Appendix 2) through the filing management system, with the consignee's name and address, contact name, telephone, food category of operation, contractor's name, telephone, letter of commitment and so on. Consignees shall guarantee that relevant people can be reached through the submitted information when an emergency occurs.

After submitting the application form, consignees will get an application number and an inquiry number generated by the system, and with these numbers they can inquire their filing proceeding and amend the filing information.

Article 11 Consignees shall make timely amendment application through the filing management system when their address, telephone or other information changes. Amendments shall not be made until approved by the inspection and quarantine agency. All information and amendments provided by exporters and agents will be recorded by the system.

Article 12 For those with all the required materials, inspection and quarantine agency shall accept the filing applications and finish the filing process within five workdays.

Article 13 Inspection and Quarantine Bureaus will release the file number after verifying the filing materials and electronic information provided by consignees. A list of the filed consignees, with their names and their local Inspection and Quarantine Bureau, will be generated by the filing management system and made public on the website of AQSIQ.

Chapter IV Supervision and Administration

Article 14 Inspection and Quarantine Bureaus shall supervise and spot check the information of filed importers and exporters.

Inspection and Quarantine Bureaus shall check the filed information of exporters or agents through the information carried on the import foods, and verify the filed information of consignees through examination of relevant certificates or on-site inspections.

Non-conforming applicants shall revise and complete their filing information in time as required by Inspection and Quarantine Bureaus. Otherwise, their information will be recorded in the list of import and export foods production and operation enterprises with unfavorable credit records.

Article 15 Consignees or agents of import foods shall give clear indication of the names and file numbers of importers and exporters in the application for inspection. Inspection and Quarantine Bureaus shall check the consistency of the indicated information with the filed information, and inform those who haven't filed or provide inconsistent information with the filed information and get them to complete their filing or make relevant amendment.

Article 16

1. Exporters or agents who provide inaccurate filing materials and information will not be filed, and for those who have been filed, the file number will be annulled.

Exporters or agents who export foods with epidemic or quality safety problems to China will be taken into the credit record management, and inspection and quarantine of their foods will be strengthened; other violations shall be dealt with according to relevant laws and regulations.

2. Consignees who provide inaccurate filing materials and information will not be filed, and for those who have been filed, the file number will be annulled.

Consignees who transfer, lend/borrow, or tamper with the file numbers will be taken into credit record management, and inspection and quarantine of their import foods shall be strengthened.

Chapter V Supplementary Provisions

Article 17 This regulation shall come into force as of October 1, 201

Appendix 1

Application Form of Food Exporter/Agent

Initial Filing	
Section 1-Applicant's Information	
Name (in Chinese AND English)	
Address (in Chinese AND English)	
Company Type : <input type="checkbox"/> Exporter <input type="checkbox"/> Agent	
Country/Region :	*Postal Code
Contact Name :	
Contact Telephone/Fax (Include Area/Country/Region Code) or+ Cell Phone :	
Contact E-mail :	
Section 2-Food Category of Operation	
<input type="checkbox"/> meat <input type="checkbox"/> egg and egg products <input type="checkbox"/> aquatic products and preserved aquatic products <input type="checkbox"/> traditional Chinese medicinal materials of animal and plant origin <input type="checkbox"/> grains and grain products <input type="checkbox"/> oil and oil seeds <input type="checkbox"/> soft drinks and drinking water <input type="checkbox"/> sugar <input type="checkbox"/> vegetable and vegetable products <input type="checkbox"/> processed flavorings of plant origin <input type="checkbox"/> dried fruits and nuts <input type="checkbox"/> other plant origin food <input type="checkbox"/> canned foods <input type="checkbox"/> dairy products <input type="checkbox"/> bee products <input type="checkbox"/> alcoholic beverage <input type="checkbox"/> pastry biscuits and crackers <input type="checkbox"/> candied (preserved) fruits <input type="checkbox"/> cigarette <input type="checkbox"/> tea <input type="checkbox"/> processed flavorings <input type="checkbox"/> other processed foods <input type="checkbox"/> foods for special dietary uses <input type="checkbox"/> others, please describe	
Section 3-Information of the Chinese Trade Partner to be contracted with:	
Name (in Chinese) :	
Address (in Chinese) :	
Contact person :	

Telephone/Fax:
E-mail :
Section.4- Letter of Commitment
I hereby commits: The information we submit is authentic and accurate.
* Contractor name (in printing version) :
* Contractor's office Telephone/Fax or cell phone :
* Contractor's E-mail Address :
* Date of submitting this form :
Section 5- Comments
The above items with mark * must be effectively filled in.

Appendix 2

Application Form of Consignee

Section 1-Filing Application Items
<input type="checkbox"/> 、Initial Filing
Section 2-Applicant's Information
* : Name:
* Address: city province
*Contact Name:
* Contact Tel.: Fax: Cell Phone:
*Organization code:
* Expiration Date of Organization Code Certificate:
* Expiration Date of Business License:
* Scope of Business License:
* Code of Importer/Exporter (filled by meat importers):
* Business Registration Number:
* Business Registration Address:
* Office Address:
* Legal Person:
* Section 3-Food Category of Operation (multiple choices)
<input type="checkbox"/> meat <input type="checkbox"/> egg and egg products <input type="checkbox"/> aquatic products and preserved aquatic products <input type="checkbox"/> traditional Chinese medicinal materials of animal and plant origin <input type="checkbox"/> grains and grain products <input type="checkbox"/> oil and oil seeds <input type="checkbox"/> soft drinks and drinking water <input type="checkbox"/> sugar <input type="checkbox"/> vegetable and vegetable products <input type="checkbox"/> processed flavorings of plant origin <input type="checkbox"/> dried fruits and nuts <input type="checkbox"/> other plant origin food <input type="checkbox"/> canned foods <input type="checkbox"/> dairy products <input type="checkbox"/> bee products <input type="checkbox"/> alcoholic beverage <input type="checkbox"/> pastry biscuits and crackers <input type="checkbox"/> candied (preserved) fruits <input type="checkbox"/> cigarette <input type="checkbox"/> tea <input type="checkbox"/> processed flavorings <input type="checkbox"/> other processed foods <input type="checkbox"/> foods for special dietary uses <input type="checkbox"/> others, please describe
Section 4- Letter of Commitment
I hereby commits: The information we submit is authentic and accurate.
* Contractor name (in printing version) :
* Contractor's office Telephone/Fax or cell phone :

* Contractor's E-mail Address :
* Date of submitting this form :
Section 5-Comments
The above items with mark * must be effectively filled in.

Appendix 2

Administrative Provisions on Recording of Import & Sales of Imported Foods

Article I These Provisions are enacted in line with the *Food Safety Law of the People's Republic of China* and its implementation regulations, *Special Rules of the State Council on Strengthening the Supervision and Management of the Safety of Food and Other Products*, the *Administrative Measures for Import-Export Food Safety*, as well as provisions of relevant laws and regulations, to understand the sources and flows of imported foods, to ensure their traceability and to strengthen the supervision and management of the recording of import and sales of imported foods.

Article II These Provisions apply to the supervision and management of the recording of import and sales of imported foods by the entry-exit inspection and quarantine agencies.

Products other than the food categories as listed in the Appendix 1 of the Administrative Provisions on Filing of Importers and Exporters of Imported Foods, like food additives, food-related products, some varieties of grain, some oilseeds, fruit, edible live animals, etc. shall follow other relevant regulations.

Article III Food importing records refer to the paper-based or electronic documents which record food and related import information.

Sales records of imported food refer to paper-based or electronic documents which record the information on the provision of the imported food by the imported food consignee (hereinafter referred to as "consignee") to food dealers or consumers.

Article IV Consignee shall establish and strictly enforce complete food importing & sales recording system.

Article V Entry & exit inspection and quarantine agencies at the customs clearance location of imported foods are responsible for the supervision and management of the records of imported foods importing & sales.

Article VI Consignee shall establish dedicated food importing recording system and assign dedicated personnel in charge of it.

Article VII Records of food importing established by the consignee shall include the following:

Imported food name, brand, specifications, amount, weight, value, production lot number, production date, shelf life, country of origin, exportation country or region, the manufacturer's name and its registration number in China, filing number, name and contact information of exporter/agents, trade contract number, import port, destination, number of required certificates by foreign (overseas) official authority or officially authorized organizations, inspection form number, entry time, storage location, contact person and telephone, etc. . Please see the recording format in Appendix 1.

Article VIII Consignee shall keep the following import records as archival material: trade contracts, bills of lading, official foreign (overseas) certificates required, a copy of the inspection form, copies of Certificate of Entry Goods Inspection and Quarantine and Sanitary Certificate issued by entry & exit inspection and quarantine authorities.

Article IX Consignee shall establish dedicated imported food sales recording system (except for the foods directly used for retailing after importation) and assign dedicated personnel in charge of it.

Article X Imported food sales records shall include sales flow records, complaints from targets customers and recall records, etc.

Sales flow records shall include the name of the imported food, the specifications, amount, weight, production date, production lot number, date of sale, name and contact information of buyer (user) , number of delivery order, running invoice number, disposal method of recalled food, and some other information. Please see the recording format in Appendix 2.

Records of complaints from target customers and recall shall include the name of the imported food concerned, specifications, amount, weight, date of manufacture, production lot number, reasons for recall or complaints, internal check and analysis, contingency measures, follow-up improvement measures and other information. Please see the recording format in Appendix 3.

Article XI Consignee shall keep the following sales records as archival material: original documents or duplicated copies of the purchase and sales contracts, sales invoices counterfoil and delivery order. The consignee shall keep food processing and usage records of those self-used food.

Article XII Consignee shall keep proper records of food importing and sales, and prevent from pollution, damage or losses. Food importing and sales records shall be saved for no less than 2 years.

Entry and exit inspection and quarantine authorities at the customs clearance location of imported foods shall inspect consignee's food importing and sales records.

Article XIV Consignee herein refers to actual consignee in mainland China (excluding Hong Kong and Macao) who has signed trade contract with a foreign party.

Article XV This Provision shall be enacted from October 1, 2012.

Appendix 1

Imported Food Records

Name of Consignee: Consignee Filing No.:

进口日期 Date of Import	Name of Food	Brand	Spec	Amount	Weight	Value	Lot no.	Date Of Manufacture	Shelf Life	Country of Origin	Exportation country/region	Name of Manufacturer	生产企业在华注册号 (如有) Manufacturer's Registration No. in China (If have)
出口商/代理商备案号 Filing No. of Food Exporter/Agent	Name of Food Exporter/Agent	Contact Info of Food Exporter/Agent	Trade Contract No.	Import Port	Destination	Foreign/overseas Inspection & Quarantine Certificates No.	Inspection Form No.	Entry Time	Storage Location	Storage Location	Contact Name & Tel.	备注 Comments	

Contractor:

Reviewer:

Appendix 2

Record of Imported Food Sales

Name of Consignee:

Consignee Filing No.:

Sales Date	Name of Imported Food	Spec	Amount	Weight	Date of Manufacture	Lot No.	Name of Buyer/User	Address & Tel. of Buyer/User	Delivery Order No.	Running Invoice No.	Measures taken about the recalled Food	Comments

Contractor:

Reviewer:

Appendix 3

Record of Imported Food Recalls & Complaints from Target Costomers

No.

Date				
Name of Imported Food				
Reason for Recall or Complaints from Target Costomers				
Lot No. of Products Concerned	Date of Manufacture	Spec.	Amount	Weight
Internal Check & Analysis				
Contingency Measures				
Follow-up Improvement Measures				
Signature of Department Head		Signature of Company Leader		