

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

Acting Deputy Director General of the General Department of trade of the European Commission

Mr. Rupert Schlegmirch

Dear Mr. Rupert Schlegmirch,

I'm glad to hear from you.

Thank you for your attention to orders 248 and 249 of the General Administration of customs.

China's attitude of opening up and expanding imports is consistent and clear. We welcome safe and high-quality food from all countries to enter the Chinese market. Despite China's novel coronavirus pneumonia and other factors, China's imports of food were 2.1 billion tons and 176 billion 650 million US dollars in 2021 1-11, respectively, up 16.7% and 29.3% respectively over the same period. Practice has proved that the expansion of market scale comes from the demand of consumers, and the growth of consumer demand depends on the demand of consumers confidence, without consumer confidence, there will be no market, and without market, there will be no trade.

Under the new situation, how to implement the responsibilities of all parties in food safety and better maintain consumer confidence has become an important topic in front of Chinese and foreign competent departments, importers and exporters and food production enterprises. The implementation of the two regulations is for this purpose. During the revision process, the two regulations solicited opinions from the public and widely. At the same time, they were notified in accordance with the principle of WTO transparency, accepted the comments of all parties, fully considered and actively adopted their reasonable opinions, and strictly complied with the requirements of WTO / TBT and WTO / SPS agreements on the transition period in terms of promulgation and implementation time. After the promulgation of the two regulations, they have received strong support from Chinese consumers and relevant countries (regions). As you know, China has recently held a video conference with EU Member States and industry associations to communicate the specific implementation details of the two regulations, and achieved good results. At present, EU member states with trade with China have submitted the list of registered enterprises in accordance with China's requirements.

With regard to the questions mentioned in your letter, China has prepared relevant replies, which are attached (see Annex). If the European side has relevant needs, China is willing to hold another video conference with the European side to conduct in-depth exchanges on the implementation details of the two regulations. I believe that as long as the European side accurately understands and correctly views the relevant requirements of the two regulations, closely cooperates with the General Administration of customs, and through the joint efforts of both sides, the scheduled implementation of the two regulations will be more smooth, the food trade between China and

Europe will be more smooth, consumer confidence will continue to increase, and the consumer market will be further expanded.

China always welcomes more high-quality and safe food from the world, including the EU, to China. China is willing to continue to strengthen cooperation with the EU in the field of import and export food safety and work with the EU to jointly promote the healthy and sustainable development of international food trade.

Best wishes!

Deputy director general of the General Administration of Customs of the people's Republic of China

December 13, 2021

Annex

Reply on Relevant Issues of orders 248 and 249

European question 1 is not clear how product categories are defined and how to register under the same registration number. According to H code? How many digits?

Reply: according to the definition of relevant products in China's national food safety standards and the corresponding HS code of corresponding products, different products are classified and distinguished according to the 10 digit HS code.

European question 2 The information requirements for self registration remain unclear, especially the percentage of ingredients and their sources. It is not clear how the registration website operates and whether the provision of this information is mandatory or selective.

Reply: the materials to be provided by overseas manufacturers of products other than 18 categories, including raw materials / ingredients, source country and product composition percentage are optional items. Please fill in according to the tips of the registration website.

European question 3 for vegetables, China has asked for agreements including the registration of orchards and packaging warehouses. Do we also need to register the packaging warehouse according to Article 8, or is it sufficient to register according to the agreement?

Reply: Overseas vegetable enterprises that have been registered in China (query website: <http://jckspj.customsgov.cn/SPJ/zwgk75/2706880/281812/> / / index HTML) do not need to recommend registration again. If the information and audit and inspection data of previously registered production enterprises are incomplete, relevant overseas competent departments shall assist in completing the relevant information through the registration system before June 30, 2023. In the future, the competent overseas departments may use the branch of the General Administration of customs

The official account number of the vegetable enterprise shall apply for the addition, modification or cancellation of the vegetable enterprise through the registration system.

European question 4 how does the manufacturer registration process affect the market access process, or is the manufacturer registration an additional process after the market access process?

Reply: the General Administration of Customs implements access management on imported meat and meat products, casings, aquatic products, bird's nest and bird's nest products, dairy products, unbaked coffee beans and cocoa beans, hops, oil, edible grains, grain milling industrial products and malts, fresh-keeping and dehydrated vegetables, as well as dried beans, seasonings, nuts and seeds, dried fruits and other foods. Specific access procedures include application acceptance, organization evaluation, consultation on inspection and quarantine requirements, enterprise registration, importer filing and Quarantine License.

If the product access assessment is completed and the corresponding inspection and quarantine requirements are determined, the overseas competent department may recommend the corresponding overseas products in accordance with the relevant requirements of Article 8 of the provisions of the people's Republic of China on the administration of the registration of overseas production enterprises of imported food (order 248 of the General Administration of customs, hereinafter referred to as the "Registration Provisions")

Enterprises registered in China. If there are no access assessment requirements, overseas enterprises or overseas competent departments may apply for registration in China in accordance with the relevant requirements of Articles 8 and 9 of the registration provisions.

European question 5 if there are new manufacturers belonging to 18 categories, such as dairy products, meat, fisheries or other products in which the exporting country has an agreement or traditional trade with China, and a new company hopes to register next year, will this start the evaluation of a country's food hygiene control system?

Reply: countries that have traditional trade in dairy products, meat and aquatic products with China or have signed relevant protocols, if a new enterprise wishes to register next year, it shall submit application materials in the registration management system in accordance with the regulations, which shall be submitted to China after being reviewed by the official competent department of the host country. If there is no significant change in the food safety management system of the exporting country, it does not need to be reassessed.

European question 6 will the export requirements formulated by the General Administration of Customs after evaluating the cifer application process be communicated through the cifer system, or how?

Reply: overseas enterprises and users of overseas competent departments can log in to the registration system (cifer) to query the status of their various application matters, and can also receive a notice on the corresponding problems required by the General Administration of Customs for specific overseas enterprises to rectify in the registration system.

The policy requirements on exports to China shall be notified in the original way and shall not be communicated through the registration system.

EU question 7 we would like to confirm that the current agreement will remain in force. For example, if a country has an agreement on oats, because oats belong to 14 new categories that need to be recommended, do you need to recommend these manufacturers to register with cifer system before November 30?

Reply: oat enterprises registered in China (query website: there is no need to recommend registration again. If the information and audit and inspection data of the previously registered production enterprises are incomplete, the relevant competent authorities shall assist to complete the relevant information through the registration system before June 30, 2023. In the future, the competent authorities can use the official account allocated by the General Administration of Customs to apply for the addition, modification or cancellation of oat enterprises through the registration system.

Question 8: how do the new regulations change the market access procedures? Is the market access procedure still initiated by the competent authorities by sending an official letter describing the export products to the General Administration of customs? Or, can the company start the market access process by sending an application through the cifer system?

Reply: the "two regulations" do not change the current access procedures. admittance

The procedure is detailed in the reply to question 4.

If there are no requirements for product access assessment, overseas enterprises or overseas competent departments may submit registration applications through the registration system.

European question 9 does the regulatory system assessment of the country of origin include many different products, or only one product or one manufacturer?

Reply: the evaluation and review of the food safety management system of overseas countries (regions) refers to the evaluation and review of the integrity and effectiveness of the food safety management system of countries (regions) exporting food to China by the General Administration of Customs in accordance with the provisions of the food safety law and the principle of risk management, To determine whether the food safety status of the country (region) can reach the acceptable risk protection level in China. The competent authorities of the exporting party shall ensure that the food produced under the system entering the Chinese market continues to comply with Chinese standards

Requirements of laws, regulations and national food safety standards. It is in line with international practice to evaluate and review the food safety management system of the country (region) of origin of exported food. Considering that the risk factors of different products are inconsistent, and referring to international practices, China evaluates the regulatory system of the country (region) of origin according to different product categories. For example, chicken and beef have different risk factors, chicken has diseases such as highly pathogenic avian influenza, and beef has diseases such as foot-and-mouth disease.

European question 10 Can the General Administration of Customs confirm our understanding that the General Administration of Customs will soon contact the Member States and provide the cifer ID and password to the authorities or embassies of the member states so that we can check the list of registered companies in the system sometime in December?

Reply: China has provided cifer ID and password to EU member states with traditional food trade to China on December 3.

European question 10 Can the General Administration of Customs confirm our understanding that the General Administration of Customs will soon contact the Member States and provide the cifer ID and password to the authorities or embassies of the member states so that we can check the list of registered companies in the system sometime in December?

Reply: China has provided cifer ID and password to EU member states with traditional food trade to China on December 3.

European question 11. What will happen to products that cannot be cleared at the Customs after January 1, 2022? Can you describe the processes and options available to the company?

Reply: in order to avoid affecting trade, the registration number of overseas enterprises in China shall be filled in the customs declaration form when applying for import of food exported to China from January 1, 2022. If the registration number of overseas production enterprises in China is not filled in as required, it shall be filled in as required; If the registration of an overseas production enterprise is not handled, the registration of an overseas production enterprise shall be handled as required.

European question 12 can the General Administration of Customs share with Member States an example of customs declaration that needs to fill in a new Chinese registration code?

Reply: reference to relevant examples will be considered.

EU question 13 from January 1, 2022, the valid registration number of the General Administration of customs must be filled in the customs declaration form, but at that time, only the foreign number or even no number can be displayed on the package. This will lead to difficulties. Therefore, the General Administration of customs must clarify how the cifer system is consistent with the local customs clearance system.

Reply: for food exported to China from January 1, 2022, when applying for import, the registration number of overseas enterprises in China shall be filled in the customs declaration form. In the customs declaration system, the registration number of its overseas production enterprise in China will be verified according to the departure date of food exported to China.

European question 14: Decree No. 249 requires that "the Chinese labels of imported health food and special dietary food must be printed on the smallest sales package and shall not be labeled". For other food industries, the company can affix the registration number after approval. However, for health food and special dietary food, the Chinese label must be printed and the registration number must be included in the label. If they don't get the registration number until December, it's impossible to change the label on January 1, 2021. We suggest a transition period for label changes.

Reply: enterprises can mark the registration number in China or their home country on the label.

European question 15: do these requirements also apply to goods sold through e-commerce?

Answer: not applicable.

European question 16. Many operators say they cannot register on the "new" CIPHER website: they cannot reach the end of the process; Companies that successfully completed registration used the "old" CIPHER website.

Reply: As for the European side's response that "the end of the process cannot be reached", we need to ask the European side to make further details and then give feedback. The registration management system for imported food overseas production enterprises has been put into operation on November 1, and as of December 3, thousands of overseas enterprises with 18 categories of products have successfully registered through the system.

European question 17 Information on ingredients, water, etc. is difficult (and sometimes impossible) to complete; Requiring this information can affect the registration process.

Answer: At present, ingredient list is not a mandatory part of application for registration.

European question 18: Can the General Administration of Customs confirm that uploading photos of end-use packaging products is not mandatory? Asking for pictures would make the process too rigid for any label changes (vintages, special editions, marketing changes to packaging, etc.). This is a key issue because it appears that entries in the self-registration system cannot be changed after a registration request is sent.

Answer: Product photos are not a requirement for registration applications. The Chinese side suggests companies to provide photos of their products in the hope of knowing whether the product classification they choose is correct.

European question 19 Are products transited only through China exempted from registration requirements?

Answer: Foreign enterprises do not need to apply for registration of transit products in China.

European question 20 Can the General Administration of Customs confirm that duty-free products are not within the scope of Decree No. 248.

Reply: overseas enterprises of duty-free products do not need to apply for registration at present.

EU question 21 Are product samples for marketing testing for a limited number of consumers or participants exempt from compulsory registration?

Reply: at present, overseas enterprises of sample advertising products do not need to apply for registration.

EU question 22 Some manufacturers produce products for other companies and do not export to China themselves. (for example, companies produce for retailers and sometimes don't even know

whether their products are shipped to China). In this case, only the responsible exporter needs to be registered, or in this case, the manufacturer also needs to be registered?

Reply: the objective of the registration provisions is to ensure food safety in China. Entity production, processing and storage enterprises that are legally responsible for exporting products to China should apply for registration. Normal temperature transit warehouses without any processing, packaging or repackaging, and exporters who do not participate in any manufacturing, processing and storage activities do not need to register.

EU question 23 Are registration requirements also applicable to exports to Hong Kong, Hainan and Macao?

Reply: the provisions on registration shall apply to the registration administration of overseas production, processing and storage enterprises exporting food to Hainan. The provisions on registration shall not apply to the export of food to Hong Kong and Macao.

EU question 24 For the 18 categories that need to be recommended for registration by the competent authority, is the competent authority the only organization to fill in the information on the single window website, or can each company be an applicant?

Reply: for the overseas production enterprises of 18 categories of imported food listed in Article 7 of the registration provisions, after the registration system account number is allocated by the competent department of the country (region) where they are located, they shall submit the enterprise registration application according to the registration system process. The account number of the registration system of the overseas competent department shall be allocated after being contacted and confirmed by the General Administration of customs.

EU question 25 On the official website of the General Administration of customs, a "sample form" containing examples and demonstrations of various food production enterprises is mentioned, but the form does not seem to exist. When will the General Administration of customs release these samples?

Reply: we will consider providing sample reference for filling in the application for product registration.

EU question 26 Even if the factory does not export products to China at present, can it register the factory and obtain the registration number (for example, if the capacity of other factories is suddenly insufficient, the factory that exports products to China)

Reply: overseas enterprises that have not yet exported food to China may submit registration applications through the registration system.

European question 27 If all products produced in the same factory have the same registration number, and if new products are exported to China from the same registered factory, is it necessary to update the registration information on the website?

Reply: when applying for registration, overseas production enterprises shall fill in the products exported to China and their HS code. If it is necessary to increase the scope of export products to China, it shall apply for adding corresponding products and their HS codes through the registration system.

EU question 28 In the past, food exporters (producers and traders) had to work in HTP: / ire according to law ciq. Register exporters under CN. Is this provision still valid? If yes, does the export production enterprise have to follow htt: / cifer: singlewindow Cn is registered as an overseas production enterprise according to HTP: / reciq Cn additional registration as exporter (double registration)

Reply: overseas production enterprises of imported food shall apply for registration through the registration system, and the login website is HTS / ifer singlewindow Cn overseas exporters shall apply for filing through the importer and exporter filing system of imported food and cosmetics, and the login website is HTP/ lire, customs, gov, cn.

EU question 29 If the percentage of ingredients and production process are disclosed on the single window portal, will it make customs clearance faster? Is it no longer necessary to provide such documents every time products are imported into China?

Reply: the percentage of ingredients and production process will not be disclosed on the single window portal.

EU question 30 Does the batch number need to be put on the package?

Reply: according to the national food safety standard general rules for the labeling of prepackaged food, the product batch number is not a mandatory label. However, the production batch number of meat products needs to be marked on the package.

EU question 31 It is not clear whether the final products shipped to China but not intended to enter the Chinese market need to have a registration number (for example, the products entering the Korean market are labeled with Korean labels and repackaged in China). Or, is any declaration required to exempt such products?

Reply: all products entering the Chinese market shall be marked with the registration number in China or the registration number approved by the competent department of the country (region) where they are located on the inner and outer packages of the products. Product manufacturers that do not enter the Chinese market do not need to register.