

解读新版《中华人民共和国进口食品境外生产企业注册管理规定》
Interpretation of the new version of "Regulations of the People's Republic of China on the
Registration and Administration of Imported Food Overseas Manufacturers"

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<http://www.customs.gov.cn/customs/302249/302270/302272/3735889/index.html>

2021年4月13日,海关总署发布第248号令,公布《中华人民共和国进口食品境外生产企业注册管理规定》(以下简称“新规定”),将于2022年1月1日正式实施。

On 13 April 2021, GACC issued Decree No. 248, promulgating the "Regulations of the People's Republic of China on the Registration and Administration of Overseas Manufacturers" (hereinafter referred to as the "New Regulations") will be formally implemented on 1 January 2022.

一、扩大了需实施

现行规定: 肉制品、乳制品、水产品、蜂产品、燕窝产品。

新规定: 所有向中国境内出口食品的境外生产、加工、贮存企业。

1. Expanded to be put into practice

Current regulations: meat products, dairy products, aquatic products, bee products and bird's nest products.

New regulations: All overseas enterprises of production, processing and storage that exporting food to China.

二、调整企业注册方式

现行规定: 境外生产企业所在国家(地区)主管当局推荐或其他规定的方式。

新规定: 按照食品分类不同,注册方式分为由境外生产企业所在国家(地区)主管当局推荐注册和企业申请注册。

2. Adjusted the way of enterprise registration

Current regulations: recommended or other prescribed method by the competent authority of the country (region) where the overseas manufacturers are located.

New regulations: According to different food classifications, the registration methods are divided into registration recommended by the competent authority of the country (region) where the overseas manufacture is located and registration applied by the company.

同时,新规定明确了官方推荐注册与企业申请注册适用的具体食品类别。

At the same time, the new regulations clarify the specific food categories applicable to official recommendation registration and enterprise application registration.

官方推荐注册食品类别, 18类:

肉与肉制品、肠衣、水产品、乳品、燕窝与燕窝制品、蜂产品、蛋与蛋制品、食用油脂和油料、包馅面食、食用谷物、谷物制粉工业产品和麦芽、保鲜和脱水蔬菜以及干豆、调味料、坚果与籽类、干果、未烘焙的咖啡豆与可可豆、特殊膳食食品、保健食品。

Food category of recommended for registration by authority, 18 categories:

Meat and meat products, casings, aquatic products, dairy products, bird's nest and bird's nest products, bee products, eggs and egg products, edible fats and oils, stuffed pasta, edible grains, grain milling industrial products and malt, fresh-keeping and dehydrated vegetables, and Dried beans, seasonings, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, special dietary foods, health foods.

企业申请注册食品类别： 18 类以外的其他食品。

Food category applied for registration by enterprise: Foods except the 18 categories.

注意：海关可以根据某类食品风险变化情况对相关企业注册方式和申请材料进行调整。

Note: Customs can adjust the registration methods and application materials of related companies according to the changes in the risk of certain types of food.

三、创新注册评审方式

现行规定：海关组织专家或指定机构对申请资料进行审查，并根据需要进行实地评审。

新规定：海关通过书面检查、视频检查、现场检查等形式及其组合实施评估审查。

3. Innovative registration review methods

Current regulations: Customs organize experts or designated agencies to review the application materials and conduct on-site reviews as needed.

New regulations: Customs conducts assessment and review through written inspections, video inspections, on-site inspections and other forms and combinations etc.

四、更改注册号管理及标识方式

现行规定：食品外包装上如实标注注册编号

新规定：食品的内、外包装上标注在华注册编号或者所在国家（地区）主管当局批准的注册编号。

Fourth, change the registration number management and identification method

Current regulations: truthfully mark the registration number on the outer packaging of the food

New regulations: The food's internal and external packaging shall be marked with the registration number in China or the registration number approved by the competent authority of the country (region) where it is located.

五、延长境外生产企业注册有效期

现行规定：有效期 4 年

新规定：有效期 5 年

5. Extend the validity period of registration of overseas producers.

Current regulations: valid for 4 years

New regulations: valid for 5 years

六、明确注册管理要求

现行规定：注册有效期届满一年提出延续注册申请。

新规定：有效期届满前 3-6 个月内提出延续注册申请。

6. Clarify registration management requirements

Current regulations: Apply for renewal of registration after one year of registration.

New regulations: Apply for renewal of registration within 3-6 months before the expiration of the validity period.

七、强化企业主体责任及事中事后监管

现行规定:

仅规定撤销注册适用情形。

仅规定我国官方复查发现企业不符合注册要求的处置措施。

新规定: 新增注册变更、延续、注销使用情形”, 并细化“撤销注册使用情形”

7. Strengthen the main responsibility of the enterprise and supervision during and after the matter.

Current regulations:

It only stipulates the applicable circumstances of deregistration.

It only stipulates the measures to deal with the company's failure to meet the registration requirements found in the official review of China.

New regulations: Added change, renewal, and cancellation usage scenarios of registration, and specified the “deregistration usage scenarios”

1. 新增“已注册企业自行发现不符合注册要求时, 应主动暂停向中国出口, 立即采取整改措施”的管理要求;

Added management requirement of "registered companies discovering that they do not meet the registration requirements on their own initiative should suspend exports to China and immediately take corrective measures";

2. 明确境外官方主管机构督促已注册企业持续符合注册要求的责任。

Clarified the responsibility of overseas official competent authorities to urge registered companies to continue to meet the registration requirements.

新规定将于 2022 年 1 月 1 日起实施, 相关企业在筹备境外生产企业注册工作时, 除了关注管理规定的上述主要变化并及时做出调整外, 还需保证输华食品符合中国相关法律法规和食品安全国家标准的要求。

The new regulations will be implemented on 1 January 2022. When preparing for the registration of overseas producers, relevant companies must pay attention to the above-mentioned major changes in the management regulations and make timely adjustments. They also need to ensure that the food exported to China complies with relevant Chinese laws and regulations. And the requirements of national food safety standards.