

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	<p>Notifying Member: <u>CHINA</u></p> <p>If applicable, name of local government involved (Article 3.2 and 7.2):</p>
2.	<p>Agency responsible: General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ)</p> <p>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</p>
3.	<p>Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:</p>
4.	<p>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Food (Contains some of the 0308 HS code products) HS: 02; 0302-0307; 04; 0504; 0507-0511; 0712-0713; 0813; 0902-0910; 1210-1211; 130213; 1501-1503; 1506; 16; 17; 1801; 1803-1806; 19; 2001-2009; 2101-2106; 22</p> <p>Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates (HS 16), Sugars and sugar confectionery (HS 17), Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin. (HS 1210), Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered. (HS 1211), Pig fat (including lard) and poultry fat, other than that of heading 02.09 or 15.03. (HS 1501), Fats of bovine animals, sheep or goats, other than those of heading 15.03. (HS 1502), Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared (HS 1503), Other animal fats and oils and their fractions, whether or not refined, but not chemically modified. (HS 1506), Cocoa beans, whole or broken, raw or roasted. (HS 1801), Cocoa paste, whether or not defatted. (HS 1803), Cocoa butter, fat and oil. (HS 1804), Cocoa powder, not containing added sugar or other sweetening matter. (HS 1805), Chocolate and other food preparations containing cocoa. (HS 1806), - Vegetable saps and extracts: (HS 13021), -- Of hops (HS 130213), Meat and edible meat offal (HS 02), Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included (HS 04), Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 03.04. (HS 0302), Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen. (HS 0304), Fish, frozen, excluding fish fillets and other fish meat of heading 03.04. (HS 0303), Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption. (HS 0305), Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption. (HS 0306), Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption. (HS 0307), Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked. (HS 0504), Ivory, tortoise-shell,</p>

<p>whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products. (HS 0507), Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof. (HS 0508), Natural sponges of animal origin. (HS 0509), Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved. (HS 0510), Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption. (HS 0511), Dried leguminous vegetables, shelled, whether or not skinned or split. (HS 0713), Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared. (HS 0712), Fruit, dried, other than that of headings 08.01 to 08.06; mixtures of nuts or dried fruits of this Chapter. (HS 0813), Tea, whether or not flavoured. (HS 0902), Pepper of the genus <i>Piper</i>; dried or crushed or ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>. (HS 0904), Maté (HS 0903), Vanilla. (HS 0905), Cinnamon and cinnamon-tree flowers. (HS 0906), Nutmeg, mace and cardamoms. (HS 0908), Cloves (whole fruit, cloves and stems). (HS 0907), Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries. (HS 0909), Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices. (HS 0910).</p>
<p>5. Title, number of pages and language(s) of the notified document: Measures for the Administration of Certificates Attached to Foods Exported to China (Draft) (4 page(s), in Chinese)</p>
<p>6. Description of content: This Measure is in accordance with the provisions of the <i>Food Safety Law of the People's Republic of China</i>. In order to ensure the quality safety of foods exported to China and establish the effective linkage between competent authorities of exporting country/region and China, the importer shall submit the certificate attached to this batch of food issued by the competent authority of the exporting country/region or its authorized or designated institution to the local CIQ of the entry port when the food is imported to prove that this batch of food is from an enterprise under the supervision of the competent authority of the exporting country and is eligible for human consumption.</p>
<p>7. Objective and rationale, including the nature of urgent problems where applicable: Prevention of deceptive practices and consumer protection; Protection of human health or safety; Protection of the environment</p>
<p>8. Relevant documents: -</p>
<p>9. Proposed date of adoption: 90 days after the distribution by the Secretariat of WTO Proposed date of entry into force: 1 October 2017</p>
<p>10. Final date for comments: 60 days after the distribution by the Secretariat of WTO</p>
<p>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body: https://members.wto.org/crnattachments/2017/TBT/CHN/17_2763_00_x.pdf</p>

国家质量监督检验检疫总局司（局）函

Letter of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China

质检食函〔2017〕83号

Letter of the General Administration of Quality Supervision, Inspection
and Quarantine No. 83 [2017]

关于对《进口食品随附证书管理办法（征求意见稿）》进行 **WTO / TBT** 通报的函

Letter of Notifying **WTO/TBT** on Measures for the Administration of Certificates Attached to Imported Food (Consultation Paper)

标准法规中心：

Research Center on Standard and Regulation:

我局组织制定了《进口食品随附证书管理办法（征求意见稿）》
（见附件）和 TBT 通报中英文表格，请按规定程序向 **WTO** 通报。

The Administration formulated *Measures for the Administration of
Certificates Attached to Imported Food (Consultation Paper)* (see

appendix) and the TBT notification table in Chinese and English. You are hereby required to notify WTO by prescribed procedure.

- 附件： 1. 《进口食品随附证书管理办法（征求意见稿）》
2. 中文通报表
3. 英文通报表

- Appendix: 1. Measures for the Administration of Certificates Attached to Imported Food (Consultation Paper)
2. Notification Table in Chinese
3. Notification Table in English

(此件公开发布)
(The document is
publicly issued)



进口食品随附证书管理办法
(征求意见稿)

Measures for the Administration of Certificates
Attached to Imported Food
(Consultation Paper)

第一条（目的依据） 为保证进口食品质量安全，实现进口食品监管与输华食品国家/地区政府监管的有效衔接，根据《中华人民共和国食品安全法》及其实施条例，制定本办法。

Article 1 (Legislative Intent and Basis) With a view to ensuring the quality and safety of imported food and realizing the effective integration of imported food supervision and that conducted by countries (regions) exporting food to China, the *Measures* are formulated pursuant to the *Food Safety Law of the People's Republic of China* and its *Implementation Regulations*.

第二条（适用范围） 本办法适用于进口食品随附证书的管理。对其他法律法规有专门证书规定的，从其规定。

Article 2 (Scope of Application) The *Measures* shall apply to the administration of certificates attached to imported food, except as otherwise provided by existing laws, regulations or rules.

第三条（定义） 本办法所称证书，是指出口国家/地区主管部门或其授权/指定机构出具的，证明相应批次的输华食品在出口国家/地区主管部门有效监管下生产、加工、存储、运输、出口，适合人类食用的官方证明文件，包括已经中国国家质检总局与出口国家/地区确认的“卫生证书”、“检疫证书”等。

Article 3 (Definition) The certificates of the *Measures*, shall refer to official certification documents issued by the competent authority or the specified institutions of the exporting country (region). They should be able to affirm that food of relevant batches exported to China is produced, processed, stored, transported, and exported under the effective supervision of the competent authority of the export country (region) and that it is fit for human consumption. Official certificates shall include sanitary certificates and quarantine certificates that have already been confirmed by the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of the People's Republic of China and the exporting country (region).

第四条（授权/指定机构管理） 凡证书由出口国家/地区主管部门授权/指定机构出具的，出口国家/地区主管部门应当向国家质检总局备案相关授权/指定机构的信息，包括授权/指定的法律依据、授权程序及授权书副本以及机构名称、机构图

章、签证人员签字等。

Article 4 (Administration of the Specified Institutions)

For certificates that are issued by institutions specified by the competent authority of the exporting country (region), the competent authority shall report the information of the specified institutions to the AQSIQ. Information shall include: the legal ground, the authorisation procedures, the copy of authorisation certificate, and the name and the stamp of the specified institution, and the signature of certificate-issuing officials.

出口国家/地区主管部门应确保其授权/指定的机构具备相应技术能力和资源保障,确保其所出具证书产品的生产企业在出口国家/地区主管部门的监管下生产、加工、存储、运输、出口。

The competent authority of the exporting country (region) shall ensure that the specified institution is equipped with relevant technical capacity and resources to ensure that the producers holding certificates engage in production, processing, storage, transportation and export under the supervision of the competent authority of the exporting country (region).

第五条 (证书内容)进口食品随附证书应提供以下信息:

Article 5 (Content of Certificates) Certificates attached to

imported food shall contain the following information:

(一) 生产加工企业信息, 包括生产企业名称、地址、注册/注册登记编号(如适用)、信息记录号;

I. Information pertaining to producers: including the name, address, the registration number (if applicable) and the information record number;

(二) 产品信息, 包括产品名称、品牌、规格、包装方式、数重量、品种、生产/包装日期, 原产地;

II. Information pertaining to products: including the name, brand, product specifications, the method of packaging, quantity/weight, type, date of production/packaging and the origin of the product;

(三) 贸易信息, 包括进口商名称、地址、备案编号, 出口商名称、地址、备案编号, 启运地, 目的地, 输出国, 运输工具, 集装箱号、铅封号;

III. Information pertaining to trade: including the name, address, and record number of the importer; the name, address, and record number of the exporter; the point of departure, the point of destination, means of transport, the container number and the seal number;

(四) 输华食品在出口国家/地区主管部门监管下生产、

加工、存储、运输、出口，适合人类食用。

IV. Food exported to China shall be produced, processed, stored, transported, and exported under the supervision of the competent authority of the exporting country (region). The food exported shall be fit for human consumption.

第六条（证书模板） 进口食品随附证书应至少包含英文或中文，鼓励使用中外文对照。证书模板应向国家质检总局备案。

Article 6 (Template of Certificates) Certificates attached to imported food shall contain at least English or Chinese. Adoption of a bilingual Chinese and foreign language template is encouraged. The template of certificates adopted shall be reported to AQSIQ.

第七条（证书提交） 证书可以纸质方式出具，也鼓励出口方使用电子出证方式出具。

Article 7 (Submission of Certificates) Certificates may be provided in paper form. Exporters are also encouraged to provide electronic ones.

第八条（证书要求） 证书签发机构应保证所签发证书内容与所证明货物信息一致。

Article 8 (Requirements for Certificates) The institution issuing the certificate shall ensure that the content of the certificate is

consistent with the cargo information that it certifies.

第九条（进口商要求） 进口食品随附纸质证书的，进口商应向入境口岸检验检疫部门提交该批货物随附的证书正本；随附电子证书的，应由证书签发机构直接发送给入境口岸检验检疫部门，进口商应提交电子证书号。

不能提交证书的，不得进口。

Article 9 (Requirements for Importers) With regard to imported food with paper certificates attached, the importer shall submit the original certificates to the inspection and quarantine department at the port of entry; with regard to imported food with electronic certificates attached, the institution issuing the certificate shall send the electronic certificates to the inspection and quarantine department at the port of entry, and the importer shall report the electronic certificate number.

In the event of failure to submit certificates, import shall not be permitted.

第十条（进口查验） 检验检疫机构应对进口食品随附的证书进行查验。凡发现无随附证书或随附证书不合格的，不得进口。

Article 10 (Import Inspection) Inspection and quarantine institutions shall carry out inspection on certificates attached to

imported food. In the absence of certificates, or where substandard certificates are presented, import shall not be permitted.

第十一条（不合格处置） 随附证书的格式不合格、证书信息与货物信息不符的，相应货物不得进口，同时国家质检总局可采取以下处置措施：

Article 11 (Disposal of Substandard Import) If certificates attached fail to conform to requirements for the format, and (or) the content does not match the cargo information, relevant cargo shall not be permitted to enter to China. Meanwhile, AQSIQ may adopt the following disposal measures:

（一） 通报出口国家/地区主管部门。出口国家/地区主管部门应进行调查，并向国家质检总局通报调查结果。经调查确认属出证机构责任、且 12 个月内出现 5 次以上不合格的，可暂停接受该出证机构出具的证书。

I. AQSIQ may notify the competent authority of the exporting country (region). The competent authority of the exporting country (region) shall conduct an investigation and notify AQSIQ of the results. AQSIQ may then suspend the acceptance of certificates issued by the institution issuing the certificate, if it is verified that this institution should be held responsible for the failure and such

failures occur five or more times¹ within 12 months.

(二) 12 个月内出现 10 次以上随附证书不合格且确认为出口国家/地区主管部门责任的，国家质检总局经风险评估，可暂停接受该出口国家/地区出具的证书，并启动输出国家/地区体系检查评估程序。

II. Following a risk assessment, AQSIQ may suspend the acceptance of certificates issued by the exporting country (region), and then initiate a review procedure of the system of the exporting country (region), if more than 10 occasions where certificates attached are substandard are found within 12 months and if it is substantiated that the competent authority of the exporting country (region) shall be held responsible.

第十二条（豁免）进口用作样品、礼品、赠品、展示品等非贸易性食品、边境小额贸易食品、涉台小额贸易食品、进口用作免税经营的食品、使领馆自用的食品，按照国家有关规定办理。

Article 12 (Exemption) With regard to non-trading food imported as samples, gifts, and presents, and for the purpose of presentation, small-scale cross-border traded food, Taiwan-related small-scale cross-border traded food, food imported for duty-free

¹ Translator's note: The Chinese in this case is ambiguous, and could also mean "more than five times", i.e. "six or more times".

businesses, and food imported for the self-use of embassies and consulates: relevant national laws, regulations and rules shall be complied with.

第十三条（解释）本办法由国家质检总局负责解释。

Article 13 (Interpretation) The power to interpret the *Measures* shall be reserved to AQSIQ.

第十四条（实施）本办法 2017 年 10 月 1 日执行。应出口国家（地区）主管当局申请并经国家质检总局同意，可给予适当过渡期。

Article 15 (Implementation) The *Measures* shall come into force on October 1, 2017. Upon application by the competent authority of the exporting country (region) and with consent from AQSIQ, a transition period may be granted as appropriate.