

Food Safety Regulation to Imported Food in China

Hu Qingle

PHD Student “Administration Law”

Hunan University

Marie Curie researcher at University of Macerata

CHETCH Program

Assistant of President

Agriculture Investment(Shenzhen)Ltd.

Menu:

1. Food Safety Law 2015
2. Regulatory Institution
3. Regulation to Imported Food
4. Regulation to Imported Health Food



1. Food Safety Law 2015

- Enters into force in Oct 1th , 2015
- Basic law for food safety regulation, including regulation for imported and exported food.

Table of Content

Chapter 1: General Principles

Chapter 2: Food Safety Risk Surveillance and Assessment

Chapter 3: Food Safety Standards

Chapter 4: Food Production and Trading

Section 1: General Provisions

Section 2: Process Control of Production and Trading

Section 3: Label, Product Description and Advertisement

Section 4: Special Foods

Chapter 5: Food Testing

Chapter 6: Food Import and Export

Chapter 7: Handling of Food Safety Incidents

Chapter 8: Regulatory Work

Chapter 9: Legal Liabilities

Chapter 10: Supplementary Provisions

Regulatory Institutions

1. CFDA : China Food and Drug Administration
2. NHFPC: National Health and Family Planning Commission
3. MOA: Ministry of Agriculture
4. AQSIQ: Administration of Quality Supervision, Inspection and Quarantine

Regulatory Power of CFDA & NHFPC

CFDA

oversights food production and trading activities

INCLUDING:

- 1.grant permission to food production and food circulating;
- 2.Establish and implement the food recall system
3. Implement regulation to Label, product description, advertisement
- 4.Implement regulation to health food.
- 5.Authorize power to food testing agency

SHARE POWER:

1. Develop and publish national food safety standards
2. Develop and enforce the national food safety risk surveillance plan (with AQCIQ)
3. Establish the catalogue of raw materials for health food and catalogue of permitted health claims made on health food

NHFPC

- 1.conducts food safety risk surveillance, risk assessment
- 2.Authorize permission to **new food materials**



Regulatory Power of AQSIQ

To regulate safety of food imports and exports,
including :

1. inspect of imported food and food additives.
2. issues risk alert or take control measures and make notification.

Article 95 In the event that a food safety incident **occurs overseas** and may impact China, or a major food safety problem is detected in imported food, food additive or food related products, AQSIQ shall issue a risk alert or take control measures in a timely manner and notify the CFDA, NHFPC, and MOA. The notified departments shall take actions immediately upon receipt of such notification.

3. Carry out assessment and inspection on foreign food safety situation.

Article 101 AQSIQ may carry out assessment and inspection on the **food safety management system** and food safety situation of the countries or regions that export food to China; based on the assessment and inspection results, **AQSIQ determines inspection and quarantine requirements.**

4. Collect food safety information

Article 100

AQSIQ shall collect and consolidate **the following safety information on imported and exported food** and notify it to relevant departments, institutions, and enterprises:

- 1) **The food safety information** from the imported and exported food inspection and quarantine implemented by the exit-entry inspection and quarantine agency;
- 2) **The import food safety information** reported by organizations such as food industry associations and consumer associations, *etc.* and consumers;
- 3) **The risk alert information** and other food safety information published by international food organizations and overseas government agencies, and the food safety information reported by organizations such as overseas industry associations and consumers;
- 4) **Other food safety information.**

AQSIQ shall carry out **credit management** for food importers, exporters, and export food producers; **establish credit records** and publish them to society pursuant to the law; AQSIQ tightens inspection and quarantine on importers, exporters, and export food producers that had bad credit record.

Regulation to Imported Food

Food Safety Standards:

1. Meet Chinese food safety standards;
2. Submit foreign or international safety standards;

Article 93

In the event of the importation of food **without** a national food safety standard in China, **the overseas exporter/producer, or its entrusted importers** shall submit the relevant executive national (regional) standard or international standard **to the NHFPC**. NHFPC shall **review** the relevant standard and may decide that the executive standard applies temporarily if it deems it can meet the food safety requirements and **develop** corresponding national food safety standards in a timely manner.

Filing to AQSIQ

Article 96

Overseas exporters or export agents that export food to China, and **importers** shall be **put on record** at the AQSIQ. **Overseas food producers** exporting food to China shall **get registered** at AQSIQ. The registered overseas food producers, if providing false material, or cause serious food incidents due to its own causes, will be removed from the registration list by AQSIQ, and the removal will be announced by public notice.

AQSIQ regularly publishes the lists of exporters, agents, importers, and overseas food producers who have been recorded or registered

Chinese labeling and instruction

Article 97

Imported pre-packaged food and food additive shall have **Chinese labels**. If instruction is required by laws or regulations, the **instruction in Chinese** shall be provided. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards; the instructions shall indicate county of origin, Chinese domestic agent's name, and contact information. Pre-packaged food without Chinese labels or instructions, or their labels or instructions do not comply with the Law shall not be imported.

Recording responsibility to importers

Article 98

Importers shall establish a food and food additive import and sale **record**; faithfully record information of food and food additives such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the exporter and buyer, and delivery date. The records and documents shall be kept **in compliance with provisions in Article 50.2 of the Law**.

Article 50.2

Food producers shall **establish a purchase inspection and recording system** for **food raw materials, food additives, and food related products**; they shall truly **record information such as** name, specification, quantity, production date or batch number, shelf life, purchase date of the purchased raw materials, food additives, and food related products, as well as name, address and contact information of the supplier. The records and documents shall be **kept at least till six months** after the product's shelf- life ends, or **at least two years** for products that do not have a definite shelf life.

Regulation to imported health food

- 1. Filing to CFDA:** non-first-time-imported health food:
first-time-imported nutritious substances
- 2. Register to CFDA:** first-time-imported health food
- 3. have permission to circulating in the exporting country**

Article 76 Health foods that use raw materials outside the catalogue of raw materials for health food or health food that is imported for the first time shall get registered with the CFDA; however, first time import of health foods that are **nutritious substances**, such as **vitamin supplements or mineral supplements**, shall be filed for record with the CFDA. Other health foods shall be filed for record with the food and drug regulatory department of the provincial government. The imported health food shall have obtained **sales permission** by the competent authority of the exporting country.

4. Information required by filing and register

Article 77

For health food that shall be registered pursuant to law, the applicant shall **submit such information** as R&D report, formula, production techniques, assessment of safety and health functions, label, and instructions, product sample and relevant supporting documents at the time of registration. The CFDA, after technical review, will register products that comply with safety and claimed health functions; products fail to meet such requirements will not be registered with explanation in writing. If a health food using raw materials outside the catalogue of raw materials for health food is registered, the raw material shall be included into the health food raw material catalogue in a timely manner.

For health food that shall be filed for record pursuant to law, the applicant shall **submit such information** as product formula, production techniques, label, introduction and materials indicating product safety and health function at the time of filing.

What's Nutrient Substances (supplements)

“**Nutritious supplements** are products which aim at supply vitamin supplements and mineral supplements but not energy. Its effect is to replenish the insufficient of diet, preventing from alimentary deficiency and reducing the risk of suffering chronic deceases.”

Defined by “**Rules of Application and Examination for Nutrient Supplements**” 2005, issued by CFDA , Article 2

Menu of Nutrient Supplements

THANK YOU!