**Explanatory Note for the Implementation of Decree No. 248 and Decree No.249 of the General Administration of Customs of People’s Republic of China (GACC)**

1. Issues concerning possible trade disruptions as from 1st January 2022
2. Need to further clarify what may happen to products / shipments from companies who have still NOT received an official registration by 1.1.2022 (be it under article 8 or under article 9)?

Reply comments: It is specified in Article 4 of Decree No.103 of GACC that for all shipments of food commodities being shipped to China from 1st January 2022 (shipment date), their overseas manufacturers shall fill in the Customs declaration form with the respective registration numbers in China in a standardized manner. The food shipped to China before 1st January 2022 shall be subject to the original regulations. For foods shipped after (including) 1st January 2022, of which their overseas manufacturers have failed to fill in the Customs declaration form with the correct information as required, they should do so in a standardized manner. For those who have not yet register in China as overseas manufacturers, they shall register as required. Otherwise, the Chinese Customs authority shall not accept their declaration forms.

1. Which solution does GACC offer to avoid trade disruption for those operators who did not manage to self-register and obtain their registration number by 1 January 2022 ( due to technical problems with the registration platform?

Reply comments: China Import Food Enterprise Registration System (CIFER) http://spj.customs.gov.cn/cifer/ has been put into operation since 1st November 2021. Till now, thousands of overseas manufacturers other than the 18 categories of products have successfully registered through this website and obtained their respective registration numbers in China.

1. How will GACC handle cases where a company filled a self-registration application before the end of 2021 but did not receive the approved Chinese registration number in time for products’ clearance, to ensure that trade does not get disrupted?

Reply comments: during the customs declaration process, whether an overseas manufacturer need to fill in the declaration form with the registration number in China depends on the shipment date of the product. Foods shipped prior to 1st January 2021 shall be subject to the original regulation, and will not be affected by the new rules. Decree No.248 of GACC was promulgated on 12th April 2021, and shall come into effect on 1st January 2022. Overseas manufacturers shall comply with the relevant provisions of Decree No. 248 of GACC to ensure that their food products to be shipped to China from 1st January 2022 (shipment date) are qualified for registration and obtain their respective registration numbers in China.

1. Need to further clarify what the 1.1.2022 deadline means for products shipped from EU as of 1.1.2022 and/or for products manufactured in EU as of 1.1.2022 in particular in terms of registration number to be indicated on label and/or customs declaration? ( Clarification of article 4 of GACC guidance published on 13 December).

Reply comments: It is specified in Article 4 of Decree No.103 of GACC that for all shipments of food commodities being shipped to China from 1st January 2022 (shipment date), their overseas manufacturers shall fill in the Customs declaration form with the respective registration numbers in China in a standardized manner. As it is also specified in Article 5 of Decree No.103 of GACC, either the registration number in China or the registration number assigned by the competent authority of the country (region) where the manufacturer is located should be marked on the internal and external packaging of the food that are produced as from 1st January 2022 and intended to be exported to China. The relevant packaging and labelling requirements of the Decree No.249 of GACC shall apply to foods commodities produced after 1st January 2022 which are intended to be exported to China. Foods that are intended to be exported to China but produced prior to 1st January 2022 are subject to the original regulations on packaging and labelling.

1. Can GACC confirm that the reference to decide whether a registration number needs to be added to the import declaration is the date of departure marked on the bill of lading & the customs declaration? Can GACC confirm that, if this date is before 1 January, registration is not mandatory?

Reply comments: as it is specified in Article 4 of Decree No.103 of GACC, for all shipments of food commodities being shipped to China from 1st January 2022 (shipment date), their overseas manufacturers shall fill in the Customs Declaration Form with respective registration numbers of the products in China in a standardized manner. During the Customs declaration process, overseas manufacturer shall truthfully fill in the declaration form in a standardized manner with the date of shipment (date of departure) of its food products exported to China. GACC shall determine according to the date of departure whether a certain shipment of food products is subject to the requirement for marking its registration number in China. If the date of departure of a certain shipment is prior to 1st January 2021, it is not subject to the new regulations mandating overseas manufacturers to fill in registration number in the Customs declaration form.

1. Given the likely demand on warehouse staff who could affix stickers in bonded warehouses, not all companies will be able to meet labeling requirements stemming from Decree 248 intime. Can GACC postpone the entry into force of the labelling requirements, so as to avoid disruptions in trade?

Reply comments: As it is also specified in Article 5 of Decree No.103 of GACC, either the registration number in China or the registration number approved by the competent authority of the country (region) where the manufacturer is located should be marked on the internal and external packaging of the food that are produced as from 1st January 2022 and intended to be exported to China. The relevant packaging and labelling requirements of the Decree No.249 of GACC shall apply to foods commodities produced after 1st January 2022 which are intended to be exported to China. Foods that are intended to be exported to China but produced prior to 1st January 2022 are subject to the original regulation on packaging and labelling.

1. Need to make sure any official guidance/interpretation from GACC at national level is transmitted/followed by all GACC offices at provincial/local level .

Reply comments: Chinese Customs authorities at all levels shall uniformly implement the new regulations of GACC.

1. Issues concerning the registration of overseas manufacturing entities
2. If a given facility is involved in the production of different products, can all product lines at this facility share the same registration application and registration number? Could GACC confirm that products with different HS codes can be covered by the same registration, if they have been produced at the same facility?

Reply comments: The registration number in China is associated with category of the overseas product, meaning that product of a different category should separately apply for a registration number in China. For example, if all the foods produced by a manufacturer belong to one category, they only need to apply once. Regarding the registration of manufacturing entities, applicants can log in the registration website to query the relevant HS Codes of commodities and their corresponding names/codes in the Customs’ commodity inspection and quarantine. Method of query: Home page – Menu – product category query.

1. Can GACC confirm that room-temperature warehouses used for product maturation/ageing do not need to register?

Reply comments: room-temperature transit warehouses that do not involve in any of the food processing, packaging or repackaging activities do not need to register. If the food products that are stored in such warehouses are clearly labelled with the manufacturer and processor’s information, such warehouses do not need to register.

1. Can GACC confirm that room-temperature warehouses where only labelling changes take place (but no manipulation of the product itself) do not need to register?

Reply comments: room-temperature transit warehouses that do not involve in any of the food processing, packaging or repackaging activities do not need to register. If such room-warehouse is only used to change product labels, and the new labels can be clearly marked to show the manufacturer and processor’s information, such room-warehouses do not need to register.

1. Which number should be indicated on packages when production involves a production center, a packaging site and one or more warehouses? Which registration number should appear on the import declaration?

Reply comments: Where multiple overseas enterprises have participated in the manufacturing and processing of the food exported to China, such food product can be labelled with either its registration number in China or the registration number of the last production entity, or packaging factory, or storage enterprise engaged in its production chain, which is held legally liable for the food exported to China. The registration number marked on the packaging should correlate to the registration information of the overseas manufacturer (either its registration number in China or its registration number assigned by the competent authority of the country/region) provided during the Customs declaration process.

1. Can GACC confirm that, if the applicant cannot find the HS code for its products in the list on the registration website, these products are not in scope of Decree 248 & the company does not need to register?

Reply comments: Products of which the HS codes cannot be queried in the registration website do not need to register. The HS codes of the product that are subject to registration will be adjusted from time to time according to risk assessment results conducted by GACC. GACC shall notify the relevant competent authorities of the countries (regions) and the overseas manufacturers by appropriate means when adjusting the HS codes of the corresponding products.

1. Can GACC confirm that all duty-free products (including off shore and outbound) are out of the scope of Decree 248 (including Hainan duty free)?

Replay comments: Currently, overseas manufacturers of foods imported for duty-free business are not subject to registration.

1. Issues concerning the registration of competent authority of the country (region) where the manufacturer is located
2. EU MS authorities are concerned about having NOT (yet) received feed-back from GACC on the EU MS notifications of companies’ lists that were sent by 32 October. When and how will EU MS receive an official feed-back from GACC (for instance will registration be confirmed/uploaded on CIFER)?

Reply comment: GACC shall update the status of application and notify the applicant via the CIFER website.

1. Need to confirm that NO action is required by 1.1.2022 for companies already registered today by GACC ( 4 product categories, meat, dairy, fishery, bird’s nest)

Reply comment: Meat, dairy, fishery and bird's nest products enterprises that have been registered with GACC do not need to apply for registration again.

1. On the GACC websites there are lists of registered dairy plants of meat establishments, but no validity date. Hence, how long will registrations be valid?

Reply comments: In terms of the validity period of registration of meat product enterprises, for meat product enterprises that have been registered in China before 1st August 2018, the registration would be valid until 1st August 2023; for those obtaining the registration status in China after 1st August 2018, the registration would be valid for 5 years from the actual date of approval. Specific validity period of the registration of meat product enterprises can be queried via the registration system.

Regarding the validity period of the registration of dairy product enterprises, currently, the validity period of registration of general dairy product enterprises has been set to at least until August 2023. The registered enterprises have sufficient time to apply for renewal of registration. Infant formula dairy product enterprises still need to apply for renewal of registration in accordance with the validity period of registration that has been announced.

1. Need to further clarify the role of EU Member State authorities regarding the registration of article 8 products (4+14 product categories)-for instance any need for EU authorities to create CIFER account for newly registered companies?

Specific example: some products, like lactose, need to be self-registered although they are dairy products according to EU law. Since the dairy establishments are already registered (one of the first 4 categories) China will register them in the new electronic system. Afterwards the national competent authorities will create accounts form them before the company can access their registration information and then carry out their self-registration (for the products falling outside the 4 categories). Some establishments already registered themselves without waiting for national authorities providing access. How will GACC deal with these cases?

Reply comment: Where an overseas enterprise has by itself applied and obtained a user account in the CIFER registration system, it may apply through the registration system to have its qualifications verified by the competent authority of the country (region) where it is located. After the self-application account is confirmed by the competent authority of the country (region), the enterprise may submit the application for registration of products that are within the 18 categories.

1. Issues concerning Article 9 of the Decree No.248 of GACC
2. Information to be submitted (both mandatory and optional)
3. Need to confirm in the IT system which information is mandatory ( or not ) for online self-registration Discrepancy between GACC written replies and what is requested in CIFER system (specific example: are photos mandatory or NOT, to complete self-registration under article 9?)

Reply comments: GACC has provided enterprise users with the User Manual in the registration system for the relevant parties to inquire, the item marked with \* in the registration system is a ‘mandatory item’. The information item requesting product photos, which is currently a mandatory item, will be modified as an optional item. But GACC suggests the applicants to upload product photos so as to assist GACC reviewers in determining whether the applicant is applying for the correct product category.

1. Companies in the EU must use water which complies with the EU Drinking Water Directive. Could GACC accept an official statement in lieu of the detailed information currently required regarding water treatment?

Reply comments: the quality of water used for food production and processing significantly affects the quality and safety of foods. Different overseas enterprises in different countries (regions) take different measures to control the water quality used for production. When GACC carries out evaluation and review, they need to know the water quality intended for the production of foods by overseas enterprises. Currently, the production and processing water information required to be submitted during the application process is not complicated and will not affect the enterprise’s overall application process.

1. Data confidentiality : Many operators continue to report technical issues and also serious breaches of confidentiality by the system: applicants had access to the account of their competitors when logging into the system. Could GACC look into these technical and confidentiality issues & resolve the problem as a matter of priority? Is there a contact point or help desk within GACC that companies can contact to report IT issues with the self-registration website?

Reply comments: We invite the European side to further provide a detailed description of the aforementioned data security and technical problems, for example, providing an accurate description of the problem about what specific system interface or what specific information item may be involved, and together with the corresponding screenshots. Otherwise, it would be difficult for GACC to optimize the system based on broad problems or concerns. Currently, GACC have not found any data security violations in the registration system. GACC shall guarantee the data security of the information submitted by overseas manufacturers in accordance with the relevant regulations, and would like to remind the overseas enterprises as well as the relevant authorities of the countries (regions) to change their user passwords as soon as they obtain their respective user accounts and system initial passwords via the registration website, and prevent information leakage. For questions about the registration system, you can call the hotline of China Customs: 12360 for feedback. The contact number of the Technical Department of the CIFER registration system is 86-10-86472006.

1. Issues concerning the functions of IT system
2. Can GACC share a list of CIQ code & corresponding product categories in English to allow manufacturers to identify the right on for their production easily? (That does not seem to be available on the English version of the registration website)

Reply comments: Currently, GACC is unable to provide an official English translation of the relevant HS Codes of commodities and their corresponding CIQ names/codes required during the Customs’ commodity inspection and quarantine (CIQ). GACC will consider providing the English version in future.

1. Can GACC modify the system so that it accepts different registration with the same identification number from the country of establishment, when the different entities registered all belong to the same company? At the moment, this is not possible and the online registration platform will reject any new registration attempt using the same national identification number.

Reply comments: GACC implements registration administration of overseas manufacturers based on the principle that one production site corresponds to one manufacturer. And different production entities of different locations shall apply for registration separately and should not use the same registration number assigned by the country (region) where the entities are located, because such registration number provides the basis for GACC to identify the overseas production entity. Where the overseas competent authority grant only one registration number to a Group that owns a number of different production entities, an individual entity under this Group can instead use its business license number, tax number or value-added tax number corresponding to the location of its production site as the identification number for its user account to register in the CIFER system.

1. (Question 3 and reply in the original document are the same as the question 2 and its reply.)
2. Can GACC provide guidance to applicants on how to calculate designed production & actual production?

Reply comments: Currently, the production capacity required to submit by overseas enterprises during the application process is annual output.

1. Could GACC develop a tool to allow applicants to retrieve their password?

Reply comments: The function of resetting user password will be available recently in the registration system.

1. How can companies update the registration information and add additional/different HS codes or photos, in case new products are exported to China from a facility that is already registered? At the moment, a completed and approved registration file cannot be amended. There also seems to be a limit of 20 products maximum which can be attached to a particular registration application.

Reply comments: If overseas enterprises need to change the submitted and registered information or add or delete HS codes of their products, they shall submit an application for ‘change of registration’ through the registration system. The function of ‘change of registration’ will be available recently in the registration system.

1. Will companies have the option to amend information provided as part of approved registration requests (other than the addition of new products)? This is currently impossible but would be much more practical than to have to submit a new registration application – especially for information which does affect product safety ( such as a change of legal representative).

Reply comments: If overseas enterprises need to change the submitted and registered information or add or delete HS codes of their products, they shall submit an application for ‘change of registration’ through the registration system. The function of ‘change of registration’ will be available recently in the registration system. It is specified in Article 19 of Decree No.248 that in cases of changing production site, legal representative, or registration number in the country (region) where the manufacturer is located, the overseas manufacturer shall re-apply for registration, and the original Chinese registration number will automatically become invalid. Before its new registration number is assigned, the manufacturer can still use its original registration number during the Customs declaration and clearance process. Upon approval, the manufacturer shall use the new registration number during the Customs declaration process.

1. Can GACC confirm that the registration number will not change when information such as the name or contact details of the legal representative or the list of products needs to be amended or updated? Companies will not be able to amend their labels every time information changes, for financial and practical reasons.

Reply comments: According to Article 19 of Decree No.248, GACC shall carry out a review and change the registration information if it deems such information meets the criteria for change of registration. But, in cases of changing production site, legal representative, or registration number in the country/region where the manufacturer is located, the overseas manufacturer shall re-apply for registration, and the original Chinese registration number will automatically become invalid.

1. Measuring liquids (i.e., drinks) in tonnes is not appropriate. Can alternatives such as hectoliters be used?

Reply comments: The registration system will be upgraded recently. By then the manufacturers of certain products can choose the appropriate unit of measurement according to their actual situation. In order to ensure that the overseas manufacturers can complete the registration prior to 1st January 2022, the manufacturers should fill in the blanks according to the current system setting (including unit of measurement), and modify the relevant information after the CIFER system is upgraded.

1. Issues concerning the labelling of products
2. Is the labelling of packaging restricted to primary and secondary packaging or must tertiary packaging such as pallets and shrink foil wrapping packaged foods to ensure stability during transport also bear the Chinese registration number?

Reply comments: The term ‘the inner and outer packaging of the foods’ referred to in Article 15 of Decree No.248 means both the shipping package and the package of each independently prepackaged food that can be sold independently. As for shipping package, the registration number needs to be marked on the shipping package. As for a selling unit including several independent prepackaged foods that can be sold independently, the registration number needs to be marked on the food label, which should be in compliance with the relevant provisions of <the National Food Safety Standard General Rules for the Labeling of Prepackaged Foods GB7718>. If the inner and outer packaging of the product has been marked with the registration number, the tray, shrink wrap foil or wrapping film that are attached to product need not be marked.

1. Can a number be stickered on the back label after entering China, and is this only possible if goods remain under customs control (e.g., in a bonded warehouse)? Will compliance with labelling requirements be part of the conditions that companies will need to meet to be able to clear customs? Can stickering be performed after custom clearance?

Reply comments: It is a mandatory requirement that registered manufacturers shall mark the Chinese registration number or the registration number approved by the competent authority of the country/region on the inner and outer packaging of the foods exported to China. Decree No.248 does not further stipulate the method of marking the registration number, an individual enterprise can choose the applicable method for marking, such as by printing, by sticker, by inkjet printing, etc., as long as it comply with the relevant provisions of <the National Food Safety Standard General Rules for the Labeling of Prepackaged Foods GB7718>.

1. Will simply adding a registration number to the packaging be sufficient without further text or explanation?

Reply comments: Decree No.248 of GACC does not further stipulate the method of marking the registration number, as long as the form of declaration complies with the relevant provisions of <the National Food Safety Standard General Rules for the Labeling of Prepackaged Foods GB7718>. However, it is recommended that the marking of registration number is accompanied with explanatory text, in order to avoid misleading or confusing consumers.

1. If more than one operator involved in the process is registered (e.g., manufacturer, cold storage), which registration number should be labelled?

Reply comments: when the food exported to China involves a number of overseas production entities, the manufacturer may choose to mark the registration number of the manufacturing entity or the last production entity, or packaging factory, or storage enterprise engaged in its production chain, which is held legally liable for the food exported to China. It should be emphasized that the registration number marked on the packaging should correlate to the registration information of the overseas manufacturer (either its registration number in China or its registration number assigned by the competent authority of the country (region)) provided during the Customs declaration process.