

China's Regulations on the Registration and Administration of Overseas Producers of Imported Food ("Decree 248")

Summary

China recently announced its *Regulations on the Registration and Administration of Overseas Producers of Imported Food* ("Decree 248") that, once effective on January 1, 2022, will require all overseas food manufacturers, processors, and storage facilities to be registered with the GACC to import product into China. The new requirements cover all food products except for food additives and "food-related products," which are defined by the Food Safety Law of China to include food packaging materials, detergents, disinfectants, and tools and equipment used in food manufacturing. Also notably, Decree 248 requires the registration number be provided on the inner and outer packaging of the foods exported to China.¹

The new facility registration requirements differ based on the specific types of food products manufactured. China currently requires facilities importing *meat and meat products, aquatic products, dairy products, bird's nest and bird's nest products* to be registered. GACC has clarified these registrations will remain valid. For establishments that are not currently subject to registration, GACC has established two separate categories: Group 1 that requires a recommendation from a competent authority (e.g., FDA) as a condition for the registration and Group 2 that can register as of November 1 without the recommendation from a competent authority.

- Group #1: The following 18 categories of food products must be recommended by the competent authority of the home country (e.g., FDA) as a condition of registration: (1) meat and meat products; (2) sausage casings; (3) aquatic products; (4) dairy products; (5) bird nests and bird nest products; (6) bee products; (7) eggs and egg products; (8) edible oils and fats, oilseeds; (9) stuffed wheaten products; (10) edible grains; (11) milled grain industry products and malt; (12) fresh and dehydrated vegetables and dried beans; (13) condiments; (14) nuts and seeds; (15) dried fruits; (16) unroasted coffee beans and cocoa beans; (17) foods for special dietary purposes; and (18) health foods.
- Group #2: Other foods not covered by the above 18 categories.

On November 19, 2021, GACC clarified the following items regarding Decree 248 verbally with U.S. Government officers.

- Products produced before January 1, 2022, will be allowed to enter China provided that the facility is registered.
- GACC's single window website will include Harmonized System (HS) codes that clarify which products are covered under Decree 248.
- An English version of the self-registration website is being tested by GACC.
 - "Fresh" fruit producers do not need to register or label registration numbers on packages.
- Only the final production facility of a manufactured food product needs to be registered.
 - Temperature controlled warehouses that handle products exported to China are required to be registered, but ambient temperature warehouses do not require registration.





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Food And Drug Administration Process

For GCCA members with U.S. based facilities, the FDA has announced that, beginning on December 6, 2021, U.S. establishments that currently produce or store FDA-regulated products for export to China that fall into the product categories 5-18 listed above may submit an application via the FDA's Export Listing Module (ELM), providing information for products they currently export to China to allow the FDA to facilitate registration of these establishments with China. Step-by-step instructions for using the ELM are available on the FDA's website. (<https://www.fda.gov/media/112092/download>)

To ensure that the FDA has the relevant establishment information before the end of the year, any U.S. establishment currently exporting food products in categories 5-18 to China should submit applications to the ELM by **December 17, 2021**.

Please note that the FDA process applies only to U.S. based facilities. Facilities in other countries that are exporting food to China are encouraged to check with their relevant food and agriculture agencies to determine the process for the respective country.

Helpful Resources

FDA Update: <https://www.fda.gov/food/cfsan-constituent-updates/fda-takes-steps-facilitate-export-food-under-chinas-new-facility-registration-requirements-decree>

USDA - Decree 248 HS Codes Published in GACC Single Window: <https://www.fas.usda.gov/data/china-decree-248-hs-codes-published-gacc-single-window>

USDA - Decree 248 Information Update:

<https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Decree%20248%20Information%20Update%20Beijing%20China%20-%20People%27s%20Republic%20of%2011-19-2021.pdf>

Singapore Government update: <https://www.sfa.gov.sg/docs/default-source/circulars/2021/sfa-circular-updates-on-gacc-decree-248-registration-20211005.pdf>

