

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Required Report - public distribution

Date: 2/3/2017 GAIN Report Number: CH16070

China - Peoples Republic of

Food and Agricultural Import Regulations and Standards -Certification

FAIRS Export Certificate Report

Approved By: Lisa Anderson

Prepared By: Jennifer Clever

Report Highlights:

This report lists major export certificates required by the Chinese government for imports of food and agricultural products. Major changes in 2016 include China's implementation of new registration requirements on grains and oilseeds (AQSIQ Decree 177) and live seafood (AQSIQ Decree 183). China also introduced registration requirements for infant formula recipes (CFDA Decree 26), health foods (CFDA Decree 22), and foods for special medical purposes (CFDA Decree 24). In addition, in 2016, China granted market access for California strawberries and U.S. sugar beet pulp.

Executive Summary & Disclaimer

In 2016, China continued issuing numerous new regulations, rules and measures to reflect the requirements introduced by the 2015 Food Safety Law. Implemented since October 2015, the Law and corresponding implementing rules impose new requirements on food and agricultural imports. Of note, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) implemented new registration requirements on grains and oilseeds (AQSIQ Decree 177); and live seafood (AQSIQ Decree 183). The China Food and Drug Administration (CFDA) introduced registration requirements for infant formula recipes (CFDA Decree 26). This is in addition to the registration process already in place for dairy and other products under AQSIQ Decree 145. CFDA also introduced registration requirements for health foods (CFDA Decree 22)¹ and foods for special medical purposes (FSMP) (CFDA Decree 24).

On October 19, 2016 the State Council's Legal Affairs Office (SCLAO) published the "Implementing Rules for the Food Safety Law (Revised Draft for Review)." The domestic comment period ended on November 19th, 2016. The Implementing Rules are expected to be promulgated in early 2017. It is expected that more regulations, rules, and measures will be issued to continue carrying out the provisions of the Law. For more details please see our latest China Food and Agriculture Import Regulations and Standards (FAIRS) report.

This report was prepared by the USDA/Foreign Agriculture Service Office of Agriculture Affairs Beijing for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate because policies have changed since its preparation, or clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

¹ For full Chinese text of the measures, please visit http://www.cfda.gov.cn/WS01/CL0053/145380.html.

FAIRS Export Certificate Report

Section I. List of All Export Certificates Required By Government (Matrix):

China has strict documentation requirements for the majority of imported food and agricultural products, including those relating to quality, quarantine, origin and import control. These can vary between products and product categories. Products may also have to meet other criteria such as packaging requirements, pre-clearance (if applicable), treatment options, labeling requirements, and container conditions.

An inconsistent record of sanitary and phytosanitary notifications to the WTO means some import measures are modified and implemented without prior notice. In addition, AQSIQ's provincial branches have occasionally jumped ahead of AQSIQ in implementing new measures at the port. Under this changing regulatory environment, it is vital for U.S. exporters to work closely with Chinese importers to ensure that documentation requirements are met before shipping. Failure to do so could result in delays in product entering the country or even a rejection at the border.

Export Certification Requirement Examples

The following provides a sample of products and certification requirements. Please note that sample copies of attestations are not available as they differ for each product and are subject to change.

Products	Title of Certificate	Attestation Required on Certificate	Purpose	Requesting Ministry
All Agricultural and Food Products	Quarantine Inspection Permit (QIP)	Information regarding the content, volume, and physical characteristics of the shipment	General Import Certificate	AQSIQ
	Dairy Products for Feed: APHIS Export Health Certificate	Certifies that the U.S. is free of animal diseases such as rinderpest, foot and mouth disease, and contagious bovine pleuropneumonia	Health Certificate AQSIQ	
Feed	Imported Feed and Feed Additive Registration License	Certifies safety of imported feed and feed additives and to protect animal production safety. Decree 1773 requirements begin on January 1, 2013	Animal Health	MOA
	Facility registration varies by product (Decree 118)	Certifies that the production facility meets phytosanitary requirements	Traceability	AQSIQ
Fishmeal and Fish Oil and other Aquatic Protein: DOC (NOAA Health Certificate		Certifies imported products come from registered establishments, meet veterinary sanitary requirements and are only for feed use	Animal health	AQSIQ

Table 1: Documentation Requirements

Products	Title of Certificate	Attestation Required on Certificate	Purpose	Requesting Ministry
	AMS Export Sanitary Certificate	Product has been pasteurized and conforms to sanitary requirements of country	Sanitary Certificate	AQSIQ
Dairy Products (Milk and Milk Products)	Facility registration (Decree 145)	Certifies that the production facility meets Chinese sanitary requirements	Traceability	AQSIQ/ CNCA
	Recipe registration Infant Formula (Decree 26)	Details pending, effective January 2018	Traceability	CFDA
	Live animal2: APHIS Export Health Certificate	Certifies animal health. (Note: Cattle cannot be exported to China due to BSE- related restrictions)	Animal Health	AQSIQ
	Live Swine3: APHIS Temporary Attestation for Live Swine Certificate for H1N1	Certifies live swine are free of H1N1	Animal Health	AQSIQ
Animal	Chilled and frozen animal products: FSIS Export Health Certificate4	Certifies quality and safety of products	Food Safety	AQSIQ
	Poultry: Automatic Registration Form5	Import permit supplied by the importer only	Traceability	MOFCOM
	Pork6: H1N1 Certificate	Certifies pork is free of H1N1	Animal Health	AQSIQ
	Pork: Ractopamine test report	Certifies pork is free of Ractopamine	Animal Health	AQSIQ

² On January 12, 2015, China has banned the importation of all poultry and pet birds from the entire United States.

³ Since August 1, 2014, China requires negative PCR test results for porcine epidemic diarrhea virus (PEDv) and porcine delta coronavirus (PDCoV) during quarantine

⁴ As of June 1, 2012, an electronic pre-notification of the certificate information must be submitted through e-TDE to AQSIQ. AQSIQ will then forward it to the local CIQ offices at the port of entry. Without the electronic pre-notification, AQSIQ/CIQ will not clear imported meat and poultry products even if goods have arrived at Chinese ports.

⁵ Effective January 9, 2015, all poultry products are ineligible for export to China.

⁶ Pork and pork products with FSIS export certificate issuance dates on or after July 1, 2014 must be derived from lots of hogs that are produced in accordance with either of the Agricultural Marketing Service's (AMS) Ractopamine control program's identified as the Never Fed Beta Agonist Program or a specifically developed, written Ractopamine-free program.

Products	Title of Certificate	Attestation Required on Certificate	Purpose	Requesting Ministry
	Certificate of origin	Certifies product origin	Animal Health	AQSIQ
Aquatic products	DOC (NOAA) Health Certificate	Certifies imported fishery products come from approved establishments, meet veterinary sanitary requirements and are fit for human consumption	Health Certificate	AQSIQ
(Live and Processed)	Facility registration processed products (Decree 145)	Certifies that the production facility meets requirements		AQSIQ/CNCA
	Facility registration Live products (Decree 183)	Certifies live aquatic animals (including edible and none-edible live aquatic animals) to China are from registered facilities ⁷ .	Traceability	AQSIQ
Fresh Fruits, Vegetables, forest	Phytosanitary Certificate	Varies by product. Certifies product is free of quarantine pests (Note: For apples, the shipment must also show proof that cold treatment was applied).	Plant Health	AQSIQ
Products, and Tree Nuts	Certificate of Origin	Varies by product. A State Chamber of Commerce or other official body certifies product originates from China-approved growing sites	Product Origin	AQSIQ
	APHIS Phytosanitary Certificate	Certifies product is free of quarantine pests	Plant Health	AQSIQ
Croine	BioSafety Certificate	Certifies that the product "contains registered GMOs." Proper labeling is also required for all biotech products	Plant Health	MOA/ AQSIQ
Grains	Agricultural biotech products: MOA import permission	Permits the importation of crops of agricultural biotechnology; each permission is	Import control	MOA/ AQSIQ
	Facility registration (AQSIQ Decree 177)	Certifies the grains shipped to China are from registered facilities ⁸	Traceability	AQSIQ
Cotton.	APHIS Phytosanitary Certificate	Certifies cotton free of quarantine pests	Plant Health	AQSIQ
Cotton	AMS Quality Classification	Certifies quality of cotton imports	Product Quality	AQSIQ
	APHIS Phystosanitary Certificate	Certifies wood and wood products are free from quarantine pests	Plant Health	AQSIQ
Wood products	Certificate of Origin	Certifies origin of wood and wood product imports	Product Origin	AQSIQ
	Certification of Fumigation	To certify that logs with bark are fumigated to prevent pests	Plant Health	AQSIQ

⁷ Currently, the relevant agencies of the United States government are consulting with AQSIQ. ⁸ Currently, the relevant agencies of the United States government are consulting with AQSIQ.

Products	Title of Certificate	Attestation Required on Certificate	Purpose	Requesting Ministry
Processed products	Certificate of Origin	Varies by product. State Chamber of Commerce or other official body certifies product originates from China-approved locations	Product Origin	AQSIQ
	APHIS Phytosanitary Certificate	Certifies products are free of quarantine pests	Plant Health	AQSIQ
	FGIS Grain Inspection Service	Certifies product quality	Product Quality	AQSIQ
Oilseeds	Agricultural biotech products: MOA Biosafety Import Certificate	Certifies that the product "contains registered GMOs." Proper labeling is also required for all biotech products	Plant Health	MOA/ AQSIQ
	Agricultural biotech products: MOA import permission	Permits the importation of crops of agricultural biotechnology; each permission is valid for one shipment	Import control	MOA/ AQSIQ
	Facility Registration (AQSIQ Decree 177)	Certifies the oilseeds shipped to China are from registered facilities	Traceability	AQSIQ
Vegetable oil	Crude oil: Phytosanitary Certificate	Health and Phytosanitary	Plant Health	AQSIQ
	Certificate of accreditation (by 3rd party or trader)	Certifies the product complies with quality requirements	Product quality	AQSIQ
Wine ⁹	Wine Export Certificate	The multiple-purpose certificate used for certificate of origin, certificate of health/sanitation, and certificate of authenticity/free sale	Product Declaration	AQSIQ/ Customs

Section II. Purpose of Specific Export Certificate (s)

Quarantine Inspection Permit (QIP)

To import any agricultural good into China, an importer must apply for a quarantine inspection permit (QIP) to cover that contract amount. The importer must supply documentation regarding the origin and volume of the shipment to AQSIQ with the QIP application. A QIP can technically cover multiple load/containers and is valid for six months.

Certificate of Origin

For some products, China requires a certificate of origin, which is a document issued by the relevant authority of the exporting country's government, local or state Chambers of Commerce, state government, industry association, or manufacturer/supplier. This certificate should accompany the export consignment of all food and agricultural products, including processed and packaged food. Close collaboration with importers is

⁹ As of March 1, 2014, TTB of the Department of Treasury adopted the "Wine Export Certificate" as the only official certificate for wine exports to China.

recommended to obtain the type of certificate of origin that will satisfy the local quarantine and customs authorities.

On December 31, 2015, the General Administration of Customs (GAC) and the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) issued the Public Notice [2015] No. 73¹⁰, announcing that starting from January 1, 2016, GAC and AQSIQ will share relevant electronic data of the certificate of origin.

Phytosanitary Certificates

This certificate is required to strengthen the administration of the examination and approval of animal and plant import quarantine and prevent infectious or parasitic animal diseases, insect pests and weeds dangerous to plants and other harmful organisms, from spreading into the country.

Section III. Specific Attestations Required on Export Certificate (s)

An original export certificate must accompany each export consignment at the time of entry into China. The certificate and attestation information must match the container numbers in the shipment. Export declarations provided by suppliers or manufacturers and State-issued phytosanitary certificates are not acceptable. However, China will accept State-issued certificates of origin or certificate of free sale (see Section IV).

Section IV. Government Certificate's Legal Entry Requirements

Apart from quarantine regulations, product imports may also have to meet other requirements, details of which are contained in the latest China Food and Agriculture Import Regulations and Standards (FAIRS) report.

Section V. Other Certification/Accreditation Requirements

1. Registration Requirements

As stated above, China has launched a number of registration schemes for a variety of consumer oriented products and bulk commodities. Foreign facilities seeking to export these products must ensure they are in compliance with registration requirements. For more detailed information regarding registration requirements please see latest China FAIRS report.

(a) Registration of Overseas Food Manufacturing Facilities (<u>AQSIQ Decree 145</u>): Currently applied to meat, processed seafood, dairy, infant formula, and cabilose (bird nest)

Since May 2012, AQSIQ published Administrative Measures for the Registration of Overseas Manufacturers of Imported Food, known as Decree 145. The Measures states that foreign food production facilities that export products to China must be registered with the Certification and Accreditation Administration (CNCA). On November 26, 2015, AQSIQ released the latest Implementation Catalogue for Registration of Overseas Manufacturers of Imported Food, which requests the registration for meat, seafood, dairy, infant formula, and cabilose (bird nest) production facilities.

U.S. meat production facilities under the jurisdiction of FSIS are exempt from registration. However, U.S. processed meat facilities are not exempt from registration. FSIS is working with AQSIQ to determine how U.S.

¹⁰ For full text of the Public Notice [2015] No.73 in Chinese please visit:

http://www.aqsiq.gov.cn/xxgk_13386/jlgg_12538/lhgg/201601/U020160105577392091595.pdf

processed meat facilities will meet the CNCA registration requirements. It must be noted that registration requirements vary by commodity.

The registration lists are accessible at: http://www.cnca.gov.cn/ywzl/gjgnhz/jkzl/, the lists are updated by CNCA on a regular basis depending on the commodity.

AQSIQ has indicated that wine facilities will also be subject to Decree 145 registration requirements. As of this report, no details have been announced. Until registration requirements are implemented for a particular processed food commodity, no additional registration requirements are required to export a manufactured food product to China.

(b) Registration Requirements for Grain and Oilseeds (AQSIQ Decree 177)

In February 2016, AQSIQ released the Administrative Measures of Inspection and Quarantine for Entry and Exit Grain (AQSIQ Decree 177), which includes burdensome registration requirements for overseas production, processing, and warehousing enterprises. Decree 177 was implemented on July 1, 2016.

(c) Registration Requirements for Feed and Feed Additives (AQSIQ Decree 118)

AQSIQ Decree 118 requires that China only imports feed and feed additives from foreign facilities that are registered with AQSIQ. To get registered, a facility must comply with the domestic laws, regulations and standards, which must have the equivalent effect as the Chinese regulations and standards. The qualified companies will be recommended by the exporting government to the AQSIQ for registration. The Decree 118 also sets requirements on record filing for Chinese importers, package labeling, and Chinese feed exports.

The FAS GAIN report CH15062 on the Roadmap to China Challenging New Feed Regulatory System is a comprehensive introduction of the feed regulatory system in China.

(d) Registration Requirements for Infant Formula Recipes (CFDA Decree 26)

The Measures announced in June 2016 outline requirements and procedures for the registration of infant formula recipes. The measures also elaborate requirements for labeling and product descriptions. The Measures were implemented on October 1, 2016, but CFDA has granted a grace period of 15 months, i.e. the measures will be enforced on January 1, 2018. For more details on Decree 26 please see Infant Formula Section in the latest China FAIRS report.

(e) Registration Requirements for Foods for Special Medical Purposes (CFDA Decree 24)

In March 2016, CFDA published the Measures to regulate registration of FSMP produced and distributed in China, or imported into China. The Measures were implemented on July 1, 2016, but CFDA has granted a grace period of 18 months, i.e. the measures will be enforced on January 1, 2018. For more details on the registration requirements please see the Special Foods section in the latest China FAIRS report.

(f) Registration and Record Filing Requirements for Health Food (CFDA Decree 22)¹¹

In February 2016, CFDA published the Measures to regulate registration and record filing of health foods that are produced and distributed in China, or imported into China. The Measures were implemented on July 1, 2016.

¹¹ For full Chinese text of the measures, please visit http://www.cfda.gov.cn/WS01/CL0053/145380.html.

The CFDA Decree 22 replaces the "Administrative Measures for Registration of Health Foods" issued by the former State Food and Drug Administration, SFDA in 2005.

2. Record Filing for Foreign Exporters/Agents of Food Products and Consignee of Imported Food Products to China (2015 Update to AQSIQ Public Notice [2012] No. 55)

In 2012, AQSIQ launched the system for record filing for foreign exporters/agents of food products and consignee of imported food products to China. Since October 1, 2012, exporters and the consignees of certain food categories file their information at http://ire.eciq.cn in order to get their shipments released at customs. In 2015, AQSIQ conducted an electronic upgrade to the system, but information requirements and product coverage remain the same as in 2012. The GAIN report CH 12057 answers questions about the record filing system.

3. AQSIQ Notice Soliciting Comments on the "Administrative Measures for Importers' Review and Inspection on Overseas Establishments that Export Food Products to China"

The 2015 Food Safety Law requires that importers review relevant documents by their foreign suppliers (exporters and producers). Chinese food importers of infant formula products, food for special medical uses, health food, meat, fresh and frozen seafood for direct consumption, rice, and bulk vegetable oil are required to conduct on-site inspection of their overseas exporters and producers. The importers must properly keep the review/inspection records; otherwise, they are subject to punitive measures. Along with a catalogue of products, the draft measures also include a "Guidance for Food Safety Risk Control and Protection Plan of Food Exports to China (Trial)."

According to the "Key Tasks regarding Food Safety Work in 2016" released by the State Council (China's Cabinet) in April 2016, CFDA and AQSIQ will launch the regulations that require food importers to review their foreign suppliers. However, as of this report, the status of the proposed draft is still pending.

4. Biosafety Certificate for Importation of Agricultural Biotech Products for Processing and Import Permission

For the importation of agricultural biotech products as processing materials, MOA Decree 9 states that a foreign seed developer must apply for an agricultural biosafety certificate from the MOA. The regulations require applicants to provide a variety of materials and certification that the exporting country has allowed the use and sale of the product in its domestic market, and that it has undergone tests showing no harm to animals, plants, or the environment.

Only after an agricultural biotech event obtains the MOA's biosafety certificate, the importer could apply for the import permission for shipments of the ag biotech crops from the MOA. Each import permission covers one shipment of imports, and is valid for six months.

5. Agriculture Biotech Product Labeling Policy

China's labeling regulations, governed by Ministry of Agriculture Decree 10 (GAIN report CH7053, 6/22/2007), are "to strengthen the administration of GMO labeling, standardize the selling activities of agricultural GMOs, guide the production and consumption of GMOs and protect consumers' right to be informed." The regulations spell out the type of labeling required as well as the specific language that is required on the individual labels. The types of products listed are:

1. Soybean seed, soybeans, soybean powder, soybean oil and soybean meal;

- 2. Corn seeds, corn, corn oil and corn powder;
- 3. Rapeseed for planting, rapeseed, rape oil and rape meal;
- 4. Cotton seed;
- 5. Tomato seed, fresh tomato and tomato paste.

6. Automatic Registration Form (ARF) on Poultry

In addition to the AQSIQ regulated MQIP, the Chinese Ministry of Commerce (MOFCOM) administers a separate import permit system for poultry, the Automatic Registration Form (ARF), which allocates a specific volume to eligible importers. According to MOFCOM, there is no predetermined trade volume limiting the issuance of ARFs; virtually all traders who apply for an ARF receive one. Please refer to GAIN report CH7043 (6/13/2007) for more information.

7. Automatic import license for corn and substitutes

Imports of corn and substitutes subject to "automatic import license"

According to a joint notice by the Ministry of Commerce (MOFCOM) and the State Administration of Customs Public Notice [2015] No.34, barley, cassava, distillers' grains (DDGS), and sorghum will be included into the "Catalogue of Goods Subject to Automatic Import License Administration" (AIL), starting from September 1, 2015.

Commodity	HS Code	Note	Unit
Barley	10031000	Seed	kg
	10039000	Other	kg
Sorghum	10071000	Seed	Kg
	10079000	Other	Kg
Cassava	07141010	Fresh	Kg
	07141020	Dried	Kg
	07141030	Chilled or frozen	Kg
DDGs	2303300010	-	kg

Catalogue of Goods Subject to Automatic Import License Administration

According to MOFCOM, currently, imports of soybeans, rapeseed, vegetable oils and soybean meal are subject to AIL. As of this report, Post has not heard any complaints related to the AIL procedures for imports of these commodities. However, the surge in Chinese imports of corn and its substitutes over the last two years triggered a debate among stakeholders as to actual purpose for the implementation of AIL to these specific commodities. Hence, imports of these commodities could be impacted or slowed in the short-term due to this policy uncertainty.

8. H1N1 Certification for Pork

China halted pork imports from all H1N1-infected countries in May 2009. In May 2010, AQSIQ lifted its A-H1N1 ban, but all pork imports from the U.S. must have H1N1 certification and pack dates on or after March 24, 2010.

9. H1N1 Certification for Live Swine

Effective March 2011, U.S. exports of live swine to China must be accompanied by an APHIS temporary attestation certifying that the live swine is free from H1N1.

10. Ractopamine-Free Certificate for Pork

Effective March 1, 2013, U.S. exports of pork to China are required to provide a "Ractopamine-Free" certificate.

11. Organic Certification

Organic field crops, livestock, aquaculture, wild plants, honey, fungus, processed foods, fertilizers, and pesticides products sold in China may qualify for organic certification. For certification, producers must pay the expenses associated with a Chinese certifier in-country inspection as well as the certification fee. The certificate is valid for one year. Renewal of the certification requires a follow-up in-country visit from Chinese inspectors. For more information, please refer to GAIN <u>Organics report</u> CH10046 (10/26/2010).

12. New Certification Regulations on Domestic Organic Products

China's Certification and Accreditation Administration (CNCA) released its new certification rules for domestic organic products. These rules became effective on March 1, 2012. For details on the new regulations, please refer to GAIN report CH12025 (3/16/2012).

Table 2. AQSIQ list for Countries and Product Categories that are permitted to be imported into China: United States

Country/ Region	Product	Status
	Dairy feed product	Approved. Complete facility registration gradually
	Pet food	<u>Approved imports from the registered facility</u> (list)
	Non-ruminant feed ingredients & fat	<u>Approved imports from the registered facility</u> (list)
United States	Processed aquatic animal protein (fat)	<u>Approved imports from the registered facility</u> (<u>list</u>)
United States	Brine shrimp eggs and larva	Approved. Complete facility registration gradually
	DDGS (Dried Distillers Grains)	Approved. Complete facility registration gradually
	Forage alfalfa	<u>Approved imports from the registered facility</u> (<u>list</u>)
	Rice bran	<u>Approved imports from the registered facility</u> (<u>list</u>)
	Sugar Beet Pulp	<u>Approved imports from the registered facility</u> (<u>list</u>)

Feed and Feed Additives

Source: <u>AQSIQ website</u>, updated on December 26, 2016

Fruit

Country/Region	Product

United States	Prunus salicina, Prunus domestica; Plum. California	
	Prunus avium; Cherry. Washington State, Oregon, California, Idaho.	
	Vitis vinifera; Grape. California.	
	Malus domestica; Apple.	
	Citrus. California, Florida, Arizona, Texas.	
	Pyrus communis; Pear. California, Washington State, Oregon.	
	Fragaria ananassa; Strawberry. California.	

Source: AQSIQ website, updated in September 2016.

Grains

Country/Region	Product
	Wheat
	Corn
United States	Soybean
	Grains for feed use and beans (pea, sorghum), please refer to the "Catalogue of Plant-derived Foods that Needs Risk Analysis When It Is Imported for the First Time as Well as Countries or Regions that Have Had Such Export Trade to China"

Source: AQSIQ website, updated in March 2016.

Appendix I:

The List of Foods that Comply with Assessment/Review Requirements and Already Have Trade (in Chinese) can be found at <u>http://pub.fsciq.cn/approval/SitePages/Home.aspx</u>. The List contains several sub-categories, including meat, aquatic products, dairy products, cabilose (bird nest), Chinese herb medicine, casing, plant-origin foods, and bee products.