



Department  
for Environment  
Food & Rural Affairs

# Food Safety Law of the PRC

## Updates on new Chinese requirements on Food Products

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**Contents**

Overview.....1

Q&A.....2,3

## Overview

In 2015 China introduced a new Food Safety Act which set out a framework to help them strengthen controls on food safety. China is now in the process of gradually bringing forward implementing measures to put the Act into practice.

In recent years the level of food imports into China has grown rapidly and this has included new products not seen in the Chinese market before. This increase has made control over food safety more challenging for the Chinese Government, and for this reason the implementing measures both strengthen and create new requirements both for domestic producers and companies exporting products to China.

The UK has engaged with Chinese authorities throughout the consultation phase, both bilaterally and as part of the European Union. The UK Government has emphasised that we adhere to strong food safety standards, but that any new requirements should be proportionate, aligned with international standards and not unnecessarily burdensome on exporters. The consultation process is ongoing and the final outcome is uncertain, but the pace of change means that we must be prepared for swift implementation.

Although detailed guidance has not yet been issued for all requirements and these may be subject to amendment in the ongoing consultation process, key changes include the following:

- i) The introduction of new harmonised Export Health Certification requirements for ambient products that have not required this to date. These requirements would come into force on 1 October 2017.
- ii) A strengthening of the requirements for Chinese labelling on foreign products.
- iii) Stronger controls over imports of infant formula including on labelling and the number of brands that can be exported
- iv) Stronger controls over other categories considered high risk, such as 'health' or nutritional foods

Defra will collaborate with CBBC, FDF, FDEA and other trade representative bodies to disseminate information about these new requirements as soon as they are made available and support industry in ensuring ongoing compliance. Further information notes will be issued as detailed implementation guidelines are published. CBBC are also running a series of seminars and webinars to raise awareness of new requirements and help companies with any compliance questions or issues.

Companies are strongly advised to work closely with their importers and take any measures required to ensure ongoing compliance in advance of new regulations coming in to force. Exporters have a responsibility to ensure that all consignments meet requirements.

# Q&A

## EHCs

### **Will my products need an Export Health Certificate?**

As of October 2017 the current intention of the Chinese Government is that all food and drink product exports to China will need to be accompanied by an EHC. At present an EHC is needed for fresh products such as meat, fish, eggs, and dairy, the Chinese government will extend the requirement to other 'ambient' products such as alcohol, snack food and other room temperature and packaged goods.

### **I am a meat/fish/eggs/dairy exporter. Will the new Export Health Certificate replace the existing certificate currently being used?**

Our current understanding is that existing EHCs will be unaffected and will not need to change.

I am trading online through cross border trade; how will the new regulations affect me?

The new Food Safety measures affect all trade, including on cross border ecommerce. However we are expecting further more detailed rules to emerge relating to cross border ecommerce trade.

### **When does the new regulation come into force?**

The requirements for harmonised export health certification come into force on 01 October 2017.

### **Who will issue the Export Health Certificate?**

Defra is carrying out an option analysis on the agency best placed to issue these certificates. The process will be confirmed and communicated to industry with a sufficient lead in period before the requirement comes into force.

### **Is it required for every shipment?**

The UK along with a number of other countries are continuing to press for clarity and flexibility in relation to the new rules.

### **What is the situation for multiple category shipments?**

The current proposals would require an EHC for each separate category but it is one of the areas on which we are seeking additional flexibility.

## Labelling

**I have heard that labelling regulations may be changed? / My distributor has told me that I can no longer use white over-labels. Is this correct? Is there an update on this? How much notice will we receive of any potential changes?**

China's Food Safety Act does include new labelling requirements and references to compliance. However the latest iteration of the implementation guidance published in October 2016 seems to have removed the specific requirement for integrated Chinese labelling. We are seeking clarification and will update as soon as this is available.

**I have heard that my distributor may need to conduct an audit of our facilities? Is this correct? How can I arrange to be audited?**

The Food Safety Law does make reference to Chinese importers taking responsibility for establishing an audit system for its overseas manufacturers and exporters. However, it doesn't specify what the audit system should be like and whether an on-site audit by the importer is needed, showing some flexibility. We are seeking confirmation from Chinese authorities that existing auditing arrangements will suffice to provide importers with the assurance they require in meeting their responsibilities.