

Voluntary Report – Voluntary - Public Distribution

Date: July 28, 2022

Report Number: CH2022-0085

Report Name: PRC Updates Control Measures for Imported Cold Chain Foods and Non-Cold Chain Goods

Country: China - People's Republic of

Post: Beijing

Report Category: Sanitary/Phytosanitary/Food Safety, WTO Notifications

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Report Highlights:

On July 8, the General Administration of Customs China (GACC) issued “Announcement No. 58 of 2022,” repealing “Announcement No. 103 of 2020,” which established emergency COVID-19 control measures on imported cold-chain foods. On July 11, GACC issued an “Interpretation” of Announcement No. 58, providing additional guidance. Also on July 8, the National Health Commission (NHC) issued a Notice revising COVID-19 prevention and control measures on imported non-cold chain goods. Both the GACC announcement and NHC notice emphasize that sampling and testing of imported cold chain foods will continue and that overseas food manufacturers may still be subject to suspension of imports, revocation of registration, or required to take corrective actions, including those associated with COVID-19, under other GACC measures.

Summary

GACC Announcement No. 58 and Interpretation

On July 8, GACC issued “[Announcement No.58 of 2022 \(Announcement on Further Optimizing and Improving the Epidemic Prevention and Control Measures of Imported Cold Chain Food at Ports\)](#),” (see Attachment 1) repealing GACC “[Announcement No.103 of 2020 \(Announcement on the Implementation of Emergency Preventative Measures for Foreign Manufacturers of Imported Cold-Chain Foods with Novel Coronavirus Nucleic Acid Positive Results\)](#),” which established emergency COVID-19 control measures on imported cold-chain foods. The emergency measures, which were notified to the WTO under [SPS/CHN/1173](#), provided the basis for COVID-19 testing of imported foods and packaging and one to four-week suspensions of overseas facilities with positive findings.

Announcement No. 58 repeals the suspension process established under Announcement No.103, stating that overseas food producers, whose products have tested positive for COVID-19, will no longer be suspended for acceptance of the product import declarations for one to four weeks as required under the emergency measures. However, Announcement 58 states that overseas food manufacturers may still be subject to suspension of imports, revocation of registration, or required to take corrective actions, including those associated with COVID-19, under other GACC measures. The [GACC Interpretation of Announcement No. 58](#) (see Attachment 2) specifically cites [Decree 249](#) (Article 35) and [Decree 248](#) (Articles 23 and 24) as the legal basis for risk assessment and control measures on imported foods as well as suspensions of imports, revocation of registration, and required corrective actions. The GACC interpretation of Announcement 58 also emphasizes that sampling and testing of imported cold chain foods will continue and that technical guidance on disinfection and handling of imported cold chain foods remains in effect.

The interpretation of Announcement No. 58 also cites the Food and Agriculture Organization of the United Nations’ (FAO) August 2021 guidance entitled “[COVID-19: Guidance for Prevention Transmission of COVID-19 within Food Businesses](#)” as justification for the PRC’s measures on imported cold chain food; yet the FAO guidance clearly states that “Current data indicates that neither food nor food packaging is a pathway for the spread of viruses causing respiratory illnesses, including SARS-CoV-2.”

FAS China Comment on Announcement No. 58: While Announcement No. 58 and GACC’s interpretation document clearly provide for the repeal of emergency measures adopted under Announcement No. 103, it remains to be seen how GACC will enforce future positive findings of COVID-19 on imported cold chain foods and their packaging. Announcement No. 58 does not alter the PRC’s sampling and testing regime or protocols for handling and disinfecting imported cold chain foods; nor does it remove the threat to overseas food manufacturers of suspension, revocation of registration, or requirement to undertake corrective actions based on non-transparent, non-science-based prevention control measures. FAS China will continue to monitor the PRC’s evolving policies on imported cold chain foods and report developments in future GAIN reports.

NHC Notice on Non-Cold Chain Goods

On July 8, the NHC issued a “[Notice on Further Optimizing the Prevention and Control of the New Coronavirus Epidemic in Imported Goods](#)” (see Attachment 3). The Notice categorizes non-cold chain goods as “high risk” and “low risk.” According to the notice, low risk goods are not required to undergo coronavirus nucleic acid testing or preventive disinfection, while high risk goods are no longer required to undergo coronavirus nucleic acid testing but still required to undergo preventive disinfection. The Notice does not provide principles for determining “high risk”; however, it does state that if one of the following conditions is met, goods will be judged as “low risk.”

- Imported non-cold chain items from countries (regions) with low risk of COVID-19;
- All bulk cargoes, including imported non-cold chain items such as coal, ore, chemical raw materials, grain, feed, forage, logs, etc.;
- Aircraft, ships, trains, and automobiles carrying imported non-cold-chain goods more than 24 hours after leaving the port of shipment;
- Imported non-cold chain items that do not come into contact with loading and unloading personnel during loading and unloading;
- Imported non-cold chain items that have implemented preventive disinfection.

Attachment 1

BEGIN UNOFFICIAL TRANSLATION

Announcement No. 58 [2022] of the General Administration of Customs (Announcement on Further Optimizing and Improving the Epidemic Prevention and Control Measures of Imported Cold Chain Food at Ports)

In order to scientifically and accurately implement the prevention and control of the new corona pneumonia epidemic at ports of imported cold chain food (including edible agricultural products, the same as below), consolidate the results of epidemic prevention and control, and ensure the safety of the industrial supply chain, the General Administration of Customs has decided to further optimize and improve imported cold chain food epidemic prevention and control measures at ports. The relevant matters are hereby announced as follows:

1. The customs conducts new coronavirus nucleic acid monitoring and testing on imported cold chain food. Based on the test results, customs inspects and investigates the pollution prevention measures of the exporting country (region) according to law and confirms whether the safety management system and safety status of the exporting country (region) continue to comply with China's Import requirements. For overseas food manufacturers with problems, take measures such as rectification within a time limit, suspension of imports, and revocation of registration in accordance with relevant laws and regulations.
2. Imported cold-chain foods that are detected positive for the nucleic acid of the new coronavirus, shall be handled by different grade and classification according to the relevant provisions of the guidelines issued by the Joint Prevention and Control Mechanism of the State Council.

This announcement will be implemented from the date of issuance, and the General Administration of Customs Announcement No. 103 [2020] will be repealed at the same time.

Special announcement.

GACC

July 8

Link to Announcement (in Chinese):

<http://www.customs.gov.cn/customs/302249/2480148/4460445/index.html>

END UNOFFICIAL TRANSLATION

Attachment 2

BEGIN UNOFFICIAL TRANSLATION

Interpretation of Announcement on Further Optimizing and Improving the Epidemic Prevention and Control Measures for Imported Cold Chain Food at the Ports by the General Administration of Customs

The following contents include what should we know about the Announcement No. 58 [2022] of the General Administration of Customs (GACC).

Background Information

Since the outbreak of COVID-19, the Customs has strictly implemented the arrangements of the Central Committee of the Communist Party and the State Council and conducted epidemic prevention and control for the imported cold chain food (including edible agricultural products, the same as below). To strictly prevent the risk of transmission of the coronavirus through cold chain food from abroad, the Customs has strengthened the source control, promoted exporters to take main responsibilities for epidemic prevention and control, developed the risk monitoring plan for the ports, took a certain percentage of samples of the imported cold chain food, its internal and external packaging, and the environment for nucleic acid testing, and supported and cooperated with local and relevant departments to properly handle follow-up handling measures.

On July 8 of 2022, the State Council's Comprehensive Team of the Joint Prevention and Control Mechanism for Response to COVID-19 issued the "Notice on Further Optimizing the Prevention and Control of COVID-19 for Imported Goods", which clarified that relevant overseas food production enterprises will not be suspended for import declarations as emergency preventive measures. The Notice required the Customs to continue strengthening the source control, which focus on the sampling testing as an important means to monitor the effect for source contamination prevention, and the test results used as the basis for adjusting source control measures.

Accordingly, GACC has repealed Announcement No. 103 of 2020 to optimize and improve relevant work measures.

The optimization and improvement of the measures of the Customs do not affect the implementation of the current effective epidemic prevention and control measures of the State Council and the local Joint Prevention and Control Mechanisms. Especially, the relevant provisions on testing and disinfection in the "Notice on Printing and Distributing the Work Plan for Preventive Comprehensive Disinfection of Imported Cold Chain Food" (Zongfa [2020] No. 255 of the Joint Prevention and Control Mechanism) should be strictly implemented in accordance with the Plan.

Objectives

According to the relevant work arrangements of the State Council, in order to scientifically and precisely conduct good prevention and control of COVID-19 epidemic for the imported cold chain food at the ports, consolidate the results of epidemic prevention and control, and ensure the safety of the industrial chain and supply chain, the customs-related work is being optimized and improved.

Main Contents

1. Monitoring and Testing

Original Text: The customs will conduct coronavirus monitoring and nucleic acid tests to imported cold chain food.

According to the "Notice on Printing and Distributing the Work Plan for Preventive Comprehensive Disinfection of Imported Cold Chain Food" (Zongfa [2020] No. 255 of the Joint Prevention and Control Mechanism) issued by the State Council's Comprehensive Team of the Joint Prevention and Control Mechanism for Response to the COVID-19, the customs is responsible for conducting monitoring and testing of the imported cold chain food for coronavirus according to regulations, organize and guide importers and operators of customs supervision sites to carry out preventive disinfection of selected goods at ports; local governments and relevant departments shall follow relevant regulations of the State Council's joint prevention and control mechanism to organize monitoring and testing, preventive disinfection and other related work in the following processes. The monitoring and testing work in this announcement shall still be carried out in accordance with the provisions of the Notice.

2. Prevention of Contamination

Original Text: According to the test results, inspection and investigation on the preventive measures for contamination of the exporting country (region) will be conducted in accordance with the laws, and whether the safety management system and safety status of the exporting country (region) continue to meet China's import requirements will be determined. For the overseas food producers that have problems, measures such as rectification within a time limit, suspension of imports, and cancellation of registration will be taken according to relevant laws and regulations.

On August 2 of 2021, the Food and Agriculture Organization of the United Nations (FAO) issued "COVID-19: Guidance for Preventing Transmission of COVID-19 within Food Businesses", pointing out that the food industry and food industry regulatory authorities should provide a safe working environment, promote the implementation of personal hygiene measures and provide training in food sanitation principles to protect all food industry workers from human-to-human transmission of the virus.

According to Paragraph 2 of Article 35 of the Administrative Measures on Import and Export Food Safety (Decree 249 of GACC), "Food imports are contaminated by quarantined infectious

pathogens, or there is evidence proving that (the food) could become a vector of quarantined infectious diseases, and there is no effective sanitation treatment to be taken”, the General Administration of Customs may, based on the risk assessment results, take control measures on relevant foods, such as suspending or prohibiting imports.

According to Article 23, as well as Paragraph 6 of Articles 24 of the "Regulations on the Registration and Administration of Overseas Producers of Imported Food" (Decree 248 of GACC), "Finding a registered facility no longer conforms with the registration requirements, GACCC shall instruct the facility to make rectification measures within a given time period and shall suspend imports from the producer during the rectification period”, and if “(the producer) refuse to cooperate with GACC in reviews and incident investigations, GACC shall revoke its registration and issue a public announcement thereof.

With the increased coronavirus epidemics overseas, GACC has continuously strengthened the source control, strengthened communication and consultation with the competent authorities of the exporting countries (regions) by raising the level of talks and increasing the frequency of the meetings, and increased remote video inspections of overseas food facilities, and took measures to the enterprises with problems such as rectification within a time limit and suspension of their imports. During the first six months of 2022, a total of 208 video conferences were held with the competent authorities of countries (regions) exporting cold chain food to China, 182 overseas producers of imported cold chain food were inspected remotely via video, and 60 enterprises with problems have been suspended for imports in order to prevent the risk of importation of goods that may be contaminated.

3. Handling Measures based on Classification and Categorization

Original Text: The imported cold-chain food that is tested positive for coronavirus shall be classified and handled in accordance with the relevant provisions of the guidance issued by the Joint Prevention and Control Mechanism of the State Council.

In accordance with the provisions of the technical guideline for the classification and disposal of cold chain food for the prevention and control of COVID-19 issued by the State Council's Comprehensive Team of the Joint Prevention and Control Mechanism for Response to the COVID-19, the samples that have positive results for the coronavirus nucleic acid tests should be classified and categorized for handling measures. The Customs will promptly notify the local joint prevention and control mechanism of the positive cargo information and testing information and cooperate with local authorities on the follow-up handling and clearance.

4. Implementation Requirements

Original text: This Announcement will be implemented from the date of issuance, and the General Administration of Customs Announcement No. 103 [2020] will be repealed at the same time.

"Announcement of the General Administration of Customs on Implementing Emergency Preventive Measures for Overseas Producers of Imported Cold Chain Food that were Detected Positive for Coronavirus", it is now stipulates that overseas food producers who have tested positive will no longer be suspended for acceptance of the product import declarations for one to four weeks as the emergency preventive measures.

Notes:

(1) The State Council's Comprehensive Team of the Joint Prevention and Control Mechanism for Response to the COVID-19 issued the "Technical Guidance for the Prevention and Control of COVID-19 in Cold Chain Food Production and Operation (Second Edition)" and "Disinfection Technology Guidance for Prevention and Control of COVID-19 in the Production and Operation of Cold Chain Food" (Second Edition). Domestic cold chain food related units and employees still need to organize production in accordance with the above guidelines to prevent coronavirus contamination; overseas producers of cold chain food that intend to export cold chain food to China should implement COVID-19 prevention and control in the process of production and operation accordingly.

(2) Relevant countries (regions) shall provide necessary assistance for the Customs to implement source control inspection and investigation in accordance with the law.

(3) If the imported cold chain food is found to be positive for coronavirus by nucleic acid tests, it shall be handled in accordance with the relevant requirements for the classification and categorization of the cold chain food for COVID-19 prevention and control.

END UNOFFICIAL TRANSLATION

Attachment 3

BEGIN UNOFFICIAL TRANSLATION

Notice on Further Optimizing the Prevention and Control of the New Coronavirus Epidemic in Imported Goods

Since 2021, all localities and departments have strictly implemented the requirements of the joint prevention and control mechanism of the State Council, strengthened the detection and preventive disinfection of the new coronavirus in imported cold chain food and high-risk non-cold chain container goods, achieved the goal of "safe, effective, rapid and economical", and effectively prevented the risk of epidemic transmission. The latest research results show that under normal temperature conditions, the new coronavirus survives on the surface of most items for a short time, and all are inactivated within 1 day. In order to thoroughly implement the spirit of the important instructions of General Secretary Xi Jinping, unswervingly implement the general strategy of "external prevention of imports, internal prevention of rebound" and the general policy of "dynamic clearance", resolutely consolidate the major strategic achievements in epidemic prevention and control, while ensuring the safety of imported goods, implement epidemic prevention, stabilize the economy, develop safe requirements, and ensure the stability of the industrial chain and supply chain, the relevant requirements for the prevention and control of the new corona pneumonia epidemic of imported goods will be further optimized as follows:

Working Principles

- (1) *Comprehensive research and judgment, classification, and categorization.* Based on the epidemic situation in the source country (region) of the imported non-cold chain items, the category and characteristics of the item, the mode and duration of transportation, and the method of loading and unloading, comprehensively study and judge the risk of contamination of the items, and take preventive disinfection or release measures by classification. Imported cold chain food shall be implemented in accordance with the current technical guidelines for classification and disposal.
- (2) *Scientifically accurate and dynamic adjustment.* According to the situation of epidemic prevention and control and the mutation of the virus, on the basis of the scientific conclusions of the "human-to-human" systematic research, the epidemic prevention and control measures of the imported non-cold-chain goods have been scientifically and accurately adopted to continuously optimize and dynamically adjust according to the time and situation.
- (3) *Coordinate and perform their respective duties as a whole.* All localities and departments should strengthen overall planning and coordination and inter-departmental collaboration, strictly implement the national unified epidemic prevention and control policy, strengthen the management of employees in high-risk positions, and consolidate the "four parties' responsibilities", and must not overweight.

Implement Classification and Categorization Management of Imported Non-Cold Chain Goods

Imported non-cold chain goods refer to imported items whose transport temperature is above 10°C.

(1) The classification standard of pollution risk of imported non-cold chain items.

A. The risk of contamination of imported non-cold chain items is divided into two risk levels: low risk and high risk.

B. Principles for determining the risk level of contamination of imported non-cold chain items.

(a) If one of the following conditions is met, it will be judged as low risk.

- Imported non-cold chain items from countries (regions) with low risk of COVID-19;
- All bulk cargoes, including imported non-cold chain items such as coal, ore, chemical raw materials, grain, feed, forage, logs, etc.;
- Aircraft, ships, trains, and automobiles carrying imported non-cold-chain goods more than 24 hours after leaving the port of shipment;
- Imported non-cold chain items that do not come into contact with loading and unloading personnel during loading and unloading;
- Imported non-cold chain items that have implemented preventive disinfection.

(b) Imported non-cold chain items that do not fall into any of the above situations, or whose risk level cannot be determined, are determined to be high-risk in accordance with the "strict" principle.

(c) According to the above circumstances, imported non-cold chain items that are judged to be low-risk, and if there are confirmed cases or asymptomatic infections among the vehicle drivers and passengers carrying the items, the local joint prevention and control mechanism will comprehensively study and judge the risk level.

(d) The risk level of imported non-cold chain items for special purposes shall be comprehensively judged by the local joint prevention and control mechanism.

Implement Prevention and Control Measures by Classification and Categorization of Imported Non-cold Chain goods

1. Epidemic prevention and control measures for high-risk imported non-cold chain items.

Imported non-cold-chain items judged to be high-risk, in accordance with the "Notice on Printing and Distributing the Work Plan for the Inspection and Preventive Disinfection of Imported High-risk Non-Cold Chain Container Cargo" by the Joint Prevention and Control Mechanism Comprehensive Group of the State Council (Joint Prevention and Control Mechanism Comprehensive Issue [2020] 277) to implement preventive disinfection. All localities will no longer conduct nucleic acid testing for the new coronavirus on imported non-cold chain items.

2. Epidemic prevention and control measures for high-risk imported non-cold chain items that are not suitable for preventive disinfection. For hazardous chemicals, live animals, feeds, feed additives, fruits, vegetables, precision instruments and other items that have no outer packaging or are easily contaminated by disinfection liquid penetration, the new coronavirus nucleic acid detection and preventive disinfection will not be implemented. The control mechanism will deal with it in an appropriate manner as the case may be.

3. Epidemic prevention and control measures for low risk imported non-cold chain items. Imported non-cold chain items that are judged to be low risk will no longer be subject to new coronavirus nucleic acid testing and preventive disinfection.

It is not allowed to introduce stricter control measures for imported non-cold chain goods

All local joint prevention and control mechanisms should implement epidemic prevention and control measures for imported non-cold-chain items in strict accordance with the relevant documents of the State Council's joint prevention and control mechanism, and promptly adjust the regulations for static storage of imported non-cold-chain items, and must not increase the number of goods.

Disinfection Method of Imported Non-Cold Chain Goods

The disinfection of imported non-cold chain items is implemented in accordance with the "Notice on Further Strengthening the Prevention and Control of New Coronary Pneumonia Epidemic Prevention and Disinfection" (Joint Prevention and Control Mechanism Zongfa [2021] No. 94) issued by the Comprehensive Group of the Joint Prevention and Control Mechanism of the State Council. Parts are disinfected.

Optimize and Improve the Epidemic Prevention and Control Measures for Imported Cold Chain Food

The customs continued to strengthen source control, and took measures such as revocation of registration, suspension of imports, and rectification within a time limit for overseas food manufacturers that did not cooperate with inspections or had problems when necessary. Sampling testing, as an important means to monitor the effect of pollution prevention at the source, is organized and implemented by the customs at the port, and the test results are used as the basis for adjusting the control measures at the source. Imported cold-chain foods that are tested positive for nucleic acid shall be classified and disposed of in accordance with the provisions of the State Council's joint prevention and control mechanism. Emergency preventive measures to suspend import declarations will not be taken against relevant overseas food production enterprises.

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State Council Responds to Novel Coronavirus Pneumonia

Epidemic Joint Prevention and Control Mechanism Comprehensive Team

July 8, 2022

END UNOFFICIAL TRANSLATION

Attachments:

No Attachments.