

Administrative Rules on Inspection and Supervision of Import and Export Food Packaging and Contact Materials

1. Import and export food packaging and contact materials (hereinafter simply “food packaging”) refers to the inner packaging, sales packaging, transportation packaging and contact materials of import and export food, which contact or anticipate contacting food. The General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) implements record filing management regarding export food packaging production businesses and the importers of food packaging, and also implements inspection of the import and export food packaging products. The scope of the inspection and supervision of export food packaging includes the inspection, quarantine and supervision of business activities such as the production, processing, storage, sales, etc of the export food packaging.

2. Implementation of mandatory inspection shall be requested for export food packaging mainly according to the technical requirements involving the health and safety of the import country. Should there be no special requirements indicated in the regulations of the import country, mandatory inspection based on the technical requirements of our country shall be requested. For the import food packaging, mandatory inspection shall be requested according to the technical requirements of our country. (The inspection and quarantine criteria and standards shall be promulgated by AQSIQ.)

3. Inspection and Supervision of Import Food Packaging.

(1) The inspection, quarantine and supervision work on the health and safety of import food packaging shall be implemented by the inspection and quarantine body of the place where the consignee submits an application for inspection. After the inspection and quarantine are passed, the “Report of Inspection and Quarantine Results of Import and Export Food Packaging and Contact Materials” (please refer to Appendix 1) shall be issued. Then the packaging and contact materials can be used for packing and holding food.

(2) The inspection and quarantine body shall carry out random inspections on the import food packaging (including the packaging with food packed in it). In order to avoid creating an additional burden on the import business, the inspection of food packaging can be combined with the inspection and quarantine of import food. If the packaging is inspected and found to be non-compliant with the related laws and regulations of our country, the food shall not be allowed for sale.

4. Inspection and Supervision of Export Food Packaging.

(1) Principally, the inspection and supervision work on export food packaging shall be implemented by the inspection and quarantine body of the place where the production business is located.

(2) The production materials (including auxiliary, etc) and products of the export food packaging must meet the mandatory requirements of the related health and safety technical regulations. Do not apply any materials which do not meet the health and safety requirements, or any toxic and harmful materials to the processing and production of the packaging which has direct contact with food. The original auxiliary materials (including printing oil, auxiliary, etc) to be applied for the first time to the processing of export food packaging shall pass the inspection beforehand, and a record shall be kept by the inspection and quarantine body responsible.

(3) Before supplying the export food packaging and contact materials to the export food production business, the food packaging and contact materials production business shall apply for the inspection and quarantine of the export food packaging from the local inspection and quarantine body. The food packaging and contact materials production business shall specify the export country on the application form. After the inspection and quarantine have been passed, the “Report of Inspection and Quarantine Results of Import and Export Food Packaging and Contact Materials” shall be issued by the inspection and quarantine body. The Report shall be valid for one year.

(4) Food packaging that is not inspected or quarantined by the inspection and quarantine body, or that does not pass the inspection and quarantine, shall not be used for packing and holding the export food.

(5) When producing the export food, the export food production business shall use the food packaging and contact materials which have passed the inspection conducted by the inspection and quarantine body. By the time an application is made for inspection of the export food, the “Report of Inspection and Quarantine Results of Import and Export Food Packaging and Contact Materials” issued by the inspection and quarantine body shall have been submitted.

(6) When implementing the inspection and quarantine of export food, the inspection and quarantine officer shall inspect whether the food packaging is in accordance with the certificate, and check the quantity of packaging for sale.

5. Supervisory Management

(1) AQSIQ implements a record filing system for export food packaging production businesses and the importers of import food packaging. Each inspection and quarantine bureau subordinate to AQSIQ shall be responsible for the implementation of record filing registration of the related businesses in the area under their jurisdiction.

(2) Upon application, the importer shall submit the following information:

1. “Application Form for Record Filing Registration of Import and Export Food Packaging and Contact Materials” (please refer to Appendix 2);

2. Importer’s “Enterprise Business License, the Juridical Body” (photocopy);

3. Instruction materials for the ingredients and auxiliaries of the import food container and the contact materials;

4. Self-certifying declaration of the unit applying for record filing registration based on its product’s harmful and toxic materials, which must meet the hygiene standards and hygiene requirements of the People’s Republic of China (please refer to Appendix 3);

5. Inspection and quarantine certificates of the import food container, packaging and contact materials issued by foreign authorities;

6. Other related information.

(3) Upon application, the export food packaging production business shall submit the following information:

1. “Application Form for Record Filing Registration of Import and Export Food Packaging and Contact Materials”;

2. “Enterprise Business License, the Juridical Body” of the export food packaging production business (photocopy);

3. Instruction materials for the ingredients and auxiliaries of the food container and the contact materials;

4. Instruction materials for the production techniques of the food container and the contact materials;

5. Self-certifying declaration of the unit applying for record filing registration based on its product’s harmful and toxic materials, which must meet the hygiene standards and hygiene requirements of our country (please refer to Appendix 4);

6. Floor plan of the production business;

7. Profile of the production business;

8. Other related information.

(4) Upon completion of record filing registration, regular inspection of the health and safety aspects of the export food packaging of the same materials, the same design specifications and the same processing techniques shall be made. The regular inspection is made every three months (temporarily fixed). Once the business has passed three regular inspections consecutively, the inspection cycle can be extended to six months. However, if the business fails two consecutive inspections, the inspection cycle must be shortened to one month. Within the interval between two regular inspections, the inspection and quarantine body shall carry out spot inspections on random lots as well as spot checks on some of the health

and safety items. If the packaging fails the random inspection, the export of the product shall be prohibited.

(5) Import and export food packaging and contact materials which have been judged to have failed their inspection and quarantine by the inspection and quarantine body shall be handled according to the related laws, decrees and the related regulations. Any business which raises an objection to the inspection and quarantine results given by the inspection and quarantine body shall apply for re-inspection from the inspection and quarantine body that issued such an inspection result, or its senior inspection and quarantine body, or even AQSIQ. The actual methods shall be implemented according to the requirements of the “Provisions for the Re-Inspection of Import and Export Commodities”.

(6) Close attention must be paid to the local and foreign market trends as well as foreign technical regulations and requirements. Once a serious problem is found in the import and export food packaging, advisory warnings should immediately be sent out to inform the local food production businesses, food packaging production businesses and importers of food packaging, so as to substantially guarantee the health and safety of import and export food, and maintain the health and safety of local and foreign consumers.

(7) A coding system shall be implemented among the export food packaging production businesses. Indication of the business codes shall be requested on the packaging container according to the standards. The formulation of the business codes is as follows:

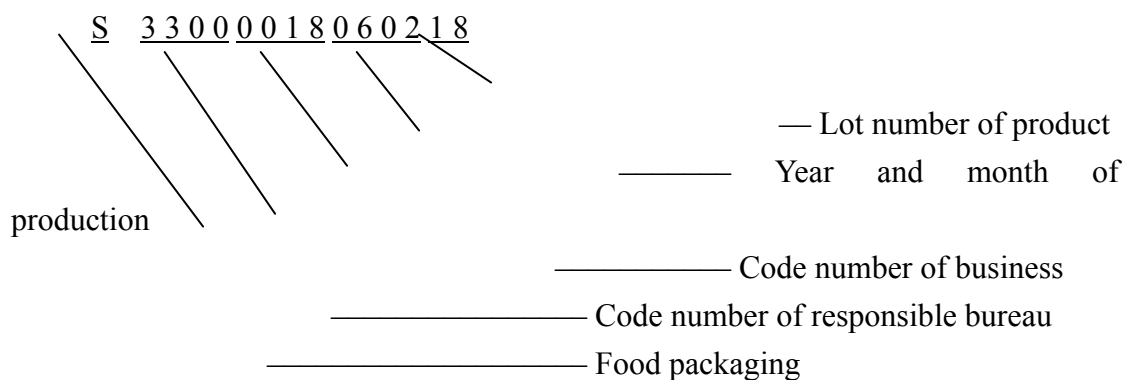


Table of Codes of Each Responsible Inspection and Quarantine Bureau

Beijing Bureau	11	Fujian Bureau	35	Zhuhai Bureau	48
Tianjin Bureau	12	Jiangxi Bureau	36	Sichuan Bureau	51
Hebei Bureau	13	Shandong Bureau	37	Guizhou Bureau	52
Shanxi Bureau	14	Xiamen Bureau	38	Yunnan Bureau	53
Inner Mongolia Bureau	15	Ningpo Bureau	39	Tibet Bureau	54
Liaoning Bureau	21	Henan Bureau	41	Chongqing Bureau	55

Jilin Bureau	22	Hubei Bureau	42	Shanxi Bureau	61
Heilongjiang Bureau	23	Hunan Bureau	43	Gansu Bureau	62
Shanghai Bureau	31	Guangdong Bureau	44	Qinghai Bureau	63
Jiangsu Bureau	32	Guangxi Bureau	45	Ningxia Bureau	64
Zhejiang Bureau	33	Hainan Bureau	46	Xinjiang Bureau	65
Anhui Bureau	34	Shenzhen Bureau	47		

(8) According to the spirit of the reporting scheme as well as the actual local situation, each responsible inspection and quarantine bureau shall develop inspection and supervision work on food packaging. The problems discovered in the inspection and quarantine process shall be reported to the related supervisory bureau of AQSIQ.

(9) Each responsible inspection and quarantine bureau shall implement a clear division of labour. The inspectors of export packaging are empowered to fulfil their duties so as to facilitate the effective transfer of the inspection of import and export food packaging towards safety, hygiene, health and environmental protection. The departments of each bureau with the relevant duties and capabilities shall be strengthened in their work coordination, so as to ensure that the work is effectively developed.

If an inspection and quarantine bureau has any problems or any relevant suggestions during the development of the inspection and quarantine work on import and export food packaging, please report them to AQSIQ immediately.

This rule shall be implemented as from 1 August 2006.

Appendix 1:

Import and Export Inspection and Quarantine of the People's Republic of China

Report of Inspection and Quarantine Results of Import and Export Food Packaging and Contact Materials

No. _____

Applicant								
Name and Specifications of Packaging/Material		Label and Lot No. of Packaging Container						
Quantity of Packaging/Material		Date of Production		From _____ (yy/mm/dd) to _____ (yy/mm/dd)				
Name of Food to be Packed		Status			Specific Importance			
Evidence of Inspection					Export Country or Region			
					Method of Transportation			
Inspection and Quarantine Results		Signature:			Date:			
User of Packaging/Material								
Validity of the Report		Expires on _____ (date)						
Approved Export Sale in Lots	Date	Quantity Used	Balance	Approved by	Date	Quantity Used	Balance	Approved by

- Note:
1. If a certificate of packaging inspection is requested in a contract or Letter of Credit, this Report of Results can serve as evidence for the application of an inspection certificate from the inspection and quarantine authority of the export country.
 2. When the user of a packaging container applies for verification of the use of the packaging from the inspection and quarantine body, please submit this Report of Results to the inspection and quarantine body for verification.

Appendix 2:

Application Form for Record Filing Registration of Import and Export Food Packaging and Contact Materials

Name of Unit (Official Seal)			
Address of Unit			
Representative of Juridical Body		Telephone No.	
		Mobile Phone No.	
Postcode		Fax No.	
Inspection Code		Permit / Import Product Certificate	
Inspector		Telephone No.	
		Mobile Phone No.	
Code of Business		Production Capability	
Existing Staff			
Major Import and Export Products			
Description of the Situation of Import Products / Import and Export Production Equipment:			
Remarks:			
Registration Officer:		Date of Registration:	

Appendix 3:

**Business Declaration of
Import Food Packaging and Contact Materials**

The food packaging and contact materials imported by the undersigned unit on _____ (date) was _____ and the quantity was _____. This lot of food packaging and contact materials comply with the “Food Hygiene Law of the People’s Republic of China,” the “Import and Export Commodities Inspection Law of the People’s Republic of China” and the related requirements of the implementation regulations. The food packaging and contact materials do not contain harmful or toxic substances, and are self-certified to have passed inspection.

The undersigned declare herewith that the aforementioned contents are authentic, and shall bear the full responsibility should any non-authenticity be found.

Legal Representative (Signature):

(Seal):

Date:

Record Filing Registration No.: _____

Appendix 4:

**Business Declaration of
Export Food Packaging and Contact Materials**

The food packaging and contact materials produced by the undersigned unit from _____ (date) to _____ (date) was _____ and the quantity was _____. This lot of food packaging and contact materials comply with the “Food Hygiene Law of the People’s Republic of China,” the “Import and Export Commodities Inspection Law of the People’s Republic of China” and the related requirements of the implementation regulations. The food packaging and contact materials do not contain harmful or toxic substances, and are self-certified to have passed inspection.

The undersigned declare herewith that the aforementioned contents are authentic, and shall bear the full responsibility should any non-authenticity be found.

Legal Representative (Signature):

Packaging Production Business (Seal):

Date:

Record Filing Registration No.: _____