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Committee on Sanitary and Phytosanitary Measures

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**CHINA'S ADMINISTRATIVE MEASURES FOR REGISTRATION OF OVERSEAS PRODUCERS  
OF IMPORTED FOODS AND ADMINISTRATIVE MEASURES ON IMPORT  
AND EXPORT FOOD SAFETY – [SPECIFIC TRADE CONCERN 485](#)**

SUBMISSION BY THE UNITED STATES

The following submission, received on 30 March 2021, is being circulated at the request of the Delegation of the United States.

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1.1. The United States thanks China for notifying to the TBT Committee its draft *Administrative Measures for Registration of Overseas Producers of Imported Foods* (Administrative Registration Measures) ([G/TBT/N/CHN/1522](#)), and to the SPS Committee its draft *Administrative Measures on Import and Export Food Safety* (Administrative Import Measures) ([G/SPS/N/CHN/1191](#)). We continue to have concerns with these draft measures and urge China to carefully consider their enactment of such restrictive regulations without a clear food safety and public health benefit.

1.2. The proposed measures seem to be related, as both measures describe food facility registration requirements that are very similar and even appear to overlap in some cases. Thus, we are addressing both [G/TBT/N/CHN/1522](#) and [G/SPS/N/CHN/1191](#) together in this intervention.

1.3. [G/SPS/N/CHN/1191](#) appears to be the over-arching regulation for imported and exported food products, and [G/TBT/N/CHN/1522](#) the implementing measure for food facility registration. We ask that China please confirm this understanding of the relationship between the two regulations.

1.4. The proposed measures also appear to affect all food products, regardless of risk or whether foods are already subject to additional import certification requirements. Low-risk foods, including the low-risk products listed in Article 6 (i.e., dried fruits, nuts and seeds, coffee beans, cocoa beans, etc.), should be removed from the product scope for the proposed measures.

1.5. We are also concerned that China's proposed measures would mandate additional certification, audit, and inspection documents and procedures beyond what is already in place for higher-risk products. China has not provided any specification of what food safety risks these new requirements would mitigate that are not already addressed by China's prior legislation. Can China specify what new food safety risks are being addressed?

1.6. We anticipate that these draft measures, if implemented, would likely create major trade disruptions for every country that exports food and agricultural products to China, and especially for developing countries whose competent authorities may have limited capacity to meet China's proposed requirements. Similar difficulties would also be encountered by small- and medium-sized enterprises globally.

1.7. The United States urges China to take a risk-based systems approach to determine which procedures may be required for individual trading partners and product groups to meet China's appropriate level of consumer protection, and identify which food safety risks such procedures would mitigate that are not already addressed by China's prior legislation.

1.8. Finally, we ask that China please provide an update regarding its comment review process and timeline for next steps for both of these measures.

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