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Page: 1/1

Committee on Sanitary and Phytosanitary Measures

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**CHINA'S ADMINISTRATIVE MEASURES FOR REGISTRATION OF OVERSEAS
MANUFACTURERS OF IMPORTED FOOD (26 NOVEMBER 2019)
– [SPECIFIC TRADE CONCERN 485](#)**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 11 November 2022, is the statement made by the United States of America at the 9-11 November 2022 WTO SPS Committee, and is being circulated at the request of the Delegation of the [United States of America](#).

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1. The United States remains deeply concerned with China's continued lack of response to the numerous requests for scientific justification or an explanation of how Decrees 248 and 249 will address food safety and public health concerns and requests any risk assessments that informed the development of these decrees. The United States remains particularly interested in assessments that justify the identification of high-risk products and the application of these measures to low-risk products.
 2. The United States notes that the lack of guidance provided by China and inconsistencies in China's implementation and enforcement of the measures continue to cause considerable confusion for exporters and competent authorities.
 3. The inconsistent and changing application of these administrative measures is directly leading to disruptions in trade. US agencies continue to face administrative burdens as they work to resolve issues with shipments held up at ports in China.
 4. Additionally, China's General Administration of Customs, GACC, appears to require foreign competent authorities to perform administrative duties and maintain information in China's online system for each foreign registered facility producing certain categories of products. These types of administrative functions are fundamentally the responsibility of the importing country, not foreign food safety regulators. GACC should ensure that all facilities are able to self-register without foreign competent authority involvement.
 5. The United States also remains concerned regarding GACC's requests for additional detailed information from facilities and competent authorities, such as process-specific food safety plans and photographs on a facility-by-facility basis, as part of a pre-market registration process. These requirements have created a premarket approval regime with administrative burdens on foreign competent authorities and exporters that appear to be unnecessary and lack a risk or scientific justification.
 6. We look forward to China's response to these specific requests and comments.
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