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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 OF AMERICA

The following submission, received on 20 July 2021, is the statement made by the United States of America at the 14-16 July 2021 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 understands that China recently published the final versions of the draft measures notified respectively to the TBT and SPS Committees as *Administrative Measures for Registration of Overseas Producers of Imported Foods – [G/TBT/N/CHN/1522](#)* (Administrative Registration Measures) – also published as Decree 248; and *Administrative Measures on Import and Export Food Safety – [G/SPS/N/CHN/1191](#)* (Administrative Import Measures) – also published as Decree 249.
 2. We note that both measures work together to describe food facility registration requirements. Decree 249 appears to be the over-arching regulation for imported and exported food products, and Decree 248, the implementing measure for food facility registration. Thus, we are addressing both Decrees together in this intervention.
 3. First, we would like to thank China for the opportunity that was provided to submit comments to these measures, and we appreciate the responses we have received from China. However, we are concerned that these Decrees would mandate additional certification, audit, and inspection documents and procedures beyond what is already required for higher-risk products, which will likely create major trade disruptions for many countries that export food and agricultural products to China.
 4. To that end, we request that China identify the specific food safety risks it is attempting to address through these measures and explain why these risks are not mitigated by China's existing regulations. If further SPS measures are scientifically justified, China could then consider 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 protection.
 5. Regardless of the approach taken, the proposed implementation date of 1 January 2022 is not feasible or realistic, especially when considering the complexity of the proposed measures and their likely significant effect on international agricultural trade. As such, we request that China postpone implementation of these measures and continue engaging with trading partners to address China's concerns and identify a mutually satisfactory path forward.
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