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Report Highlights:

On November 3, 2023, the People's Republic of China (PRC) National Health Commission released the revised Administrative Measures for the Management of Food Safety Standards. The Measures provided overview information on procedures and principles for the planning, development, and revisions of the food safety standards in China. The revised Measures integrated the previous two Measures, one is the Administrative Measures for the Management of National Food Safety Standards, the other one is the Administrative Measures for the Management of Local Food Safety Standards. The updated Measures entered into force on December 1, 2023. This report provides an unofficial translation of the released Measures.

Summary:

On November 3, 2023, the People's Republic of China (PRC) National Health Commission (NHC) released the updated [Administrative Measures for the Management of Food Safety Standards](#) (link in Chinese). The Measures provided an overview of procedures and principles for the planning, development, and revisions of the food safety standards in China.

The revision aims to be consistent with current food safety principles that are science-based, focused on risk control, prioritize human health, and encourage coordination of national and local authorities for standards development and management.

These revised Measures integrated two previous separate Administrative Measures: one for the management of national food safety standards and the other for the management of local food safety standards. The [Administrative Measures for the Management of National Food Safety Standards](#) (link in Chinese) was released in October 2010, and the [Administrative Measures for Local Food Safety Standards](#) (link in Chinese) was released in March of 2011. The following major changes are included in the updated Measures:

- Integrated the management regulations of national and local food safety standards into the revised Measures,
- Encouraged all citizens and organizations to propose new national food safety standards and suggested incentives for the main developers of the national standards,
- Listed conditions when local food safety standards will not be filed with the National Health Commission,
- Stated transition periods and requirements for the implementation of the new or revised standards,
- Required that imported foods that do not yet correspond to China's national food safety standards, temporary limit values, and/or temporary testing methods for harmful substances in foods must follow the provisions in relevant regulations of the NHC.

The revised Measures entered into force on December 1, 2023. This report provides an unofficial translation of the Measures.

BEGIN TRANSLATION

The National Health Commission of the People's Republic of China

Order No. 10 on November 3, 2023

The Administrative Measures for Food Safety Standards was approved by the first session of the Commission's meeting on September 28, 2023, and is being announced now. The Measures enter into force on December 1, 2023.

Administrative Measures for Food Safety Standards

Chapter 1 General Provisions

Article 1 In order to standardize the management of food safety standards and meet the requirements of the most rigorous standards, these Measures are formulated in accordance with the Food Safety Law of the People's Republic of China and its implementation regulations.

Article 2 These Measures apply to the formulation, modification, publication, and other related management of national food safety standards, as well as the filing of local food safety standards.

Food safety standards are mandatory standards, including national food safety standards and local food safety standards.

Article 3 The National Health Commission (NHC), in conjunction with relevant departments of the State Council, is responsible for the formulation and publication of national food safety standards in accordance with the law.

The health authorities of the people's governments of all provinces, autonomous regions, and municipalities (hereinafter referred to as the "provincial health authorities") are responsible for the formulation, publication, and filing of local food safety standards.

Article 4 The formulation of food safety standards should be based on the purpose of protecting public health, based on the results of food safety risk assessment, and be scientific, reasonable, safe, and reliable.

Article 5 The formulation of national food safety standards includes planning, project establishment, drafting, soliciting opinions, review, approval, publication, and follow-up evaluation, revision, modification, etc.

Article 6 NHC organized and established the National Food Safety Standards Review Committee (hereinafter referred to as the "Review Committee"), which is responsible for reviewing national food safety standards and providing advisory opinions of national food safety standards.

The Review Committee consists of a professional working group, a chief technical officer, a legality review working group, a secretariat, and a secretariat office.

Article 7 The published national food safety standards contribute to technological achievements so incentives can be given to the main drafters of the standards in accordance with relevant national regulations.

Article 8 The health authorities at or above the county level shall provide personnel, funding, and other guarantees for work related to food safety standards in accordance with their duties.

Chapter 2 Project Establishment of National Food Safety Standards

Article 9 NHC, together with relevant departments of the State Council, shall formulate an annual implementation plan based on the national food safety standard plan and shall publicly solicit opinions.

Article 10 If relevant departments believe the areas they are responsible for needs to formulate national food safety standards, they should submit project proposals to NHC before preparing a national food safety standard formulation plan every year.

Any citizen, legal person, or other organization can put forward project proposals for establishing new or revised national food safety standards.

Article 11 The project proposal should include: the main food safety issues to be solved, the background and reasons for the project, the basis for existing food safety risk monitoring and assessment, possible economic and social impact, candidate organizations for drafting the standards, etc.

Article 12 The proposed national food safety standards should comply with the provisions of Article 26 of the Food Safety Law of the People's Republic of China.

Article 13 Based on the needs of food safety standards work, the Review Committee studies the project proposals for establishing national food safety standards and puts forward consultation opinions on the development plan for national food safety standards.

Article 14 The items included in the annual formulation plan for national food safety standards can be adjusted according to actual needs during the drafting process.

If the results of the food safety risk assessment prove the food has safety hazards, or major problems are discovered, the formulation project of national food safety standards may be urgently supplemented.

Chapter 3 Drafting of National Food Safety Standards

Article 15 NHC shall adopt bidding, entrustment, and other forms to select the best organization with corresponding technical capabilities to undertake the drafting of national food safety standard.

Article 16 The organization drafting the national food safety standard is responsible for the legality, science basis, and practicality of drafting of the standards and provide results and resources for relevant food safety risk assessment basis and social risk assessment.

Article 17 Multi-departments and multi-areas experts and teams are encouraged to form standard collaboration groups to participate in standard drafting, follow-up evaluation, publicity, training, etc.

Article 18 Organization undertaking the project of the standard shall meet the following conditions:

- 1) Have the technical capabilities required to draft national food safety standards,
- 2) There is no conflict of interest in the fields involved in undertaking the project,
- 3) Be able to provide resources and guaranteed conditions for personnel, scientific research, etc. required for the formulation and revision of national food safety standards,
- 4) Have independent legal liability,
- 5) Project fund is included under the financial management of the organization, it should be independently accounted and recorded. The fund should be used for the specific purpose.

Article 19 The organization undertaking the project of the standard shall designate the project leader. The project leader should have high attainments and be professional in food safety and related fields and be familiar with domestic and international food safety laws, regulations, and standards.

Article 20 The drafting of national food safety standard shall be based on results of food safety risk assessment and fully consider the safety risk assessment results of foods and agricultural products, in line with economic and social development levels and objective and practical needs. It should refer to relevant international standards and food safety risk assessment results.

Article 21 During the drafting process, the organization undertaking the project of the standard and the project leader shall conduct in-depth investigation and research, and fully solicit opinions from technical organizations and experts from regulatory authorities, industry associations, and food producers and operators.

Chapter 4 Review of National Food Safety Standards

Article 22 National food safety standards are reviewed according to the following procedures:

- 1) Preliminary review by the Secretariat Office,
- 2) Professional Committee Meeting review,
- 3) Review by Chief Technical Engineer Meeting,
- 4) Review by the Legality Review Working Group,
- 5) Secretary-General meeting review,
- 6) Review at the Directors' Meeting.

Article 23 The Secretariat Office is responsible for the preliminary review of the legality, science basis, norms, coordination with other national food safety standards and the completeness of social stability risk assessment.

Article 24 The professional committee meeting is responsible for reviewing the scientific nature, standardization, coordination with other national food safety standards and related standards, and other technical issues of the national food safety standards submitted for review. It conducts preliminary review for the legality of the national food safety standards and social stability risk assessment report.

Article 25 When the professional committee reviews the standards, more than two-thirds of the members of the committee must be present and the review conclusion shall be made by consensus. When the consensus cannot be reached, a vote shall be taken based on full discussion. If more than three-fourths of the participating members agree, the conclusion of approval can be taken.

Article 26 After the draft standard is reviewed and approved by the professional committee meeting, it shall be publicly solicited for opinions. It should also follow notification procedures to the World Trade Organization in accordance with regulations.

Article 27 The meeting of chief technical officers is responsible for reviewing the results of the professional committee and linkage with other national food safety standards. It will review the legality of national food safety standards and social stability risk assessment reports.

Article 28 The legal review working group is responsible for reviewing the legality of standards and social stability risk assessment reports.

Article 29 The Secretary-General's meeting is responsible for the administrative review and legal review of national food safety standards and coordinates the opinions of relevant departments.

After review and approval at the Secretary-General's meeting, a draft standard for approval will be formed. If necessary, a meeting of directors may be held for further review.

Article 30 If there are serious differences in each step of the standard review process, or if major issues involving food safety, social risks, etc. are discovered, the Secretariat Office may request the Secretariat to organize a special review and make decisions such as terminating the standard formulation process if necessary.

Chapter 5 Announcement of National Food Safety Standards

Article 31 National food safety standards shall be released by NHC and relevant departments of the State Council and shall be coded by the National Standards Management Committee.

Article 32 A certain transition period is generally set between the publication and implementation dates of national food safety standards to allow food producers and operators and all parties involved to prepare for implementation.

Food producers and operators can implement the standards in advance during the transition period after the standards are published, if necessary, but the early implementation status should be disclosed.

Article 33 NHC is responsible for the interpretation of national food safety standards, and the interpretation of standards has the same effect as the text of national food safety standards.

Article 34 National food safety standards and standard interpretations are published on the website of NHC and are available for free review and download by the public.

Article 35 After the national food safety standards are published, if the main technical content needs to be revised, the revision procedures shall be carried out in accordance with the project establishment, drafting, review, and publication processes stipulated in these Measures.

If individual technical content needs to be corrected, adjusted, or modified, they shall be modified in the form of a national food safety standard modification sheet.

When adjustments are made to standard editorial errors and other content, they will be corrected by publishing a standard corrigendum.

Article 36 NHC shall organize relevant departments, provincial health authorities, and relevant responsible organizations to conduct follow-up evaluations on the implementation of national food safety standards.

Any citizen, legal person, and other organization can provide opinions and suggestions on problems existing in the implementation of the standards.

The results of the follow-up evaluation should be used as an important basis for the formulation and revision of national food safety standards.

Chapter 6 Preparation of Local Food Safety Standards

Article 37 Provincial health authorities shall submit to NHC for filing within 30 working days from the date of publication of local food safety standards. Provincial health authorities are responsible for the science-basis, legality, and social stability of local food safety standards submitted for filing.

Article 38 The materials submitted for filing shall include: announcement of the release of local food safety standard, standard text, development instructions, expert group argumentation opinions, and food safety risk assessment report.

The argumentation opinions of the expert group should include identification of local specialty foods, definition of food categories, safety assessment conclusions, and whether there are conflicts with relevant laws, regulations and standards, relevant local standards, etc.

Article 39 Local food safety standards will not be filed if they fall into the following circumstances:

- 1) The local standards have been covered by existing national food safety standards,
- 2) Do not fall within the safety requirements of local specialty foods, hygienic requirements, or inspection methods for supporting production and operation processes,
- 3) Food categories fall under infant formula, special medical formula, and health foods,
- 4) Substances of the standard listed in the National Pharmacopoeia (exclude those listed in the substance catalog that belongs to both foods and Chinese medicines)
- 5) Other situations that conflict with laws, regulations, and national food safety standards.

Article 40 If NHC finds that a filed local standard violates laws, regulations, or national food safety standards, it shall promptly correct it. The provincial health authorities shall promptly adjust, revise, or abolish the corresponding local standards.

Article 41 After the local standards are published and implemented, if national food safety standards need to be formulated, they shall be formulated in accordance with the working procedures of the national food safety standards.

After the national food safety standards are published and implemented, the provincial authorities should promptly abolish the corresponding local standards, publish the abolition information on the website, and report it to NHC within 30 working days.

Chapter 7 Supplementary Provisions

Article 42 The specific work procedures and requirements related to the formulation, drafting, review, and publication of national food safety standards not specified in these Measures shall be implemented in accordance with the charters, working procedures, and other provisions of the National Food Safety Standards Review Committee.

Article 43 The review of relevant standards for imported foods that do not have national food safety standards, the formulation of temporary limit values and temporary testing methods for harmful substances used in foods, shall be implemented in accordance with the relevant regulations of NHC.

Article 44 Regulations on the limits of pesticide residues and veterinary drug residues in foods, their testing methods and procedures, and the formulation of inspection procedures for slaughtered livestock and poultry, shall be based on the consultation opinions of NHC and the Ministry of Agriculture and Rural Affairs and other relevant departments, and provisions in relevant regulations.

Article 45 These Measures will enter into force on December 1, 2023. The Measures for the Management of National Food Safety Standards (Former Ministry of Health Order No. 77) released by the former Ministry of Health on October 20, 2010, were abolished at the same time.

END TRANSLATION

Attachments:

No Attachments.