

Measures for the Administration of Food Safety in the Circulation Sector

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The Measures for the Administration of Food Safety in the Circulation Sector, which have been deliberated and adopted at the executive meeting of the 10th executive meeting of the Ministry of Commerce on December 20, 2006, are hereby promulgated and shall come into force as of May 1, 2007.

Minister Bo Xilai
January 19, 2007

Measures for the Administration of Food Safety in the Circulation Sector

Article 1 These Measures are formulated according to the relevant laws and regulations of the State for the purpose of regulating the food circulation order, strengthening the administration of the food circulation industry, regulating food business operations, and safeguarding the safety of food consumption.

Article 2 The “markets” as mentioned in these Measures refers to the (including bazaars, supermarkets, department stores, warehouse-style membership stores, convenience stores, and traditional grocery stores, etc.) that engage in food transactions.

The “dealers” as mentioned in these Measures refers to the organizations or individuals that engage in the wholesale, retail or on-site manufacture and sale of food.

Article 3 The engagement in food circulation within the territory of the People’s Republic of China shall be governed by these Measures.

Article 4 The Ministry of Commerce shall be responsible for the industrial administration of food safety in the circulation sector of the whole country.

The local commerce administrative department at or above the county level shall be responsible for the industrial administration of food safety in the circulation sector within its own jurisdiction, as well as for guiding and urging the market to establish the management system for safeguarding the food safety in the circulation sector.

Article 5 A market or dealer shall obtain a business license and other relevant certificates for food business operations as required by any law or regulation of the State, and its environment for food business operations shall comply with the relevant laws, regulations and standards of the State on food hygiene.

Article 6 A market shall establish a management department or management personnel for food safety so as to monitor its food safety status.

Article 7 A market shall establish the following management systems:

(1) An agreement-based entry system: a market shall conclude guarantee agreements on food safety with the dealers that enter into this market and specify the safety liability for food business operations.

A market is encouraged to connect with a food production base or food manufacturer and establish a direct supply relationship with it.

(2) A system for management of dealers: a market shall establish archives on the management of dealers, faithfully and dynamically record down the identity information about the dealers, their contact information, the products they deal in, their credit archives and other basic information. After a dealer retreats from the market, its archives shall be kept at least for two years.

It is prohibited to forge the archives of any dealer.

(3) A system of demanding certificates and bills: a market shall demand certificates and bills from the dealers that enter into the market for good business operations, check the valid certification documents on food safety of food suppliers, and keep the photocopies of relevant certificates and bills for future reference.

(4) A purchase and sale ledger system: a market shall establish a purchase and sale ledger system or require dealers to establish such a system, faithfully record the producer, name, procuring time, origin, specifications, quality grade and quality, etc. of each kind of food, and in the case of wholesale, the objects, contact information, time, specifications and quality, etc. for the selling of each kind of food shall also be recorded down.

(5) A system for the retreat of unqualified food: with respect to the unqualified food as announced by the relevant administrative departments, a market shall immediately stop their sales and record it in the archives.

In case a market finds that there is any hidden safety trouble in the food sold in the market, it shall, upon confirmation by a testing institution with the statutory qualification, immediately stop the selling of it and report it to the relevant department for treatment.

Article 8 A market is encouraged to apply for the accreditation of green market, and use the corresponding accreditation mark.

It is prohibited to use the accreditation mark of someone else or use the forged accreditation mark as prescribed in the preceding Paragraph.

Article 9 A market shall, for manufacturing the food on site, selling the food in bulk or selling raw or fresh food, have the facilities, equipment and conditions for guaranteeing the food safety, keep far from pollution sources, and meet the standards of the State for food safety.

The on-site manufacture of food is encouraged to be conducted within the vision of consumers.

The raw food and cooked food shall be sold in different districts so as to prevent cross pollution.

Article 10 The commerce administrative department shall establish a market patrolling system so as to supervise and inspect the markets' establishment and implementation of the food safety management systems.

Article 11 The commerce administrative department shall strengthen the credit archival management of food safety in the circulation sector, and improve the market credit supervision and bad-credit

punishment mechanism for the food safety.

Article 12 The commerce administrative department shall establish a negotiation and cooperation mechanism with the intermediary organizations in the food circulation sector, so as to fully exercise the self-discipline role of guild organizations.

Article 13 The new media is encouraged to conduct the public opinion supervision over the acts against these Measures.

Any entity or individual may tip off or complain any act against these Measures to the local commerce administrative department.

Article 14 In case a market violates Article 6, Article 7 or Paragraph 2 of Article 8 of these Measures, it shall be given a warning, be ordered to make correction within a time limit, and may be fined more than 1,000 yuan but less than 5,000 yuan by the commerce administrative department; where the circumstances are serious, the market shall be fined more than 5,000 yuan but less than 30,000 yuan, and the illegal act may be announced to the general public.

Article 15 Any functionary of the commerce administrative department who fails to perform duties according to these Measures or abuses his authorities shall be given an administrative sanction according to law.

Article 16 The power to interpret these Measures shall remain with the Ministry of Commerce.

Article 17 These Measures shall come into force as of May 1, 2007.