

Measures for the Supervision and Administration of Food Safety in Catering Services

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Chapter I — General Provisions

Article 1 — These Measures are enacted in accordance with the Food Safety Law of the People's Republic of China and other laws and regulations for the purposes of strengthening the supervision and administration of food safety in catering services, standardizing catering service business operations, safeguarding the health and safety of consumers, and promoting the healthy development of the catering industry.

Article 2 — These Measures apply to the supervision and administration of catering service activities within the territory of the People's Republic of China.

For the purposes of these Measures, "catering services" means activities of providing food and consumption venues and facilities to consumers through methods such as instant processing and preparation, commercial sales and service labor.

Article 3 — The State Administration for Market Regulation shall be responsible for supervising and guiding the supervision and administration of food safety in catering services nationwide. Local market regulatory departments at or above the county level shall be responsible for the supervision and administration of food safety in catering services within their respective administrative areas.

Article 4 — Catering service providers shall engage in business activities in accordance with laws, regulations and food safety standards, adopt effective management measures to ensure food safety, be responsible to consumers, accept social supervision, and assume social responsibility.

Article 5 — The State encourages and supports catering service providers to adopt advanced management methods such as Hazard Analysis and Critical Control Point (HACCP) systems, implement open and transparent kitchen operations, and improve food safety management levels.

Chapter II — Licensing Administration

Article 6 — Catering service providers shall obtain a food business operation license in accordance with law and shall not operate without a license or beyond the scope of the license. Catering service providers shall hang the food business operation license in a prominent position in the business premises.

Article 7 — To apply for a food business operation license, a catering service provider shall meet the following conditions:

- (1) Having food raw material processing and food processing, sale and storage premises appropriate for the type and scale of the food business being conducted, keeping the premises environment clean and tidy, and maintaining the required distance from toxic and harmful sites and other pollution sources;
- (2) Having business equipment or facilities appropriate for the type and scale of the food business being conducted, including corresponding facilities for disinfection, changing clothes, washing, lighting, ventilation, cooling, dust-proof, fly-proof, rodent-proof, insect-proof, washing, and wastewater treatment, as well as equipment for food waste and garbage storage;
- (3) Having full-time or part-time food safety management personnel and rules and regulations to ensure food safety;
- (4) Having a reasonable equipment layout and process flow to prevent cross-contamination between food to be processed and prepared food, and between raw materials and finished products, and to prevent food from contacting toxic or unclean substances;
- (5) Other conditions prescribed by laws and regulations.

Article 8 — The market regulatory department shall make a licensing decision within 20 working days from the date of accepting the application, except where the time required for on-site inspection, testing, and other special procedures is excluded.

Article 9 — The term of validity of a food business operation license shall be five years. Where a catering service provider needs to continue engaging in catering service activities upon expiration, it shall apply for renewal 30 working days before expiration.

Chapter III — Food Safety Management

Article 10 — Catering service providers shall establish and improve food safety management systems, equip full-time or part-time food safety management personnel, and strengthen the training and assessment of food safety management personnel and employees.

Article 11 — Catering service providers shall establish a health management system for employees. Employees suffering from diseases that may affect food safety as prescribed by the health administrative department under the State Council shall not engage in work involving contact with food with immediate consumption.

Employees engaged in work involving contact with food with immediate consumption shall undergo a health examination each year and shall not commence work until they have obtained a health certificate.

Article 12 — Catering service providers shall formulate and implement food safety accident response plans, and periodically inspect the implementation of various food safety preventive measures to eliminate potential accident hazards in a timely manner.

Article 13 — Catering service providers shall establish a food safety self-inspection system, conduct regular self-inspections, keep records, and rectify problems discovered in a timely manner.

Article 14 — Catering service providers shall keep food safety management records, which shall be retained for no less than two years after the expiration of the shelf life of the products involved; where there is no clear shelf life, the retention period shall be no less than two years.

Chapter IV — Food Procurement Inspection

Article 15 — Catering service providers shall establish a system for the inspection of incoming food, food additives, and food-related products, and keep inspection records.

Procurement inspection records shall truthfully record the name, specification, quantity, production date or batch number, shelf life, date of purchase, and the name, address, and contact information of the supplier, and shall retain relevant vouchers.

Article 16 — When procuring food, food additives, and food-related products, catering service providers shall inspect the supplier's license and the food factory inspection certificate or other conformity certification documents.

Catering service providers shall properly keep relevant records, certificates, vouchers and other documents for the period specified by law.

Article 17 — Catering service providers shall not procure, use or operate the following food, food additives, and food-related products:

- (1) Those produced in premises or by operations without a valid license;
- (2) Those not complying with food safety standards;
- (3) Those failing to pass inspection;
- (4) Those that have deteriorated or become spoiled;
- (5) Those that have passed their shelf life;

(6) Those prohibited from production and operation by the State for special purposes such as disease prevention.

Chapter V — Food Processing Operations

Article 18 — Catering service providers shall maintain clean, tidy and well-ventilated food processing and business premises, and shall maintain sanitary facilities and equipment in good working condition.

Article 19 — Catering service providers shall have measures for preventing, controlling and eliminating flies, cockroaches, rats and other pests, and shall keep the environment clean and tidy. Toxic and harmful articles such as pesticides, rodenticides, and insecticides shall be stored separately from food, and their use shall be recorded.

Article 20 — Catering service providers shall set up food processing and preparation areas in accordance with the requirements of separating raw and cooked food. Utensils, containers and equipment for processing, storing and selling food shall meet food safety requirements and shall be marked and used separately to avoid cross-contamination.

Article 21 — Catering service providers shall formulate and implement procurement control requirements for food raw materials to ensure that the raw materials procured meet food safety standards.

Catering service providers shall inspect the food, food additives and food-related products to be processed and prepared; where anything unusual is discovered, processing and preparation shall not be conducted.

Article 22 — Catering service providers shall not purchase, store or use nitrite (except where otherwise provided by the State); they shall not use food additives beyond the scope or in excess of the limits; they shall not process or prepare food using food raw materials that have passed their shelf life, spoiled, or been contaminated; they shall not use food, food additives or food-related products that do not meet food safety standards.

Article 23 — Catering service providers shall ensure that food is thoroughly cooked and heated, ensuring the core temperature of food reaches above 70 degrees Celsius. Where there are special requirements for processing and preparation, catering service providers shall strictly comply.

Article 24 — Catering service providers shall use drinking water that meets national standards for processing and preparing food. They shall not use drinking water sources that do not meet national standards.

Article 25 — Catering service providers shall store food and food raw materials separately according to their categories, and shall mark them accordingly to prevent cross-contamination.

Article 26 — Catering service providers providing group dining shall have corresponding measures for the management of food sample retention. The retained food samples shall be kept in special refrigerated facilities for no less than 48 hours, and the quantity of each sample shall not be less than 125 grams.

Article 27 — Catering service providers providing delivery services shall use containers and packaging materials that meet food safety requirements, implement food sealing measures, and ensure that food is not contaminated during the delivery process.

Article 28 — Third-party platform providers for online catering services shall fulfill their obligations to register and verify the licenses of catering service providers operating on their platforms, and shall report to the local market regulatory department in a timely manner upon discovering violations.

Chapter VI — Supervision and Inspection

Article 29 — Market regulatory departments at or above the county level shall, in accordance with their statutory duties, supervise and inspect the food safety of catering service providers in their respective administrative areas and investigate and deal with illegal acts in accordance with law.

Article 30 — When performing their supervision and inspection duties, market regulatory departments shall have the right to take the following measures:

- (1) Entering business premises for on-site inspection;
- (2) Sampling and testing the food and food raw materials being operated or used;
- (3) Consulting and copying relevant contracts, bills, account books, and other relevant materials;
- (4) Sealing and detaining food, food additives, and food-related products proven to not meet food safety standards, as well as premises illegally used for food business operations;
- (5) Other measures prescribed by laws and regulations.

Article 31 — Market regulatory departments shall conduct food safety risk rating management of catering service providers and determine the frequency of supervision and inspection based on the results of the risk rating assessment.

Article 32 — Market regulatory departments shall publicly disclose the results of supervision and inspection and information on the investigation and punishment of illegal acts in accordance with law, and shall incorporate such information into food safety credit records.

Chapter VII — Legal Liability

Article 33 — Where catering service providers engage in catering service activities without obtaining a food business operation license in accordance with law, the market regulatory department shall impose punishment in accordance with the provisions of Article 122 of the Food Safety Law.

Article 34 — Where catering service providers violate the provisions of these Measures and fall under the circumstances set forth in relevant provisions of the Food Safety Law, punishment shall be imposed in accordance with the relevant provisions of the Food Safety Law.

Article 35 — Where third-party platform providers for online catering services fail to fulfill their obligations to register, verify and report the licenses of catering service providers on their platforms as required, the market regulatory department shall impose punishment in accordance with the provisions of Article 131 of the Food Safety Law.

Article 36 — Where market regulatory departments and their staff members fail to perform their duties in accordance with law, or abuse their powers, neglect their duties, or engage in malpractice for personal gain, disciplinary sanctions shall be imposed on the directly responsible person in charge and other directly responsible personnel in accordance with law.

Chapter VIII — Supplementary Provisions

Article 37 — For the purposes of these Measures, "catering service providers" includes catering service enterprises, institutional canteens, and individual catering service operators. "Institutional canteens" means canteens established by government agencies, public institutions, social organizations, private non-enterprise units, enterprises and other entities to provide meals for their internal staff.

Article 38 — The format and content of documents such as the food business operation license and food safety management records shall be prescribed by the State Administration for Market Regulation.

Article 39 — The supervision and administration of food safety for food vendors and small workshops shall be implemented in accordance with the specific measures formulated by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government.

Article 40 — These Measures shall come into effect on December 1, 2017. The Measures for the Supervision and Administration of Food Safety in Catering Services issued by the former Ministry of Health on March 15, 2010 shall be repealed simultaneously.

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