



May 4<sup>th</sup> 2020

## **MEDICAL & SANITARY PRODUCTS**

### **NEW CHINA EXPORT REQUIREMENTS**

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The Ministry of Commerce (**MOFCOM**), the Customs Administration and the Market Regulation Administration (**MRA**) have jointly promulgated **Circular [2020] No.12**, applicable from April 26, 2020.

#### **Key points:**

#### **Component I: Strengthening the quality control of masks for non-medical use**

> From April 26, exported masks for non-medical use must comply with **quality standards either** from foreign countries or from China.

> **White List regime for products in conformity with foreign quality standards:**

MOFCOM confirmed the "*list of companies manufacturing masks for non-medical use certified or registered with foreign countries' quality standards*" and published it on the website of the Chinese Chamber of Commerce for the Import-Export of Medical and Sanitary Products ("CCCMHPIE"). This list is updated daily.

> **Black List regime for defective products:** in parallel, the MRA publishes and updates regularly a list of products and companies sanctioned for manufacturing defective non-medical masks.

> At the time of customs clearance, the exporter must now provide **a joint declaration** by the exporter and the importer, in paper or electronic version, confirming that **i)** the products comply with Chinese **or** foreign quality standards, **ii)** the importer accepts the quality standards of the purchased products and commits not to use them for medical purposes.

> In practice, according to the interpretation of the spokesman of the Customs Administration issued on April 27:

- **For non-medical masks which are declared in compliance with foreign quality standards, customs will release the products according to the MOFCOM White List.**
- For products on the **Black List**, customs will refuse their export.
- For products which do not appear on either of the two Lists and which are **declared to comply with Chinese quality standards**, customs will also "*accept the declaration and release the products*". The practice could vary significantly from one region to another.

> Safeguard clause for contracts concluded before April 26

Circular 12 expressly states that "*for purchase contracts signed before April 26, a joint declaration by the exporter and the importer must be provided.*" In other words, it is therefore sufficient to provide the above-mentioned joint declaration for the masks ordered under these contracts.

### **Component II: Further strengthen the order for the export of medical devices**

Since April 26, for medical products (namely test kits, masks for medical use, medical protective clothing, respirators and infrared thermometers) which have obtained or are registered with the qualification of **quality standards of foreign countries**, the export company must provide a declaration in paper or in electronic version, confirming that the products comply with the quality standards and security requirements of the destination country.

As a result, the customs will proceed to the release of the products according to the list of manufacturing companies published on the **CCCMHPIE** website ("[White List II](#)").

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**DS Customs & Trade team is at your disposal to provide you with any additional information.**

***Please contact us :***

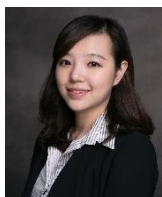
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