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**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

SPECIFIC ISSUES OF INTEREST TO THE CCB:

Clarification of French Draft Exemption List for Fruit Packaging Bans

- In February 2020, the French parliament passed an anti-waste bill [LOI n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire](#) (in French) that includes measures against the use of plastic for labeling, packaging for fruit, and fruit stickers.
- The measure has been [notified to the European Commission](#) as it could restrict trade between EU member states.
- While the ban on plastic packaging for fruit goes into effect on January 1, 2022, France released a draft [list of time-limited exemptions](#) for fruits and vegetables that present a risk of degradation if sold in bulk and fruits sold in quantities over 1.5 kg.
- According to the draft exemption list, the packaging ban for cherries would enter into force on December 31, 2024. In submitted comments, the [U.S. government has requested](#) that the exemption for cherries to be extended until June 30, 2026, in line with other fruits typically packed in plastic clamshells like raspberries and blueberries.
- Articles 77 and 80 of the bill also include a ban on non-compostable stickers on fruits, which will go into effect on January 1, 2022.
- Due to [a large number of responses](#) (click on "Contributions" tab, mid-page) to the draft exemption list, the period for comments on the packaging ban has been extended to September 13, 2021.
- The USDA Foreign Agricultural Service recently [published a GAIN report](#) further detailing the French anti-waste bill and its implications for the U.S. fruit industry (*BCI Monitor 7-20-21*).

Daniel Whitley Named New USDA FAS Administrator

- On July 21, the U.S. Department of Agriculture [announced](#) that Agriculture Secretary Tom Vilsack has named Daniel Whitley the new administrator of the USDA Foreign Agricultural Service (FAS).
- Whitley has been the Acting Administrator since December 2020. Prior to that, Whitley led the FAS trade policy and market analysis teams as Associate Administrator and held numerous other government positions.

WTO Holds Meeting of Committee on Sanitary and Phytosanitary Measures

- On July 15 and 16 the WTO held a meeting of its Committee on Sanitary and Phytosanitary Measures.
- The meeting's major initiative was a [proposed SPS Declaration](#), which was sponsored by the United States and 28 other delegations. The declaration is intended to evaluate the impact of SPS measures on the environment and related issues such as climate change, sustainability, and biodiversity.

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WTO Holds Meeting of Committee on Sanitary and Phytosanitary Measures (continued)

- During the committee meeting, the United States submitted a [statement](#) regarding their concerns with the lowering of many European Union MRLs to levels the U.S. considers trade-restrictive. Phosmet is noted specifically in relation to cherries.
- The U.S. also published a [statement](#) directed at China regarding its Decree 248 and Decree 249 on food facility registration and import requirements. (*BCI Monitor 4-20-21, 6-1-21*). In addition to seeking further clarification from China on the measures, the statement reiterates the U.S. request for a delay in implementation, noting that the proposed January 1 date is neither “feasible nor realistic.”
- Furthermore, the U.S. published another [statement](#) regarding China’s testing of imported frozen food for COVID-19. The U.S. maintains that the likelihood of spreading COVID-19 through frozen food packaging is extremely unlikely and China has not provided any science-based justifications for its actions.

GENERAL ISSUES OF INTEREST TO THE CCB:

Restrictions on PFAs Expanding in Europe and U.S.

- Germany, the Netherlands, Sweden, Denmark, and Norway have [formally announced](#) plans to submit a restriction proposal for PFAs to the European Chemicals Agency (ECHA) by July 19, 2022, with the eventual goal to ban PFAs in Europe.
- The five countries have developed a [survey](#) targeting industry and industry associations regarding the use of PFAs and the state of PFA alternatives.
- The deadline for survey completion is September 19, 2021.
- In the United States, [New York](#) and [Washington](#) have banned PFAs in food contact materials starting January 1, 2022, and [Minnesota](#), [Vermont](#), [Maine](#), and [Connecticut](#) have this summer passed laws banning or restricting PFA use.

UK Food Standards Agency Publishes Report on Genome Edited Foods

- The UK Food Standards Agency (FSA) has [reported](#) the findings of its public consultation on [genome edited food](#), conducted to complement the UK Department for Environment, Food and Rural Affairs (DEFRA) consideration of [genetic technologies regulation](#) post-Brexit.
- The FSA consultation found that awareness of gene edited food is limited and consumers feel that labeling should declare the presence of gene edited ingredients in food.
- The UK has retained European Union legislation, which requires gene edited foods to be regulated as Genetically Modified Organisms (GMO) regardless of whether they could be produced through traditional breeding methods. Thus, there are currently no gene edited foods approved for sale in the UK.
- Next steps include DEFRA public consultation on the regulation of GMOs, more broadly, and an FSA assessment of different international regulatory approaches to genetically modified and novel foods.

EU Rejects UK Call to Renegotiate Ireland/Northern Ireland Protocol

- On July 21, the European Union issued a [statement](#) rejecting calls from the UK to renegotiate the Ireland/Northern Ireland Protocol portion of the Brexit deal between the two bodies.
- On July 27, media [reported](#) that the European Commission (EC) will pause legal proceedings against the United Kingdom over violations of the Northern Ireland Protocol, responding to the UK’s request for a “standstill period” freezing EU legal action. No official statement to that effect has yet been published by the EC.
- Brexit Minister David Frost had previously made a statement in Parliament seeking to renegotiate the deal, which requires customs checks between Great Britain and Northern Ireland.
- Also on July 21, the UK [announced](#) it had published a [command paper](#) setting out why and how it seeks to renegotiate the protocol.
- The current Protocol was ratified by Frost and Prime Minister Boris Johnson and subsequently ratified by Parliament one year ago.