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## SPECIFIC ISSUES OF INTEREST TO THE CCB:

**France Publishes Final List of Fruits Temporarily Exempted from Plastic Packaging Law**

- In February 2020, the French parliament passed an anti-waste bill [LOI n° 2020-105 of February 10, 2020 on the fight against waste and the circular economy](#) (in French) that includes measures against the use of plastic for labeling, packaging, and stickers for fruit (*BCI Monitors* 7-20-21, 7-27-21).
- After public consultation, [Decree n° 2021-1318](#), defining temporary exemptions for some fruit and vegetables from the plastic packaging ban, was [signed on October 8, 2021](#). The Ministry of Ecological Transition published [an FAQ for professionals](#) (in French), which includes definitions of plastic materials, types of packaging covered by the ban, definitions of unprocessed produce, and a timeline of implementation by produce type.
- The plastic packaging ban will apply to unprocessed fruits and vegetables sold in quantities under 1.5 kg, including imported produce. Of note, the measure does not cover the stages of the supply chain preceding sale to consumers, such as production, transport, or import. Also explicitly exempted are containers, sheets, films, and cushioning devices intended to remain on shelves or displays and bags or sachets allowing consumers to choose their products in bulk and group them for purchase.
- As announced in the draft decree, the packaging ban for cherries will enter into force on December 31, 2024.

**China Issues Explanatory Letter on Decree 248**

- The General Administration of Customs for the People's Republic of China (GACC) recently sent an explanatory letter regarding the status of [Decree 248: Overseas Facilities Registration Regulation](#) to the U.S. Embassy in Beijing. A translated copy of the letter is provided in a recent [USDA GAIN report](#).
- Decree 248 and [Decree 249: Administrative Measures on Import and Export Food Safety](#) (in Chinese) were adopted in April 2021. Unofficial translations of both [Decree 248](#) and [Decree 249](#) were subsequently provided in USDA GAIN reports (*BCI Monitors* 4-20-21, 5-11-21).
- For 14 food categories including fruits, where a company is already registered by recommendation of foreign competent authorities, the competent authority (i.e. USDA) must register and submit registration forms to the Chinese government. If the forms are submitted by [October 31, 2021](#), registration will be expedited by Chinese authorities. If submitted later, they will be subject to the standard registration process outlined in Decree 248, Article 8. The forms include:

*(Continues on next page)*

### China Issues Explanatory Letter on Decree 248 (continued)

- [Recommended Registration List of Overseas Production Facilities of Imported Food](#), in which USDA must list manufacturing facilities that have previously exported the associated food products to China.
- [Declaration of Conformity of Recommended Registration Facilities](#), in which USDA must attest that facilities are in compliance with Chinese food safety regulations.
- If USDA and GACC have an existing agreement in place covering registration (e.g. a phytosanitary export protocol), the existing agreement takes precedence over Decree 248 requirements.
- GACC has not released implementing regulations for Decree 248 nor answered U.S. industry or U.S. government questions on the draft measure that was notified to the WTO. Due to the proximity of upcoming deadlines, FAS China encourages interested entities to contact GACC directly with concerns or questions. Provided emails include [shipinjuyichu@customs.gov.cn](mailto:shipinjuyichu@customs.gov.cn) or [division\\_registration@customs.gov.cn](mailto:division_registration@customs.gov.cn).
- Both Decrees 248 and 249 are set to enter into force on January 1, 2022. BCI will continue to seek further clarification on the measures, including a scheduled October 12<sup>th</sup> call with the FAS China Team.

## GENERAL ISSUES OF INTEREST TO THE CCB:

### California Passes Multiple Laws for Sustainable Packaging and Recycling

- California's Governor recently [signed into law](#) several bills regarding plastic pollution and recycling that directly impact food and beverage packaging in the state
- [SB 343](#) establishes the additional recyclability criterion that a product or packaging is only to be labeled recyclable if it is of a material type and form collected by recycling programs that collectively serve at least 60% of the population of the state.
- [AB 1200](#), the *California Safer Food Packaging and Cookware Act of 2021*, bans the use of packaging material that contains PFAS for the sale or distribution of food starting January 1, 2023. It will impact food or beverage containers, take-out food containers, unit product boxes, liners, wrappers, serving vessels, eating utensils, straws, food boxes, and disposable plates, bowls, or trays.
- [AB 1201](#) expands product labeling requirements related to biodegradability and compostability from "plastic products" to more broadly defined "products", which includes but is not limited to food or beverage container and package.

### FSANZ Opens Consultation on Definitions of Genetically Modified Food

- Food Standards Australia New Zealand (FSANZ) has initiated a public consultation regarding [proposed updates to definitions for genetically modified \(GM\) food](#).
- FSANZ is requesting feedback on terms used to classify GM foods including "food produced using gene technology" and "gene technology". When classified as GM, food sold in Australia and New Zealand requires pre-market assessment by FSANZ.
- FSANZ cites the need for updates to ensure food safety and accurate labeling declarations.
- Comments are due by December 3, 2021. [Submission instructions](#) are provided by FSANZ.

### European Commission Publishes Roadmap of New Genomic Techniques

- The European Commission launched [an initiative](#) to propose a legal framework covering New Genomic Techniques (NGTs) that have emerged or have been developed since 2001. The initiative considers results from the [study on the status of NGTs under EU law](#) and the goals of the European Green Deal and the 'Farm to Fork' strategy (*BCI Monitor 5-4-21*).
- A [USDA GAIN report](#) presents a summary of the Inception Impact Assessment by the European Commission.
- Feedback on the roadmap can be submitted until October 22, 2021 (midnight Brussels time) through this [link](#).

### European Commission Publishes Roadmap on Integrating Sustainability into Food-Related Policies

- The European Commission continues implementing its Farm to Fork strategy by launching [an initiative](#) related to new or reinforcing regulation to improve sustainability of all food placed on the EU market.
- Policy options to be explored include sustainability labeling of food products, minimum sustainability standards for foods, and legitimate and proportionate sustainability requirements for food imports, in compliance with WTO and other commitments.
- A [USDA GAIN report](#) presents a summary of the Inception Impact Assessment by the European Commission.
- Feedback on the roadmap can be submitted until October 26, 2021 (midnight Brussels time) through this [link](#).

### The UK Shares New Proposal Regarding Northern Ireland Protocol with EU

- In a [speech delivered on Tuesday](#), UK Brexit Minister David Frost announced that the UK has submitted a new legal text for an amended Northern Ireland Protocol with the European Commission. The European Commission is set to introduce its own proposal for an amended protocol on October 13.
- Frost issued a [command paper](#) in July setting out why and how the UK would seek to renegotiate the protocol (*BCI Monitor 7-27-21*).