

OCTOBER 19, 2021

INSIDE THIS ISSUE

- **Updates on China's Decree 248**
- **Chile Expects Extended U.S. Cherry Export Season, Substantial Increase in Exports to U.S.**
- **Spain Launches Public Consultation on Draft Law on Food Loss and Waste Prevention**
- **Regional Comprehensive Economic Partnership Updates**
- **WTO Launches Online Tool to Track Amendments to the Harmonized Commodity Description Coding System**
- **USTR Accepting Nominations to the Trade and Environment Policy Advisory Committee**

**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

SPECIFIC ISSUES OF INTEREST TO THE CCB:

Update on China's Decree 248

- [Decree 248: Overseas Facilities Registration Regulation](#) and [Decree 249: Administrative Measures on Import and Export Food Safety](#) (in Chinese) are scheduled to enter into force on January 1, 2022. Unofficial translations of both [Decree 248](#) and [Decree 249](#) are provided in USDA GAIN reports (*BCI Monitors 4-20-21, 5-11-21*).
- China set a October 31, 2021 deadline for expedited registration in an [explanatory letter to USDA](#) for 14 food categories, including fruits, which require recommendation of a foreign competent authority (i.e. USDA) for registration (*BCI Monitor 10-12-2021*). However, in an October 12 call with the FAS China Team, FAS stated that it would not be feasible for USDA to meet this registration deadline.
- Overseas food production facilities for other foods not explicitly listed in the 18 total categories in the regulation may apply for registration after November 1, 2021, through the *Registration Management of Overseas Production Enterprise of Imported Foods* system on China's [Single Window of International Trade](#). USDA plans to release specific guidance on navigating the Single Window as soon as more information is available.
- Under Decree 248, Article 15, the inner and outer packaging of imported food must be labeled with either a GACC-issued registration number or registration number issued by the exporting country.
- As of October 19, 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. Recent [industry guidance](#) from Australia's Department of Agriculture, Water and the Environment indicates that no additional guidance has been distributed to other countries either.
- 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 or division_registration@customs.gov.cn.

Chile Expects Extended U.S. Cherry Export Season, Substantial Increase in Exports to U.S.

- The Chilean Fresh Fruit Association recently [announced](#) that the Chilean cherry export season for cherries shipped to the U.S. is forecasted to extend past 12 weeks for the first time. The season is forecasted to take place from early November through early February.
- The Chilean Cherry Committee forecasts nearly 13,000 metric tons (MT) will be shipped to the U.S. during the 2021-22 season. If realized, this would represent a 91 percent increase from the 6,800 MT of Chilean cherries exported to the U.S. during the 2020-21 season.
- During the 2020-21 season, the U.S. imported 896 MT of Chilean cherries in November, 2,133 MT in December, 2,629 MT in January, 1,030 MT in February, 96 MT in March, and 24 MT in April.

Spain Launches Public Consultation on Draft Law on Food Loss and Waste Prevention

- Spain's Ministry of Agriculture, Fisheries and Food published a draft [law on food loss and waste prevention](#) (in Spanish) and opened [public consultation](#).
- The draft law calls for the government to develop a strategic plan for prevention and reduction of food losses and waste that will inform the formulation of regional plans.
- It also requires all agents of the food chain to take actions which include the following, in alignment with the priorities set out in the draft law:
 - Set up management plans to prevent food loss and waste,
 - Measure food waste and loss, and
 - Donate unsold goods suitable for human consumption.
- In addition, food service providers will be asked to model and implement good practices aimed at avoiding and reducing food losses and waste aligned with measures proposed in the draft law.
- The government will also adopt policies to revise the date marking of food products, promote research in this field, and allow for donation of products that have passed the preferential consumption by date.
- Comments can be submitted by email to bzn-leyPDA@mapa.es until December 1, 2021.

GENERAL ISSUES OF INTEREST TO THE CCB:

Regional Comprehensive Economic Partnership Updates

- Brunei [ratified](#) the Regional Comprehensive Economic Partnership (RCEP) agreement on October 11, 2021.
- The RCEP agreement will enter into force 60 days after six member states of the Association of Southeast Nations (ASEAN) and three ASEAN Free Trade Agreement partners have ratified the agreement.
- Currently, four ASEAN members (Cambodia, Brunei, Singapore, Thailand) and two partners (China, Japan) have ratified the agreement. Signatories who have not yet ratified the agreement include Australia, Indonesia, South Korea, Laos, Malaysia, Myanmar, New Zealand, the Philippines, and Vietnam.
- RCEP was initially signed in November 2020, after eight years of negotiations. If implemented by all signatories, RCEP will represent approximately one third of the world's GDP and population. It also marks Japan's first free trade agreement with China or South Korea.

WTO Launches Online Tool to Track Amendments to the Harmonized Commodity Description and Coding System

- The World Customs Organization (WCO) [adopted](#) 351 sets of [amendments to the Harmonized System \(HS\)](#) on June 28, 2021. The HS 2022 amendments become effective on January 1, 2022.
- Amendments reflect, among other topics, technological developments, health and safety considerations, environmental topics, and new product streams.
- Of particular interest to the food sector is the amendment based on a Food and Agriculture Organization (FAO) proposal that will allow for tracking and monitoring of trade in edible insects and products thereof. This amendment will trigger some changes in scope of some HS 2017 codes.
- On October 7, the [WTO launched](#) an online tool, [the HS Tracker](#), to help users track amendments and implement changes to their systems.
- HS code 0809.2 remains unchanged.

USTR Accepting Nominations to the Trade and Environment Policy Advisory Committee

- The Trade and Environment Policy Advisory Committee (TEPAC) advises the U.S. Trade Representative on trade policy matters with impact on the environment.
- [Nominations](#) are accepted on a rolling basis for the two-year term ending September 28, 2023.