

NOVEMBER 16, 2021

INSIDE THIS ISSUE

- **Brazil Lowers Tariffs by 10% on Most Goods**
- **Direct Flights Between U.S. and Vietnam to Begin**
- **Compliance Deadline for Mexico's Organic Products Law – Reminder**
- **Scotland Publishes Single-Use Plastic and Expanded Polystyrene Ban Regulation**
- **Korea to Change Expiration Date Rules**
- **Australia Opens Public Consultation on Draft National Contaminating Plant Pest Action Plan**
- **India Publishes Draft Amendments to Food Import Standards and New Testing Fees**
- **Updates on Chinese Decree 248, Decree 249**
- **EU Transitional Period for Certain Health Claims Ends**

**A REPORT FOR  
THE CALIFORNIA  
CHERRY BOARD**

**SPECIFIC ISSUES OF INTEREST TO THE CCB:**

**Brazil Lowers Tariffs by 10% on Most Goods**

- On November 5, Brazil published [GECEX Resolution Nº 269](#), temporarily lowering tariffs by 10 percent for 87 percent of all goods and services. The tariff reductions entered into force on November 12, and end on December 31, 2022.
- The tariff for fresh cherries, other than sour (HS 0809.29.00) has been reduced from 10 to 9 percent.
- The tariff reductions were [announced](#) as Brazil is negotiating with other Mercosur countries to reduce the trade bloc's common external tariff (CET). If negotiations are successful, the tariff reductions could become permanent. More information is available in a recent [USDA GAIN report](#).

**Direct Flight Between U.S. and Vietnam to Begin**

- The Vietnamese government [recently announced](#) (in Vietnamese) that Vietnam Airlines will begin operating direct flights between San Francisco and Ho Chi Minh City, becoming the only airline currently offering direct flights between the two countries.
- Flights will begin on November 28 and will begin operating with two flights per week, expanding to seven flights per week once international travel resumes fully after COVID-19. The airline has also gained licenses to operate flights between Ho Chi Minh City and Hanoi to Los Angeles, New York, Seattle, and Dallas – Fort Worth.
- Another Vietnamese airline, Bamboo Airways, also recently gained the proper clearances to begin direct flights between the two countries.
- During the 2021 cherry season, Vietnam was the 5th largest export destination for California cherries with 380 metric tons (MT), down from a high of 662 MT in 2020. As all California cherries are air freighted, this should open up expanded shipping options to Vietnam.

**GENERAL ISSUES OF INTEREST TO THE CCB:**

**Compliance Deadline for Mexico's Organic Products Law - Reminder**

- Compliance with Mexico's [Organic Law \(LPO\)](#) (in Spanish) will be mandatory on January 1, 2022. USDA suggests that U.S. organic exporters to Mexico continue working with the Secretariat of Agriculture and Rural Development (SADER) to become certified to LPO standards in advance of the compliance date ([BCI Monitors 5-4-21](#), [5-11-21](#), [6-29-21](#)).
- The LPO requires that U.S. organic exports be certified by a National Agro-Alimentary Health, Safety and Quality Service (SENASICA) accredited certifying body, of which only 12 are also certified by the U.S. National Organic Program (NOP).
- Additional details regarding the extension, including a translation, are available in USDA GAIN reports from [May 11, 2021](#) and [November 9, 2021](#).

### Scotland Publishes Single-Use Plastic and Expanded Polystyrene Ban Regulation

- Scotland published [The Environmental Protection \(Single-use Plastic Products\) \(Scotland\) Regulations 2021](#), banning the use of several single-use plastic and expanded polystyrene products (*BCI Monitor* 8-24-21).
- The regulations include market restrictions, effectively a ban, in line with the *EU Single-Use Plastics Directive 2019/904*. The market restrictions include banning the supply and manufacture of the following products:
  - Single-use expanded polystyrene beverage cups, beverage containers, and food containers;
  - Single-use plastic cutlery, plates, and beverage stirrers.
- The law additionally bans the supply of plastic straws and balloon sticks, with exemptions for certain business and medical applications.
- The regulations enter into force on June 1, 2022.
- Scotland also published a [draft guide on the implementation of regulations](#).

### Korea to Change Expiration Date Rules

- On August 17, South Korea promulgated an amendment ([Act No. 18445](#)) to the [Act on Labeling and Advertising of Food, etc.](#) (both in Korean). The amendment changes the current expiration date used, "유통기한" to "소비기한" which roughly translate to a change from a "sell-by date" to a "use-by date." The change will enter into force on January 1, 2023 (*BCI Monitors* 7-14-20, 3-9-21).
- Recently, Korea has notified the WTO of two draft partial amendments to the related enforcement decree.
- The [first notification](#) regarding the Ministry of Food and Drug Safety (MFDS) [Announcement No. 2021-528](#) relates to refrigerated foods.
- The [second notification](#) regarding MFDS [Announcement No. 2021-527](#) relates to special-purpose foods.
- Comments on the WTO notifications are due by January 11, 2022 with submissions sent to the U.S. TBT Inquiry Point at [usatbtep@nist.gov](mailto:usatbtep@nist.gov). Comments may also be sent directly to MFDS through the individual announcements by December 15, 2021.

### Australia Opens Public Consultation on Draft National Contaminating Plant Pest Action Plan

- On November 15, Australia opened public consultation on its management plan regarding contaminating pests that can enter via commodities or packaging shipped from overseas. The [draft National Hitchhiker \(Contaminating\) Plant Pest Action Plan](#) sets out management steps related to prevention, detection, response, and cross-cutting issues.
- Comments can be submitted via [Australia's Have Your Say Portal](#) until January 14, 2022. The final plan is expected to be released in August 2022.

### India Publishes Draft Amendments to Food Import Standards and New Testing Fees

- On November 3, the Food Safety and Standards Authority of India (FSSAI) published the [Food Safety and Standards \(Import\) First Amendment Regulations, 2021](#) (English begins on page 5) concerning the registration and inspection of foreign food manufacturing facilities.
- The amendments include a new application/renewal form for foreign food manufacturing facilities intending to export certain (unspecified) food products to India, and criteria for inspection of foreign food manufacturing facilities.
- The regulations came into force on November 3, 2021. Compliance is required by June 1, 2022.
- Also on November 3, India published [new testing fees for domestic and import samples](#), effective December 1, 2021.

### Updates on Chinese Decree 248, Decree 249

- On November 5, the General Administration of Customs for China (GACC) published an [Interpretation](#) (in Chinese) of Decree 248. The interpretation adds context and rationale for each article of Decree 248. The USDA has subsequently published an [unofficial English translation](#) of the document.
- On November 10, the USDA published an [unofficial guide to self-registering overseas food facilities](#). The guide provides step-by-step instructions on registration, providing screenshots and advice on navigating the [E-government Platform for the Origin of China's Exports \(singlewindow.cn\)](#).
- Also on November 10, GACC published [Measures for the Administration of Import and Export Food Safety of the People's Republic of China](#), published in April as [Decree 249](#), and an [Interpretation](#) of the document (both in Chinese).
- The U.S. is continuing to advocate for China to delay the January 1 implementation of Decrees 248 and 249, including publishing a [specific trade concern on November 11 at the WTO](#), requesting an 18 month postponement.
- In a November 16 phone call BCI participated in with USTR and USDA, the U.S. government (USG) emphasized the following key points:
  - The USG is currently recommending all facilities supplying product to China seek registration directly with GACC via the Single Window Portal, even those that may fall under the 14 product categories listed for registration via a competent authority
  - According to USG interpretation, product manufactured before the January 1, 2022 implementation date does not need to be labeled with the registration number obtained via self-registration
  - Facilities covered under existing registration procedures with China will not be subject to the registration requirements of Decree 248, largely applying to fresh products covered under existing export protocols.

### EU Transitional Period for Certain Health Claims Ends

- Per Article 28(2) of [Regulation \(EC\) No 1924/2006](#), by January 19, 2022, any nutrition or health claims implied by a trademark, brand name, or fancy name must be accompanied by a related authorized nutrition or health claim.
- The United Kingdom (UK) published a [guidance document](#), as the regulation still applies throughout the UK