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## A REPORT FOR THE CALIFORNIA CHERRY BOARD

### SPECIFIC ISSUES OF INTEREST TO THE CCB:

#### China Publishes Guidance on Decree 248

- On December 14, the General Administration of Customs of China (GACC) published guidance that formally announced that Decree 248 only applies to goods produced *after* January 1, 2022.
- Fresh fruits are not affected by Decree 248.
- China also reiterated that Decrees 248 and 249 will enter into force on January 1, 2022. The U.S. government continues to ask for implementation to be delayed 18 months.

### GENERAL ISSUES OF INTEREST TO THE CCB:

#### EU Opens Public Consultation on Two Food Labeling Initiatives

- The European Commission (EC) opened public consultations on [a regulation establishing nutrient profiles](#) and on [a regulation revising food labeling](#) (*BCI Monitor 1-9-21*).
- Both regulations [revise](#) Regulation (EU) No 1169/2011 on the provision of food information to consumers by introducing standardized front-of-pack (FOP) nutrition labeling, expanding mandatory country of origin labeling, revising rules on date marking, and establishing rules for health and nutrition claims for foods that exceed specified levels of fats, sugars, or salt.
- Comments on the regulations can be submitted until March 7, 2022 by filling out online questionnaires (i.e., [Nutrient Profile Questionnaire](#) and [Food Labeling Questionnaire](#)). Draft regulations are expected to be available when the EC adopts the proposal to start the legislative procedure in Q4 2022.

#### UK Outlines Changes to Import Requirements in 2022

- The United Kingdom's Department of Environment, Food and Rural Affairs (Defra) recently published an [outline of changes to import requirements](#) happening in 2022.
- On January 1, 2022, businesses importing products of animal origin, animal by-products and high risk foods not of animal products (HRFNAO) must pre-notify consignments four hours before arriving in Great Britain.
- On July 1, 2022, all certification, physical and identity checks will be introduced for remaining regulated animal by-products, lower risk plants and plant products, meat and meat products, and remaining high-risk food not of animal origin. Additionally, checks on high-priority plant and plant products will be changed from place of destination to designated border control posts (BCPs) and control points.
- On September 1, 2022, certification and physical checks will be introduced for dairy products.
- On November 1, 2022, certification and physical checks will be introduced for all remaining products of animal origin, including composite products.

### UK Publishes Description of Products Regulation for Plastic Tax

- The United Kingdom (UK) recently published [The Plastic Packaging Tax \(Descriptions of Products\) Regulations 2021](#). The regulations amend the definition of plastic component originally laid in the [Finance Act 2021 \(Part 2\)](#), which sets out the UK's new plastic packaging tax.
- The [plastic packaging tax](#) enters into force on April 1, 2022 with a £200 per metric ton tax on plastic packaging not meeting a minimum threshold of 30% recycled content. The tax applies to imported packaging, both filled and unfilled, but does not apply to packaging that is not majority plastic by weight (*BCI Monitor 11-23-21*).

### UK Publishes Regulation Restricting Promotion of HFSS Foods and Drinks

- The United Kingdom (UK) promulgated [The Food \(Promotion and Placement\) \(England\) Regulations 2021](#), restricting placement and promotion options for foods high in fat, salt, or sugar (HFSS) as part of the UK's ongoing anti-obesity regulatory effort.
- The new regulations ban several forms of promotion for HFSS foods including:
  - Volume price promotions such as multibuy promotions (e.g., three for the price of two) and promotions that indicate a product, or part of the product, is free (e.g., buy one get one free, fifty percent extra free)
  - Free refills for soft drinks
  - Promotions or advertisements located at checkouts, shop entrances, or end of aisles for businesses over 2,000 square feet
  - Online advertisements on an entry page, while searching for other products, pop-up advertisements, or on a checkout page
- The price promotion, placement, and online promotion restrictions shall not apply to restaurants, while the drink refill promotion restriction applies.
- Food products affected by the regulation are set out in [Schedule 1](#).
- The regulations will enter into force on October 1, 2022 and extend to England and Wales.

### Korea Amends Quarantine Pest List

- On December 9, the Republic of Korea's Animal and Plant Quarantine Agency (APQA) [notified](#) the WTO of changes to its quarantine pest list.
- APQA [added](#) 17 new pests to the list, while [removing](#) 34 species as of November 24.
- Comments to the Ministry of Agriculture, Food and Rural Affairs are due by February 7, 2022, and may be sent to [wtoagri@korea.kr](mailto:wtoagri@korea.kr).

### Brazil Excludes Urochloa Panicoides from List of Absent Quarantine Pests

- On December 10, Brazil's Ministry of Agriculture, Livestock and Food Supply [notified](#) the WTO that it will modify its quarantine pest list.
- [Ordinance \(Portaria\) No. 465 of 1 December 2021](#) enters into force on January 3, 2022, and will exclude the pest *Urochloa panicoides*, from the List of Absent Quarantine Pests (Annex of *SDA Normative Instruction No. 39, of 1 October 2018*).

### Brazil Aligns the Mercosur Common Nomenclature and the Common External Tariff with 2022 Harmonized System

- Brazil adopted [Gecex Resolution No. 272](#), aligning the Mercosur Common Nomenclature (NCM) and the Common External Tariff (TEC) with the 2022 Harmonized System. The resolution enters into force on January 1, 2022, and takes effect from April 1, 2022. Import tariffs set out in Council Decisions 29/15 and 30/15 of the Mercosur Common Market remain in force until December 31, 2023.
- The Common External Tariff for fresh cherries is set at 10%.

### South Korea to Seek Membership in CPTPP

- On December 13, South Korea's Minister of Finance [announced](#) the country would be seeking membership in the Comprehensive and Progress Agreement for Trans-Pacific Partnership (CPTPP). Once they formally apply, South Korea will be the fourth country in the application process, joining the United Kingdom, China, and Taiwan.
- The CPTPP is currently in force in Australia, Canada, Japan, Mexico, New Zealand, Peru, Singapore, and Vietnam. Brunei, Chile, and Malaysia are signatories to the trade deal, but have not yet ratified it.
- Additionally, South Korea will resume free trade talks with Mexico and the Gulf Cooperation Council (GCC).

### South Korea Ratifies the Regional Comprehensive Economic Partnership

- On December 3, South Korea [ratified](#) the Regional Comprehensive Economic Partnership (RCEP) agreement. The agreement enters into effect for South Korea on February 1, 2022.
- The RCEP agreement enters into force on January 1, 2022, as seven member states of the Association of Southeast Nations (ASEAN) and three ASEAN Free Trade Agreement partners have ratified the agreement (*BCI Monitor 10-12-21*).
- As of December 10, the following countries have ratified the agreement: Australia, New Zealand, Vietnam, Thailand, Laos, Cambodia, Brunei, Japan, China, South Korea and Singapore.
- Indonesia, Malaysia, Myanmar, and the Philippines are the remaining signatories that have not yet ratified the agreement.

### U.S. National Bioengineered Food Disclosure Standard Becomes Mandatory on January 1, 2022

- The [National Mandatory Bioengineered \(BE\) Food Disclosure Standard \(NBFDS\)](#) will be mandatory for all food businesses in the United States (US) as of January 1, 2022.
- The NBFDS requires all food labels to disclose information about BE food and BE food ingredients, with BE foods and ingredients defined as foodstuff containing genetic material that has been modified through certain lab techniques; and that could not be obtained through conventional breeding or found in nature.

### FAS Publishes Report on Mexico's Organic Seal

- Mexico's [organic labeling measure](#) (in Spanish) entered into force on December 4, and food business operators have 36 months to adjust labels (*BCI Monitor 12-7-21*).
- U.S. organic products can be labeled with the official seal, if certified under Mexico's *Organic Products Law*.
- On December 6, USDA Foreign Agricultural Services (FAS) published a [GAIN report on the new organic seal](#), including [an unofficial English translation of the measure](#).