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**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

SPECIFIC ISSUES OF INTEREST TO THE CCB:

Malaysia Ratifies the Regional Comprehensive Economic Partnership

- On January 12, Malaysia [ratified](#) the Regional Comprehensive Economic Partnership (RCEP) agreement. The agreement will enter into force for Malaysia on March 18, 2022.
- The RCEP agreement has already entered into force for Australia, New Zealand, Vietnam, Thailand, Laos, Cambodia, Brunei, Japan, China, Singapore, and South Korea.
- Indonesia, Myanmar, and the Philippines are the remaining signatories that have not yet ratified the agreement.

Chile Publishes First Agricultural Census in 14 years

- Chile recently [published its preliminary](#) 2021 Agricultural Census results. The census was delayed three times due to COVID-19 and was the first census conducted since 2007.
- 2021 preliminary data and 2007 data are [available from](#) the National Statistics Institute (INE). Of note, fruit trees are the highest-income crop on 15.4% of all farms in Chile.
- Finalized results, including division by region, will be available in the second half of 2022.

GENERAL ISSUES OF INTEREST TO THE CCB:

Hong Kong Publishes Updated Guidance on Hazardous Substances in Food Regulations

- Hong Kong has published [updated guidelines](#) and a new [FAQ document](#) regarding the country's [Harmful Substances in Food \(Amendment\) Regulation 2021](#).
- The two related amendments 1) [Harmful Substances in Food \(Amendment\) Regulation 2021](#); and 2) [Food and Drug \(Composition and Labelling\) \(Amendment\) Regulations 2021](#) were gazetted in July (*BCI Monitors 12-15-20, 8-3-21*).
- The first amendment:
 - Updates the maximum permitted concentration of aflatoxins, erucic acid, and melamine in food
 - Introduces maximum levels for benzo[a]pyrene, deoxynivalenol, glycidyl fatty acid esters, patulin, and 3-monochloropropane-1,2-diol in food
 - Prohibits [foods](#) containing partially hydrogenated oil
- The second amendment requires prepackaged foods containing fully hydrogenated oils to be marked accordingly in their ingredient tables.
- The prohibition of partially hydrogenated oils and the required marking of fully hydrogenated oils will enter into force on December 1, 2023, while the other amendment provisions will enter into force on June 1, 2023.

Korea Publishes Official Translation of Food Contact Material Standard

- South Korea's Ministry of Food and Drug Safety (MFDS) recently published an English translation of its *Standards and Specifications for Utensils, Containers, and Packages*, including amendments adopted in *MFDS Notification No. 2021-76* related to recycled plastics as food contact materials (*BCI Monitor* 6-8-21, 12-7-21):
 - [Standards and Specifications for Utensils, Containers and Packages \(Part I\)](#)
 - [Standards and Specifications for Utensils, Containers and Packages \(Part II\)](#)
- *MFDS Notification No. 2021-76* entered into force on January 1, 2022. It implements revised standards for recycled synthetic resins, standards for active and intelligent packaging, standards for polyketone synthetic resin, and revised testing methods and terminology.

Thailand Notifies Draft Revision of its Food Contact Material Regulation

- On January 27, Thailand's Food and Drug Administration (Thai FDA) [notified](#) the WTO that it is repealing and replacing *MOPH Notification No. 295 (BE. 2548) "Qualities or Standards of Containers Made from Plastic"*.
- The [revised notification](#) (in Thai) defines plastic food packaging and recycled food contact materials (FCMs) as well as quality standards and migration limits of primary aromatic amines, metal, and certain other food contact materials listed in Annex I.
- Only those FCMs listed in Annex I are permitted for use in plastic food packaging without a risk assessment by an evaluation body recognized by the Thai FDA and approval by the Thai FDA.
- Recycled polyethylene terephthalate (PET) will be added to the list of permitted FCMs under conditions prescribed in the revised notification.
- The notification shall enter into force on the date of publication in the Official Gazette. Implementation will be staged for the different types of plastic food packaging.
- Comments can be sent to the U.S. TBT Inquiry Point at usatbtep@nist.gov until February 26, 2022.

India Publishes Draft Amendments to Plastic Waste Regulations

- On January 18, India's Ministry of Environment, Forest, and Climate Change published [Draft Notification Plastic Waste Management Amendment Rules, 2022](#) (in English starting on p. 6).
- The draft amendments include definitions of several terms used in the *Plastic Waste Management Rules, 2016*. Of note is a definition of biodegradable plastics, meaning plastics, other than compostable plastics, which completely degrade by biological processes, in specified time periods, without leaving any microplastics, or another residue, and which adhere to standards of the Bureau of Indian Standards and are certified by the Central Pollution Control Board.
- Comments are due by email to satyendra.kumar07@nic.in or amit.love@nic.in by March 19, 2022.

Taiwan Draft Announcement of Restricting PVCs in Recyclable Containers, Tableware

- On November 15, Taiwan announced a draft amendment banning "plate packaging materials containing polyvinyl chloride (PVC), designated recyclable containers and non-plate disposable tableware containers." Informal translation suggests that the draft amendment bans PVC in flat packing materials used to separate and protect food items within a container, plastic shells, clamshells, and folded boxes for display of food items. Relevant items are those which contain food, dairy products, seasonings, vinegar, salt, edible oils and fats, beverages, or water, as well as several non-food items.
- The draft amendment would ban the production, importation and sales of subjected products produced or imported after November 1, 2022.

WTO Awards China \$645 Million in Retaliatory Tariffs Against the U.S.

- On January 26, a WTO arbitration panel [awarded](#) China \$645 million in annual retaliation against the U.S. in relation to a May 2012 dispute over U.S. countervailing duties on a variety of Chinese products, including paper, tires, and solar panels. In 2019, China requested \$2.4 billion in retaliation related to the dispute.
- Despite being awarded the right to impose retaliatory tariffs, China does not have to impose them. In 2019, China was also awarded the [right to \\$3.6 billion in tariffs](#), which they have yet to impose.