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**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

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SPECIFIC ISSUES OF INTEREST TO THE CCB:

China Publishes Draft Excessive Packaging Law for Agricultural Products

- On November 21, the Chinese Ministry of Agriculture and Rural Affairs (MOA) published draft standards *Requirements of Restricting Excessive Package – Edible Agricultural Products*.
- The draft standard covers only fruit, meat, eggs, and aquatic products; whereas previously-published standard GB 23350 Requirements of Restricting Excessive Package—Foods and Cosmetics includes more food categories (*BCI Monitors* 3-22-22, 4-26-22, 5-24-22). Table 1 in section 2.2 of the draft standard provides a comparison table of categories covered by the two standards.
- In September, the State Council of China issued a notice (in Chinese) on strengthening control of excessive packaging of commodities, including the goal, “to formulate mandatory standards for restricting excessive packaging of edible agricultural products, and clarify the basis for determining excessive packaging of edible products such as fruit” (*BCI Monitor* 9-20-22).
- Among other requirements, the standard sets necessary packaging void ratios for goods, sets a maximum of 3 layers of packaging for non-meat edible produce, requires that the cost of the packaging should not exceed 20% of the sales price of the product, and requires that the package weight ratio should not exceed 30%.
- Comments are due by January 22, 2023 and can be submitted to quodubaozhuang@163.com in addition to other comment methods described in the MOA notice.

GENERAL ISSUES OF INTEREST TO THE CCB:

South Korea Requires Photos to Be Attached to Import Declaration

- On November 25, South Korea adopted *Prime Minister Ordinance No. 1833*, amending the *Enforcement Rules of the Special Act on Imported Food Safety Management* (both documents in Korean).
- The amendments to Article 27 require a photo of the imported foods to be included as part of the import declaration form. This requirement applies to imported products that are in a package such as a box, a container, etc. Exempted are only foods listed in Attached Table 9, items 1 to 3 of subparagraph No. 2, or as announced by the Ministry of Food and Drug Safety (MFDS). Based on machine translation, foods exempted under Table 9 include bulk foods for further processing, food imported under a business license for the livestock processing industry, and food imported for research.
- A new import declaration form as listed in Appendix Form No. 25 is effective from January 1, 2023.
- The ordinance entered into force on November 25, 2022. It is unclear whether enforcement of the photo requirement will begin prior to use of the new Appendix Form No. 25.

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South Korea Notifies WTO of Amendments to Quarantine Pest List

- On November 23, Korea [notified the WTO](#) that the Ministry of Agriculture, Food and Rural Affairs (MAFRA) Animal and Plant Quarantine Agency (APQA) made the following amendments to the quarantine pest list:
 - [List of newly added quarantine pests](#) (24 new species).
 - [List of newly added regulated non-quarantine pests and host plants](#) (two species).
 - [Removed pests from the quarantine pest list](#) (six species).
- The WTO notification does not provide a date of adoption for the amendments.
- Comments can be sent to the U.S. SPS Inquiry Point at us.spsenquiry@fas.usda.gov. The WTO comment deadline is January 22, 2023.

Canada Updates Table of Reference Amounts for Nutrition Labeling

- On November 24, Health Canada [announced](#) it [amended](#) its [Nutrition Labeling - Table of Reference Amounts for Food](#) due to identified gaps in food categories and new market trends and consumption data.
- The Table governs reference amounts (RAs) and serving sizes that represent the amount of food typically consumed in one eating occasion, determine what is considered to be a single-serving prepackaged product, serve as the basis for determining the serving size to be declared on the nutrition facts table, and serve as part of the criteria for making nutrient content and health claims.
- Amendments of particular interest to CCB include:
 - Providing serving size instructions for fruit.
- Manufactures have until January 1, 2026 to comply with these changes.

Mexico and Chile Amend Work Plan Regarding Microperforated Bags for Stone Fruit from Chile

- Chile's Association of Fruit Exporters (ASOEX) [reported](#) that Chile's Agriculture and Livestock Service (SAG) and Mexico's National Service for Agri-Food Health, Safety and Quality (SENASICA) have signed an addendum authorizing the use of three new bags with 0.3% ventilation area for export of Chilean stone fruit.
- Notice of the addendum was published in [SAG Circular No. 667/2022](#), with technical specifications for stone fruit [detailed in the addendum](#) (all documents in Spanish).

Brazil Adopts Inspection and Phytosanitary Certification Procedures for Wooden Packaging

- On November 23, Brazil [notified the WTO](#) of adoption and entry into force of [Ministerial Ordinance No. 514 of 8 November 2022](#) (in Portuguese), establishing inspection and phytosanitary certification procedures for wooden packaging. *Normative Instruction No. 32* from 2015 has been revoked by the new ordinance.
- Brazil accepts the ISPM mark as proof that wooden packaging has been subject to official phytosanitary treatment, approved and established in the FAO International Plant Protection Convention's [ISPM 15 standard](#). If the exporting country has adopted the ISPM 15 standard, the packaging must be marked accordingly. If ISPM 15 is not adopted, the packaging must be accompanied by a phytosanitary certificate, stating that the packaging has been treated with one of the treatments approved by ISPM 15.
- Wooden packaging of a thickness of equal to or less than six millimeters is exempt from treatment and certification.
- According to Article 26, wooden packaging containing imported goods must be declared to the federal agricultural inspection agency, using a form published by the Ministry of Agriculture, Livestock and Supply.
- The regulation entered into force on November 11, 2022 and applies to goods with a bill of lading dated on or after November 11, 2022.

India to Allow Rectification of All Imported Food Labels

- On November 18, the Food Safety and Standards Authority of India [published an order](#) that all non-compliant labels on imported food consignments may be rectified at the port of entry.
- Rectification can be accomplished by affixing a single non-detachable sticker or other non-detachable methods and must be carried out at the Customs bonded warehouse before visual inspection or re-inspection by the Authorized Officer or representative.
- The Authorized Officer or representative shall then verify label compliance during the visual inspection. The consignment shall be subject to sampling and testing only if it is compliant with labeling requirements.
- In June 2022, FSSAI [announced](#) that the percentage of Recommended Dietary Allowance and expiration dates on labels could be rectified at the port of entry (*BCI Monitor 6-21-22*).

UK Publishes Draft Packaging Data Statutory Instrument

- On November 22, the United Kingdom (UK) published a [draft of *The Packaging Waste \(Data Reporting\) \(England\) Regulations 2022*](#), clarifying guidance on “[Packaging waste: prepare for extended producer responsibility](#)” published online in October 2022 and updated on November 24 (*BCI Monitor 10-25-22*). The regulations apply to entities in England, but regard all packaging produced in or imported into any part of the UK.
- Regulation 8 suggests that the regulations do not apply to exporters unless they also have a business or agent established in England that acts in one of several specified roles, including importer, packer, or distributor in the UK. Regulations 11 and 15 specify further criteria for applicability and obligations.
- According to regulation 16, qualifying producers must report packaging data as further specified in Schedule 1. Regulation 12 exempts some types of packaging, such as packaging reused within the UK.
- The regulations are proposed to enter into force on February 28, 2023, and apply to England only. Of note, the first reporting period may start on January 1, 2023 according to Part I of Schedule 1.