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A REPORT FOR
THE CALIFORNIA
CHERRY BOARD

SPECIFIC ISSUES OF INTEREST TO THE CCB:

EU Proposes to Revise Several Food Marketing Standards

- On April 21, the European Commission (EC) [opened](#) public consultations on several draft delegated and implementing acts under *Regulation (EU) No 1308/2013*, the Common Markets Organization (CMO), to revise existing food marketing standards.
- Of note to CCB are revisions to the Fresh Fruit and Vegetables, Bananas, Nuts and Dried Fruit Marketing Standards ([Draft Delegated Regulation](#)) ([Draft Implementing Regulation](#)), repealing *Commission Regulation (EC) 1666/1999* and *Commission Implementing Regulations (EU) 543/2011* and *(EU) 1333/2011*.
 - The standard will apply to cherries, fresh (under HS code 08.09).
 - Of note, the label may not include terms that suggest better or superior quality. Any quality mark must comply with the requirements set out in Annex I.
 - Chapter III specifically sets out requirements for imported products. However, the draft delegated act does not include a marketing standard specific to cherries only.
- Comments on the delegated and implementing regulations are due by May 19, 2023, and can be submitted via each standard's online portal. After the end of the consultation period, the European Commission will forward the regulations to the Council and Parliament. Publication in the Official Gazette can be expected around two months after submission to the Council and Parliament. The new standards will enter into force 20 days after publication and shall apply from January 1, 2025.

South Africa Updates Draft Food Labeling Regulation

- On April 14, South Africa's Department of Health [published](#) in the South African Gazette its draft [Regulations relating to the labeling and advertising of foodstuffs No. R3287 of 14 April 2023](#), an updated draft of the previous draft regulation first published in January 2023 (*BCI Monitor* 2-7-23). On April 19 and 21, South Africa's Department of Health Directorate: Food Control notified the WTO of this draft ([WTO SPS Notification](#), [WTO TBT Notification](#)). Of note, the first draft, published in January, was not notified to the WTO. The regulations introduce a host of labeling changes in South Africa, including the introduction of mandatory front of pack nutrition labeling (FOPL).
 - The second updated draft regulation adds four new sections: Artificial sweeteners (Regulation 35), Marketing restrictions for foodstuffs that may not be advertised to children (Regulation 52), Withdrawal (Regulation 76), and Short Title (Regulation 78). It combines the Modified Starches section with the Processing Aids and Carry-over of Additives section (Regulation 36). It also renames the section 3 title as well as Annexures 1, 6, 7, 8, and 10.
 - Of note, the second updated draft adds that the FOPNL must not be deliberately reduced in size so as to diminish its visibility and will be subject to letter size requirements in all cases (Regulation 51).
- Additionally, on April 21, South Africa [published](#) a [third update of the draft](#) to its gazette. The third draft has not yet been notified to the WTO.

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South Africa Updates Draft Food Labeling Regulation (continued)

- In addition to the changes made from the first to second drafts, the third draft includes a provision at the bottom of the document describing the allowances payable to council members and does not include additional changes affecting the substance of the regulation.
- Comments on the second draft can be sent to the U.S. SPS Inquiry Point at us.spsenquiry@fas.usda.gov or the U.S. TBT Inquiry Point at usatbtep@nist.gov. The WTO comment deadline is June 18, 2023 (SPS) or June 20, 2023 (TBT).

GENERAL ISSUES OF INTEREST TO THE CCB:

UK Published Guide on Organic Food Imports

- On April 20, the United Kingdom (UK) published [guidance on importing organic food to the UK](#).
- For Great Britain, importers must check if their exporter's control body and country of export is on the [non-UK organic registers](#). For imports to Northern Ireland, the control body must be registered with the EU's Trade Control and Expert System New Technology (TRACES NT).
- A certificate of inspection (COI) is required for each consignment.

China Publishes New Draft Food Contact Material Standards

- On April 19, 2023, China's National Center for Food Safety Risk Assessment (CFSA) [published a new draft standard revising GB 4806.1-2016: General Safety Requirements for Food-Contact Materials and Articles \(unofficial English translation from the USDA\)](#). GB 4806.1-2016 is China's general standard covering food contact materials and applies to all types of food contact materials.
- Based on a comparison of a machine translation and the USDA translation of GB 4806.1-2016, revisions may include:
 - Changes to definition of "effective barrier layer"
 - Addition of definition of "complete barrier"
 - Rearranging and changes throughout the basic requirements section
 - Requiring additional details on the declaration of conformity
- Industry opinions on the draft standards can be sent to bioxhun@cfssa.net.cn before May 15, 2023.

USDA Publishes Translation of Chinese Law on Excessive Packaging for Food

- The USDA published a [GAIN report](#) with an English translation of China's updated GB23350-2021 *Restriction of Excessive Packaging Requirements for Food and Cosmetics*, which replaces [GB 23350-2009](#) (in Chinese) upon entry into force on September 1, 2023.
- The forward of GB23350-2021 includes a summary of amendments to the 2009 version, including updated definitions, modified calculations for packaging interspace ratios, and new testing methods.
- In February, USDA published an [English translation](#) of China's [GB XXXXXX—202X Requirements of Restricting Excessive Package—Edible Agricultural Products](#) (in Chinese) (*BCI Monitor* 2-28-23). This draft standard sets excessive packaging requirements for a more specific scope of fresh agricultural products including fruit and will enter into force one year after final publication.

USDA Reports on China's Updated Phytosanitary Certificate Templates

- The USDA recently published a [GAIN report](#) regarding China's notification of updated phytosanitary certificate templates (*BCI Monitor* 4-18-23).
- The report notes that the updated templates include new information such as Country of Origin, Country of Final Destination, and Name of Plant Protection Organization.
- Use of the updated templates will begin June 1, 2023, and a transition period during which both the old and new versions of the certificates will be accepted lasts until December 31, 2023.