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**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

SPECIFIC ISSUES OF INTEREST TO THE CCB:

EU Parliament Rejects Commission Proposal for Sustainable Use of Pesticides Regulation

- On November 22, after the first reading of the file, the Parliament of the European Union (EU) [voted against](#) adoption of the EU Commission's (EC) [proposal for an EU Regulation on the Sustainable Use of Plant Protection Products](#) (Annex available [here](#)), which would replace the *EU Directive on the Sustainable Use of Pesticides* (*BCI Monitor* 6-28-22).
- The proposal was supposed to implement the EC's Farm-to-Fork Strategy by introducing:
 - Legally binding EU-level targets to reduce by 50% the use and risk of chemical pesticides and the use of the more hazardous pesticides by 2030
 - An enforcement framework to ensure adherence to Integrated Pest Management (IPM) by all farmers
- The EU Council still has to decide on its own position on the proposal, which will determine whether it is definitively rejected or returns to Parliament for a second reading.

EU Ratifies Trade Agreement with New Zealand

- On November 27, the Council of the European Union (EU) [announced](#) it has adopted a decision approving the [EU-New Zealand Trade Agreement](#). Approval by the EU means that once New Zealand completes its domestic legal requirements and procedures, the agreement can enter into force.
- The EU and New Zealand signed and published the text of the agreement in July 2023 (*BCI Monitor* 7-11-23). Details regarding tariff reductions are included in the July 11 edition of the *BCI Monitor*.
- According to the Council of the EU press release, the agreement can enter into force in early 2024.

EU Parliament Adopts Negotiating Position on Revised Packaging and Packaging Waste Regulation

- On November 22, the European Union (EU) Parliament [adopted](#) its [position](#) (adopted Amendments linked) on the European Commission's proposal for a *Packaging and Packaging Waste Regulation* to replace *Directive 94/62/EC* (*BCI Monitor* 10-27-23).
- The EU Parliament published a partial [summary](#) of amendments to the [Commission proposal](#).
- Based on preliminary analysis, amendments include:
 - Revised Article 22 and the related Annex 5 regarding single-use plastic bans. The ban will not pertain to fruit packaging. The Commission had proposed to ban single use plastic for packages of fresh fruit and vegetables less than 1.5 kg, unless there is a demonstrated need to protect against water loss or turgidity loss, microbiological hazards, or physical shocks.

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EU Parliament Adopts Negotiating Position on Revised Packaging and Packaging Waste Regulation (Continued)

- New Article 22(a) bans very lightweight plastics bags from the market unless they are provided as primary packaging for loose food when this helps to prevent food waste. The Commission had granted authority over bans on plastic carrier bags to Member States.
- Expanding Article 5 to ban intentionally added Per- and polyfluorinated alkyl substances (PFAS) and Bisphenol A (BPA, CAS 80-05-7) in food contact materials, effective 18 months after the Regulation comes into force.
- Revised Article 11, requiring material composition labeling, using pictograms, to facilitate sorting of packaging waste. Transport packaging will be exempt.
- Revised Article 7, reducing recycled content targets for certain plastic food contact materials made from materials other than PET (lowered from 10% to 7.5% for 2030 and from 50% to 25% for 2040).
- Requiring a new Commission Delegated Act on design criteria for recyclability to be published by January 1, 2027 (Article 6). Also specifying in Article 3 that “design for recycling” will give priority to mechanical recycling and adding more detail regarding design for recycling to Annex II.
- Requiring large final distributors to sell food or non-food products via refill stations on at least 10% of their sales area from 1 January 2030 (new Article 25(4)(a)).
- Deletion of the reuse target of 90% by 2040 for transport packaging (Article 26(7)(b)). The reuse target of 30% from 2030 onwards will apply to transport packaging or sales packaging used only for transportation within the territory of the Union in the form of pallets, plastic crates, foldable plastic boxes, pails, or drums. The Commission may adopt delegated acts to exempt packaging formats in case of concerns regarding hygiene or food safety.
- Additional information can be accessed via the [procedure file](#) for the regulation.
- The Council is expected to adopt its opinion on the proposal in December. Parliament and the Council will then negotiate the final text.

GENERAL ISSUES OF INTEREST TO THE CCB:

Japan Notifies Amendments to Organic Products of Plant Origin Standard

- On November 24, Japan’s Ministry of Finance (MOF) and Ministry of Agriculture, Forestry and Fisheries (MAFF) [notified the WTO](#) of its plan to revise the *Japanese Agricultural Standards for Organic Products of Plant Origin (Current Version)*. No details were provided regarding specific amendments.
- Of note, the U.S. currently holds an [organic equivalence arrangement](#) with Japan.
- Comments can be sent to the U.S. SPS Inquiry Point at us.spsenquiry@fas.usda.gov. The WTO comment deadline is January 23, 2024.

India Gazettes Amendment to Plastic Packaging Waste Regulations

- On October 30, India’s Ministry of Environment gazetted [Plastic Waste Management \(Second Amendment\) Rules, 2023](#) (in English p. 5), amending the [Plastic Waste Management Rules, 2016](#) (as amended in [2018](#), [2021](#), [2022 \(Schedule II\)](#), [2022 \(Second Amendment\)](#)).
- Rule 11(1) of the *Plastic Waste Management Rules, 2016*, on Marking and Labeling is replaced with language that aligns with India’s extended producer responsibility (EPR) Guidelines, established in [Schedule II](#) of the 2022 Amendment. The proposed language specifies requirements for specific types of plastic packaging defined in the EPR guidelines and clarifies that registration certificate numbers must be obtained through the [centralized online portal](#) for EPR.
- Of note, the new Rule 11(1)(a)(i) does not include the earlier exemption for “plastic packaging used for imported goods”. This also aligns with India’s EPR Guidelines, which obligate importers of packaged products.
- The Amendment entered into force on the date of its gazettal. It is unclear but possible that requirements for rigid plastic packaging and plastic sheeting may take effect on July 1, 2024 and January 1, 2025, respectively. Exporters are urged to confirm requirements with their importers.

India Publishes Rectifiable Labeling Regulation for Imported Food Consignments

- On November 28, India's Food Safety and Standards Authority (FSSAI) published an Order on [Rectifiable labeling information for imported food consignments](#), allowing information on labels to be rectified in a custom bonded warehouse with the exception of: i) Lot number, code number, or batch identification, ii) Date marking, such as date of manufacture or packaging, or expiry/use by/best before date, and iii) Country of origin for imported foods.
- Label rectification must be carried out at customs bonded warehouses, prior to visual inspection or re-inspection by the authorized officer or representative, by affixing a single non-detachable sticker or by another non-detachable method.

UK Post-Brexit Food Labeling Regulations Enter into Force

- On January 1, 2024, [new food labeling requirements](#) following the United Kingdom's departure from the European Union (EU) will become mandatory, including requirements for food business operators to have an address in the U.K. rather than the EU. The [Memorandum](#) to the [transitional measures regulation](#) provides more details starting page 3.

Taiwan Amends Quarantine Document for Wooden Packaging Materials

- On November 22, Taiwan [gazetted](#) an amendment to its [Key Points for Quarantine Operations of Wooden Packaging Materials Used in Imported Goods](#) (in Chinese).
- The amendment revises [Annex 1, Point 3](#), the Quarantine Record Form for Wooden Packaging Materials Used in Goods.
- The amendment entered into force on the date of publication in the Gazette.