

NOVEMBER 7, 2023

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SPECIFIC ISSUES OF INTEREST TO THE CCB:

EU Publishes Updated Marketing Standard for Fresh Fruit

- On November 3, [Commission Delegated Regulation \(EU\) 2023/2429](#) and [Commission Implementing Regulation \(EU\) 2023/2430](#) were published in the EU Official Journal, establishing an updated EU Marketing Standard for Fresh Fruit and Vegetables, Bananas, Nuts and Dried Fruit.
- The European Commission (EC) held public consultations in April on the updated delegated and implementing acts under *Regulation (EU) No 1308/2013*, the Common Markets Organization (CMO), to revise existing food marketing standards (*BCI Monitor 4-25-23*).
- 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.
- The new regulations repeal and replace *Commission Regulation (EC) 1666/1999* and *Commission Implementing Regulations (EU) 543/2011* and *(EU) 1333/2011*.
- The new standards enter into force on November 23 and shall apply from January 1, 2025.

Amendments to Hong Kong's Disposable Plastics Ban Bill Enter into Force

- On October 27, Hong Kong [gazetted](#) the [Product Eco-responsibility \(Amendment\) Ordinance 2023](#), amending the [Product Eco-responsibility Ordinance](#) to prohibit the manufacturing, selling, and distributing of a number of disposable plastic products (*BCI Monitor 4-4-23*).
- BCI has reviewed the finalized Ordinance against the draft and found no changes of relevance to the CCB versus our previous reporting.
- The Ordinance entered into force on its date of publication in the Official Gazette. The first phase of the ban will enter into force on April 22, 2024. The second phase will tentatively enter into force in 2025.

GENERAL ISSUES OF INTEREST TO THE CCB:

India to Enforce Mandatory Disclaimer for Certain Brand Name Labeling

- On December 13, India's disclaimer requirement for certain brand names will enter into force after multiple delays (*BCI Monitor 7-11-23*).
- Brand names that include adjectives such as "natural", "pure", "authentic", "real", and other similar terms must include a disclaimer on the front of pack label, per the [Food Safety and Standards \(Advertising and Claims\) Second Amendment Regulations, 2022](#) (item 2(b), PDF page 10), which amends regulation 4, sub-regulation (7) of the *Food Safety and Standards (Advertising and Claims) Regulations, 2018*.
- Background on the regulations and their earlier delay is provided in a [USDA GAIN report](#).

**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

Vietnam Publishes Draft Amendments to EPR Decree

- Vietnam recently [published](#) a draft [Decree](#) (and corresponding [Report](#) and [Appendix](#)) amending several articles of [Decree No. 08/2022/ND-CP of January 10, 2022](#) (all in Vietnamese). *Decree No. 08* implements several articles of the *Law on Environmental Protection 2020* to establish the Vietnam Environmental Protection Fund in supporting waste management, establish a single-use plastics (SUP) ban, and establish an Extended Producer Responsibility (EPR) Scheme (*BCI Monitor 3-1-22*).
- According to machine translation, amendments to *Decree No. 08* of interest to the CCB include:
 - Amending Article 77, Clause 1 to clearly define “manufacturers” and “importers”, which are subject to the producer responsibilities under Article 78 (Draft Decree Article 29.a).
 - Clarifying that the determination of the mandatory recycling rates under Article 78 is based on the volume of the products and packaging produced/imported to the market (Draft Decree Article 30).
 - Regarding payment into the Vietnam Environmental Protection Fund, amending Article 79, Clause 7 and Article 80, Clause 4 to specify that only manufacturers and importers of products specified in Column 3 of the Draft Decree Appendix XXII (see page 77 of the linked PDF) that decide to contribute to the fund are exempted from registering and implementing a recycling plan (see Draft Decree Articles 32.7. and 33).
 - Amending Appendix XXII, Point A.1.2. on the list of products, packaging, and mandatory recycling rates to change “mixed packaging” to “multi-layer mixed paper packaging” (See Draft Decree Appendix, page 77).
- According to the Draft Decree, the amendments will enter into force in 2023. Complete and accurate documents that have been received before the entry into force date of the amendments will still be accepted.
- Current EPR packaging requirements under *Decree No. 08/2022/ND-CP* will enter into force January 1, 2024.

USDA Publishes Translation of China’s Draft Food Contact Material Standard

- On November 3, the U.S. Department of Agriculture (USDA) Foreign Agricultural Service (FAS) published an [unofficial English translation](#) of China’s draft food contact material standard (*BCI Monitors 10-24-23, 10-31-23*).
- Draft *General Safety Requirements of Food Contact Materials and Articles* will replace *GB 4806.1-2016* of the same title and makes the following amendments of potential interest to the CCB:
 - Revises the terms and definitions of food contact materials, composite materials, and combined materials.
 - Modifies the basic requirements and principles of conformity.
 - Revises product information.