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**A REPORT FOR
THE CALIFORNIA
CHERRY BOARD**

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SPECIFIC ISSUES OF INTEREST TO THE CCB:

Updated EU Marketing Standard for Fresh Fruit Enters Into Force

- On January 1, 2025, [Commission Delegated Regulation \(EU\) 2023/2429](#) and [Commission Implementing Regulation \(EU\) 2023/2430](#) will enter into force (*BCI Monitor* 11-7-23). The regulations establish an updated EU Marketing Standard for Fresh Fruit and Vegetables, Bananas, Nuts and Dried Fruit.
- As previously reported, the standard will apply to fresh cherries (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 sets out specific requirements for imported products. However, the 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*.

GENERAL ISSUES OF INTEREST TO THE CCB:

New Protocol to Support Chile's Cherry Exports to China

- According to an [announcement](#) (in Spanish) by Chile's Ministry of Agriculture, Chile is now able to export fresh fruit to China through third countries like Mexico, reducing transit times and ensuring better fruit quality upon arrival.
- Cherries will benefit from streamlined logistics, enhancing their quality and appeal in the Chinese market. In 2023, Chile exported to China approximately 328,000 MT of cherries, valued at over \$1.8 billion.
- This protocol was highlighted as a significant benefit to Chilean fruit exporters, especially cherries, ensuring faster delivery and maintaining premium quality in a competitive market.

Thailand Repeals Certification Requirement for Copies of Export Certificates for Imported Food

- On November 29, Thailand's Food and Drug Administration (Thai FDA) [announced](#) (in Thai) that it would repeal the requirement for certified copies of verifiable export certificates for imported foods, including fresh fruit and vegetables.
- The Thai FDA has also provided an [English translation](#) of the announcement, and USDA FAS [published](#) a GAIN report on the topic.
- The repeal entered into force upon its publication.

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CPTPP Enters into Force for the UK

- The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) enters into force for the United Kingdom (UK) on December 15, 2024 (*BCI Monitors* 5-21-24, 9-3-24).
- According to [UK guidance](#), the agreement immediately applies to trade between the UK and CPTPP members Japan, Singapore, Chile, New Zealand, Vietnam, Peru, Malaysia, and Brunei. Trade between the UK and Australia under CPTPP will start on December 24, 2024. Canada and Mexico have not yet ratified the UK's accession to CPTPP; the agreement will apply for trade between those members and the UK 60 days after ratification is completed.
- According to the provisions of the [Protocol on the Accession of the UK](#) regarding market access for goods (pg. 5-6): 1) the UK will implement all stages of tariff reduction for CPTPP members it would have implemented up to the current date as if the agreement had entered into force on December 31, 2023 (meaning UK tariff reductions are in "year 2" as of December 15, 2024); and 2) each other CPTPP member will implement all stages of tariff reduction it would have implemented up to the current date as if it entered into force on December 30, 2018, apart from any tariff commitments specified in the Protocol on the Accession of the UK.
- According to the [Tariff Schedule of the UK](#), the UK will immediately eliminate its tariff on fresh cherries (HS 0809.29) for CPTPP members which have implemented the Protocol on the Accession of the UK.
- [CPTPP member tariff reduction schedules](#) will apply to goods from the UK as if it were an original signatory, apart from the tariff commitments specified in the Protocol on the Accession of the UK.

EU-Mercosur Finalize FTA Negotiations

- On December 5, the European Union (EU) and Mercosur [announced](#) the conclusion of trade agreement negotiations. The [EU-Mercosur Partnership Agreement](#) must next be ratified by the European Council and Parliament, where opposition to the deal among certain groups has been reported, and the national legislatures of Mercosur members (Argentina, Brazil, Paraguay, and Uruguay) in order to enable entry into force.
- The EU's ad valorem tariff on fresh cherries (HS 0809.29) from Mercosur members will be eliminated immediately upon entry into force. Mercosur will also immediately eliminate its tariff on fresh cherries from the EU.

India Adopts Greenwashing, Environmental Claims Guidelines

- Recently, India's Central Consumer Protection Authority (CCPA) [published](#) its finalized version of the [Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024](#). The guidelines seek to ensure that environmental claims made by companies are both truthful and meaningful by prohibiting the use of greenwashing, defined in Article 2 (f) of the guidelines.
- Compared to the previously reported on draft guidelines, the finalized version made minor changes to the definitions and organization of the document, but otherwise remains unchanged (*BCI Monitor* 3-12-24).
- The guidelines apply to all advertisements (regardless of form, format, or medium) and product sellers (Article 3). Advertisements are defined as any visual representation, endorsement, or pronouncement made by means of print and includes labels and wrappers (Article 2,b).
- The guidelines prohibit any person to whom the guidelines apply from engaging in greenwashing (Article 4). Article 2 (f) defines greenwashing as "any deceptive or misleading practice, which includes concealing, omitting, or hiding relevant information, by exaggerating, making vague, false, or unsubstantiated environmental claims;" and the "use of misleading words, symbols, or imagery, placing emphasis on positive environmental aspects while downplaying or concealing harmful attributes." This does not include the use of generic color schemes or pictures or the use of obvious hyperboles.
- Environmental claims are defined as any representation regarding a good (in its entirety or as a component), the manufacturing process, packaging, the good's manner of use, or its disposal, suggesting a sense of environmental responsibility or eco-friendliness (Article 2 (e)). According to the definition, examples are claims stating that product has a neutral or positive impact on the environment, contributes to sustainability, causes less harm to the environment compared to other competing goods, and is beneficial to the environment.

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India Adopts Greenwashing, Environmental Claims Guidelines (continued)

- All advertisements making environmental claims must be substantiated, backed up by verifiable evidence, precise, and all material information must be adequately disclosed. Details are set out in Articles 6 and 7.
- Specific environmental claims such as Compostable, Degradable, Free-of, Sustainability claims, Non-Toxic, 100% Natural, Recyclable, Refillable, Renewable, Plastic-free, Plastic-positive, Climate positive, Net-zero, or other similar assertions must be supported by disclosure about credible certification, reliable scientific evidence, or independent third-party verification (Article 6 (5)).
- Aspirational or futuristic environmental claims may be made only when clear and actionable plans have been developed detailing how those objectives will be achieved (Article 7).
- The guidelines also contain a Guidance Note (Annexure 1) providing help and guidance for making environmental claims. The note provides a list of items to keep in mind when making environmental claims and provides examples.
- The guidelines entered into force on October 15, 2024.