AUGUST 4, 2026

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A REPORT FOR THE CALIFORNIA CHERRY BOARD

GENERAL ISSUES OF INTEREST TO THE CCB:

Vietnam Circulates Revised Draft Food Safety Law

- On August 3, Vietnam's Food Administration, Ministry of Health notified the WTO, under both SPS notification and TBT notification procedures, of a revised draft *Law on Food Safety (Amended)* (unofficial English translation provided by Vietnam), which would replace the *Law on Food Safety No. 55/2010/QH12*.
- The draft, consisting of 71 articles across eight chapters, serves as the framework law governing food production, import, export, advertising, labeling, testing, and traceability, and would be implemented through separate decrees. It revises the earlier draft Vietnam notified in July 2025, restructuring the text and shifting article numbering (*BCI Monitor 8-12-25*).
- The draft consolidates the pre-market clearance regime directly into the law, retaining a tiered system: 1) product declaration *registration* for higher-risk products (supplements, health foods, and products for vulnerable groups); 2) self-declaration of applicable standards for pre-packaged processed foods, additives, processing aids, flavorings, and food-contact materials; and 3) exemptions (Arts. 19-23). Registration certificates would be valid for five years (Art. 21).
- For imported food, product declaration/self-declaration would be required before import, and state inspection would be conducted under one of three modes (strict, routine, or reduced) with acknowledgment of mutual-recognition treaties and a registration mechanism for exporting countries and overseas facilities (Arts. 24-25).
- The draft makes traceability mandatory for all food circulated on the market, applying a "one step before - one step later" principle implemented through codes, barcodes, QR codes, and unique shipment identifiers (Arts. 57-58), consistent with the separate MOIT draft traceability circular previously reported (*BCI Monitor 2-3-26*).
- Other provisions of potential interest include horizontal management of food additives, processing aids, and flavorings against permitted lists (Arts. 8, 17, 37); labeling under Vietnam's goods-labeling law (Art. 29); new advertising prohibitions, including a ban on advertising medical nutrition foods and nutritional products for children up to 36 months (Art. 8); consolidation of food-safety management under a single competent authority, with the Ministry of Health responsible to the Government (Art. 61); and a maximum administrative fine of VND 1 billion for individuals and VND 2 billion for organizations (Art. 68).
- Vietnam has said the amended *Food Safety Law* must be completed and implemented before its suspended import inspection and registration decree (*Decree 46/2026*) can take effect; *Decree 15/2018* remains in force in the interim (*BCI Monitor 4-21-26*).
- The draft's entry-into-force dates are not yet specified in the text of the Law, and the SPS and TBT notifications project somewhat different timelines (entry into force between January 1 and July 1, 2027), with the draft expected to be taken up by Vietnam's National Assembly this fall.
- Comments can be sent to the U.S. SPS Enquiry Point at us.spsenquirypoint@fas.usda.gov or the U.S. TBT Inquiry Point at usatbtep@nist.gov. The WTO comment deadline is August 17, 2026.

Bryant Christie Inc. – Seattle
2033 Sixth Avenue, Suite 1030
Seattle, WA 98121
Phone: (206) 292-6340 Fax: (206) 292-6341

Bryant Christie Inc. – Sacramento
2005 "I" Street, Suite 200
Sacramento, CA 95811
Phone: (916) 492-7062 Fax: (916) 492-7061

Argentina Incorporates Mercosur Cellulose Food Contact Material Regulation

- On July 30, Argentina's National Administration of Drugs, Food and Medical Devices (ANMAT) announced the gazettal of *Joint Resolution 9/2026*, the incorporation into the Argentine Food Code (all in Spanish) of Mercosur *GMC Resolution No. 26/22* on the regulation of cellulosic materials, containers, and equipment intended to be in contact with food.
- The joint resolution entered into force July 30, 2026.

USDA Publishes Market Assessment of U.S. Fresh Fruit Prospects in Thailand

- On July 30, the U.S. Department of Agriculture Foreign Agricultural Service (USDA FAS) published a GAIN report assessing market prospects for U.S. fresh fruit exports to Thailand, citing health-driven consumption trends, tourism recovery, and gifting culture as key demand drivers.
- Cherries were highlighted as one of the most lucrative growth categories, with import value rising 32.15% year-over-year, from $5.6 million in 2024 to $7.4 million in 2025. Cherries are noted as highly prized for gift-giving and luxury snacking, with air-shipped cold-chain integrity cited as critical to maintaining freshness and retail pricing.
- Trade data show the U.S. is the second-largest cherry supplier to Thailand by value, behind Chile, accounting for approximately 19% of Thailand's $38.6 million in total cherry imports in 2025 (compared to Chile's approximately 66% share). Thailand ranked tenth among U.S. cherry export destinations by value in 2025.
- The report identifies structural challenges for U.S. exporters, including standard Most Favored Nation (MFN) tariffs (currently 40% or 33.50 THB/Kg, whichever is higher) versus preferential rates for FTA partners such as China, Australia, New Zealand, and Chile, strict Thai FDA sanitary and phytosanitary certification requirements, and cold-chain logistics risk given Thailand's tropical climate.
- The report recommends U.S. exporters focus on premiumization, align shipments with peak cultural gifting periods (e.g., Lunar New Year), and pursue eco-friendly, gift-ready packaging to differentiate from lower-cost regional competitors.

EU Packaging Waste Regulation First Enforcement

- On August 12, the first phase of the European Union's (EU) *Regulation (EU) 2025/40 of the European Parliament and Council of December 19, 2024 on packaging and packaging waste*, amending *Regulation (EU) 2019/1020* and *Directive (EU) 2019/904*, and repealing *Directive 94/62/EC* will be enforced (*BCI Monitors 1-28-25, 4-7-26*).
- As previously reported, the regulation establishes requirements for the entire life cycle of packaging, including sustainable packaging requirements, labeling requirements, extended producer and related registration responsibilities, waste and recycling targets, and product bans.
- The regulation was gazetted January 22, 2025 and entered into force February 11, 2025. The European Commission (EC) published a guidance document and accompanying FAQs document on the regulation's implementation in March 2026.
- Article 2 states that the regulation applies to all packaging and all packaging waste, regardless of material. Article 3(1) defines packaging and Annex I provides more information on what is and is not considered packaging. Article 4(1) requires all packaging placed on the market to comply with the regulations. Article 3(9) defines manufacturers also as those businesses that have packaging designed or manufactured to sell products under their own name or trademark.
- The following provisions will apply from August 12, 2026:
- Article 5(4): the sum of lead, cadmium, mercury, and hexavalent chromium in packaging or packaging components may not exceed 100 mg/kg. A Commission report on whether to lower this limit is due by the EC by December 31, 2026 (5(2)).
- Article 5(5): food-contact packaging placed on the market may not contain PFAS at or above 25 ppb for any single PFAS (as measured with targeted analysis), 250 ppb for the sum of targeted PFAS, or 50 ppm for total PFAS.
- Article 14 permits environmental claims only where they concern packaging properties exceeding the regulation's minimum requirements, and requires each claim to specify whether it relates to the packaging unit, part of it, or all packaging placed on the market.

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EU Packaging Waste Regulation First Enforcement (continued)

Provisions with later application dates and/or pending secondary legislation:

Sustainability Requirements (Chapter II)

- Article 6(1) requires all packaging placed on the market to be recyclable. All packaging will be required to comply with "design for recycling" criteria set by the Commission by January 1, 2028, and stricter "recycled-at scale" criteria set by the Commission by January 1, 2030. Annex II provides an indicative list of packaging materials for which standards, methods and recycling performance grades will be established in delegated acts.
    - Packaging with a recyclability rate lower than 70% will not be considered recyclable. Compliance must be demonstrated by maintaining technical documentation as set out in Annex VII on the conformity assessment procedure.
    - Article 11 sets out the qualitative requirements for reusable packaging placed on the market which must also comply with recyclability requirements.
- Article 7 requires all plastic packaging to contain certain minimum recycled content recovered from post-consumer plastic waste starting January 1, 2030, or 3 years from the date of entry into force of the implementing act, whichever is the latest, and shall be increased by January 1, 2040. Compostable plastic packaging is exempt from the requirement (4(e)). Article 7(1) and (2) set out the exact thresholds for different plastic categories:
    - Contact-sensitive packaging made from polyethylene terephthalate (PET) as the major component.
    - Contact-sensitive packaging made from plastic materials other than PET Other types of plastic packaging not mentioned above: 35% by 2030, 65% by 2040.
- Article 8 requires the Commission to review and present legislative proposals to outline requirements and targets for biobased feedstock in plastic packaging by February 12, 2028.
- Article 9 requires, by February 12, 2028, fruit and vegetable stickers, and lightweight plastic carrier bags to be compostable in industrially controlled environments, and to be compatible with home-composting standards to be announced by the Commission.
    - According to Article 9(3), all packaging, including packaging made of biodegradable plastic polymers, shall be designed such that its material recycling does not affect the recyclability of other waste streams.
- Article 10 requires that packaging placed on the market is designed so its weight and volume is reduced to the minimum necessary by January 1, 2030. The qualitative performance criteria are set out in Annex IV. Packaging that only increases the perceived volume of a product is prohibited.

Labeling Requirements (Chapter III)

- According to Article 12(1), packaging must be marked with a harmonized label containing information on its material composition by August 12, 2028, or 24 months from the date of entry into force of the implementing act, whichever is latest.
    - If the packaging is industrially compostable, the label must indicate the materials are compostable, that it is not suitable for home composting, and that compostable packaging is not to be discarded in nature.
    - Transport packaging is exempt.
    - In addition to the harmonized label, economic operators may place a QR code or other type of digital data carrier on the packaging that contains information on the destination of each separate component of the packaging.
- According to Article 12(2), packaging shall bear a label regarding its reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability by February 12, 2029, or 30 months from the date of entry into force of the implementing act, whichever is latest.

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EU Packaging Waste Regulation First Enforcement (continued)

- Article 12(4) requires labels to provide information about the share of recycled content in a packaging unit by August 12, 2028, or 24 months from the date of entry into force of the implementing act. Labeling of packaging units with biobased plastic content shall follow exact specifications to be established in an implementing act.
- Packaging placed on the market prior to the deadlines above may be available on the market for three years after the date of entry into force of those deadlines (Article 12(12)).

Obligations of Economic Operators to Reduce Packaging and Packaging Waste (Chapter V)

- Article 24 requires economic operators who fill grouped packaging and transport packaging or e-commerce packaging to ensure that the maximum empty space ratio is 50% by January 1, 2030, or three years from the date of entry into force of the implementing acts to be published by the Commission by February 12, 2028. Economic operators using sales packaging as e-commerce packaging or using reusable packaging within a system of re-use are exempt.
- Article 26 requires economic operators placing reusable packaging on the market to ensure that a system for re-use, meeting the requirements laid out in Article 11(3) and Annex VI, is in place.

Product Bans (Article 25 and Annex V)

- Article 25 prohibits economic operators from placing on the market items in packaging formats and for specific uses listed in Annex V from January 1, 2030.
- Of note to CCB, the list includes single use plastic packaging for unprocessed fresh fruit and vegetables, if the product is sold in units smaller than 1.5 kg. Exemptions may be granted if there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards, physical shocks, oxidation, or if there is no other possibility to avoid commingling of organic fruits and vegetables with non-organic fruits and vegetables without entailing disproportionate economic and administrative costs.

Waste Reduction and Recycling Targets

- Article 29(1) requires economic operators that use transport packaging including pallets, foldable-plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters of any size or material, must ensure that at least 40% is reusable within a re-use system by January 1, 2030, and 70% by January 1, 2040. Article 29(4(c)) exempts packaging in flexible formats that is used for transportation and is in direct contact with food and cardboard boxes.
- Article 29(5) requires economic operators that use grouped box packaging (excluding cardboard), outside of sales packaging, to group a certain number of products to create a stockkeeping or distribution unit. Such units' packaging must be at least 10 % reusable packaging within a re-use system by January 1, 2030, and 25% by January 1, 2040.
- Article 43 requires each Member State to progressively reduce the packaging waste generated per capita compared to 2018 by 5% by 2030, 10% by 2035, and 15% by 2040.
- Article 52 sets out the following recycling targets for different packaging categories at the Member State level:
    - A minimum of 70% by weight of all packaging waste generated by December 31, 2030.
    - A minimum of the following percentages by weight of the following specific materials contained in packaging waste by December 31, 2030: 55% of plastic, 30% of wood, 80% of ferrous metals, 60% of aluminum, 75% of glass, and 85% of paper/cardboard.