BCI MONITOR

BRYANT CHRISTIE INC.

NOVEMBER 10, 2026

INSIDE THIS ISSUE

- **USDA Reports on Thailand's Draft Expansion of Fresh Produce Packing House Requirements**
- **EU Adopts Revised Requirements for Recycled Plastics in Food Contact Materials**
- **USDA Publishes Translation of China's Draft Revision of the Food Safety Law**
- **China Updates Phytosanitary Requirements for Chilean Fresh Fruit**
- **Australia Environment Ministers Agree on Circular Economy Roadmap**

A REPORT FOR THE CALIFORNIA CHERRY BOARD

SPECIFIC ISSUES OF INTEREST TO THE CCB:

USDA Reports on Thailand's Draft Expansion of Fresh Produce Packing House Requirements

- On November 5, the U.S. Department of Agriculture Foreign Agricultural Service (USDA FAS) published a GAIN report on Thai FDA's draft to extend *Notification No. 386* (GMP 386) packing house requirements from 48 listed groups to all fresh fruits and vegetables (*BCI Monitor 10-20-26*). USDA states that exporters of produce not currently listed, such as cherries, blueberries and other berries, stone fruit, avocados, onions, and leafy greens, would need packing house certificates for the first time.
- USDA reports that Thai FDA accepts import certificates issued under GMP 386 or a recognized equivalent scheme (such as GLOBALG.A.P., SQF, or BRCGS), or an official certificate from the exporting country's government. Certificates must show farm sourcing controls, a farmer registry, and lot traceability. Thai FDA's hearing document says it would accept equivalent schemes and government certificates for newly covered produce but does not identify which schemes qualify or the equivalence criteria. Produce outside the current list is subject to import controls and maximum residue level testing but not a packing house certificate.
- This is the first of two hearing rounds. Thai FDA will hold a second hearing on the amended draft text, and Thai authorities told FAS Bangkok the draft will be notified to the WTO.
- First-round comments are due November 13, 2026. Foreign stakeholders may respond to Thai FDA's online questionnaire (Thai only), and U.S. stakeholders may also send concerns to FAS Bangkok at AgBangkok@usda.gov. USDA suggests asking Thai FDA to confirm which existing schemes it will accept, to publish equivalence criteria, and to consider whether one year is enough time to comply.

GENERAL ISSUES OF INTEREST TO THE CCB:

EU Adopts Revised Requirements for Recycled Plastics in Food Contact Materials

- On October 29, the European Union (EU) gazetted *Commission Regulation (EU) 2026/2376* amending *Regulation (EU) 2022/1616* on recycled plastic material and articles intended to come in contact with food. The EU notified the WTO on November 3. As previously reported, the EU notified the WTO of the draft in April (*BCI Monitor 4-21-26*).
- The amendment requires business operators to provide a declaration of compliance at all marketing stages other than retail. They may only accept recycled plastic materials, articles, or packaged food that come with the appropriate declaration.

(Continued on Next Page)

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

EU Adopts Revised Requirements for Recycled Plastics in Food Contact Materials (cont.)

- Food business operators that use packaging with recycled content may be exempt from providing a declaration of compliance to retailers and their distributors if two conditions are met:
    - The information and instructions needed for compliance and safe use are provided through labelling or other documentation.
    - Any recycled-content information matches the declaration received by their supplier.
- When products containing recycled plastic are released for free circulation, importers must present the compliance documentation listed in Annex I, Table 6 to customs. This includes:
    - Products containing recycled plastic made with a suitable recycling technology, excluding packaged food, food processing equipment, and appliances.
    - Multi-layer sheets with at least one layer of recycled polyethylene terephthalate (PET).
- The regulation also introduces two new declarations: a simplified declaration for converters and operators at the final production stage (Declaration C), and a declaration for plastic input at pre-processing stages (Declaration P).
- The regulation will enter into force on November 18, 2026. Products that comply with the earlier *Regulation (EU) 2022/1616* may be placed on the market until February 18, 2027. Products that comply with the earlier *Regulation (EU) 2022/1616* but would now need the new Declaration C or P may be placed on the market without them until May 18, 2027. Recycled plastic materials and articles manufactured from these products may be sold until stocks are exhausted.

USDA Publishes Translation of China's Draft Revision of the Food Safety Law

- On November 3, the U.S. Department of Agriculture Foreign Agricultural Service (USDA FAS) published a GAIN report including an unofficial translation of China's draft revision (in Chinese) of the *Food Safety Law*. China's State Administration for Market Regulation (SAMR) opened the draft for public comment on October 10 (*BCI Monitor 10-13-26*).
- USDA calls it the first major revision of the law since 2015, and says China has not notified the draft to the WTO.
- According to the unofficial translation, provisions of potential interest to CCB include:
    - Requiring imported food, food additives, and food-related products to undergo customs conformity assessment and carry supporting compliance documents (Article 118).
    - Making importers responsible for the safety of imported products (Article 118).
    - Requiring importers to review their overseas exporters and manufacturers to verify compliance and prohibiting imports if the review is unsuccessful (Article 120).
    - Requiring overseas exporters or their agents, and importers, of food and food additives to file records with China's General Administration of Customs (GACC) (Article 122).
    - Requiring overseas food production enterprises to register with GACC (Article 122).
    - Allowing GACC to revoke the registration of an overseas food production enterprise that no longer meets the requirements (Article 122).
    - Requiring Chinese labels, and Chinese instructions where required, on imported prepackaged food (Article 123).
    - Allowing GACC to assess the food safety management systems of exporting countries or regions and to set inspection and quarantine requirements based on the results (Article 128).
- The draft states that the *Agricultural Product Quality Safety Law* governs the quality and safety management of edible agricultural products. Marketing and sales, formulation of safety standards, safety information, and agricultural input rules for those products remain under the *Food Safety Law* (Article 2).
- Comments are due November 10, 2026, and may be submitted through the SAMR website, by email to hongle@samr.gov.cn, or by mail.
- The draft does not set an entry into force date.

China Updates Phytosanitary Requirements for Chilean Fresh Fruit

- On October 29, China's General Administration of Customs (GACC) published *Announcement No. 154 of 2026* (in Chinese) adjusting phytosanitary requirements for Chilean fresh fruit exports to China, effective immediately. The announcement implements the memorandum of understanding between GACC and Chile's Ministry of Agriculture on supplementary phytosanitary requirements (*BCI Monitor 8-25-26*).
- According to machine translation of the announcement and its annexes (in Chinese), the changes apply to fruit from Chile's Mediterranean fruit fly (*Ceratitis capitata*) control areas. Cherries and stone fruit moved to a packinghouse in another control area must be authorized by Chile's Ministry of Agriculture and meet conditions on transport, labeling, and monitoring (Annex 1). The annexes also set procedures for in-transit cold treatment on refrigerated ships (Annex 2) and add cold treatment schedules for fruit including cherries, ranging from 1.11°C or lower for 16 days to 3°C or lower for 23 days, based on updated international standards (Annex 3). The announcement also does not require additional pallet labels beyond an English "Export to the People's Republic of China" marking. For detailed analysis, a translation must be commissioned.

Australia Environment Ministers Agree on Circular Economy Roadmap

- Recently, Australia's federal, state, and territory environment ministers announced their agreement of the Circular Economy Roadmap, published by the Department of Climate Change, Energy, the Environment and Water (DCCEEW), as the basis for advancing the circular economy across jurisdictions.
- Australia's environment ministers first committed in 2022 to reform packaging regulations by 2025. In 2023, they agreed that packaging design, minimum recycled content, and harmful chemicals in packaging would be regulated at the federal level. DCEEW followed with a consultation in 2024 on three reform options (*BCI Monitors 8-15-23, 12-12-23, 10-1-24*).
- The ministers agreed that packaging reform remains an urgent priority and that significantly reducing packaging, designing packaging to be recycled, and establishing design standards are crucial to that reform.
- Ministers tasked officials with examining options to strengthen packaging regulation through the existing co-regulatory arrangement. That arrangement consists of the *National Environment Protection (Used Packaging Materials) Measure 2011* (NEPM) and corresponding Australian Packaging Covenant. Officials will also develop a future packaging reform plan under the National Competition Policy (NCP). This approach corresponds to the first of the three options presented in DCCEEW's 2024 consultation.
- Of potential interest to CCB, the roadmap's packaging action pathway includes: 1) over the next six months, examining options to harmonize and strengthen the NEPM and the Covenant, including exploring adding recyclable design to the co-regulatory scheme; 2) strengthening NEPM monitoring and enforcement; and 3) exploring the Commonwealth's Design Framework as a nationally harmonized approach to packaging recyclability and design.
- Subject to future government decision-making and parliamentary processes, the roadmap also contemplates amending the *National Environment Protection Council Act 1994* to strengthen existing packaging regulation.