



## Agriculture, Food and Beverage Working Group

### Agriculture, Food and Beverage Key Recommendations

#### 6 1. Establish a Unified System for Compliance Evaluation and Law Enforcement to Ensure the Consistent Enforcement of Rules and Regulations by Law Enforcement Officers at all Levels in China

- Develop a job performance appraisal system to regulate the practices of law enforcement personnel.
- Improve, through systematic legal training and the promotion of case studies, law enforcement officers' legal capacity and their ability to enforce the rule of law.

#### 6 2. Establish an Effective Food Safety Traceability System Across Administrative Departments, Distribute Responsibilities Proportionately Across the Supply Chain and Strengthen Communication on Food Safety Risks

##### 2.1 Establish a Food Traceability System that can Effectively Communicate Food Safety Risks, to Create a Reliable Supply Chain

- Publish a unified standard or policy document to guide and encourage companies in the establishment of a time-efficient and cost-effective food chain traceability information system.
- Further improve extant laws and regulations, issue guidance documents for mandatory standards and formulate documents for different product categories where necessary.

##### 2.2 Distribute Responsibilities Proportionately Across the Whole Supply Chain and Strengthen Communication on Food Safety Risks

- Introduce comprehensive, reasonable and fair rules to clarify the corresponding responsibilities of all suppliers and participants in the food supply chain.
- Create a database of crucial data exchange between key users, including producers, processors and distributors.
- Establish a rapid alert mechanism, like the EU's Rapid Alert System for Feed and Food (RASFF), to evaluate and report food supply chain risks.

#### 4 3. Release an Official Document Detailing the Approval Procedures and Timetable for the Use of New Food Ingredients and Additives Derived from Genetically Modified (GM) Technology

- Conduct call for comments on and publish the *Guidance on Safety Evaluation of the Genetically Modified Microorganisms (and Products) for Food Use* as soon as possible, and ensure that the data requirement is science-based and reasonable.
- Publish clear approval procedures for all new food ingredients and food additives derived from GM technology and streamline the number of ministries involved in the approval process.

#### 4. Strengthen Communication with the Organisation for Economic Co-operation and Development (OECD) to Support the Advancement of China's Accession to the OECD Framework Agreement on the Pesticide Field

- Strengthen communication with the OECD and its members to support the advancement of China's accession to the OECD framework agreement in the pesticide field to facilitate compatibility between Chinese and international pesticide registration test systems.





## 5. Optimise the Implementation of the *National Nutrition Plan 2017–2030* to be Based on Strong Scientific Evidence

- Define a timetable and science-based approach for the implementation of the *National Nutrition Plan 2017–2030* and promulgation of relevant action plans.
- Encourage the advocacy of traditional and diversified diets based on 'Positive Nutrition'.
- Promote education programmes on the role of diet, portion sizes and the frequency of consumption.

## 6. Optimise the Food Contact Materials and Articles (FCMs) Regulatory Framework

### 6.1 Speed up the Approval for Registering New Food-related Products and Include all Commonly-used Additives for FCMs on the Approved List in an Efficient Manner

- Include all commonly used additives for FCMs in the approved list in an efficient manner.
- Speed up the registration and approval process for new food-related products.

### 6.2 Update the Technical Requirements for FCMs Stipulating Limitations of Used Ingredients and Additives in Food-related Products

- Update the technical requirements for FCMs to stipulate limitations of used ingredients and additives in food-related products

## Cheese Industry Key Recommendations

### 3. 1. Optimise the Regulation of Cultures Applied in Cheese Production from Two Aspects: the Legality of the Usage of Cheese Strains and the Cheese Culture Claim

- Revise the labelling requirement in the relevant national food safety standard so that the general name of the 'food culture' can be listed on the label instead of all individual cultures, in order to align with international regulations.
- Exempt the cultures that have a history of safe use in cheese production from the current China food culture positive list, or expand the current Chinese list to include certain cultures based on the historical safe use of their application in cheese, and classify them as permitted ingredients in the production of cheese as soon as possible.

## Food for Special Medical Purpose and Paediatric Nutrition

### 3. 1. Optimise the Registration System for Special Food

- Improve the regulations related to the change of Food for Special Medical Purpose (FSMP) registration and infant formula recipe registration, as soon as possible, relevant detailed guidelines.
- Specify the department conducting the verification and assessing standards during on-site inspections of clinical trials.
- Improve the on-site inspection system, clarify the requirement of "actual needs", and accelerate the on-site inspection of overseas factories.
- Coordinate the registration and change of registration of infant formula among local and provincial-level supervisory records, and specify the process.

### 4. 2. Continue the Revision of the National Food Safety Standards

- Improve coordination among regulatory authorities in the management of special food avoiding conflicts caused by dual-track management, and reducing repeated supervision.



- Postpone the release and formal implementation of the national food safety standards for infant formula and FSMP until 2023, and ensure that the SAMR and the NHC coordinate their efforts to forge an effective connection between the registration and the national food safety standards, and then supervise the two processes.
- Revise national food safety standards so they are more aligned with the latest international standards.
- Add additional product categories in the national food safety standards for FSMP to promote industry development and fulfil people's increasing product needs, while putting in place technical indicators for relevant products.
- Verify differences among existing testing methods, clarify what the scope is for each testing method and develop food safety national testing methods for FSMP.
- Refrain from conducting national or local supervision and inspection on FSMP products in the absence of national testing standards for the sector.



### 4 3. Publish New Administrative Measures on the Sale of Breast Milk Substitutes

- Develop new *Administrative Measures on the Sale of Breast Milk Substitutes* and clarify the definition and scope of breast milk substitutes as soon as possible.
- Allow FSMP manufacturers to communicate with healthcare professionals regarding scientific feeding, under the prerequisite that the companies do not interfere with breastfeeding practices.
- Allow breast milk substitute manufacturers and operators to conduct scientific research, consultation and health education activities with medical and health institutes and their staff.



### 2 4. Reduce Resource Wastage Caused by Certain Administrative Requirements

- Combine several pre-approval on-site inspections to avoid repetition and the accompanying waste of resources.
- Enforce dynamic production only during the initial on-site inspection, and do not enforce it for any subsequent inspections.



### 4 5. Enhance Public Education on FSMP

- Increase educational opportunities for consumers and caregivers on the importance of good nutrition during the first 1,000 days from the mother's pregnancy to the infant's second birthday.
- Publish educational materials for customers and encourage local-level governments to educate the public on basic nutrition, to help people understand and recognise FSMP and its correct usage.
- Develop a reasonable administrative measurement for the examination and release of advertisements for FSMP, allowing proper promotion and accurate communication with consumers with respect to infant FSMP, including rigorous academic exchanges and scientific popularisation in the form of academic journals and conferences.



### 2 6. Optimise the Requirements for Clinical Trials of FSMP

#### 6.1 Rationalise the Requirements Placed on Trial Participants

- Establish a method for businesses to be exempted from conducting clinical trials, or allow a reduction in the use of clinical trial cases for populations under the age of 10, and populations with rare diseases, so as to ensure the proper use of clinical trial resources and satisfy the needs of special groups.
- Accept the normal diet as a control group in a single-arm study, and the 'before and after'





comparison of one patient or the comparison with standard normal growth, instead of mandating parallel controlled clinical trials.

- Specify the FSMPs that apply to single-arm studies clearly.

### 6.2 Optimise Clinical Observation Indicators

- Appraise the effectiveness of disease-specific FSMP in a scientific way instead of simply requiring all indicators to be no worse than the control group, allowing an in-depth assessment to explain the possible reasons for underperformance in certain indicators.



## 7. Promote Capacity Building for Law Enforcement Personnel

- Improve information disclosure, clarify the review requirements as soon as possible, release the review requirements to the public and provide training to local law enforcement personnel accordingly.
- Enhance scientific supervision and improve the capabilities of registration reviewers by providing relevant training.

## 8. Improve the Openness and Transparency of Law Enforcement

- Improve the openness and transparency of major decisions that will affect the development of the industry, and actively communicate with the industry and provide guidance.
- Publicise the annual plan for on-site inspections of overseas factories (FSMP and infant formula) so that enterprises can prepare raw materials and production in advance.

## Introduction to the Working Group

The agriculture, food and beverage (AFB) industries have a significant impact on people's daily lives. At the global level, they are continuously innovating, with more attention being paid to food safety and the sustainable sourcing of food, pushing them to achieve new breakthroughs and employ new technology. For China, in addition to furthering agricultural development and modernising food production processes, improving the safety and security of food are essential to ensure the continuous and sustainable development of the economy and people's livelihoods.

The Agriculture, Food and Beverage Working Group helps connect members with the Chinese authorities, in order for the government to better understand what needs to be done to promote food safety and improve market access for European food and beverage companies operating in China. The working group represents a wide range of companies that include importers and exporters, manufacturers, distributors, retailers, catering service providers, specialised testing laboratories and consultancies. Currently, the working group has over 150 member companies.

The AFB Working Group has three sub-working groups – the Cheese Industry Desk, the Food for Special Medical Purpose Advisory Committee and the Paediatric Nutrition Desk. The Cheese Industry Desk was established in 2014, and has eight prominent European cheese producers and industry associations as its members. The Food for Special Medical Purpose Advisory Committee was established in 2016, and has four leading international manufacturers with expertise in special nutrition as members. The Paediatric Nutrition Desk was established in 2009, and currently has nine international companies as members and four domestic manufacturers as local partners.

All three desks represent member interests and promote dialogue and communication among relevant stakeholders.

## Recent Developments

China's institutional restructuring plan—submitted by the State Council to the National People's Congress (NPC) in March 2018,<sup>1</sup> and fully implemented by the beginning

<sup>1</sup> *Explanation on the State Council's Institutional Reform Programme*, NPC, 14<sup>th</sup> March 2018, viewed 26<sup>th</sup> April 2019, <[http://www.npc.gov.cn/npc/dbdhy/13\\_1/2018-03/14/content\\_2048552.htm](http://www.npc.gov.cn/npc/dbdhy/13_1/2018-03/14/content_2048552.htm)>





of 2019—brought significant changes to the Chinese regulators responsible for the AFB sectors. The working group welcomes institutional reform at all levels, since the lack of cross-departmental coordination on food-related standard setting and implementation has been a long-standing issue. Nevertheless, to ensure that the reorganisation helps facilitate trade and increase work efficiency in customs clearance and other food safety law enforcement domains, the working group recommends that the Chinese central government provides further guidance to promote harmonisation among policies, regulations and standards in the food safety regulatory system as soon as possible. The industry looks forward to more clarity on food safety and non-food safety standards, and the roles of relevant regulatory departments.

The AFB Working Group is closely following developments related to the draft *Measures for the Administration of Certificates Attached to Foods Imported to China (Measures)*,<sup>2</sup> which are to be implemented on 30<sup>th</sup> September 2019. The draft requires the food importer to attach a certificate issued by the competent authority of the exporting country/region to every batch of food to prove they have been approved by exporting country/region authorities and are eligible for human consumption. While the working group supports efforts on the government side to guarantee the safety of food and protect Chinese consumers, the industry nevertheless is concerned that such measures risk disrupting trade, as authorities from certain countries may not dispose of the necessary legal framework to provide such certificates. The working group also welcomes and looks forward to the fulfilment of the commitments outlined in the recent *EU-China Summit Joint Statement*. These include: seeking the guidance of international standard setting bodies on low-risk food products' official certification; formally concluding the EU-China Agreement on the Cooperation on, and Protection of, Geographical Indications (GI) negotiations in 2019; and launching the joint EU-China feasibility study on deepening cooperation in the wines and spirits sector.<sup>3</sup>

2 *Measures for the Administration of Certificates Attached to Foods Imported to China (Draft)*, AQSIQ, 8<sup>th</sup> June 2017, viewed 23<sup>rd</sup> May 2019, <[http://www.aqsiq.gov.cn/xxgk\\_13386/ysnqgk/jokspaq/201706/t20170608\\_490388.htm](http://www.aqsiq.gov.cn/xxgk_13386/ysnqgk/jokspaq/201706/t20170608_490388.htm)>

3 *Joint Statement of the 21<sup>st</sup> EU-China Summit*, European Council, 9<sup>th</sup> April 2019, viewed 29<sup>th</sup> May 2019, <<https://www.consilium.europa.eu/en/press/press-releases/2019/04/09/joint-statement-of-the-21st-eu-china-summit/>>

## Key Recommendations

### 6 1. Establish a Unified System for Compliance Evaluation and Law Enforcement to Ensure the Consistent Enforcement of Rules and Regulations by Law Enforcement Officers at all Levels in China

#### Concern

Inconsistent enforcement of rules and regulations is unfortunately a common problem, which lengthens approval times, increases operational complexity for companies and leads to potential non-compliance risks.

#### Assessment

China's legal framework on food safety has improved in recent years, with the accelerated establishment of a unified and authoritative food supervision system. This requires local law enforcement officers to have a better understanding of the rule of law. The legitimate rights and interests of a company can be protected only if law enforcement officers exercise their power in a legal and rational manner by following proper procedures and accepting any responsibility for attendant consequences that may arise.

A lack of appropriate coordination across relevant regulatory authorities at central and local levels also creates operational challenges. The AFB Working Group hopes that the newly established State Administration of Market Regulation (SAMR) will facilitate improved coordination among supervisory authorities and internal responsibility among regulatory bodies of the former State Administration for Industry and Commerce (SAIC), China Food and Drug Administration (CFDA), and Quality and Technology Supervision Bureau, so that the government reshuffle ultimately results in improved regulatory efficiency and supervision of food safety.

The revised Standardisation Law of the People's Republic of China came into effect on 1<sup>st</sup> January 2018,<sup>4</sup> and provides a clear legal hierarchy of different standards. In order to avoid compromising the effect of these standards, the working group recommends providing more training and guidance for both enforcement authorities and companies, in order to avoid confusion or misinterpretation at the local level.

4 *Standardisation Law of the People's Republic of China*, SAC, 4<sup>th</sup> November 2017, viewed 15<sup>th</sup> April 2019, <[http://www.sac.gov.cn/zt/bzhfb/bzhfdt/201711/t20171106\\_317995.htm](http://www.sac.gov.cn/zt/bzhfb/bzhfdt/201711/t20171106_317995.htm)>





## Recommendations

- Develop a job performance appraisal system to regulate the practices of law enforcement personnel.
- Improve, through systematic legal training and the promotion of case studies, law enforcement officers' legal capacity and their ability to enforce the rule of law.

## 2. Establish an Effective Food Safety Traceability System Across Administrative Departments, Distribute Responsibilities Proportionately Across the Supply Chain and Strengthen Communication on Food Safety Risks

### 2.1 Establish a Food Traceability System that can Effectively Communicate Food Safety Risks, to Create a Reliable Supply Chain

#### Concern

There is no unified standard or guideline to help businesses establish food safety traceability systems; and any monitoring that does exist is not robust enough to communicate all food safety risks, meaning the resulting information can easily be changed or falsified.

#### Assessment

Primary agricultural workers, processors, packers, wholesalers, distributors, retailers and warehouses in the supply chain each have a different understanding of risk communication and food safety traceability. At the same time, there is no uniform food safety traceability system at the national level across administrative departments in China, despite a number of documents concerning food safety traceability systems being issued, such as: the *General Principles and Basic Requirements for the Design and Implementation of Traceability Systems for Feed and Food Chains (GB/T 22005-2009)* issued by the Standardisation Administration of China (SAC) in 2009,<sup>5</sup> the *Administrative Measures for Food Recalls*<sup>6</sup> and *Several Provisions on Establishing a Food Safety Traceability System by Food Production and Operation Enterprises*<sup>7</sup> issued by the former CFDA in 2015 and 2017 respectively; and

the *Suggestions on Accelerating the Construction of a Traceability System for Agricultural Product Quality and Safety*,<sup>8</sup> issued by the then Ministry of Agriculture (MOA) in 2016. Consequently, when businesses across the supply chain establish their own traceability systems, out of necessity, the systems can only meet the companies' internal needs. They cannot efficiently communicate all potential external food risks.

The establishment of a traceability system is an important factor when it comes to ensuring food safety, and the working group supports the Chinese Government's commitment to do so. In order to achieve this goal, regulatory coordination among different authorities is crucial for enforcing relevant policies. The working group hopes that the government restructuring will help address this issue, promote the consolidation of food and agricultural product traceability systems, and strengthen existing policy documents and technical standards by issuing guidance documents for mandatory standards and formulating documents for different product categories where necessary, to ensure consistency in food safety. Many local government departments tend to manage food traceability by actively promoting the establishment of a local traceability platform. However, it is costly for companies to follow and comply with multiple traceability systems. Therefore, because food safety responsibility lies primarily with enterprises under the current system, the decision about which traceability service to adopt should be a commercial one. Finally, the working group recommends that the Chinese Government adopts measures to secure the information that is uploaded to the traceability platform, to ensure it is unfalsifiable and immutable.

#### Recommendations

- Publish a unified standard or policy document to guide and encourage companies in the establishment of a time-efficient and cost-effective food chain traceability information system.
- Further improve extant laws and regulations, issue guidance documents for mandatory standards and formulate documents for different product categories where necessary.

5 *General Principles and Basic Requirements for the Design and Implementation of Traceability Systems for Feed and Food Chains (GB/T 22005-2009)*, SAC, 30<sup>th</sup> September 2009, viewed 29<sup>th</sup> May 2019, <<http://down.foodmate.net/standard/sort/3/21548.html>>

6 *Administrative Measures for Food Recalls*, CFDA, 11<sup>th</sup> March 2015, viewed 29<sup>th</sup> May 2019, <[http://www.gov.cn/gongbao/content/2015/content\\_2937326.htm](http://www.gov.cn/gongbao/content/2015/content_2937326.htm)>

7 *Several Provisions on Establishing a Food Safety Traceability System by Food Production and Operation Enterprises*, CFDA, 28<sup>th</sup> March 2017, viewed 2<sup>nd</sup> May 2019, <[http://www.spjcgx.gov.cn/pu/ArticleDetails.aspx?sml\\_id=422055](http://www.spjcgx.gov.cn/pu/ArticleDetails.aspx?sml_id=422055)>

8 *Suggestions on Accelerating the Construction of a Traceability System for Agricultural Product Quality and Safety (Announcement No. 8)*, MOA, 21<sup>st</sup> June 2016, viewed 29<sup>th</sup> May 2019, <<http://law.foodmate.net/show-188747.html>>







## 2.2 Distribute Responsibilities Proportionately Across the Whole Supply Chain and Strengthen Communication on Food Safety Risks

### Concern

The lack of a rapid response system and information exchange channel, as well as responsibility among relevant stakeholders, poses a great risk to food safety.

### Assessment

Sometimes, even when a food manufacturer makes every effort to prevent food safety risks, negligence can still occur in other parts of the supply chain. This can lead to an outbreak of food safety incidents, and the accompanying public outcries. At present, there is an overall lack of responsibility among relevant stakeholders, which increases the risks to food safety. Although relevant information from stakeholders is retrievable, it is scattered, decentralised and fragmented.

In order to respond more quickly to sudden food safety incidents, the working group recommends the Chinese Government adopt best practices developed in the European Union (EU). For instance, in order to strengthen food safety management measures in the supply chain, the European Commission (EC) has clearly defined responsibilities for each participant, outlined in its *White Paper on Food Safety*.<sup>9</sup> This has completely transformed food safety in the European supply chain. In addition, the launch of the Rapid Alert System for Feed and Food (RASFF)<sup>10</sup> by the EC has delivered a communication and assessment system for responding to potential threats caused by food or feed issues: the RASFF provides transparency and results in action being taken much more quickly in order to protect consumers and others along the supply chain. Afterwards, a decision is made based on a comprehensive analysis of all relevant information to prevent the continued distribution of compromised food products.

### Recommendations

- Introduce comprehensive, reasonable and fair rules to clarify the corresponding responsibilities of all

<sup>9</sup> *The White Paper on Food Safety* was released to the public by the EC on 12<sup>th</sup> January 2000. It set out the plans for a proactive new food policy with a coherent and transparent set of rules, reinforced requirements for labelling food items from farm to the table, and provided increased avenues for obtaining scientifically sound advice: *White Paper on Food Safety*, European Commission, 12<sup>th</sup> January 2000, viewed 29<sup>th</sup> May 2019, <[https://ec.europa.eu/food/sites/food/files/safety/docs/gf1\\_white-paper\\_food-safety\\_2000\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/gf1_white-paper_food-safety_2000_en.pdf)>

<sup>10</sup> RASFF *Consumers Portal*, European Commission, viewed 29<sup>th</sup> May 2019, <<https://webgate.ec.europa.eu/rasff-window/consumers/>>

suppliers and participants in the food supply chain.

- Create a database of crucial data exchange between key users, including producers, processors and distributors.
- Establish a rapid alert mechanism, like the EU's RASFF, to evaluate and report food supply chain risks.



## 4 3. Release an Official Document Detailing the Approval Procedures and Timetable for the Use of New Food Ingredients and Additives Derived from Genetically Modified (GM) Technology

### Concern

The temporary joint-approval process for new food ingredients and additives derived from GM technology by the National Health Commission (NHC) and the Ministry of Agriculture and Rural Affairs (MARA) has not yet been officially clarified, which results in relatively low regulatory efficiency, while the lack of an official document regarding the application dossiers' requirements creates uncertainty for new submissions.

### Assessment

In China, no new raw food materials or food additives derived from GM technologies have been approved for nine years. This regulatory stop prevents a large number of advanced products from entering the Chinese market. Consequently, the competitiveness of the corresponding derivatives or downstream products in the industrial chain is limited and weakened in the global market.

In 2010, the former Ministry of Health (MOH) stopped approving food ingredients and additives derived from GM technology, and requested that applicants obtain biosafety certificates from the former MOA. These two former ministries did not reach a consensus on the issuance of biosafety certificates until June 2017, when the State Council's Food Safety Committee put forward a solution in the form of a joint approval by the two ministries. In mid-June 2018, the NHC started accepting dossiers on food additives derived from GM technology again, but only those submitted for MARA review. By the end of 2018, MARA had passed 14 enzyme products derived from GM technology. The NHC started its food additive review procedure for the same products in February 2019.





While great progress has been made in the approvals process for those 14 products, no official regulatory document has been released for such a joint approval procedure and application dossiers requirement, thus, the unpredictability and uncertainty remain of great concern to the industry. The government has drafted a *Guidance on Safety Evaluation of the Genetically Modified Microorganisms (and Products) for Food Use*, but its content and potential publication date have as yet not been disclosed.

Another aspect to this regulatory hurdle is the fact that the current approval procedure does not apply to all kinds of food ingredients and additives derived from GM technology. For example, since 2016, the application dossiers of oligosaccharides produced by genetically modified microorganisms (GMMs) have been rejected for submission.

#### Recommendations

- Conduct call for comments on and publish the *Guidance on Safety Evaluation of the Genetically Modified Microorganisms (and Products) for Food Use* as soon as possible, and ensure that the data requirement is science-based and reasonable.
- Publish clear approval procedures for all new food ingredients and food additives derived from GM technology, and streamline the number of ministries involved in the approval process.

#### 4. Strengthen Communication with the Organisation for Economic Co-operation and Development (OECD) to Support the Advancement of China's Accession to the OECD Framework Agreement on the Pesticide Field

##### Concern

Since MARA stopped accepting reports from overseas good laboratory practice (GLP) laboratories to support Chinese pesticides' registration in November 2017, according to China's new *Measures for the Management of Tests Used for Pesticide Registration*,<sup>11</sup> no product registration data submitted by overseas companies has been reviewed or approved, leading to increasing costs and extended registration periods for multinational corporations (MNCs) operating in China.

<sup>11</sup> *Measures for the Management of Tests Used for Pesticide Registration*, MARA, 20<sup>th</sup> July 2017, viewed 2<sup>nd</sup> July 2019, <[http://www.moa.gov.cn/nybg/b/2017/dqq/201712/t20171230\\_6133935.htm](http://www.moa.gov.cn/nybg/b/2017/dqq/201712/t20171230_6133935.htm)>

##### Assessment

On 1<sup>st</sup> June 2017, China's newly revised *Pesticide Management Regulations*<sup>12</sup> were officially implemented. This and supporting regulations have introduced clear provisions on strengthening pesticide management, simplifying and strengthening pesticide production licensing procedures, improving evaluation standards and strict market supervision, encouraging pesticide innovation, and further improving pesticide management levels and ensuring the quality and safety of the product in China.

The industry is concerned, however, that the provisions related to the approval of overseas test data in Article 16 of the *Pesticide Registration Administration Measures*<sup>13</sup> are difficult to implement in practice. The measures require that "the registration test report should be issued by registration test institutions recognised by MARA, or by an overseas relevant laboratory that has signed a mutual recognition agreement with the relevant authorities of the Chinese Government; but the efficacy, residue, environmental impact and other tests closely related to environmental conditions and the registration test of China's endemic biological species should be completed in China." Up to now, China has not signed a mutual recognition agreement with any country or international organisation, such as the OECD framework agreement (or the OECD pesticides programme). In fact, China is the only country in the world that requires all pesticide registration tests to be carried out in its own country.

Based on the specificity of pesticide registration and industry in China, and after joint efforts and discussions between the Ministry of Commerce (MOFCOM), MARA, industry associations and OECD institutions in China, the OECD in China hopes to invite China to firstly join the Mutual Acceptance of Data (MAD) framework agreement in the pesticide field in order to solve the shortage of new products due to the extended registration period, which the Chinese Government fully supports. At the moment, the industry awaits the results of OECD members' vote on the implementation of this proposal.

<sup>12</sup> *Pesticide Management Regulations*, MOA, 5<sup>th</sup> April 2017, viewed 2<sup>nd</sup> July 2019, <[http://www.moa.gov.cn/gk/zcfg/xzfg/201704/t20170405\\_5549362.htm](http://www.moa.gov.cn/gk/zcfg/xzfg/201704/t20170405_5549362.htm)>

<sup>13</sup> *Pesticide Registration Administration Measures*, State Council, 21<sup>st</sup> June 2017, viewed 2<sup>nd</sup> July 2019, <[http://www.gov.cn/gongbao/content/2017/content\\_5234531.htm](http://www.gov.cn/gongbao/content/2017/content_5234531.htm)>







### Recommendations

- Strengthen communication with the OECD and its members to support the advancement of China's accession to the OECD framework agreement in the pesticide field to facilitate compatibility between Chinese and international pesticide registration test systems.

## 5. Optimise the Implementation of the National Nutrition Plan 2017–2030 to be Based on Strong Scientific Evidence

### Concern

As an important participant in the implementation of the *National Nutrition Plan 2017–2030*, the food and beverage industries require clearer guidance on the execution of the plan, so as to be able to fully engage in improving the overall provision of nutrition in China.

### Assessment

Currently, food and beverage industry players in China are looking to receive clearer guidance from authorities on the implementation of the *National Nutrition Plan 2017–2030*.

Industry contributions are crucial for defining proper and validated techniques and methodologies (e.g. implementing cohort studies to be compared to internationally recognised benchmarks of healthy diets) for monitoring and evaluating of food and the nutritional status of the population, including the quality and safety of raw materials. The traditional approach towards food preparation and preservation should be integrated with modern industrial food processing practices. Food and health-related scientific knowledge should be communicated to the food and beverage industry in a clear and practical manner, and be aligned with available up-to-date nutritional scientific knowledge.

According to recent data, a dietary pattern characterised by the consumption of foods rich in protective compounds (i.e. plant foods and their components, such as fibre, polyphenols and polyunsaturated fatty acids)—which are key components of traditional diets—is likely to be of more benefit than limiting consumption of nutrients considered less favourable (i.e. essentially, saturated fat and sugar).<sup>14</sup> Based on these assumptions, it can

14 Forouhi, N.G., Krauss, R.M., Taubes G. and Willett W., *Dietary fat and cardiometabolic health: evidence, controversies, and consensus for guidance*, *British Medical Journal*, 2018, p. 361.

be inferred that the adoption of coercive legislative interventions—which have been introduced in some western countries to improve diet quality—may not be an optimal strategy.

Recent literature suggests that the diet–disease relationship is complex, and that overall health may be improved through a diet rich in specific nutrients that have a protective effect against common modern diseases, rather than by restrictive diets based on outdated nutritional, epidemiological and experimental approaches.<sup>15</sup> Certain dietary compounds are effective in antagonising or neutralising diet-disease relationship phenomena, together with ensuring a balanced physical and mental state. The most potentially favourable and promising strategy to ensure a healthy diet appears to be 'Positive Nutrition' – a participative rather than coercive approach. Encouraging 'healthier' food choices via prescriptive and normative measures may not be the best tool to reach expected outcomes, especially in a domestic environment.

In 2014, the World Health Organization (WHO) suggested that limiting portion sizes to reduce overall energy intake would therefore also reduce the risk of unhealthy weight gain.<sup>16</sup> Research focusing on nutrition education, together with the promotion of healthier eating within large scale government healthcare programs could generate substantial health gains, as well as prevent obesity and related diseases.<sup>17</sup>

### Recommendations

- Define a timetable and science-based approach for the implementation of the *National Nutrition Plan 2017–2030* and promulgation of relevant action plans.
- Encourage the advocacy of traditional and diversified diets based on 'Positive Nutrition'.
- Promote education programmes on the role of diet, portion sizes and the frequency of consumption.

15 Meier T., Gräfe K., Senn F., Sur P., Stangl G.I., Dawczynski C., März W., Kleber M.E. and Lorkowski S., 2019, *Cardiovascular mortality attributable to dietary risk factors in 51 countries in the WHO European Region from 1990 to 2016: a systematic analysis of the Global Burden of Disease Study*, *European Journal of Epidemiology*, vol. 34, no. 1, pp. 37–55, viewed 13<sup>th</sup> June 2019, Springer Link database, <<https://doi.org/10.1007/s10654-018-0473-x>>

16 *Limiting Portion Sizes to Reduce the Risk of Childhood Overweight and Obesity*, WHO, September 2014, viewed 26<sup>th</sup> June 2019, <[https://www.who.int/elena/bbc/portion\\_childhood\\_obesity/en/](https://www.who.int/elena/bbc/portion_childhood_obesity/en/)>

17 Lee Y., Mozaffarian D., Sy S., Huang Y., Liu J., Wilde P.E., Abrahams-Gessel S., de Souza Veiga Jardim T., Gaziano T.A and Micha R., 2019, *Cost-effectiveness of financial incentives for improving diet and health through Medicare and Medicaid: A microsimulation study*, *PLOS Medicine*, research article, viewed 13<sup>th</sup> June 2019, <<https://doi.org/10.1371/journal.pmed.1002761>>





## 6. Optimise the Food Contact Materials and Articles (FCMs) Regulatory Framework

### 6.1 Speed up the Approval for Registering New Food-related Products and Include all Commonly-used Additives for FCMs in the Approved List in an Efficient Manner

#### Concern

A high number of state of the art substances are not included in the *National Food Safety Standard on Hygienic Standards for Uses of Additives in Food Containers and Packaging Materials (GB 9685-2016)*, which results in the disruption of imports of packaging materials, equipment, machinery, pipes, fittings and other materials used in the food and feed production sector, thus damaging the Chinese food and feed industry.

#### Assessment

*GB 9685-2016* specifies principles for the use of additives in food containers and packaging materials: the types of permitted additives; scope of use; maximum levels; specific migration limits or maximum permitted quantities; as well as other restrictive requirements. The standard also includes some monomers and initiators during the production of food contact materials and products.

*GB 9685-2016* became effective on 19<sup>th</sup> October 2017. The standard introduced a clearer management model for raw and auxiliary materials – positive lists are now used to manage them. For each category of food contact material, including plastic, coating, rubber and silica gel, a permitted additives list is provided. Products with additives not included in the positive lists are illegal in China. The NHC has since approved new additives and food contact materials to satisfy the demands of the FCM industry.

However, in comparison to the white list of substances that are legally eligible in the EU as additives in materials that may come into contact with food, in China many essential substances—which are commonly used by European industries and have been proven safe for use in food contact materials—are not compliant with domestic regulations. For instance, in the *National Food Safety Standard on Rubber Food Contact Materials and Articles (GB 4806.11-2016)*, the reference to *GB 9685-2016* and other relevant regulations is insufficient,

since a lot of substances for rubber and silicon rubber listed there are missing. However, these substances are important and/or indispensable for the production of sealing materials for machinery or components. That these additives are not yet included in *GB 9685-2016* is highly problematic with respect to the import of packaging materials, equipment, machinery, pipes, fittings and other material that may be used anywhere in the food and feed production sector in China. The disruption of such imports may damage the Chinese food and feed industry.

In addition, the registration of new food-related products usually takes a very long time, which may lead to a significant reduction in inbound trade in terms of both volume and value.

#### Recommendations

- Include all commonly used additives for FCMs in the approved list in an efficient manner.
- Speed up the registration and approval process for new food-related products.

### 6.2 Update the Technical Requirements for FCMs Stipulating Limitations of Used Ingredients and Additives in Food-related Products

#### Concern

Without access to information on raw and auxiliary materials of food contact materials, especially with regard to restricted substances and conditions of use, FCM traders cannot accurately assess their compliance and safety.

#### Assessment

Chemical substance manufacturers need to produce products in accordance with the *National Standard for Food Safety General Hygienic Practice for Production of Food Contact Materials and Articles (GB 31603)*, and provide a declaration of compliance for chemicals that specifies authorisation of use in FCMs, as well as usage restrictions. Moreover, according to the *National Standard for Food Safety – General Safety Requirements for Food Contact Materials and Articles (GB 4806.1-2016)*, all operators in the supply chain must bear responsibilities with regard to the compliance and safety of the final products. However, most importers of FCMs buy products from overseas traders instead of overseas manufacturers. In general, FCMs traders lack knowledge about product composition





in terms of ingredients or additives, and this is often compounded by manufacturers actively protecting proprietary information related to product development, manufacturing and processing. Nevertheless, technical requirements laws and regulations for FCMs are not simply indices; they also stipulate limits for ingredients and additives used during manufacturing. Only with access to information on raw and auxiliary materials, especially restricted substances and conditions of use for FCMs, can the industry accurately assess the compliance and safety of the materials. However, this information is usually considered a trade secret, which further adds to difficulties in analysing risks and complying.

### Recommendations

- Update the technical requirements for FCMs to stipulate limitations of used ingredients and additives in food-related products

## Abbreviations

AFB	Agriculture, Food and Beverage
CFDA	China Food and Drug Administration
EU	European Union
EC	European Commission
FCM	Food Contact Material and Article
GI	Geographical Indication
GLP	Good Laboratory Practice
GM	Genetically Modified
GMM	Genetically Modified Microorganisms
MAD	Mutual Acceptance of Data
MARA	Ministry of Agriculture and Rural Affairs
MNC	Multinational Corporation
MOA	Ministry of Agriculture
MOH	Ministry of Health
NHC	National Health Commission
NHFPC	National Health and Family Planning Commission
NPC	National People's Congress
OECD	Organisation for Economic Co-operation and Development
RASFF	Rapid Alert System for Feed and Food
SAC	Standardisation Administration of China
SAIC	State Administration for Industry and Commerce
SAMR	State Administration of Market Regulation
WHO	World Health Organization

