

To: **Lead Food Officers**

28th September 2017

Dear Colleagues,

For Information

Update on Changes to Chinese Food Law - Requirement for harmonised Export Health Certificates for all food and drink exports.

Background

FSS/ENF/17/002, dated 20 January 2017, explained that in 2015 China introduced a new Food Safety Act which set out a framework to help them strengthen controls on food safety and that they are now in the process of gradually bringing forward implementing measures to put the Act into practice. The consultation process is ongoing and the final outcome remains uncertain, but the pace of change means that both UK competent authorities and exporters must be prepared for swift implementation.

One of the key planned changes is the introduction of new harmonised Export Health Certification (EHC) requirements for ambient products that have not required this to date. As explained in the previous ENF, these requirements were due to come into force on 1 October 2017.

Update

Defra have confirmed that the UK is, through the European Union, continuing to discuss the implementation of harmonised Export Health Certification requirements with the Chinese Government to establish a full set of details about how the new proposal will work.

Given that those discussions are still taking place, the Chinese Government has now confirmed that this new measure **will not apply from the 1 October 2017** as stated in the consultation and that there will be no disruption to ongoing trade at this time. The UK is, through the EU, continuing discussions with the Chinese Government about the timing of implementation but Defra's expectation is that the **measure will not apply earlier than 1 October 2018**.

The Chinese authorities have also confirmed that for those product categories which already require existing plant or animal export health certification, the new requirement for harmonised export health certification will not apply and will therefore not generate any duplication in certification.

The Chinese authorities have also acknowledged that current domestic processes for food safety in the UK are a sufficient basis for providing assurance of compliance for these requirements. As such, Defra's expectation is that the UK Government will be able to administer the new certification and no additional checks of exporting companies by the Chinese Authorities will be necessary.

Following discussion with export bodies and industry representatives, Defra are aware that some products leave the UK long before reaching China and often undergo redistribution through regional hubs. Defra is engaged in EU discussions with Chinese authorities in order to clarify the process with sufficient lead in time for industry to prepare consignments.

Defra is continuing to work closely with the Chinese authorities, the European Union and key British industry stakeholders to ensure that trade will continue as seamlessly as possible. Defra is working with the China Britain Business Council (CBBC) Food and Drink Federation (FDF) and the Food and drink Exporters Association (FDEA) to produce a series of workshops to provide more detail on these requirements and the application process for certificates. These workshops will provide an opportunity to ask questions and seek clarification, and details of these sessions will be communicated soon.

FSS continues to work closely with FSA, Defra, the Animal and Plant Health Agency (APHA), DAERA, Welsh Government and the Rural Payments Agency (RPA) to develop a process to implement the required new system.

We will continue to engage with Defra to ensure that local authorities are kept fully aware of the level of their involvement in any new system as this is developed further.

Action required by LA's

Should you receive any enquiries from food businesses regarding these changes, please refer them to the industry information note which Defra have published on the website of the China-Britain Business Council (CBBC) at the following links:

<http://www.cbbs.org/sectors/food-and-drink/>

<http://www.cbbs.org/news/industry-update-on-china-ehcs-%E2%80%93-july-31/>

Should you require further advice on the content of this letter, please do not hesitate to contact me directly or via FSS export mailbox: exports@fss.scot

Yours sincerely,

A handwritten signature in blue ink that reads "Patrick Smyth". The signature is written in a cursive style with a small dot at the end.

Patrick Smyth

Senior Environmental Health Manager

Food Standards Scotland