



MARKET ENTRY REQUIREMENTS

AGRICULTURE PRODUCTS



Prepared By:
Sri Lanka Export Development Board

CONTENTS

1. CHINA MARKET ENTRY REQUIREMENTS	2
1.1 INTRODUCTION	2
1.2 MARKET ACCESS AND MARKET ENTRY	2
1.2.1 FOOD EXPORTER REGISTER.....	4
1.2.2 LABELLING REQUIREMENTS.....	9
2. JAPAN MARKET ENTRY REQUIREMENTS	12
2.1 INTRODUCTION	12
2.2 MARKET ACCESS AND ENTRY	12
2.2.1 FOOD ADDITIVES.....	13
2.2.2 FOOD SAFETY AND OTHER FOOD CERTIFICATION REQUIREMENTS.....	15
2.2.3 LABELLING REQUIREMENTS.....	15
2.2.4 SPECIFIC MARKET ENTRY REQUIREMENTS AND TRENDS	19
3. AUSTRALIA MARKET ENTRY REQUIREMENTS	22
3.1 INTRODUCTION	22
3.2 MARKET ACCESS AND ENTRY	22
3.2.1 LABELLING REQUIREMENTS.....	25
3.2.1 SPECIFIC MARKET ENTRY REQUIREMENTS AND TRENDS	31
4. RUSSIA MARKET ENTRY REQUIREMENTS	33
4.1 INTRODUCTION	33
4.2 MARKET ACCESS AND ENTRY	33
4.2.1 FOOD SAFETY & FOOD SAFETY REQUIREMENTS	36
4.2.2 FOOD ADDITIVES.....	36
4.2.3 LABELLING REQUIREMENTS.....	36
4.2.4 SPECIFIC MARKET ENTRY REQUIREMENTS AND TRENDS	37
5. USA MARKET ENTRY REQUIREMENTS	40
5.1 INTRODCTION.....	40
5.2 MARKET ACCESS AND ENTRY	40
5.2.1 FOOD SAFETY & FOOD SAFETY REQUIREMENTS	41
5.2.2 FOOD ADDITIVES.....	41
5.2.3 LABELLING REQUIREMENTS.....	45
5.2.4 SPECIFIC MARKET ENTRY REQUIREMENTS AND TRENDS	48
6. REFERENCES	51

1. CHINA MARKET ENTRY REQUIREMENTS

1.1 INTRODUCTION

Demand for imported products continues to be strong, driven by urbanization and the increase in disposable income of the middle class. Middle class consumers in China are projected to spend more than USD 579 billion on food products in 2018. Sales of imported food products are reported to be growing at an estimated 15% per year against a worldwide average of around 4%. Imported goods increasingly compete with Chinese products, both on quality and price: improvements in the quality of domestic products and higher taxes for imported goods pose potential barriers for exporters to China.

As with many other goods and services, general internet searches provide the main source of information for Chinese consumers researching food brands for information before purchasing a product, followed by family and friends, and social media/mobile applications. According to a 2016 survey done by European Union, 94% of consumers have purchased food online at some point, while 84% have purchased imported products with the majority buying imported food online as a gift. The most important triggers for buying imported food are safety and favourite origins include the US, some EU countries, Japan, Canada and Australia.

Although supermarkets and hypermarkets remain in the leading distribution channels for packaged food, internet retailing is gaining ground. Some companies are launching new products online even earlier than through offline retail channels. Furthermore, with having an improved cold-chain system, chilled food such as drinking milk products, butter and cheese all recorded rapidly climbing shares of internet retailing.

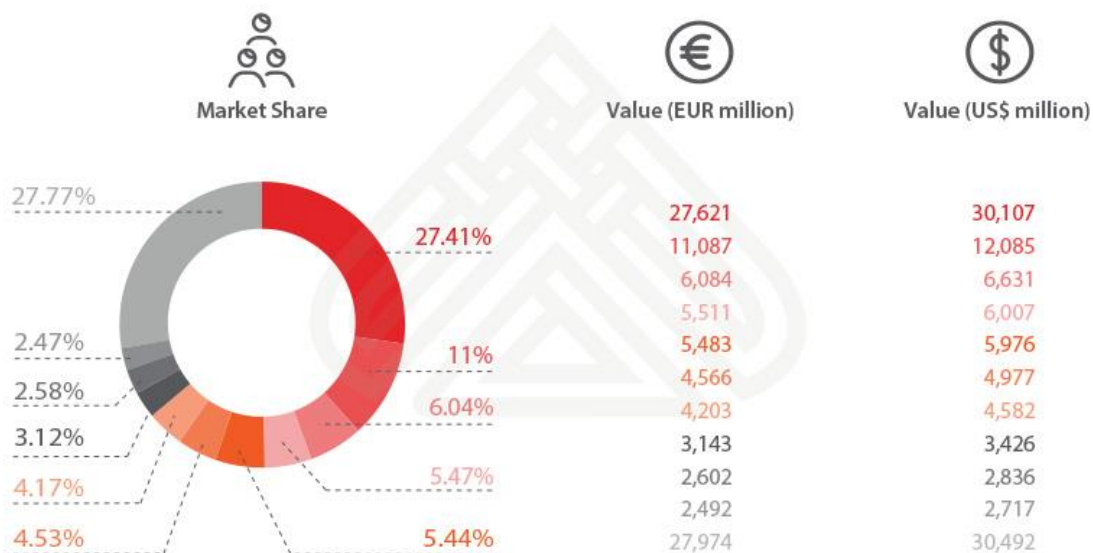
1.2 MARKET ACCESS AND MARKET ENTRY

There are a variety of requirements and restrictions for importing to China. While some apply to all sectors others vary by sectors. As non-compliance can lead to the rejection of products and in serious cases in criminal proceedings, it is important to ensure compliance.

- **Exporter and importer registration** are required.
- **Protocols and / or SPS certificates** are in place for some products.
- **Country bilateral agreements / sanitary certificates** are required for some product categories in order for operators from their territory of the country in question to be able to export
- **The most common reasons for the rejection of imports** are: incorrect labelling of products, poor quality of products / additives and the suspicions of underpricing of products in customs declarations. Special care should therefore be taken to ensure no issues in this area.
- **Samples for trade fairs and tasting** follow the same procedures for imports. However, the number of samples taken for testing may be lower and the release of goods can sometimes also be completed without Chinese labels if an exemption for labelling is requested by the importer and approved by the appropriate food inspection agency prior to the arrival of goods in China.
- **Import licenses** are required by importers prior to goods reaching customs. EU producers can either establish a Wholly Foreign Owned Enterprise to obtain an import license or work with partners who have the necessary import licenses.

- **The processing times for importing agri-food products** into China are generally not fixed. The only basis for gauging the time frame for these processes may therefore be previous experience of other producers. (The Food and Beverage Market Entry Handbook: The People’s Republic of China; 2019)

Top Ten Countries Exporting Food and Beverage Products to China (2018)



Graphic © Asia Briefing Ltd.

The greatest challenge for EU manufacturers of processed fruit and vegetables is connected to the fact that domestic demand has been largely met by Chinese companies as well as to the fact that in some parts of China, demand and preferences for processed fruit and vegetables can vary. Additionally, domestic producers responded much faster to consumer trends and therefore managed to secure the supply for processed fruit and vegetable products, especially canned fruit products.

The Chinese market for processed cereals is consolidated with a strong domestic production base and strong international players presenting barriers to entry for new brands and new producers. Similarly, pasta competes with traditional staple foods, i.e. noodles and rice.

1.2.1 Food Exporter Register

According to GACC Decree 249, All overseas food exporters are required to submit their company information online with the Bureau of Import and Export Food Safety of GACC, General Administration of Customs China to application for a registration number. This requirement comes into force with effect from January 01, 2022 and annually renewal in GACC, to ensure the long-term validity of the registration number. (GACC Registry Single Window e-Service , 2022)

H.S Codes For categories for Exporter Registration

*1 Meat *2 Aquatic Products and Preserved Aquatic Products *3 Dairy Products *4 Bird Nest Products *5 Pelagic Fishery *6 Egg and Egg Products *7 Traditional Chinese Medicinal Materials of Animal And Plant Origin *8 Grains And Grain Products *9 Oil And Oil Seeds

*10 Vegetable and Vegetable Products *11 Processed Flavorings of Plant Origin *12 Dried Fruits and Nuts *13 Bee Products *14 Foods for Special Dietary Uses *15 Sugar *16 Canned Foods

*17 Other Processed Foods *18 Tea *19 Soft Drinks and Drinking Water *20 Alcoholic Beverage *21 Processed Flavorings *22 Other Plant Origin Food *23 Pastry Biscuits and Crackers *24 Cigarette *25 Candied (Preserved) Fruits.

GACC registration number structure

CUSA23012201018888

China abbreviations	← C
Country of Origin Code	← U S A
Food category code	← 2 3 0 1
Approval date	← 1 2 2 0 1 0
GACC serial number	← 1 8 8 8 8



www.gacc.agency

From 2022, the GACC registration number for overseas manufacturer is upgraded to 18 digits, This GACC register No. needs to be printed on the Chinese label of imported food , then can pass the China Customs Clearance.

GACC register types		GACC-1-1	GACC-1-2	GACC-1-3	GACC-2-1
GACC registration item	General GACC registration for Overseas Manufacturers	GACC registration for Overseas Producer of Medium risk Food	GACC registration for Overseas Producer of High risk Food	General GACC registration for Overseas Exporter	
Type of enterprise	<ul style="list-style-type: none"> Food Processing plants, manufacturers, producers, processors, packers, re-packers, cold stores, storage operations, 	<ul style="list-style-type: none"> Food Processing plants, manufacturers, producers, processors, packers, re-packers, cold stores, storage operations, 	<ul style="list-style-type: none"> Food Processing plants, manufacturers, producers, processors, packers, re-packers, cold stores, storage operations, Fishing Vessels of Freezing or Transporting or Factory, etc. 	<ul style="list-style-type: none"> Overseas exporters, shippers, traders, agents, consignors, etc.; For GACC-1-2 & GACC-1-3 food categories, exporter's CS-cold storage or DS-dry storage facilities need apply GACC register of CS or DS. 	
Risk level	Low risk level	Medium risk level	High risk level	All level	
Food category of GACC registration	<ul style="list-style-type: none"> Vegetables and their products (except fresh and dehydrated vegetables) Processed grain and their products Tea Processed Nuts and seed products Liquor Beverages and frozen drinks Biscuits, pastries, bread Sugars (including raw sugar, table sugar, lactose, syrup, etc.) Candy, chocolate (including chocolate, cocoa butter substitute chocolate and its products) Condiments (not including sugar) Roasted coffee beans, cocoa beans and their products (excluding chocolate) Fruit products (excluding dried fruits) Chinese herbal medicine Other processed food 	<ul style="list-style-type: none"> bee products, egg products, edible oils and fats, oilseeds, stuffed wheaten products, edible grains, milled grain industry products and malt, fresh and dehydrated vegetables and dried beans, condiments, nuts and seeds, dried fruits, unroasted coffee beans and cocoa beans, foods for special dietary purposes, health foods, 	<ul style="list-style-type: none"> Meat products, Aquatic products, Dairy products, Bird nest products, 	<ul style="list-style-type: none"> Meat ** Aquatic Products And Preserved Aquatic Products ** Pelagic Fishery ** ** Dairy Products ** Bird Nest Products ** Food for Special Dietary Use * Processed Flavorings Of Plant Origin * Bee Products * Egg And Egg Products * Grains And Grain Products * Dried Fruits And Nuts * Vegetable And Vegetable Products * Oil And Oil Seeds * Traditional Chinese Medicinal Materials Of Animal And Plant Origin * Processed Flavorings Cigarette Soft Drinks And Drinking Water Canned Foods Tea Other Processed Foods Other Plant Origin Food Pastry Biscuits And Crackers Candied (Preserved) Fruits Sugar Alcoholic Beverage Other foods 	
GACC registration valid eriod	5 years	5 years	5 years	5 years	
GACC registration process	GACC register process flow chart	GACC register process flow chart	GACC register process flow chart	GACC register process flow chart	
GACC registration process time	1-2 months	2-4 months	4-12 months	2-4 weeks	

Standard documents required to import into China

	Wine	Spirits	Beer	Meat	Olive Oil	Fresh F&V	Processed F&V	Dairy Products	Processed Cereals	Bread & bakery	Confectionary	Honey	Live Plants
To be prepared by the exporter													
Commercial Invoice	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Packing List	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Certificate for Registration of Foreign Exporters of Foodstuffs	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Certificate of Health / Sanitation	NO	YES	YES	YES	YES	NO	NO	YES	YES	NO	NO	YES	YES
Certificate of Authenticity / Free Sale	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO
Air Waybill, Rail Waybill, or Bill of Lading	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Cargo Manifest	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Insurance Certificate	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Certificate of Analysis	YES (a)	YES	YES	YES	YES	YES (a)	YES (a)	YES (a)	YES (a)	YES (a)	YES (a)	YES (a)	YES (a)
Buyer Seller Agreement signed by both parties	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)	YES (b)
Certificate of Origin	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)	YES (c)
Others	Consolidated Wine Export	Permit to Import		Veterinary Health									Phytosanitary Certificate

	Certificate	Endangered Species and Products Thereof (d)		Certificate for Animal Products									
To be prepared by the importer													
Customs Registration	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Customs Import Declaration	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Automatic import License	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Business License of Importer	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Import and Export Business License	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Certificate for Registration of Importer of Foodstuffs	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Commodity Inspection Certificate	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)	YES (e)
Permit to import live animals and plants subject to quarantine	NO	NO	NO	YES	NO	NO	NO	YES	NO	NO	NO	YES	YES

(a) The certificate of analysis should state the content of sulphur dioxide and sulphites in order to comply with Chinese standards which set maximum levels for these substances, as indicated in the Chinese Standards for Food Additives (GB2760-2015).

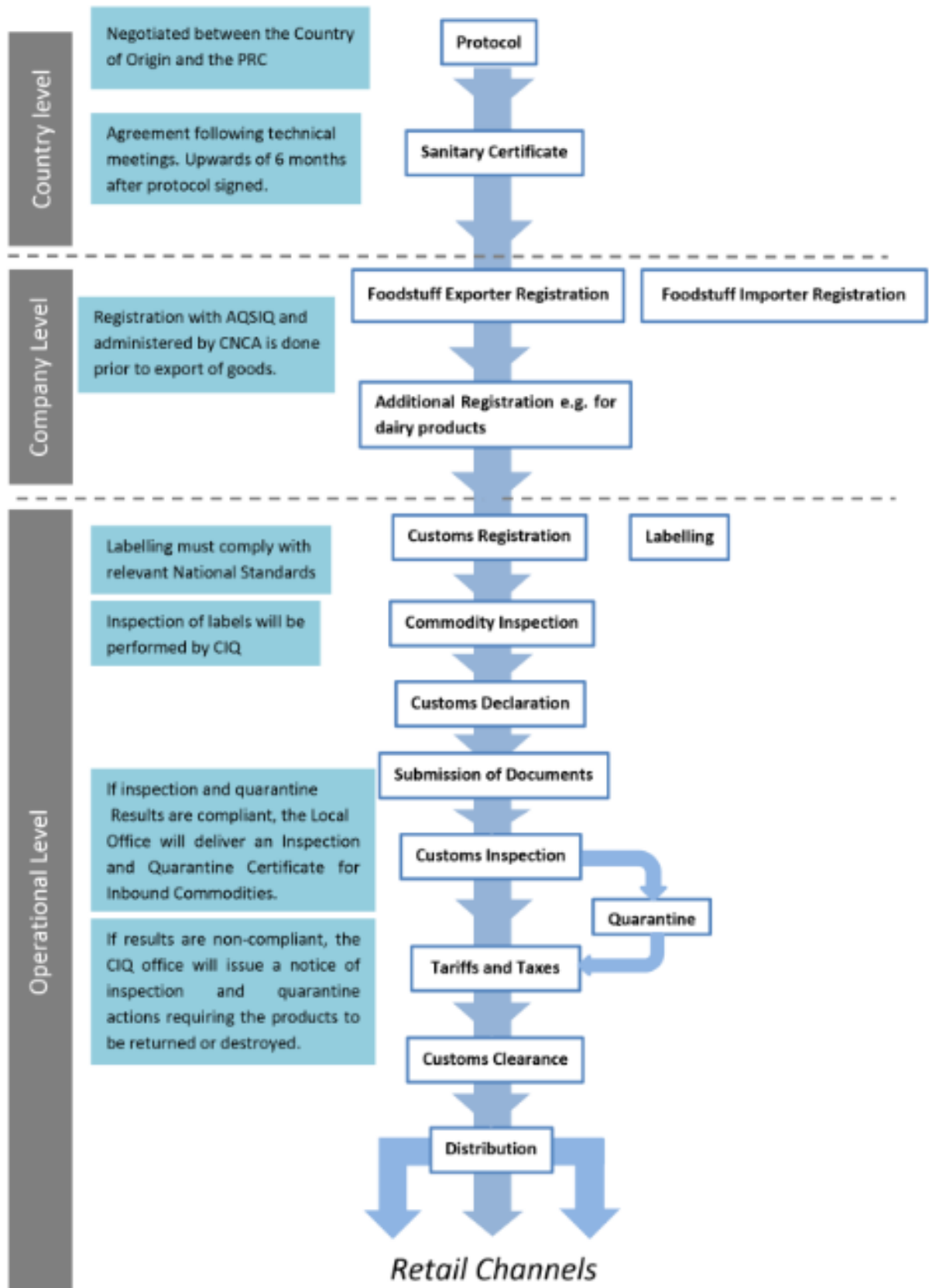
(b) Only at some ports.

(c) Only if requested by the importer.

(d) Applicable only to certain spirits that contain plants of endangered species.

(e) Not required for the first shipment.

Overview of the import procedure



1.2.2 Labelling Requirements

GB 7718-2011 general rules for labelling of pre-packaged foods national food safety standards is applicable to the almost all agri-food products imported into China and provides details on both the content and format of labels. Other rules may apply to certain categories; where this is the case these rules are identified in the corresponding part of market snapshots for products.

In general, the following information, provided in simplified Chinese and the original language, needs to be contained on labels.

- Standard name of foodstuffs;
- List of ingredients as percentages in descending order of content, net weight and respective volume;
- Name and address of manufacturer and local agent or distributor;
- Production date, best before end date and guidance for storage;
- Country of origin;
- Quality grade;
- Code of national standard, or industrial standard, or enterprise standard for the production;
- Special contents if there are any (e.g. irradiated food)

All labels for imported foodstuff must be approved by the Chinese Inspection and Quarantine Service (CIQS) and the importer or distributor can work with customs during this process. Compulsory National Standards are Organizing, coordinating, supervising and implementation by Standardization Administration of China (SAC).

Processed fruit and vegetables products

The rules for labelling processed fruit and vegetables products are set out in the General Standard for the Labelling of Pre-packaged Food (GB7718-2011). The following is the example of minimum information to be listed:

- standard name of foodstuffs
- list of ingredients
- quantitative labelling of ingredients (percentage of ingredient)
- net weight and configuration
- name, address and contact info of manufacturer and local agent or distributor
- production date, use by date in YY/MM/DD format and guidance for storing
- generic name of the food additives as used in the national standard
- quality grade
- food production license number
- code of the product standard
- special contents if there are any (e.g. irradiated food, genetically modified, nutrition list for baby food or diet food).

Fresh Meat & Processed Meat

Bilateral protocols are required for the fresh meat & processed meat exports to be put in place between the country of origin and China, a veterinary health certificate for animal products as well as registration of production units with Certification and Accreditation Administration of the People's Republic of China (CNCA).

As meat is generally frozen when exported to China, there is a need to use the right packaging method, isolation and coolers. There are several points to consider and some key points are:

- Use an insulated container, preferably a urethane container (the walls should be at least 5 cm).
- Use dry ice. Confirm which shipping companies that allow you to use dry ice. They can also give you advice how to pack the products.
- Use plastic wrap around the food products and pack tightly with the dry ice.
- Fill up with Styrofoam where needed.

The following information is required on the outer label when exporting meat products to China.

- Product name
- Country of origin
- Registration number at AQSIQ
- Manufacturing date
- Shelf life
- Instructions about storage (including temperatures)
- To which country the products will be sent
- Net weight
- Meat Inspection legend
- Your company name and address
- Batch number
- Packaging specification
- Labelling information required on the interior packaging (smaller boxes)

The inner packaging should contain:

- Product name
- Package specification
- Country of origin
- Country of destination
- Registration number at AQSIQ
- Batch number

Pre-packaged food should have labels that comply with GB7718-2004 (the General Standard for the Labelling of Pre-packaged food) as well as pre-packaged food for special dietary uses need to comply with GB13432-2013 (the General Standard for the Labelling of Pre-packaged food for Special Dietary Uses).

One of the specific custom requirements apply to beef and the fact that beef needs to be trackable to the birth farm. Cattle needs to be less than 30 months of age

Cereal & Pasta

Packaging is very important in orienting Chinese purchase choices for cereals. Consumers are more attracted by packaging mentioning the origins of the cereals grain or oats in their branding. Furthermore, cereal and muesli packaging that feature images of farm life (e.g. wheat fields), as well as nuts, fruit, and milk are more appealing to Chinese consumers.

Food & Beverage

Labelling of food and beverages in China is subject to the requirements under various regulation and standards as mentioned above and the corresponding sections on product categories. In line with these requirements food and beverage companies are advised to:

- Use Chinese characters on the label (this doesn't apply to registered trademark);
- Indicate the name of the product in a place where it's easy to see;
- Include the list of ingredients used in the product;
- Indicate the product net content;
- Indicate name and address of the producer, date of manufacture, shelf life, storage condition, product standard code, as well as quality level, food production license and if requested;
- Add health warnings to beverages with over 0.5% alcohol content;
- Add safety warnings to beer in glass bottles

Furthermore, in order to ensure label compliance companies are advised not to:

- Use recycled waste paper, plastics, phenolic resin as well as industrial-grade paraffin for food packaging;
- Use printing ink on the food surface;
- Choose names, packaging and decorations that are similar with well-known brands;
- Use vague, religious or obscene content;
- Use false/ misleading content;
- Use absolute terms (e.g. the best) and excessive packaging;
- Use minority and foreign letters larger than the corresponding Chinese characters (this doesn't apply to registered trademarks)

Ref: (Commission, The Food and Beverage Market Entry Handbook: China, 2018)



2. JAPAN MARKET ENTRY REQUIREMENTS

2.1 INTRODUCTION

Japan's food and beverage market is closely linked to the condition of the agricultural sector, and not able to fully cover demand for agricultural products with domestic production. Therefore, they are strengthening food import volumes and ensuring the stability of Japan's food supply through subsidizing domestic production as well as revitalizing rural areas and promoting urban agriculture.

The food and beverage market is significantly import based, with major imports of pork, beef, soybeans, wheat, cigarettes, veal, chicken and coffee. Although the Japanese market relies on imported products, domestic food producers also try to keep their market share by offering traditional products and attracting consumers, by e.g. suitable marketing strategies.

Even though there is a limited domestic agricultural production, a notable domestic sector is the rice sector. Many of the country's domestic agricultural policies are focused around the traditional rice production. Japan manages to export products such as: food preparations, pastry, sauces and rice fermented beverages; albeit in relatively small quantities when considered on a global scale.

The typical Japanese diet have been shifting from traditional rice-based dishes to more western-style meals with larger quantities of meat, eggs, milk, milk products and fats. Another major change is linked to convenience – more and more Japanese have started to value their time and have started to purchase more ready-to-eat packaged food or dine out, which often includes foreign products, recipes or restaurants.

2.2 MARKET ACCESS AND ENTRY

The starting point for importers is to submit a notification to the Ministry of Health, Labour and Welfare (MHLW), as required by the Food Sanitation Act. However, before the import notification is submitted, it is appropriate to carry out a consultation exercise with the MHLW Quarantine Station, which may facilitate the process by indicating the necessary documents to be prepared and ensure the fully informed and transparent import-related activities. The list of eligible stations is provided by the MHLW.

Its also worth checking the food additives and product specifications at this point with the MHLW station; and HS codes of the products to be imported with the customs stations of the Ministry of Finance, as these are different from CN codes, and the Import Notification (in English or Japanese) can be submitted in paper form or electronically, after registration and providing necessary information to the MHLW. (The Food and Beverage Market Entry Handbook: Japan, 2019)

Japanese food self-sufficiency rate is about 40% and foods are imported from various countries. To ensure the safety of imported foods and related products, Article 27 of the Food Sanitation Act obliges importers to submit import notification. As Article 27 of the Food Sanitation Act states that "Those who wish to import food, food additives, apparatus, containers and packaging for sale or for use in business, shall notify the **Minister of Health, Labour, and Welfare** on each occasion as prescribed by the Ministerial Ordinance," the imported foods and related products must not be used for sale without import notification. (Ministry of health labour and welfare, 2022)

Based on the Imported Foods Monitoring and Guidance Plan, MHLW carries out inspection of imported foods at the quarantine stations located at 32 international airports and seaports, to confirm their compliance with the **Food Sanitation Act**. When violation of the regulations is detected, measures are taken for the relevant products, including disposal or shipping back of the items to the country of origin.

After submission of the Import Notification, the MHLW Quarantine section examines the documentation and check whether the product meets the provisions of the Food Sanitation Act. There are several aspects of the examination, which are considered;

- Compliance with the manufacturing standards regulated under the Food Sanitation Law
- Compliance with the standards of the use of food additives
- Absence of poisonous or hazardous substances
- Occurrence of the sanitation problems in the place of manufacturing in the past

The customs procedure is launched after the product for import has received its Certificate of Notification at the Quarantine Station. Japanese customs legislation distinguishes between the main customs procedures for imports are Release for free circulation Customs warehousing Temporary admission & Transit.

The SPS Agreement obliges WTO members to follow the measures concerning food and feed safety, animal health and plant health. That said, every WTO member has the right to take appropriate measures, which in the end will secure the mentioned goals. When exporting food products to Japan, SPS may apply and concern:

- Diseases carried by animals
- Plant pests (e.g. insects, bacteria, viruses)
- Toxins or disease-causing organisms in foods, beverages or feedstuffs
- Additives
- Contaminants (heavy metals, residues of pesticides or veterinary drugs, extraneous matter)

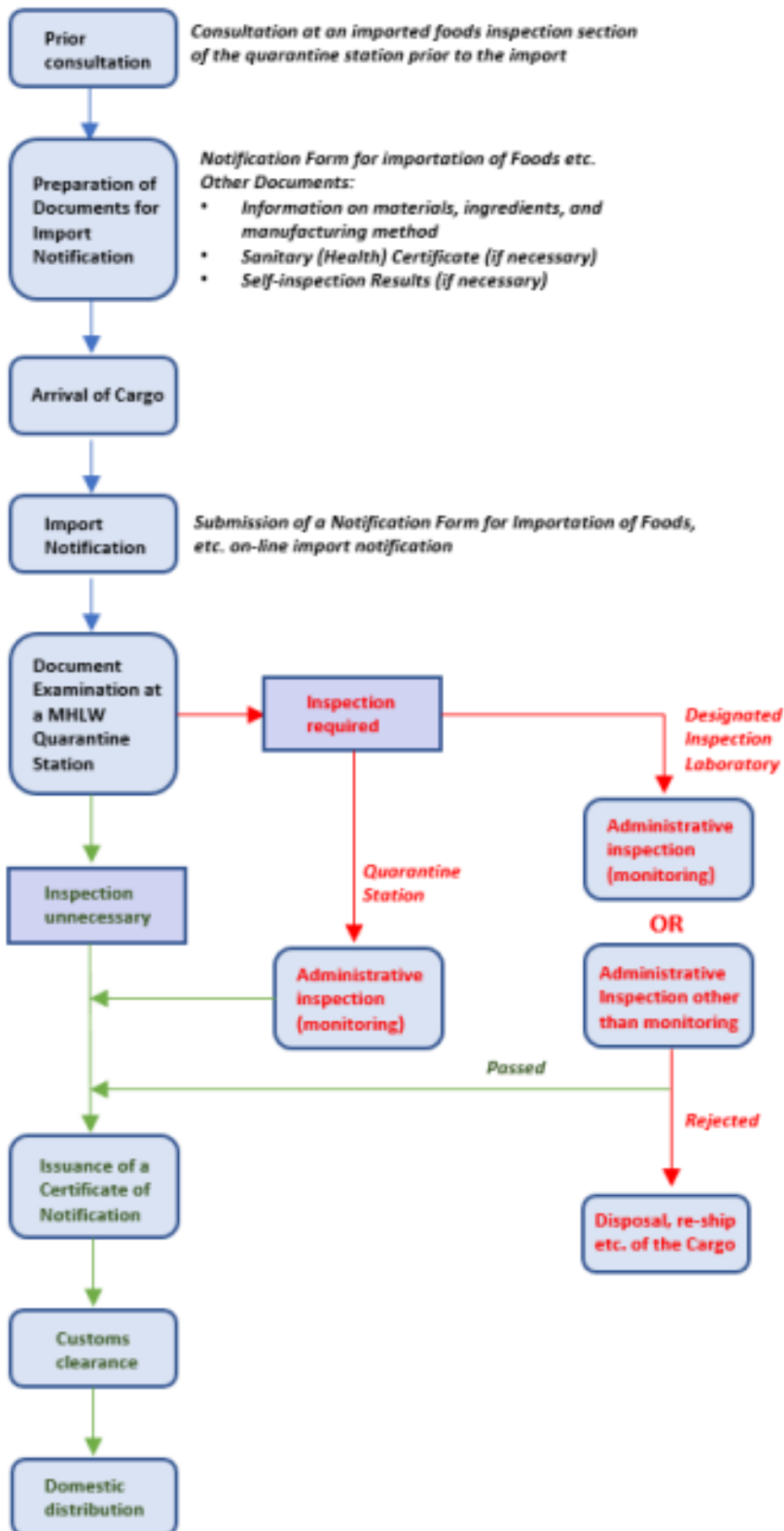
2.2.1 Food Additives

Food additives are used in the process of manufacturing foods or for the purpose of processing or preserving foods. They include preservatives, sweeteners, coloring agents and flavoring agents. While food additives largely contribute to today's distribution of a variety of foods, much caution is needed to ensure the safety of additives, which do not have a long history of human consumption unlike foods.

The MHLW consults the Forest Stewardship Council (FSC) and authorizes the use of them only when they do not have risks of harming human health. The MHLW continuously takes adequate measures to review the safety of authorized food additives, for example, by surveying daily intake levels per person.

The Food Sanitation Law requires the Minister of Health, Labour and Welfare to prepare an official compilation of food additive specifications and standards. The compilation contains compositional specifications for individual additives as well as standards for manufacturing and use of these additives. The compilation is updated every several years to introduce new and improved test methods commensurate with the progress in science and technology, and to achieve international harmonization of standards. Japan's Specifications and Standards for Food Additives is the English translation of the official compilation of food additives. (Ministry of health labour and welfare, 2022)

Overview of the import procedure



2.2.2 Food safety and Other Food Certification Requirements

In addition to the Food Safety Basic law, there are several regulations in place which are relevant for the import of food into Japan. These relate to various aspects of the placing of food on the market, such as human and animal health, packaging and labelling, etc. In more specific terms, Japanese food-related laws can be divided into three main pieces of legislation;

- The Food Sanitation Act
- The Law Concerning Standardization, etc. of Agricultural and Forestry Products' (the JAS Law)
- The Health Promotion Act
- Food Labelling Act

The Food Sanitation Act

This act is focused on food safety matters and covers variety of areas, most notably:

- Setting out the standards for food, additives, food containers/packages;
- Managing the hygiene of the manufacture specifications; and,
- Establishing business licenses.

The Food Sanitation Act falls under the responsibility of Ministry of Health, Labour and Welfare (MHLW). The Food Sanitation Act amendment, announced in March 2018, intends to introduce a positive list system for utensils, containers and packaging used for foodstuffs. Unlike the prior negative list, after the amendment comes into force, only substances found to have been manufactured in compliance with the standards of good manufacturing practice will be granted with access to the Japanese market.

The JAS Law

The law aimed at improving quality of foods and drinks and ensuring they are produced by specific method, which is managed by the Ministry of Agriculture, Forestry and Fisheries (MAFF). Unlike the Food Sanitation Act, the JAS (Japanese Agricultural Standard) system is not a standard on food safety, but rather on assessing the quality of the product, based on its production methods etc., ultimately in order to assist consumers / users to make choices.

The Health Promotion Act

Overseen by MHLW, the Health Promotion Act regulates the manufacture, import and sale of foods, food containers/packages and additives. In general, it aims to promote people's health, underlining the importance of appropriate knowledge on dietary habits and lifestyle habits.

2.2.3 Labelling Requirements

The food labelling system in Japan was updated in 2015 and currently is regulated by the Japanese Food Labelling Act. The new law consolidated the previous multi-regulatory control system, and foresaw a transition period of 5 years maximum for all labelling of processed products as well as food additives; and 1.5 years maximum for fresh products. The labelling framework in Japan is governed by the Consumer Affairs Agency (CAA), which, as a part of the Cabinet Office of Japan, oversees developing plans for consumer policies in the country.

The Food Labelling Standard covers all food and drinks which are on the market in Japan; however, the part on the nutritional requirement has several exceptions and do not apply to:

- Fresh foods
- Alcoholic beverages
- Products manufactured by companies with less than twenty employees 73
- Products imported by companies with less than five employees

However, the latter requirements have been reviewed by the Japanese authorities in 2017 and as from September 2017 countries of origin of ingredients must be listed for all processed food.

The key changes of the Food Labelling Standard in Japan

<p>Classifications for Processed and Fresh Foods Manufacturer Identification Codes and Contact Information</p>	<p>Previously binding different classification of the same product, set out by JAS, has been harmonized by the new framework, dividing products into three categories: fresh food, processed food and food additive. Any processing action of the product (incl. pre-cutting) leads to identification as processed food and need for appropriate label.</p> <p>Special ID codes are only allowed in case of manufacturing the product at more than two facilities. In effect, the smaller companies must provide the name and address of the manufacturing facility on all product labels. The manufacturer ID code must include customer service information, company website address or names, addresses, and ID codes for all production facilities.</p>
<p>Allergen Labelling</p>	<p>In addition, the Food Labelling Standard requires to place name and address of both the manufacturer and the distributor of the product.</p> <p>Unlike the previous labelling framework, the Food Labelling Standard imposes the requirement for appropriate labelling of allergic ingredients of the product. The list of mandatory allergens to be placed includes:</p> <ul style="list-style-type: none"> • Egg, milk, buckwheat, wheat, peanuts, crab, shrimp/prawn <p>The recommended list of allergens includes also:</p> <ul style="list-style-type: none"> • Abalone, Mackerel, Squid, Salmon, Salmon Roe, Cashew Nut, Walnut, Matsutake Mushroom, Sesame, Soybean, Yam, Apple, Banana, Kiwifruit, Orange, Peach, Beef, Chicken, Gelatine, Pork
<p>Nutritional Labelling</p>	<p>The new labelling framework requires the placing of nutritional labelling on all processed foods, with a five-year transition period from the 2015. However, an exemption applies in case when the product is manufactured with less than twenty employees or imported by small companies (less than five employees). The manufacturers are allowed to choose the appropriate serving size and are obligated to place mandatory nutritional components are allowed to choose other from the other groups, as below:</p> <ul style="list-style-type: none"> • Mandatory: energy, protein, fat, carbohydrate, sodium (indicate as salt equivalent) • Voluntary but recommended: saturated fat, dietary fibre • Voluntary: n-3 Fatty Acid, n-6 Fatty Acid, Carbohydrate, Sugars, Cholesterol, Vitamins and Minerals
<p>Content Claims</p>	<p>Claim regulations are harmonized with the CODEX standards, with an exception applying to reduced sodium for soy sauce/miso products (25% reduced sodium codex – 20% in Japan).</p>
<p>Compound Ingredient Labelling</p>	<p>The Food Labelling Standard allows manufacturers or importers to identify each ingredient of a compound ingredient provided that the description of a compound is not comprehensible for consumers or the compound ingredient is a mixture of primary ingredients.</p>
<p>Labelling of Food Additives for sale</p>	<p>The food additive for commercial sale is a subject for stringer details on the label, unlike the food additive used as an ingredient in a processed food. Additional information includes the net content, name and address of the additive manufacturer and nutrition information.</p>

Incorporation of CAA Notices	CAA notices, based on an earlier publication, may be included in the label to e.g. prevent unintentional poisoning by toxin.
Food Labelling Layout Enhancement	Unlike under the previous framework, regardless of the size of the package, the Food Labelling Standard requires all necessary information to be placed on the label, i.e. name of a product, proper storage instructions, best before date, manufacturer/seller contact information etc.

Source: *Japan Market Entry Handbook 2019*

Organic JAS system – labelling

The JAS standards for organic plants and organic processed foods of plants were established in 2000, with further developments and addition of organic livestock products, organic processed foods of animal origin and organic feeds in 2018. It is mandatory for imported foods of plant origin which want to be sold as organic; and will be for those of livestock origin from 2020.

Operators are allowed to place a product on the market using the JAS organic seal after fulfilling necessary requirements laid down by the Ministry of Agriculture, Forestry and Fisheries (MAFF). The JAS system differentiates between four categories of organic products, with separate standards and classifications, which are set out below. (It should be noted that the JAS organic standard does not apply wine).

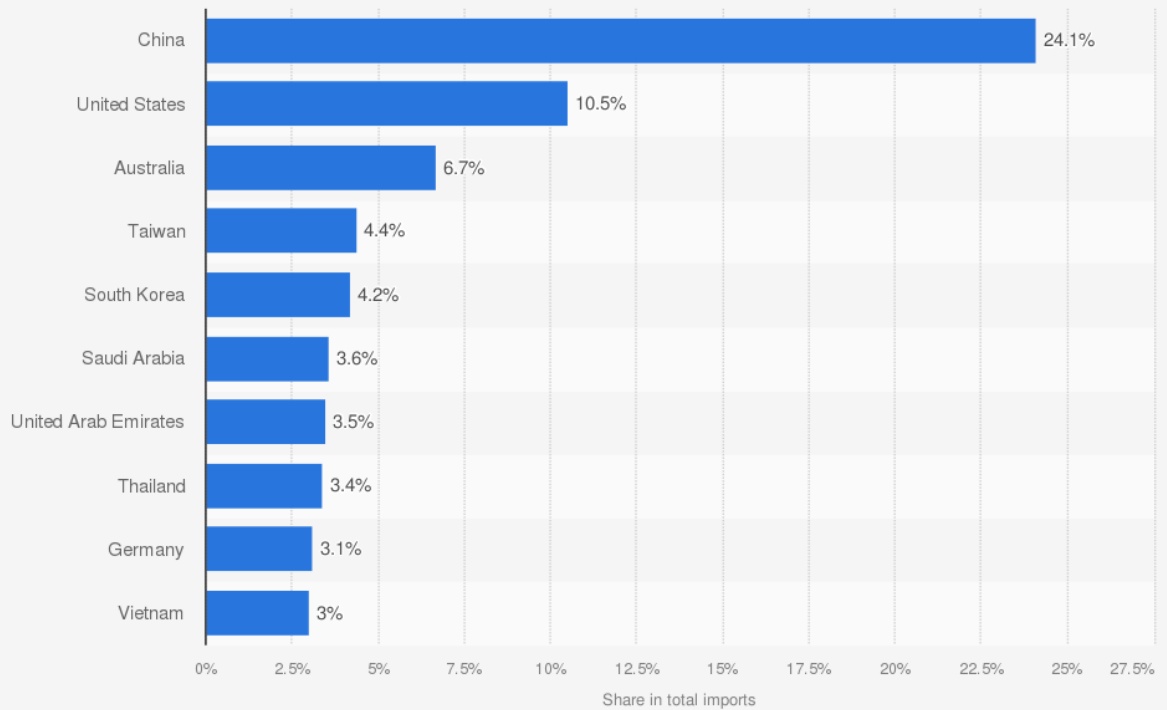
- Japanese Agricultural Standard for Organic Plants
- Japanese Agricultural Standard for Organic Processed Foods
- Japanese Agricultural Standard for Organic Feeds
- Japanese Agricultural Standard for Organic Livestock etc.

Protection of intellectual property rights and Geographical Indications

Patents, trademarks, designs and utility models are registered with the Japan Patent Office (JPO), which operates under the mandate of the Ministry of Economy, Trade and Industry (METI). GIs are under the authority of the Ministry of Agriculture, Forestry and Fisheries (MAFF). Copyright protection is obtained automatically without the need for registration or other formalities.

The Japanese market is currently highly regulated, which poses a challenge for Sri Lankan companies' exports. The main barriers are a combination of both tariff and non-tariff measures (NTMs). The NTMs include: divergent technical standards and regulations; and complex and long procedures and overall regulatory environment; with the latter resulting in the dominant position of some operators, weak competition and high costs of compliance.

Leading import partners for Japan in 2021



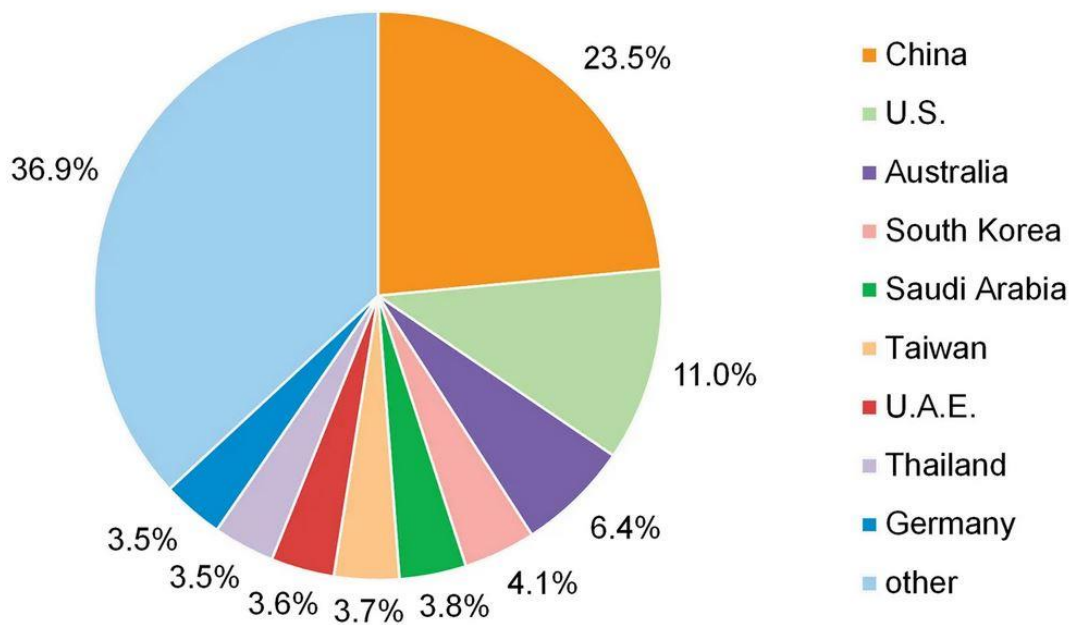
Sources

Japan Foreign Trade Council; Ministry of Finance Japan
© Statista 2022

Additional Information:

Japan; Japan Foreign Trade Council; Ministry of Finance Japan; 2021

Japan major import sources (2019)



© Encyclopædia Britannica, Inc.

2.2.4 Specific Market Entry Requirements and Trends

Fresh Meat

Despite the high popularity and consumption levels of seafood and fish, consumption of fresh meat in Japan is expected to steadily grow, mainly due to continuous Westernization of the Japanese diet as well as due to strong demand for foodservice and ready-to-eat meals, often including meat dishes. Poultry is a particular beneficiary of this trend. Poultry consumption has also been boosted by recent tendencies towards a healthy diet, which have favoured the consumption of protein-rich poultry at the expense of fat rich meat (such as domestically produced marbled beef). Chicken breast has been a particular beneficiary of this latter trend. Lean beef, including Australian and American, has also benefitted. Pork domestic production is projected to trend gradually downward, and due to increasing import volumes of poultry, pork and beef, the unit price of imported meat overall is expected to drop.

In case of fresh meat products, there are several market restrictions to consider. In general, there are four steps to follow when importing to Japan, as identified by the Ministry of Agriculture, Forestry and Fisheries (MAFF):

- The first step is to determine whether the product is a subject to animal quarantine, which in case of fresh meat is necessary. A contact list of relevant Animal Quarantine Service is available at MAFF website.
- Secondly, it should be verified whether the fresh meat product is subject to any suspension or prohibition. This is monitored, categorized and updated by the MAFF and it should be consulted on their website. The current possibility to export a specific meat product can also be checked with the embassy of your country in Japan.
- It is necessary to obtain an inspection certificate, which should be issued by a government agency of the exporting country. MAFF provides an example of such document.
- An import inspection by Animal Quarantine Service in Japan will occur.

Labelling of imported products falls into Food Labelling Standard. However as noted, fresh foods are exempted from the part on providing nutritional requirement. Nonetheless, it is necessary to state the country of origin on the product. In the case of meat this is considered to be the country in which the animal spent the main phase of its life. Importing fresh meat products requires usage of right packaging method. It should be remembered that meat should be properly cooled and isolated.

Processed Meat

Although processed seafood is very popular, processed meat products have noted continued growth in retail sales and the product group is expected to grow further, mainly due to its convenience issues, which will remain the major purchasing incentive for consumers in Japan. Effectively, chilled processed poultry is expected to remain as the fastest growing category among processed meat sector due to the weight consciousness of consumers. A notable sub-category of this is processed chicken breast products which can be boiled, steamed or smoked and subsequently consumed as the protein element of a lunchtime or evening meal.

In case of processed meat, there are certain market restrictions to consider, as is the case in fresh meat sector. In case of all processed foods, it imposes labelling requirements concerning allergens, nutritional components and countries of origin of ingredients as well as country of manufacture.

Dairy Products

Japanese prefer dairy products in form of drinking beverages or yoghurts. The latest market trends combine this fact with health concerns. Against this background and in light of the widely advertised advantages of consuming probiotics, yoghurt and other sour milk products has seen significant popularity in recent years and are projected to maintain this upward trend. Indeed, the recently introduced legislation on Functional Food Claims has boosted the healthy image of some products as manufacturers indicate the expected health benefits on labels. The indication “Supports healthy digestive system” for some yoghurts is one such example of this.

Dairy products are subject to inspection by Animal Quarantine Service (AQS). In addition, the necessary certificate for animal products, issued by the competent authority of the exporting country, is required. The certification model differs in terms of the country of origin and it should be obtained from relevant authority. The list of country certificate samples is listed on MAFF website.

In general, in case of all processed foods, it imposes labelling requirements concerning allergens (including milk), nutritional components and countries of origin of ingredients as well as country of manufacture.

Fresh Fruit and Vegetables

Recently consumption of both fruits and vegetables has become more diverse, mostly due to the increasing volume of imported products. In the case of fruits, Japanese lately have started to prefer products with convenience added value, such as banana, while respecting budgetary constraints. In vegetable sector, the choice is based on cuisine preferences, which, due to increasing interest in Western cuisine increasingly includes more European style roots and vegetables.

Fresh fruit and vegetable are subject of an import quarantine procedure, which is to prevent a possible invasion of pests. It is performed by the Plant Protection Station (PSS) and concludes with the issuance of a plant quarantine certificate confirming the pest-free status. Inspections can be carried out both at seaports and airports quarantine facilities.

Processed Fruit and Vegetables

Frozen processed fruit and vegetables have lately seen greater interest than other categories of processed fruit and vegetables. Due to general preferences for less processed products, frozen items have built a solid consumer base. In general, there has been growing preference for less processed products due to food safety concerns.

Processed fruit and vegetable products do not face many market access barriers, however in view of recently triggered procedure for delisting food additives in Japan, some additives and products might be affected. The final list is to be concluded by the Japanese authorities in due time.

In general, in case of all processed foods, it imposes labelling requirements concerning allergens, nutritional components and countries of origin of ingredients as well as country of manufacture.

Baked Products

Bread products have enjoyed the popularity, especially pre-sliced loaves and packaged flat bread. In general, high popularity of premium products brought increase in consumption in all categories of baked goods. In addition, in response to health-aware consumers, have introduced line of products with lower sugar and carbohydrate intake, as well functional bread products rich in fibre. Lastly, negative perception of food additives among Japanese consumers led manufactures to introduce bread products without emulsifiers and yeast.

There are no market access restrictions concerning baked goods, but the import is subject to a number of general regulations and entry procedures, complying with, inter alia, Food Sanitation Act. It should be

noted that in the light of ongoing delisting procedure of food additives, some baked goods products might be affected. The final list is to be concluded by the Japanese authorities in due time.

In case of all processed foods, it imposes labelling requirements concerning allergens, nutritional components and countries of origin of ingredients as well as country of manufacture.

Chocolate & Confectioneries

Consumption of chocolate tablets has continued to increase in recent years due to their portability and wide selection of choice. Subsequently, products with high cacao content products have been particularly well received. These trends are expected to continue going forwards. Among sugar confectionary, consumption of mints has been emerging, mostly at the expense of gum. Mints have started to be perceived as more convenient due to less waste involved and better effects than chewing gums.

Chocolate and confectionary are not a subject of particular market entry procedure, but import is a subject to a number of general regulations and entry procedures, complying with, inter alia, Food Sanitation Act. It should be noted that in the light of ongoing delisting procedure of food additives, some chocolate and confectionary products might be affected. The final list is to be concluded by the Japanese authorities in due time.

In case of all processed foods, it imposes labelling requirements concerning allergens, nutritional components and countries of origin of ingredients as well as country of manufacture.

Ref: (Commission, The Food and Beverage Market Entry Handbook: Japan, 2019)

3. AUSTRALIA MARKET ENTRY REQUIREMENTS

3.1 INTRODUCTION

Australia is one of the world's most urbanized countries with roughly 86% of the population living in urban centers. This is largely attributed to the harsh geography of much of the country. The growing demand for organic produce is an opportunity for Australia. Australia's biggest manufacturing industry which accounts for around a third of total manufacturing turnover is indeed the food and beverage sector. The sector, consisting of food and beverages as well as grocery and fresh produce is valued at around EUR 80 billion. Foreign trade has always been an instrumental part of the Australian economy largely due to the continent being home to a wide abundance of rich mineral resources and having a relatively small population in relation to the physical size of the country. Australia has consistently been ranked as one of the freest economies in the world and international trade makes an important contribution to its national GDP.

In 2019/20 the value of imported agri-food products in Australia increased – as was the case for each of the previous 10 years - and reached around EUR 14 bn. Australia mainly imports prepared food, wine, whiskey, beer and dairy. The European Union, New Zealand and the USA accounted just over half of all agricultural imports and thus, are Australia's main import sources.

Every year, Australia exports food worth around EUR 32 billion. The Australian agri-food industry accounts for more than 15% of all exports. Australia's overall main exports are beef, crops, wine, dairy, fruit, vegetables, and nuts. China is Australia's biggest export market, followed by Japan, the European Union and the USA. In 2019/20 China alone accounted for over 30% of Australia's agricultural exports and has been the biggest export market for most commodity groups besides vegetables, sugar and cattle.

While Australia has the capacity to produce a lot of prepared food on its own, imports of prepared food category are high. The most popular import groups under this category are mainly chocolate confectionery, but also biscuits, bread and pasta.

3.2 MARKET ACCESS AND ENTRY

Agri food products imported into Australia must comply with quarantine requirements as well as import requirements and food safety requirements. The quarantine requirements are notable and they include sanitary and phytosanitary provisions.

In addition to the requirements set out below table, export protocols need to have been negotiated for certain products; and these are country and product specific. Depending on the export protocol in place for a product from a country, additional listing of establishments and/or preclearance inspection may be required. Notably, such requirements tend apply for meat and fruit and vegetables.

In very broad terms, all imported food must comply with the Imported Food Control Act 1992. The applicable standards under this act are the ones set out in the Australia and New Zealand Food Standards Code, which is examined in more detail in this section. Imported food must also comply with the Country of Origin Food Labelling Information Standard 2016.

Food Standards Australia New Zealand (FSANZ) is responsible for developing the food standards for Australia and New Zealand in Australia and New Zealand Food Standards Code. It is a statutory authority in the Australian Government Health portfolio. While FSANZ develops the code, it is enforced by state and territory departments, agencies and local councils within Australia. As noted in the previous section, the Australian Department of Agriculture, Water and the Environment (DAWE) is responsible for applying them to food imported into Australia.

Name and description	Fresh meat	F & V	Diary	Alcohol (spirits, wine, beer) *	Olive oil	Confectionary	Processed meat	Ice cream	Processed F & V	Pasta	Baked goods	Biscuits
Permit to import goods subject to quarantine. To be applied for by the importer through the Biosecurity Import Conditions Database (BICON).	x	x	x	x	x	x	x	x	x	x	x	x
Veterinary health certificate for animal products. Confirms that a product of animal origin has been inspected according to appropriate procedures, does not carry contagious diseases and is considered compliant with Australian veterinary regulations. Issued by authorities of the country of export.	x		x				x			x		
Import permit for wildlife and wildlife products. Permits the import of certain wildlife products, notably those subject to CITES.	?						?					
Declaration of the manufacturer. For most goods subject to quarantine. May also be requested by DAWE. Confirms the product conforms to Australian standards	x	x	x	x	x	x	x	x	x	x	x	x
Certificate of fumigation. Certifies that fumigation has been conducted in accordance with Australian quarantine requirements.												
Phytosanitary certificate. Confirms that a plants and plant products have been inspected according to appropriate procedures, are free from quarantine pests, practically free from other injurious pests and is considered compliant with Australian phytosanitary regulations		x							x			
Registration of new plant introduction (plant material). Only required for new species; confirms the product is permissible for import and has been included in the BICON database. Selected products such as seed potatoes and onions need registration of new plant varieties and instead.		?							?			

Name and description	Fresh meat	F & V	Diary	Alcohol (Spirits, wine , beer)*	Olive oil	Confectionary	Processed meat	Ice cream	Processed F & V	Pasta	Baked goods	Biscuits
Acceptance of a plant variety into seed certification schemes. Proves that plant varieties have been accepted into seed certification schemes in Australia. Only necessary for certain products such as seed potatoes and onions.		?							?			
Age certificate for Brandy, Rum and Whisky. Certificate confirming that these drinks have been stored in wood for at least two years				?								
Authorization of foreign foodstuffs manufacturers. A document certifying that producers of a foodstuff have been authorized by the competent authority of the country of export and are HACCP compliant.						x	X (1601 1602)	X	?	x	x	x

X = required for category? = only required for category in specific cases, consult MADB for more details; * additional requirement exist in the case spirits are imported as medical devices rather than beverages

Petfood is excluded as requirements are substantially different given its non-food status.

3.2.1 Labelling Requirements

Item	Description / Notes
Prescribed name	<p>If name is declared in the code to be a prescribed name this must be stated. Otherwise, a name or descriptor of the food to indicate its true nature must be used.</p> <p>Note: prescribed names are those defined or described in standards; there are a limited number of these.</p>
Lot identification	<p>Lot the food comes from as well as premises where it was prepared. Can be fulfilled by including date mark an address.</p> <p>A limited number of specific exemptions exist (e.g. small packages where the bulk package/container contains lot identification).</p>
Name and business address in Australia (or New Zealand) of supplier	<p>Supplier = packer, manufacturer, importer or vendor.</p> <p>Address must be in Australia or New Zealand.</p>
Mandatory warning and advisory statements and declarations	<p>Certain information is required on labels. This may be in the form of:</p> <p>A warning statement with prescribed wording. These must be expressed using the exact words. There is one for royal jelly set out in standard 1.2.3, and further ones for specific products within specific product standards (such as infant foods and supplementary sports foods).</p> <p>An advisory statement. Mandatory advisory statements are set out in Schedule 9 and also standard 1.2.3 (substances that can have a laxative effect).</p> <p>Manufacturers may use their own words for these statements as long as they are to the effect set out in the code.</p> <p>A declaration. This relates to certain substances which can be found in a food – most notably ones which may act as allergens. These are set out in standard 1.2.3 and also a further list of mandatory declarations in Schedule 9. Schedule 9 of the code, which can be referred to for more information on when advisory statements and declarations are required, can be found at: https://www.legislation.gov.au/Series/F2015L00479</p>
Ingredients listing	<p>Packaged foods must list all ingredients and compound ingredients (unless specifically exempted). These must be declared in descending order of weight. Ingredients must be declared using the common name or a name which describes the true nature of the ingredient.</p> <p>An ingredient means any substance used in a food (including food additive). A compound ingredient means an ingredient made up of two or more ingredients.</p>
Date marking	<p>Best before or use by date for packaged food. The latter must be displayed if there is a food must be consumed before a certain date for health and safety reasons.</p> <p>Food with a best before date of two or more years is exempt (except for infant formula, which must be date marked).</p> <p>A limited number of exemptions from this standard (e.g. small packaging) exists and are set out in standard 1.2.5.</p>

Nutrition information panel	<p>This must set out the following:</p> <ul style="list-style-type: none"> • Energy (in kilojoules; kilocalories can be also expressed) • Protein • Fat and saturated fat • Carbohydrates • Sugars • Sodium • Number of servings per package • Average quantity per serving • Unit quantity of the food <p>A prescribed format must be used.</p> <p>There are additional requirements if a specific nutrition claim is used. There are certain exemptions from the labelling requirement. Standard 1.2.8 contains the full provisions for nutrition labelling.</p>
Percentage / proportion Labelling	<p>Characterizing components and ingredients (i.e. those mentioned in the name of the food, usually associated with the food or emphasized on the label) are subject to labelling to indicate the proportion of the component or ingredient in the product. Standard 1.2.10 contains full provisions for this</p>
Directions for use or storage	<p>These are required if special storage conditions are required to ensure the food will keep till its date marking; if specific use or storage is needed for health reasons; or if the food contains raw bamboo shoots or sweet cassava. Standard 1.2.6 contains provisions for direction for use or storage</p>
Country of origin	<p>All packaged imported food must be accompanied by country of origin information; as must some unpackaged food. This provision is included in the Competition and Consumer act (rather than the Food Standards Code). The specific piece of legislation for this, the Country of Origin Food Labelling Information Standard 2016 can be found at: https://www.legislation.gov.au/Details/F2017C00920 https://www.accc.gov.au/consumers/advertising-and-promotions/country-of-origin-claims</p>
Weight or measure	<p>This must be clearly displayed in metric terms. It must appear on the main part of the package near to any name or brand; and be separated by at least 2mm from the edge of the package and any other graphic objects. There are size requirements (more details below)</p>
Genetic modification	<p>Relevant for foods or ingredients that contain new genetic material or protein as a result of the genetic modification or have altered characteristics. Food additives and processing aids must only be labelled if the genetic material is present in the final food. In cases where it is required, the words “genetically modified” must be used in conjunction with the food name or specific ingredient. The use of any GM-free labelling must be coherent with the Competition and Consumer act.</p>

It should be noted that FSANZ has created user guides for labelling requirements. These can be found at: <https://www.foodstandards.gov.au/code/userguide/Pages/default.aspx>

General legibility requirements are set out in Standard 1.2.1 of the Food Standards Code. Information required on labels must be:

- legible (indelible, distinct and easy to read)
- prominent (i.e. in distinct contrast to the background)
- provided in English, though other languages are allowed alongside this as long as the information does not contradict that provided in English.

The Australian Competition and Consumer Commission (ACCC) produces a number of guides to help ensure that the food industry complies with the Trade practices Act (under the Competition and Consumer act).

<https://www.accc.gov.au/publications/food-and-beverage-industry-food-descriptors-guideline-to-the-trade-practices-act>

Voluntary Front-of-Pack Health Star Rating System

A voluntary front of pack labelling system was introduced in 2014. The system, which is based on stars,

assigns packaged food a healthiness rating from 0.5 to 5 stars based on an assessment of positive and risk nutrients in food. Either the star rating can be displayed alone; or it can be displayed alongside information on risk nutrients (energy, saturated fat, sugars, sodium) and one positive nutrient (protein, dietary fibre, selected vitamins and minerals).

<http://www.healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/content/home>



Health stars can provide information about key nutrients.

Retorted Goods for Human Consumption

Retorting refers to the process of cooking canned food or food in a retort pouch after it has been sealed in the container. The packages either go through a continuous retort (i.e. continually moving conveyor system) or may be cooked in a batch retort (i.e. big sealed pressure cooker).

Many different types of food may be retorted e.g. canned fruit and vegetables, canned meals (e.g. Irish stew), canned soups, retort pouches of tuna, etc.

Importers and department staff should always refer to BICON (Biosecurity Import Conditions Database) for the current conditions and ensure these are met.

Retorted products are heated in an unopened, hermetically sealed container for a time, and to a temperature beyond 100°C, sufficient to render the contents commercially sterile. In order to meet the Department requirements, all retorted products must be shelf stable and not require freezing or refrigeration in order to maintain quality.

Shelf stable

Shelf stable refers to food that will last for an extended period of time, packaged or not, without any special storage conditions. For example, heat-treated canned/retorted food will last many years on the shelf. Goods are shelf-stable if:

- (a) The goods have been commercially manufactured; and
- (b) The goods have been packaged by the manufacturer; and
- (c) The goods are in that package; and
- (d) The package has not been opened or broken; and
- (e) The goods are able to be stored in the package at room or ambient temperature; and
- (f) The goods do not require refrigeration or freezing before the package is opened.

Hermetically sealed

Hermetically sealed container means a container that is airtight when sealed. A package is hermetically sealed if it is "airtight" e.g. Heat-sealed plastic bag, sealed can or glass jar with screw cap.

Acceptable packaging of retorted products may include the following:

- Cans: metal, plastic and composite
- Glass jars or bottles
- Retort pouches
- Plastic containers with heat sealed lids or lids closed by a double seam (excludes snap off plastic lids)
- Aseptic cartons such as Tetra Pak

Food Additives

Australia New Zealand Food Standards Code Schedule 15 sets out the substances which may be used as additives, along with maximum permitted levels (MPL) and any specific conditions on usage. This list of substances is divided by food product. A link to the schedule can be found here:

<https://www.legislation.gov.au/Series/F2015L00439#>

Imported Food Control Order 2019

Made under section 10 of the: Imported Food Control Regulations 2019

Risk food

Kinds of food that are classified as risk foods and are required to be inspected, or inspected and analysed

Item	Kinds of food
1	Beef and beef products
2	Meat of the following kinds that is ready-to-eat: (a) uncooked dried meat; (b) uncooked sausages; (c) uncooked spreadable sausages
3	Processed meat that is cooked and ready-to-eat, but is not: (a) both retorted and shelf-stable; or (b) dried
4	Poultry meat that is cooked and ready-to-eat, but is not both retorted and shelf-stable
5	Poultry paté and poultry livers that are cooked and ready-to-eat, but are not both retorted and shelf-stable
6	Cheese in which growth of <i>Listeria monocytogenes</i> can occur
7	Raw milk cheese
8	Crustaceans and crustacean products that are cooked and ready-to-eat, but are not: (a) both retorted and shelf-stable; or (b) dried
9	Fish of the following kinds: (a) all fish in the family <i>Carangidae</i> ; (b) all fish in the family <i>Clupeidae</i> ; (c) all fish in the family <i>Coryphaenidae</i> ; (d) all fish in the family <i>Engraulidae</i> ; (e) all fish in the family <i>Pomatomidae</i> ; (f) all fish in the family <i>Scomberesocidae</i> ; (g) all fish in the family <i>Scombridae</i>
10	Fish products that contain more than 300 grams per kilogram of all or any of the kinds of fish in the families mentioned in item 9
11	Finfish that is ready-to-eat
12	Bivalve molluscs and bivalve mollusc products
13	Brown seaweed in the <i>Phaeophyceae</i> class
14	Food and food products of the following kinds:

Kinds of food that are classified as risk foods and are required to be inspected, or inspected and analyzed

Item	Kinds of food
	(a) peanuts; (b) pistachios; (c) peanut products other than peanut oil; (d) pistachio products other than pistachio oil
15	Food containing more than 300 grams per kilogram of all or any of the foods listed in item 14
16	Sesame seeds and sesame seed products of the following kinds: (a) sesame seeds that are ready to eat; (b) sesame seed products (other than sesame oil) that are ready to eat, but are not: (i) both retorted and shelf-stable; or (ii) cooked or baked
17	Berries that are: (a) fresh or frozen; and (b) ready-to-eat; and (c) not retorted
17A	Berries that are dried and ready-to-eat, but are not retorted
18	Pomegranate arils, and pomegranate seeds, that are: (a) fresh or frozen; and (b) ready-to-eat; and (c) not retorted
18A	Pomegranate arils, and pomegranate seeds, that are dried and ready-to-eat, but not retorted
19	Paprika that is dried
20	Pepper that is dried
21	Prohibited plants and fungi
22	Cassava chips that are ready-to-eat
23	Human milk and human milk products
24	Food in which caffeine is present at a concentration of: (a) 5% or greater, if the food is a solid or semi-solid food; or (b) 1% or greater, if the food is a liquid food
25	Kava products

3.2.1 Specific Market Entry Requirements and Trends

Fresh Meat

Consumer interest in certification (notably regarding origin and production processes) is expected to continue; and some consumers are now showing a willingness to pay more for hormone free or organic premium meat. USA is the largest pig meat exporter to Australia. The Netherlands and Denmark are within the top 3 exporters of meat to Australia.

a permit to import goods subject to quarantine, a declaration of the manufacturer and a veterinary animal health certificate are required for fresh meat products imported into Australia. In certain cases, there may be additional specific requirements (e.g. CITES). This is in addition to general import requirements.

Meat imports are tightly controlled and it is necessary for a country to have negotiated a protocol before specific meat products from that country can be exported to Australia. The terms of this protocol may determine additional requirements. Furthermore, the situation may change due to e.g. disease outbreaks. Australia maintains a database (Australian Biosecurity Import Conditions - BICON) with updated requirements by product and it is highly recommended that this be consulted. (<https://bicon.agriculture.gov.au/BiconWeb4.0/>)

Food standards code contains the standards for fresh meat. It contains various definitions for certain types / cuts of meat. (<https://www.legislation.gov.au/Details/F2016C00173>).

Processed Meat

Meat substitute products have grown substantially in recent years due to a number of factors. These include the need to have healthier diets; the rise of media coverage around the production of processed meats, which often causes a small backlash; and the demand for more sustainable products due to the effects of climate change and the impacts it is having on Australia in particular. The United States stands as the second biggest exporter of processed meats to Australia and it too also benefits from a free trade agreement. Italy and Spain are the largest exporters from the EU.

A permit to import goods subject to quarantine, a declaration of the manufacturer and a veterinary animal health certificate are required for fresh meat products imported into Australia. In certain cases, there may be additional specific requirements (e.g. CITES). This is in addition to general import requirements. Imports of meat products are tightly controlled. It is generally necessary for a country to have negotiated a protocol before specific meat products from that country can be exported to Australia.

Fresh Fruit and Vegetables

The promotion of fruit and vegetable consumption has grown to become a priority of the Australian government with a fruit and vegetable consortium and eat for health initiatives being launched in recent years. Organic fruit and vegetables and local fruit and vegetables are two trends that are also worth paying attention to as consumers have been shown to spend slightly more for these products in Australia which comes from a growing health-conscious dietary trend in the country.

Australia is a large exporter of both fruit and vegetables and the country enjoys a trade surplus of both products. Some of the biggest fruits imported by Australia include frozen raspberries, strawberries, and apricots while some of the biggest vegetables imported include onions, mushrooms, and frozen vegetables. The United States is a large exporter of fruit and vegetables to Australia.

A permit to import goods subject to quarantine, a declaration of the manufacturer, a certificate of fumigation and a phytosanitary certificate are required for fresh fruit and vegetables imported into Australia. This is in addition to general import requirements. Fruit and vegetable imports including processed ones are tightly controlled and it is necessary for a country to have negotiated a protocol before specific products from that country can be exported to Australia. Australia has strict biosecurity

measures. It is recommended that the BICON database (as mentioned above) be consulted for the latest information.

Processed Fruit and Vegetables

The on-set of COVID-19 led to a spike in demand for processed fruit and vegetables due to stay at home orders and the demand for products that have a long shelf life. But it is likely that total consumption of processed fruit and vegetables will decline post-COVID. The demand for healthier products and concerns about the ingredients added to processed fruit and vegetables has led to negative sales which will likely continue post-COVID-19. Frozen processed fruit and vegetables have been more popular in Australia for a while, with the majority of households having the capacity to store frozen processed fruit and vegetables for a prolonged period of time. A permit to import goods subject to quarantine, a declaration of the manufacturer and a phytosanitary certificate are required for processed fruit and vegetables imported into Australia. A certificate of fumigation will likely be required. This is in addition to general import requirements.

Baked Products

Health and wellness trend: The sugar aversion of Australian consumers is increasing and consumers, in general, aim to improve their health. Thus, baked goods containing healthy ingredients such as fibers and vitamins are trending, as well as low carb options. Many consumers decreased their bread intake and switched to healthier options such as flatbread. Mission Foods is one example following this trend with their introduction of wraps reduced in salt. Wonder White products are trending such as their gluten-free range and in particular, families trust that these products are healthier for their kids. Vegan options: An increasing number of baked goods players focus on developing plant-based products.

Australia is by far a net importer of baked goods. The value of baked goods imports is more than 5 times higher than the value of Australia's exports.

A permit to import goods subject to quarantine, a declaration of the manufacturer and an authorization of foreign foodstuff manufacturers are required for baked goods imported into Australia. In the case the product contains animal products, a veterinary health certificate for animal products is also required. These requirements are in addition to general import requirements.

Biscuits and Cereal Bars

Healthy options and products with added functionality: Most new products in this category have a focus on health and functionality. Consumers are increasingly paying attention to eating healthy and thus biscuits and cereal bars. Many new products are low in sugar, or have other healthier ingredients or have added functionalities to counteract this development. Moreover, Products including probiotics, that aim to increase gut health are appearing as well. Organic products are popular as well due to the expected higher quality of their ingredients.

Sustainable packaging and different formats: More and more consumers care about the environmental footprint of the products they consume and thus pay a lot of attention to sustainable packaging. Nestlé was one of the first international manufacturers to introduce snack bars with recyclable packaging. Moreover, multipacks that enable better portion control are increasingly popular as well (smaller packages within a bigger pack.)

The Australian market for biscuits, waffles and wafers is quite fragmented and, Italy is the number one exporter to Australia.

A permit to import goods subject to quarantine, a declaration of the manufacturer and an authorization of foreign foodstuff manufacturers are required for biscuits imported into Australia. These requirements are in addition to general import requirements.

Ref: (Commission, The Food and Beverage Market Entry Handbook: Australia, 2021)

4. RUSSIA MARKET ENTRY REQUIREMENTS

4.1 INTRODUCTION

Russian trade in food and beverage has changed rapidly in recent decades, a consequence of the end of the Soviet Union. Many farms which relied on state subsidies were forced to close which led to Russia becoming a net importer of many food and beverage products. The country is one of the largest exporters of grain in the world.

The food regulation landscape in Russia does have some complexities (including the presence of EAEU and national legislation and the existence of a potentially wide range of pieces of legislation that can have some impact on imported food and beverage products). Exporters should pay attention to ensure that there are no discrepancies in the documents they provide; that they have the necessary certificates, permits and declarations; that they are authorized for export (most notably on a facility basis in the case of animal products; but also in view of embargos and trade restrictions, for a product from the country as a whole); and that labelling is in line with requirements. EAEU has its own system of customs codes. This system is very similar to the common nomenclature / harmonized system – 2 digit and 4-digit codes are basically the same. However, there are differences at lower levels e.g. 6 digit and 8 digits.

4.2 MARKET ACCESS AND ENTRY

As is implied in below table, certain products must be under veterinary or phytosanitary control. High risk products under phytosanitary control most notably require a phytosanitary certificate.

Products under veterinary control: meat and meat by products; live animals; fish / seafood and by-products; milk and dairy; eggs / egg products; material of animal origin; feed and feed additives (including pet food); legumes used for veterinary purposes or as animal feed.

Products under phytosanitary control: the list is divided, by customs code, into high risk and low risk. In short almost all fresh and dried fruit and vegetables fall into the high-risk list.

(<http://www.eurasiancommission.org/en/act/texnreg/Pages/acts.aspx>)

A veterinary health certificate and import permit is required for products under veterinary control. In addition to this, only suppliers on the approved supplier list are permitted to access the market. Rosselkhoznadzor maintains approved supplier lists online; these are sorted by country, with individual lists for each product type subsequently displayed under the country.

Specific Market Entry Requirements

Name & Description	Fresh meat	F & V	Dairy	Alcohol	Olive Oil	Confectionery	Pasta	Ice Cream	Processed F & V	Biscuits/ Cereal	Baked goods
Declaration of conformity of the EAEU; Self-declaration document prepared by importer declaring that the product conforms to the standards and technical regulations of the Eurasian Economic Union (EAEU).	?	?	X	X	X	X	X	X	X	X	X
Certificate of conformity of the EAEU; Document certifying that the product conforms to the standards and technical regulations of the EAEU, obtainable from the Federal Agency for Technical Regulation and Metrology.			X	?				X			
Veterinary import permit; A document permitting the import of animals, veterinary products, etc. Valid for a single shipment.	X		X					?			
Veterinary health certificate for animal Products; Issued by authorities of the country of export. Must be in Russian and either the language of the country of export or English	X		X				?	?			
Licence to import meat and meat products; Document proving the bearer can import meat products in accordance with stipulated quotas	X		?								
Phytosanitary certificate Issued by authorities of the country of export.		X							?		
Phytosanitary inspection certificate; Document confirming phytosanitary inspection at the border control point completed. No fee except those related to sampling; processing time varies; valid only for one importation		X							?		
Registration of plant varieties; excerpt from state register of protected plant varieties;		X									

seed lot certificate; All only required if import is intended for plant propagation.											
Licence to deal in alcoholic beverages; Document proving the bearer is licenced to deal in alcoholic beverages. Obtainable from the Federal Service for Regulation of the Alcohol Market				X Excl Beer							
Official note to the Customs imports Declaration Notifies the authorities of the import of alcohol				X							
Conclusion on alcohol content; Document with information on alcoholic strength. To be applied for from the Federal Service for Consumer Rights Protection and Human Wellbeing				X							

Source: Agra CEAS based on Access2Market

X = required for category; ? = only required for category in specific cases, consult Access2Market for more details

Pet food and live plants are excluded as requirements are substantially different given their non-food status. Details are provided in the product snapshots.

4.2.1 Food Safety & Food Safety Requirements

Russia's membership of the Eurasian Economic Union (EAEU) has had an important impact on food regulations in the country since the founding of the Union in 2015. Furthermore, Russia is in the midst of a regulatory guillotine exercise through which it is reviewing and eliminating obsolete regulatory standards. The combination of these two factors means that the landscape for regulations relevant to the import of Agri-food products has some complexities.

The main bodies in Russia responsible for imported food and food safety in Russia are:

The Federal Service for Surveillance of Consumer Rights Protection and Human Welfare (Rosпотребнадзор) is responsible for food safety.

The Federal Veterinary and Phytosanitary Surveillance Service (Rosselkhozнадзор or VPSS). Part of the Ministry of Agriculture, it oversees sanitary and phytosanitary conditions/legislation.

The Federal Agency for Technical Regulation and Metrology (Rosstandart or Rostekhnregulirovaniye). Part of the Ministry of Industry and Trade, it is responsible for ensuring products conform to national standards and certification criteria.

Certain products require registration before they can be sold in Russia. This requirement is set out in EAEU legislation. For reference the products requiring registration are:

- any kind of baby food/ ingredient for baby food
- foods for special dietary purposes
- foods for sportsmen, pregnant and nursing women;
- mineral water with mineralization above 1 mg/dm³ or those of lower mineralization but containing biologically active substances in the amount of not less than balneological norms
- biologically active food additives
- novel foods

4.2.2 Food Additives

The key piece of legislation for food additives is the EAEU level Technical Regulation of the Customs Union on Safety Requirements for Food Additives, Flavourings, and Technological Aids (TR TS029/2012). This contains a list of food additives which can be used in products.

(<http://www.eurasiancommission.org/en/act/tehnreg/deptexreg/tr/Pages/default.aspx>)

Pesticide residues; contaminants: Provisions for maximum residue levels (MRLs) are primarily included in CU Commission Decision No. 299: Requirements for Pesticides and Agrochemicals, as subsequently amended. Pesticides are covered in section 15.

(https://docs.eaeunion.org/docs/en-us/0017349/cuc_28062010_299_doc.pdf)

4.2.3 Labelling Requirements

Labelling requirements are primarily set out at EAEU level (and hence harmonized across the Union), with only minor, specific additional requirements at Russian level (e.g. alcohol warning labels). The key piece of EAEU legislation is Technical Regulation (TR) TS 022/2011 of the Customs Union on Food Products Labelling.

(<http://www.eurasiancommission.org/en/act/tehnreg/deptexreg/tr/Pages/PischevkaMarkirivka.aspx>)

- Product name.
- Manufacturer's name, address, country; or those of the manufacturer's representative or importer.
- Net weight (grams/kg), volume (ml/litres), or quantity (number of pieces).

- Ingredients in order of importance (with some exceptions, e.g. for unprocessed fresh fruit and vegetables, or single-component foods, for which ingredients are not required).
- Nutritional information (energy in joules or calories; protein, fat, carbohydrates, vitamins and minerals per 100g / 100ml / one portion).
- Date of production and packaging.
- Use-by (best before) date or shelf-life (products with unlimited shelf life should be marked “The shelf life is unlimited provided the storage conditions are observed”).
- Storage conditions (either those set out by the producer or prescribed by technical regulations of EAEU. Any change in these after opening should be specified, along with changes in quality and safety).
- Recommendations or limitations of usage, including mode of preparation.
- “Eurasian Conformity” mark to show the circulation of the product on the market of the Customs Union Member States.
- Information about the presence of genetically modified / engineered components

Information on the label must be provided in Russian (other EAEU Member States may require labelling in their language in addition to this. The requirements above are the general labelling requirements for packaged food. It should be noted that there are additional, product specific requirements in some cases. These are either set out in (TR) TS 022/2011 or in technical regulations specific to the product.

Eurasian conformity mark: Products must be marked with this to show that the product has been produced in accordance with the relevant EAEU technical regulations and is used for products circulating on the EAEU market.

Digital labelling: The EAEU is phasing in mandatory digital labelling of consumer goods. The aim of this system is to: strengthen the circulation of goods on the EAEU market; fight illegal trade; and combat counterfeit goods. The system is run by the National System of Digital labelling (also known as “Honest Mark”).

Organic labelling requirements are set out in the standard GOST 33980-2016 on Organic production. Production regulations, processing, labelling and implementation. There are specific requirements for alcohol labelling.

Mandatory warning: must be displayed on alcoholic beverages was introduced in Russia in 2007. Containers must include the following text in Russian: "Alcohol is contraindicated for children and adolescents under 18 years of age, pregnant and lactating women, persons with diseases of the central nervous system, kidneys, liver and other digestive organs."

There is also a mandatory warning for non-alcoholic beverages with a caffeine content greater than 150 mg/l (or any other plant-based ingredients that can have a tonic effect due to the level of their presence).

Packaging requirements are covered by the CU Technical Regulation “On Safety of Packaging” (TR TS 005/2011). This contains requirements for all different kinds of packaging including (e.g. metal, polymer/plastic, glass, etc). Russian Hygienic Norm (HN) 2.3.3.972-00 contains provisions on materials which come in to contact with food (such as maximum permissible levels of substances).

4.2.4 Specific Market Entry Requirements and Trends

Fresh Meat

Russians have increasingly switched to cheaper cuts of meat such as poultry and pork due in part to a falling value in the local ruble currency which has reduced the financial capacity for Russians to afford more expensive cuts of meat such as beef, which is often imported. Pork will remain popular also,

however, beef and lamb will struggle as these products are more expensive and falling purchasing power encourages consumers to seek cheaper fresh meats.

poultry is one of the most important fresh meat products both imported and exported from Russia. Imports of poultry reached 228,000 tons in 2020 while exports reached 294,000 tons. Imports of bovine meats represent the most imported fresh meat product imported by volume tonnage into Russia with a total of 261 000 tons being imported in 2020.

Poultry: frozen quarters and drumsticks are common. Frozen breast and frozen boneless meat are also imported to a fair extent.

Pig meat: import volumes are limited. The most common cuts are boneless collar, boneless leg, and boneless shoulder; as well as boneless loin on a seasonal basis for pork deli products.

Beef: with a fundamental structural deficit, a range of cuts are imported including shoulder, neck and shoulder blades, brisket, flank and various steaks.

Fresh meat is classed as a product under veterinary control, and hence a veterinary health certificate and import permit is required. A license to import meat will be required by the importer and a declaration of conformity may be required. In addition to this, only suppliers on the approved supplier list are permitted to access the market. Rosselkhoznadzor maintains approved supplier lists online; these are sorted by country, with individual lists for each product type subsequently displayed under the country. There are SPS related challenges with various diseases.

Fresh fruit and vegetables

Key drivers of fruit consumption come from demand for health products among Russian consumers with many Russians associating fruit consumption with healthy living. Key differences in relation to the Russian market include details such as the preference for home-grown fruit and vegetables among a large segment of the consumer base and a lower level of vegetarianism amongst the population.

Russia is a net importer of both fruit and vegetables. Turkey is the largest country sending fruit to Russia followed by Ecuador and South Africa. Russian fruit imports come from a wide variety of countries with Serbia, Argentina and Morocco also being large exporters of fruit to Russia. The largest vegetable exporters to Russia currently are China, Azerbaijan and Turkey.

fruit and vegetables are products under phytosanitary control; and generally, on the high-risk list. As such, a phytosanitary certificate and phytosanitary inspection certificate are required.

<http://www.eurasiancommission.org/en/act/texnreg/Pages/acts.aspx>

Processed Fruit and Vegetables

Shelf-stable vegetables have the highest retail value at EUR 1.1 billion and are expected to decline at a minus CAGR of -0.5% between 2021 and 2025. Shelf-stable fruit is the smallest overall category with a retail value of EUR 581m and a predicted CAGR of 0.9% between 2021 and 2025.

Demand for healthier varieties of processed fruit and vegetable products will likely be the main growth area as the market for conventional processed fruit and vegetables continues to mature and becomes saturated.

Processed fruit and vegetables are generally classified as products under phytosanitary control, though depending on the CN code they may be classed high risk or low risk. A link to decision no 318 which establishes the list of high and low risk products under phytosanitary control (by CN code). For high risk products, a phytosanitary certificate and inspection certificate will be needed as well as a declaration of conformity. Packaged processed fruit and vegetable products must conform to the labelling requirements for packaged foods.

Biscuits / Cereal bars

Demand for more flavours is also another key trend that has emerged in recent years leading to new flavours appearing in the market. This can be observed by the increased demand in Russia for biscuit and cereal bar products which: are made from natural ingredients; contain less sugar; and incorporate a piece of fruit.

CU Technical Regulation TR TS 021/2011 on Food Safety contains some provisions specifically relevant for baked goods including biscuits.

Ref: (Agency, 2022)

5. USA MARKET ENTRY REQUIREMENTS

5.1 INTRODUCTION

The United States is the world's largest economy and is a beacon of innovation throughout the world and has the capacity to grow and produce a wide variety of agri-foods products. The presence of the massive Mississippi river basin combined with favourable climate conditions throughout the nation allows the US to also grow foods at large capacity.

Roughly 18% of the US landmass is arable which translates to 174 million hectares, the highest of any country in the world. Investment and innovation into Agri machinery and technology in the United States have also led to the country having the highest yield per hectare in the world. Due to these factors, the United States is one of the few countries that can boast self-sufficiency in meeting agricultural goods demand across most major categories.

The United States is a major player in the global trade of agricultural products. In 2021, exports of agricultural products were worth some 172 billion U.S. dollars. The most important countries of destination were China, Canada, and Mexico. Conversely, imports worth around 163.3 billion U.S. dollars made their way into the United States that same year. The principal countries/regions of origin were Canada, the European Union, and Mexico. Meat processing is the largest processed food manufacturing sector in the United States accounting for 24% of production, this is followed by Dairy (12%), beverages (12%), and grain and oilseeds (10%).

The presence of these many food processing plants combined with the capacity for the United States to produce a wide variety of foods at large quantities has led to the widescale availability of agri-food and beverages in the USA. The supply of agri-food and beverage products exceeds demand for them in many categories, leading to low prices of food and beverage products produced in the United States domestically. The availability of cheap food produced in the United States compounds consumption which as a result leads to a situation where US consumers are amongst the highest food consumers per capita in the world.

The United States is a net exporter of agricultural products as a whole. In 2021, Canada was the largest destination for US agricultural products followed by Canada, Mexico, Japan, South Korea, Netherlands & Philippines markets.

5.2 MARKET ACCESS AND ENTRY

Imports into the US, including those of food products, are strictly regulated. U.S. Customs and Border Protection (CBP) is the body responsible for the general controlling of imports; the Food and Drug Administration (FDA) has certain responsibilities in the specific case of food.

Registration of food facility – facilities manufacturing, processing or storing food – whether in the US or in foreign countries – must be registered with the FDA. Indeed, of the over 300,000 registered facilities, over 2/3s are foreign.

Prior notice of import of food – this is required for all foodstuffs, including animal feed. The introduction of this requirement dates back to 2002 and is rooted in protecting food supply against terrorist acts and other public health emergencies. The requirement facilitates the more effective targeting of import inspections. There are two options for filing prior notice: (1) the ACE system of the CBP – a modification has been made to enable submission through this platform with onward transmission to the FDA; (2) through the Prior Notice for Food Articles in the Prior Notice System Interface (PNSI) of the FDA.

Processed foods typically make up a large percentage of the average American diet with analysis reporting that roughly 60% of the average American diet consisting of processed foods. Processed foods

and convenient, readily available throughout the country, and generally more affordable than alternatives. Typically, processed foods consumed in the US fall into the “ultra-processed” category, that is that these foods have undergone specific types of processing to ensure they are readily able to be eaten on the go and have a longer shelf life than alternatives.

5.2.1 Food Safety & Food Safety Requirements

The Food and Drug Administration (FDA) is the main body with overarching responsibility for the safety of food – including imports - in the USA. In addition to this, the United States Department of Agriculture (USDA) has some responsibilities in relation to meat and poultry, eggs and dairy products.

The role of the FDA, the USDA and TTB

- FDA is responsible for enforcing the Federal Food, Drug, and Cosmetic Act, as well as other laws designed to protect consumers' health and safety. It is estimated that the FDA is responsible for 80% of the US's food.
- The Food Safety Inspection Service (FSIS) of the USDA deals with certain livestock products. The work of the USDA in this area is based on three acts: Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA) and the Egg Products Inspection Act (EPIA).
- Fruit and vegetables are a particular case. The Animal and Plant Health Inspection Service (APHIS) of the USDA is responsible for administering the Plant Protection Act, while the Agricultural Marketing Service (AMS) sets out standards for grades of fruit and vegetables.
- The Alcohol and Tobacco Tax and Trade Bureau (TTB) deals with alcoholic beverages – both classes and designations, and labelling. The Federal Alcohol Administration Act is a key piece of legislation administered by the TTB, with the Code of Federal Regulations Title 27 containing implementation regulations.

Federal Food, Drug, and Cosmetic Act (FD&C Act):

The FD&C Act, as its name suggests, is the key piece of legislation covering food, as well as drugs and cosmetics. The Act, first introduced in 1938 has been amended multiple times since, the most notable recent amendment being through the 2011 Food Safety Modernization Act (FSMA).

State level food safety legislation

In addition to the federal level legislation on food safety, many states have introduced additional legislation relevant for food safety. The interaction between state and federal law is complex, but in general terms, federal law supersedes state law. This means that state law generally either: (1) goes beyond the provisions of federal law or (2) is introduced in areas where there is no federal legislation.

5.2.2 Food Additives

Section 348 of the FD&C Act contains general provisions relating to food additives. Food additives are subject to pre-market approval by the FDA, unless it is generally recognized as safe (GRAS) under its conditions of intended use, or meets an exclusion from the food additive definition. 21 CFR (mainly parts 170-180) contains the more specific provisions for food additives.

Certain additives are not included in this list; this includes:

- Obviously safe substances not cited in a regulation as Generally Recognized as Safe. These are listed in the GRAS notice inventory
- Synthetic flavouring substances identified in 21 CFR 172.515.

- Substances granted prior sanction for specific use prior to the enactment of the Food Additives Amendment (of 1958).
- Indirect food additives.
- Colour additives

The FDA publishes a food additive status list, which organizes additives found in many parts of the Code of Federal Regulations Title 21 (21 CFR) into an alphabetical list. This list can be found at the following link: <https://www.fda.gov/food/food-additives-petitions/food-additive-status-list>

Pesticides and other contaminants

Regarding pesticides, any pesticide residue on food shall be considered unsafe unless a tolerance level for the pesticide residue in the food in question has been set, or an exemption from the requirement has been granted. The United States Environmental Protection Agency (EPA) sets tolerances for pesticide levels in food. <https://www.epa.gov/pesticide-tolerances>

Specific Market Entry Requirements

Name & Description	Fresh meat	F & V	Dairy	Alcohol	Olive Oil	Confectionery	Proc-Meat	Ice Cream	Proc F&V	Pasta	Baked Goods
Registration of food facility: document certifying a facility involved in food manufacture, processing, storage etc is registered with the FDA.	X	X	X	X	X	X	X	X	X	X	X
Prior notice of food imports: a document announcing the import of food to the FDA.	X	X	X	X	X	X	X	X	X	X	X
Manufacturer Identification Code: a code identifying the foreign manufacturer of a product in accordance with legal stipulations.	X	X	X	X	X	X	X	X	X	X	X
Manufacturer Identification Code: a code identifying the foreign manufacturer of a product in accordance with legal stipulations.	X	X	X	X	X	X	X	X	X	X	X
Import inspection: a document certifying that imported meat, poultry and certain agricultural products under the responsibility of the USDA have been inspected upon arrival to the US and found to be compliant with national requirements.	X	X	X				X				
Veterinary certificate for animal products: issued by the exporting country; confirming that products of animal origin have been inspected according to appropriate procedures.	X		X				X			?	
Import licence for wildlife; import permit for endangered animals; CITES document: three separate documents only required for products of endangered species.	?						?				
Import permit for plant and plant products. For import of plant and plant products under 7 CFR part 319.37-3. Should be completed 30 days before arrival.									?		
Phytosanitary certificate. A document confirming the products have been inspected according to appropriate procedures and comply with conditions stipulated in the respective import permit (see above). Issued by authorities of country of export.									?		

Registration of new plant varieties. Only required if new plant species. Minimum testing period 2 growing seasons.	?										
ISTA Orange international food lot certificate. Document proving the degree of purity of seeds to be imported.	?										
Import permit for milk and cream. Obtainable from the FDA and valid for 1 year.			X								
Alcohol dealer registration. Certification that the importer/dealer has been registered with the alcohol and tobacco tax bureau.				X							
Import permit for alcohol. Unlimited validity, but about 65 days required for processing and applicant must be US based.				X							
Certification of natural wine. Certifying the manufacturing methods of natural wine into the US complies with US requirements. Issued by authorities of the country of manufacture, only required for natural wine.				?							
Alcohol label approval. Required prior to import, application to be submitted electronically via the Certificate of Label Approval (COLA) online system.				X							

Source: Agra CEAS based on MADB

X = required for category; ? = only required for category in specific cases, consult MADB for more details

5.2.3 Labelling Requirements

The FDA publishes a comprehensive guide containing detailed information on food labelling requirements (<https://www.fda.gov/media/81606/download>). Labelling requirements at a federal level for food are set out in two main pieces of legislation:

- The FD&C Act (see above), as amended by the Nutrition Labeling and Education Act (NLEA)
- The Fair Packaging and Labeling Act

In addition to this, the Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) regulates the labelling of allergens.

Prior to entering into specific requirements, a key principle important to labelling requirements in the USA is the different parts of the container/package.

- **Principal display panel (PDP):** this is the part of the label most likely to be seen by consumers at the time of purchase. It is generally identified as the front panel on the front label; though in certain cases, more than one surface may be suitable for the PDP (these surfaces are identified as alternative PDPs). As some size requirements depend on size of the of the PDP, it is necessary to calculate the PDP size.
- **The information panel:** the panel to the right of the PDP, as seen by the consumer when facing the label.

Some general further considerations to bear in mind are set out below:

- **Labelling must be in English.** If a foreign language is used anywhere on the label, all required statements must be in English as well as the foreign language.
- **Layout, minimum size requirements.** There are various layout requirements for labels, including some minimum size requirements for fonts. While some of the key font size requirements are covered in the table below, it is recommended that the official FDA guide be consulted for full details, as they are variable in some cases, hence introducing complexity.
- **Date labels are generally not required on packaged food.** They can be included on a voluntary basis, though it cannot be false or misleading (such false and misleading information is generally banned on labels).

Country of origin labelling

This is obligatory for certain foods. In short, these are fresh and frozen fruit and vegetables; fresh/frozen meat; fish; and nuts. More information on the country of origin labelling requirement can be found at <https://www.ams.usda.gov/rules-regulations/cool>.

Claims

There are three broad categories of claims in the US:

- **Nutrient content claims (NCCs):** these characterize the level of a nutrient in the food (either directly or indirectly). Specific nutrient levels must be reached for them to be used.
- **Health claims:** these indicate a relationship between a substance and a disease or health-related condition, whether directly or implicitly (e.g. the use of certain symbols for the latter).
- **Structure/function claims:** these indicate how a nutrient impacts the structure or function of the body, but without any link to the impact on a disease.

Summary of Labelling Requirements

Item	Location	Description/ Notes
Statement of identity	PDP (parallel to package base)	Name of food (as established by law/regulation or absence thereof) Must be in prominent print; generally, ½ of the size of the largest print on the label.
Country of origin	Anywhere conspicuous	If a US distribution company is also listed, this must be placed close to the country of origin.
Net quantity statement	PDP (bottom 30%)	Generally weight for solid, semi-solid or viscous food; volume for fluid. Content only (with added liquid) included, not packaging. Must be both in metric (grams, litres etc) and US customary / imperial (ounces / pounds, fluid ounces, etc). There are minimum size requirements (between 1.6mm and 12.7mm type size, based on little “o”); but these depend on the PDP size and the calculations for them are complex (see FDA guide).
Name and address of the manufacturer, packer or distributor	Information panel	If not the manufacturer, it must include a qualifying phrase stating the firm's relation to the product (e.g. manufactured for, distributed by”.
Ingredients list	Same label panel as name & address of manufacturer / distributor.	Each ingredient in order of descending importance (by weight). Font at least 1/16 inch in height (1.6mm) based on little “o”. Water added counts as an ingredient. Flavours, colours, and incidental additives must be included in this list. Some exemptions refer for incidental amounts (as long as not allergens). It is recommended to consult the FDA guide for any more complex clarifications round ingredient listing (e.g. listing for foods used as an ingredient that consist of multiple ingredients; listing of flavourings).
Allergen labelling	With ingredients / nutritional facts	Generally identified in a “Contains” statement; in bracket after each ingredient name also a possibility. Required for food products with few exceptions (e.g. raw agricultural commodities) 160 foods have been identified in FALPA for allergen labelling, but 90% of these fall into one of the following categories: milk; egg; fish; crustacean shellfish; tree nuts; wheat; peanuts; soybeans. Full details on allergen labelling available at link in footnote.
Nutrition labelling	With ingredients list, on information panel or on PDP	Required for most food products. Must state “Nutrition facts” (min 8 point font) in a box. Must list: calories, total fat, saturated fat, transfat, cholesterol, sodium, total carbohydrates, dietary fibre, sugars, protein. Serving size and servings per container must be listed.

Additionally, other information including calories from certain nutrients (e.g. saturated fat, polyunsaturated fat, monosaturated fat) and vitamins and minerals for which reference daily intakes have been established may be listed.

✘ Current



✔ New



The New
Nutrition Facts Label
What's in it for you?



Nutrition Facts
 8 servings per container
Serving size 2/3 cup (55g)

Amount per serving
Calories 230

% Daily Value*

Total Fat 8g 10%
 Saturated Fat 1g 5%
 Trans Fat 0g

Cholesterol 0mg 0%
Sodium 160mg 7%
Total Carbohydrate 37g 13%
 Dietary Fiber 4g 14%
 Total Sugars 12g
 Includes 10g Added Sugars 20%

Protein 3g

Vitamin D 2mcg 10%
 Calcium 260mg 20%
 Iron 8mg 45%
 Potassium 235mg 6%

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Businesses that average over \$10 million in annual sales were required to make their nutrition facts labels comply with new U.S. Food and Drug Administration (FDA) labeling rules by January 1, 2020.

5.2.4 Specific Market Entry Requirements and Trends

Fresh Meat

The presence of a large number of processed meats in the United States which are typically cheaper than fresh meat alternatives presents a challenge for price-conscious consumers. Many consumers have actively adapted their diets to be healthier which compounds the sale of fresh meat, despite being priced higher than process meats. Consumers are largely attracted to the protein and nutritional values found in fresh meat which is the key driver of consumption. Plant-based diets are increasing in the US however the consumption of fresh meat is expected to remain strong for the forecasted years.

There are some clear consumer preferences in terms of cuts:

- Chicken: breast is most popular, accounting for 60% of sales by value. Thighs and wings account for around 20%. Whole birds account for less than 10%.
- Pork: chops (38% of value) and ribs (28%) are the most popular cuts.
- Beef: ground beef (40% of value) is the most popular segment, though shank and brisket are the cuts with fastest-growing demand.
- Turkey: while ground is by far the most popular (60% of value), whole birds account for 20% value with demand for them peaking around thanksgiving.

In order to export fresh meat, a country must be approved for the product in question. The USDA (FSIS) has a list of countries approved and the products for which they are approved;

https://www.fsis.usda.gov/inspection/import-export/import-export-library?keywords=&sort_by=title&sort_order=ASC&page=0

<https://www.fsis.usda.gov/inspection/import-export/import-export-library/sri-lanka>

Processed Meat

Most urban centers will offer a fast food outlet of some variety which drives up the consumption of processed meat across the nation. Sporting events such as American football and baseball are also associated with the consumption of processed meat with hot dogs in particular often being a common sight amongst spectators at these events. Americans are exposed to processed meat products through most food retailers in the country and the wide variety and generally cheap prices of them act as key drivers of consumption. Plant-based diets and the rise in fresh meat consumption are both having negative effects on the processed meat sector, this combined with a number of media outlets in the country regularly reporting on the health risks of heavily processed meat consumption has led to many consumers turning their backs to the product.

In order to export processed meat products, a country must be approved for the product in question. The USDA (FSIS) has a list of countries approved and the products for which they are approved;

<https://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/importing-products/eligible-countries-products-foreign-establishments/eligible-countries-and-products>

There are specific labelling requirements for meat, some of which extend to processed meat. The USDA has a guide which covers these;

https://www.fsis.usda.gov/wps/wcm/connect/f4af7c74-2b9f-4484-bb16-fd8f9820012d/Labeling_Requirements_Guide.pdf?MOD=AJPERES

Fresh Fruit and Vegetables

Fruit may be consumed in a variety of ways. However, one particular method of consumption, that has also driven the market to some extent in recent years is that of the consumption of fruit as a snack. In effect, this is the result of two broader trends in the food space: driven by busy lives, American consumers are increasingly snacking rather than eating large meals; and there is increasing awareness of the healthiness of food.

For vegetables, the level of home cooking is a key driver for their consumption. Indeed, the combination of increased consumption of ready meals, snacking or eating out (rather than consuming meals at home), and the reduced occurrence of vegetable side dishes with main meals in the US are generally considered to have had a negative effect on vegetable consumption.

For both fruit and vegetables, sourcing and origin are increasingly important purchasing criteria for consumers, with many consumers preferring locally grown produce. Along similar lines, organic status is increasingly a criterion taken into account by some consumers.



there is an increasing interest in locally produced fruit and vegetables. This however is creating some interesting dilemmas for retailers, as consumers continue to be interested in the same fruits even during the off-season for local production; so, while the interest in and demand for local produce remain during these periods, retailers have to find other solutions to meet it. In the specific case of vegetables, retailers are drawing consumer attention to the local origin of vegetables through signage and the use of labels. At the extreme end of the trend of local production, there is increased interest direct-to-consumer sales (generally within a 50 mile radius of place of production).

Another recent trend is that of pre-cutting and pre-packaging fruit in order to address the increasing trend of fruit being consumed as a snack; and this even extends to fruit cups which combine multiple varieties of cut fruit. However, one challenge for the “fruit as a snack” market is that of indirect competition from fruit squeeze pouches, which are proving popular among some children.

Food facilities involved in the handling, storage, etc. of fruit and vegetable products must be registered with the FDA. Market access requirements for fruit and vegetables vary by the fruit and vegetable type and the country of origin. APHIS has a searchable online database Fruits and Vegetables Import Requirements (FAVIR) which specifies the exact requirements based on these factors.

<https://epermits.aphis.usda.gov/manual/index.cfm?ACTION=pubHome>

The FAVIR database contains information on SPS requirements by fruit and vegetable type. It should be noted that some products do require special treatment, e.g. cold treatment, and in some cases, treatment with methyl bromide (notably tomatoes and cherries). Country of origin labelling is required for fruit and vegetable products. (<https://www.ams.usda.gov/rules-regulations/cool>)

Processed Fruit and Vegetables

Frozen fruit and vegetables are by far the largest category in the USA. The focus on healthiness has also led to a trend in the replacement of traditional staples with frozen processed vegetables. Producers are taking advantage of this trend by dressing up their vegetables in the form of staples, for example mixed vegetable spirals which resemble pasta, and cauliflower and broccoli rice. This has however led to some states taking action against such products on the basis that they are misleading.

Chocolate and Confectionery

Chocolate confectionery is forecast to continue to grow due to population growth and increasing purchasing power of US American citizen. Consumers often purchase chocolate following an impulse rather than planning to buy some. One of the main purchase criteria for sugar confectionery is the texture of the product. A good and interesting texture is key to establish a product on a market where other similar tasting products already exist. Consumers increasingly choose gummy confectionery when they want to experience interesting textures. Besides textures, the taste is obviously important as well.

The Code of Federal Regulations Title 21 (21 CFR) contain a standard chocolate (cacao) products under part 136. (<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/cfrsearch.cfm>)

Ref: (Commission, The Food and Beverage Market Entry Handbook: The United States, 2020)

6. REFERENCES

- Agency, E. R. (2022). *The Food and Beverage Market Entry Handbook: Russia*. Brussels: European Research Executive Agency. doi:10.2818/27146
- Commission, E. (2018). *The Food and Beverage Market Entry Handbook: China*. European Commission. doi:10.2818/5559
- Commission, E. (2019). *The Food and Beverage Market Entry Handbook: Japan*. European Commission. doi:10.2818/386397
- Commission, E. (2020). *The Food and Beverage Market Entry Handbook: The United States*. European Commission. doi:10.2818/169082
- Commission, E. (2021). *The Food and Beverage Market Entry Handbook: Australia*. European Commission. doi:10.2818/8992
- GACC Registry Single Window e-Service . (2022). Retrieved from General Administration of Customs of the People's Republic of China: <https://gacc.agency/index.asp>
- Ministry of health labour and welfare. (2022). Retrieved from Food Safety: https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/kenkou_iryuu/shokuhin/index_00006.html
- (2019). *The Food and Beverage Market Entry Handbook: Japan*. European Union.
- (2019). *The Food and Beverage Market Entry Handbook: The People's Republic of China*. European Commission.

Prepared by/ Disclaimer as below sample

Prepared by:

Name - Ms Ganayani Wijethilaka, Assistant Director/ Export Agriculture Division

Disclaimer:

The Sri Lanka Export Development Board, (EDB), has taken every care in the preparation of the content of this report, but the EDB cannot be held responsible for any errors, defects, lost profits, or other consequential damages arising from the use of any information obtained either directly or indirectly from this report. The EDB accepts no liability whatsoever.