

- **The EU-UK relationship post-‘*Brexit*’: the milestones reached in a myriad of continued and persistent tensions and issues to resolve**
- **To further reduce the consumption of sugar contained in certain beverages, Singapore will extend the scope of its ‘*Nutri-Grade*’ nutrition labelling scheme**
- **The European Commission adopts stricter rules on the presence of arsenic in foodstuffs, including in rice and baby foods**
- **Recently adopted EU legislation**

The EU-UK relationship post-‘*Brexit*’: the milestones reached in a myriad of continued and persistent tensions and issues to resolve

The *Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland* (hereinafter, the EU-UK TCA) was applied provisionally as of 1 January 2021 and entered into force on 1 May 2021. It provides the terms for the new relationship between the EU and the UK, following the latter’s withdrawal from the EU. Since then, both parties committed to work together and agree on future cooperation in various pending areas to fill the remaining gaps left by ‘*Brexit*’.

Among other pending matters, on 27 April 2023, the European Parliament’s Committee on International Trade (hereinafter, INTA) will adopt its position regarding an EU Regulation on tariff-rate quotas (hereinafter, TRQs) for steel products transferred to Northern Ireland. The European Parliament’s INTA Committee, jointly with the European Parliament’s Committee on Foreign Affairs (hereinafter, AFET), will also discuss the European Commission’s (hereinafter Commission) second annual *Report on the implementation and application of the EU-UK Trade and Cooperation Agreement*. At the same meeting, the INTA Committee will concurrently discuss the “*Agreement between the European Union and the Federative Republic of Brazil relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom’s withdrawal from the European Union*” before the European Parliament’s plenary votes on its approval.

This article recaps some of the regulatory milestones achieved thus far and review some of the pending issues that are still being addressed.

The EU-UK Trade and Cooperation Agreement

The EU-UK TCA consists of seven parts, namely: 1) ‘*Common and institutional provisions*’; 2) ‘*Trade, transport, fisheries and other arrangements*’; 3) ‘*Law enforcement and judicial cooperation in criminal matters*’; 4) ‘*Thematic cooperation*’ on health and cyber security; 5) ‘*Participation in Union programmes, sound financial management and financial provisions*’; 6) ‘*Dispute settlement and horizontal provisions*’; and 7) ‘*Final provisions*’, as well as various annexes and protocols. The Agreement provides the rules that now regulate trade relations between the EU and the UK and, most notably, established a preferential trade area for goods

and services. Its commitments go beyond what was agreed for recently concluded EU preferential trade agreements (hereinafter, PTAs), such as the Comprehensive Economic and Trade Agreement (CETA) with Canada and the EU-Japan Economic Partnership Agreement, but obviously falls short of the rules in place when the UK was still part of the EU Single Market and the Custom Union.

Despite an agreement having been reached, trade between the EU and the UK was subject to fundamental changes as a consequence of 'Brexit'. Notably, a number of non-tariff measures, such as additional administrative requirements, render EU-UK trade more burdensome for businesses (see *Trade Perspectives*, Issue No. 1 of 15 January 2021).

The EU-UK TCA provides a comprehensive basis for the relationship between the EU and the UK, covering areas such as "trade, transport, fisheries, energy, social security coordination, law enforcement and judicial cooperation in criminal matters". As required by Article 2(4) of [Council Decision \(EU\) 2021/689 of 29 April 2021](#) on the conclusion of the EU-UK TCA, on 15 March 2023 the Commission presented its second report on the TCA's implementation and application, which "provides an overview of the main developments in the functioning of the institutional framework" and "looks at the effects for the EU of the United Kingdom leaving the internal market, the Customs Union and the various Union policies" two years after the end of the transition period. The European Parliament's INTA and AFET Committees will jointly discuss the Commission's second annual report on 26 April 2023. According to the Commission's report, in 2022, "much progress was made in finalising the institutional arrangements, and, while challenges remain, the sectorial provisions of the TCA are operational". Furthermore, the report notes that "after two years of the application of the TCA, the impact of unravelling deep economic integration provided by the single market, the Customs Union and other flanking policies became more apparent". The Commission's report also elaborates on the sectorial implementation of the TCA, stating that "no major difficulties arose in 2022" and that "Stakeholders largely adapted to the new trading reality", but that "Certain challenges nevertheless remain: the implementation of the electricity trading arrangements provided for in the TCA proved more complex than anticipated and the full and correct implementation of the provisions on fisheries continued to present challenges".

The broader legal framework for EU-UK relations

The *EU-UK Withdrawal Agreement* established the terms of the UK's withdrawal from the EU, in accordance with Article 50 of the Treaty of the EU. The *Withdrawal Agreement* was agreed on 17 October 2019 and entered into force on 1 February 2020. The Northern Ireland Protocol is an integral part of the *EU-UK Withdrawal Agreement* and addresses Northern Ireland's relationship with the EU and the UK, respectively. Under the Protocol, the EU and the UK agreed that Northern Ireland effectively remains part of the EU Single Market, whereby goods that move between Northern Ireland and the EU Member State Ireland (as well as other EU Members States) are subject to the EU Single Market rules for goods and Customs. Meanwhile, goods coming from Northern Ireland to the UK are treated as if they were moving across an international border and are subject to, *inter alia*, multiple declarations, inspections, certificates, and extensive checks, resulting in delays and additional charges.

Complementarily, on 27 February 2023, the Commission and the UK Government had reached a political agreement in principle on the *Windsor Framework* and, on 24 March 2023, the UK's Foreign Secretary, *James Cleverly*, and European Commission Vice-President for Interinstitutional Relations and Foresight, *Maroš Šefčovič*, formally signed the *Windsor Framework* at the 10th meeting of the EU-UK Joint Committee and the second meeting of the EU-UK Partnership Council in London. The *Windsor Framework* is a landmark agreement designed to address certain issues and challenges pertaining to the *Northern Ireland Protocol* and regarding the movement of goods between the EU and the UK.

Some key elements of the *Windsor Framework* include: 1) Enabling the movement of agri-food retail consumption goods from Northern Ireland to the UK with minimal certification and control requirements. Notably, the "UK public health standards will apply for those agri-food retail

goods for end consumption in Northern Ireland, whilst EU plant and animal health rules remain applicable for the protection of the EU Single Market"; 2) An expanded trusted trader scheme, open to UK businesses, whereby goods moved by trusted traders from the UK and not at risk of entering the EU will benefit from simplified procedures and declarations with reduced data requirements. Meanwhile, normal Customs procedures, such as border checks, will apply to goods at risk of entering the EU market; and 3) On excise taxes, the *Windsor Framework* will allow the UK to tax in Northern Ireland all alcoholic beverages based on their alcoholic strength, diverging from EU rules on the structure of excise duties. The UK will also be allowed to reduce excise duty rates for alcohol and alcoholic beverages served for immediate consumption in hospitality venues.

Some of the pending issues

Despite the UK's withdrawal dating back to 2020, there are still issues that need to be resolved, whether regarding EU-UK relations, or EU relations with other trading partners affected by the new realities. For instance, a number of issues related to TRQs are still being negotiated and agreed. TRQs determine the quantities of goods that may be imported duty-free or at a lower tariff, referred to as the in-quota rate, and are particularly important with respect to agricultural and fishery products, and in order to limit competition vis-à-vis domestic products.

On 27 February 2023, the European Commission published its *Proposal on tariff-rate quotas for steel products transferred to Northern Ireland*. The importance of this Proposal lies in the fact that *"any imports pursuant to Union import tariff rate quotas or other import quotas applying to goods originating in a third country brought into Northern Ireland could not be counted towards that third country's rights vis-à-vis the Union, unless agreed by the third country"*. This situation was considered to pose *"a risk to the proper functioning of the Union's Single Market and the integrity of the Common Commercial Policy through the possible circumvention of the Union's tariff rate quotas or other import quotas"*. The aim of the Proposal is to allow that *"certain steel products originating in the UK and currently subject to EU safeguard measures be eligible for treatment pursuant to Union import tariff rate quotas also if they are released for free circulation in Northern Ireland"*. In this case, it has been considered appropriate to *"amend Regulation 2020/2170 so as to allow that certain steel products (Non Alloy and Other Alloy Quarto Plates, and Angles, Shapes and Sections of Iron or Non Alloy Steel) originating in the United Kingdom and currently subject to EU safeguard measures be eligible for treatment pursuant to Union import tariff rate quotas also if they are released for free circulation in Northern Ireland"*.

Following the UK's withdrawal, the EU and the UK were required to renegotiate existing TRQs agreed within the WTO with trading partners (see *Trade Perspectives, Issue No. 22 of 3 December 2021*). The EU was required to hold such negotiations with a number of WTO Members and the underlying principle of the negotiations was *"a 'joint approach' developed between the EU and the UK in 2017 on how to 'apportion' the quantitative commitments contained in the EU28 WTO schedule for the 143 EU agricultural, fish and industrial WTO TRQs. The basis of this approach is that the existing volume of each TRQ would be fully maintained after the UK's withdrawal from the EU but split across two separate customs territories: the EU27 and the UK"*.

In the context of these negotiations, the EU and Brazil concluded negotiations on the *Agreement between the European Union and the Federative Republic of Brazil relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union*. Negotiations with Brazil were opened in 2018 and successfully concluded on 14 September 2022. Brazil accepted most of the apportioned volumes, as originally proposed by the EU, while changes of volumes requested by Brazil concerning *"poultry, sugar, broken rice, food preparations, fruit juices, animal feeding"*, as well as adjustments to beef and plywood TRQs were agreed. Finding acceptable agreements on the remaining TRQs with trading partners remains one of the issues following 'Brexit', with important implications for trade. For some WTO Members, in particular the major exporters of agricultural products, such as Brazil, the EU-UK recalculation

and reallocation of TRQs, specially in relation to the TRQs for meat products, could have led to decreased flexibility, affecting market access for Brazil's exporters, if left unaddressed.

The way forward

Important regulatory milestones have already been achieved in the process of the UK's withdrawal from the EU, although these achievements have not fully prevented tariff and non-tariff barriers from increasing trade frictions and costs of EU-UK transactions. Businesses in the EU, in the UK, and around the world should actively monitor the related developments and carefully assess the text of the agreements, the new rules for EU-UK trade, and the additional agreements and commitments recently negotiated between the EU and the UK and between the EU and other trading partners, such as Brazil, in order to navigate the complex nuances and to take advantage of new rules and preferences.

To further reduce the consumption of sugar contained in certain beverages, Singapore will extend the scope of its 'Nutri-Grade' nutrition labelling scheme

In order to aid consumers in making better informed and healthier choices, particularly by identifying higher levels of sugar and saturated fat in beverages, on 30 December 2022, Singapore's Ministry of Health introduced the mandatory 'Nutri-Grade' labelling scheme through the [Sale Of Food Act \(Chapter 283\) Food \(Amendment No. 2\) Regulations 2021](#) (hereinafter, amended *Sale of Food Act*). The amended *Sale of Food Act* requires manufacturers and retailers of pre-packed beverages to display a 'Nutri-Grade' mark on the front-of-pack label of beverage packaging, which is graded on a four-point scale, namely from 'A' to 'D', indicating the lowest to the highest content of sugar and saturated fat. In February 2023, Singapore's Ministry of Health announced that the scope of the beverages subject to the 'Nutri-Grade' would be extended to include freshly prepared beverages. While very much resembling similar schemes in the EU, Singapore's approach is different and must be assessed in light of the specific context and the relevant international standards.

Rationale: Singapore's fight against diabetes

According to the 2020 [Bloomberg Global Health index](#), which ranks countries based on various factors, such as health risks, life expectancy and causes of death, Singapore is the 8th healthiest country in the world. Nonetheless, Singapore's *Health Promotion Board* notes that diabetes poses a serious health concern in the country. In fact, Singapore's Ministry of Health notes that the number of Singapore residents with diabetes is projected to reach one million by 2050, "if nothing is done". In this context, Singapore's Ministry of Health has been increasing its efforts to decrease the number of people suffering from diabetes in the country. According to Singaporean researchers, the implementation of the 'Nutri-Grade' scheme "is likely to encourage consumers to purchase beverages with lower sugar content" and could "empower people with chronic conditions such as diabetes to make healthier choices".

The current 'Nutri-Grade' scheme

Singapore's amended *Sale of Food Act* defines "Nutri-Grade beverage" as "any beverage, including any powder or concentrate meant to be reconstituted or diluted with fluids before consumption as a beverage". 'Nutri-Grade' beverages that are manufactured in Singapore for sale, importation, or distribution in Singapore are to be graded with the letter "A" (dark green), "B" (light green), "C" (orange), or "D" (red) according to their respective sugar and saturated fat contents. The details of the 'Nutri-Grade' grading scheme for each classification are provided under the Sixteenth Schedule of the amended *Sale of Food Act*, as follows:

Grade	A	B	C	D
Sugar content (gram per 100 millilitres)	Not exceeding one gram	Exceeding one gram but not exceeding 5 grams	Exceeding 5 grams but not exceeding 10 grams	Exceeding 10 grams
Saturated fat (gram per 100 millilitres)	Not exceeding 0.7 gram	Exceeding 0.7 grams but not exceeding 1.2 grams	Exceeding 1.2 grams but not exceeding 2.8 grams	Exceeding 2.8 grams



The “*Nutri-Grade mark*” is defined by Section 184D of the amended *Sale of Food Act* as a mark that indicates the information of the beverages’ grade and the percentage of the sugar content per 100 millilitres. The ‘*Nutri-Grade*’ mark is mandatory only for ‘*Nutri-Grade*’ beverages that are graded “C” or “D” and is optional for beverages that are graded “A”



or “B” and/or that are endorsed with the *Healthier Choice Symbol*, which is a symbol on packaged food products in Singapore that indicates healthier options as an easy way for consumers to tell which food products are better for their diet than others. The ‘*Nutri-Grade*’ label must be provided on the front-of-pack of the package.

The amended *Sale of Food Act* also provides for the requirement that ‘*Nutri-Grade*’ beverages carry a *Nutrition Information Panel*, which provides information about the nutrient content of a food per 100g or 100ml for liquid food, and/or per serving of the product, specifying the energy value, carbohydrate, fat, total sugar, amounts of protein, and saturated fat. With regard to advertising, ‘*Nutri-Grade*’ beverages that are graded “D” are prohibited to be advertised, with certain exceptions, such as advertisement that “*does not contain a recommendation relating to the consumption of the Nutri-Grade beverage and is published by means of a catalogue, price list or other document for the purpose of supplying the Nutri-Grade beverage by wholesale*”.

Freshly prepared beverages will soon be subject to ‘Nutri-Grade’ requirements

On 25 February 2023, Singapore’s *Health Promotion Board* published a [consultation](#) to seek feedback from stakeholders on a proposed extension of the ‘*Nutri-Grade*’ labelling requirements and advertising prohibitions to freshly prepared beverages. In a [press release](#), Singapore’s Ministry of Health notes that the extension considered the fact that “*freshly prepared beverages are another large and growing source of sugar in Singaporeans’ diets*”. The revised rules would require freshly prepared beverages, such as freshly brewed coffee or tea, freshly squeezed juices, freshly blended smoothies, bubble tea, and freshly prepared herbal drinks, to include a ‘*Nutri-Grade*’ label when sold in retail settings, such as food and beverages outlets and catering establishments, and in non-retail settings, such as hotels, workplaces, educational institutions, and healthcare institutions. For instance, bubble tea shops will have to provide information on the amount of sugar and saturated fat in their beverages.

Simplified Nutri-Grade mark*

The revised rules for freshly prepared beverages would foresee that: 1) Beverages graded “C” or “D” for sale on physical or online menus must be listed with a ‘*Nutri-Grade*’ mark; 2) A new simplified ‘*Nutri-Grade*’ mark must be placed next to the beverage listings; 3) Information on the amount of sugar and saturated fat must be available through an electronic record or a physical copy that consumers can easily access or request; and 4) Advertisements for freshly prepared beverages graded “D” are be prohibited.



Where the simplified Nutri-Grade mark is used, the full colour-coded scale below must also be clearly visible.



Does the Nutri-Grade scheme deliver?

In March 2023, researchers at the *Duke University-National University of Singapore* (Duke-NUS) Medical School conducted a [trial](#) regarding the ‘*Nutri-Grade*’ scheme. From the trial,

researchers found that “*Singapore’s Nutri-Grade labelling influences consumers to make healthier choices*” and is effective in increasing purchases of beverages rated “A” or “B”. According to Dr. Soye Shin, a health economist from Duke-NUS, “*compared to what was bought during the shopping experience without the NG labels, those bought with the NG labels had a reduced sugar content of 1.5 grams per serving*”. However, researchers found no significant differences in the total calories, saturated fat or other nutrients present in the purchased goods, “*likely because beverages account for a small part of the total shopping basket*”. In this context, researchers concluded that the ‘Nutri-Grade’ scheme should not only focus on pre-packed beverages.

In line with international rules and trends?

Similar labelling schemes have been implemented in other countries around the world. Notably, an increasing number of EU Member States has adopted the *Nutri-Score* colour-coded scheme that rates the nutritional value of a food product by assessing the content of key nutrients: salt, fat, saturated fat, sugar, and total calorie count. Unlike ‘*traffic light*’ labels, which highlight key individual nutrients, the *Nutri-Score* scheme, which was first introduced in France in 2017, provides a single score for the entire product, giving consumers an overall assessment of the product. Based on an algorithm, *Nutri-Score* gives a rating to any food, ranging from a dark green A (best) to a red E (worst), by weighing the prevalence of ‘*good*’ and ‘*bad*’ nutrients. The EU is currently in the process of developing a harmonised front-of-pack nutrition labelling scheme (see *Trade Perspectives, Issue No. 11 of 5 June 2020*). However, the respective legislative proposal has been delayed.

Such nutrition labelling schemes must adhere to international rules and standards. Under the WTO Agreement on Technical Barriers to Trade, technical regulations, such as measures regulating product labelling, must generally be based on the relevant international standards, including the guidelines developed by the *Codex Alimentarius*. The *Codex Guidelines on Nutrition Labelling* provide guidance “*on the compositional requirements of foods so that they are nutritionally safe*”, including guidance on the nutrition claims that food producers make on labels.

While the *Codex Guidelines on Nutrition Labelling* provide that a “*nutrition declaration should be mandatory*”, mandatory supplementary front-of-pack labels on beverages, if required by legislation, like in the case of ‘*Nutri-Grade*’ beverages that are graded “C” or “D”, may come under the scrutiny of international trade law. Article 2.2 of the TBT Agreement mandates WTO Members to ensure that technical regulations do not create unnecessary obstacles to international trade and, notably, not be more trade-restrictive than necessary to fulfil a legitimate objective, such as the protection of human health. Arguably, the objective of mandatory front-of-pack labels could be addressed by less trade-restrictive public policies. In particular, if there is an obligation to provide nutritional information, the rationale for imposing additional front-of-pack messages is not clear. Less trade-restrictive information measures (such as campaigns to encourage the population to eat healthily and promoting physical activity programmes) also appear to be available.

Section 5 of the *Codex Guidelines on Nutrition Labelling* recommends, in relation to supplementary nutrition information, such as front-of-pack labels, that it should intend to increase consumers’ understanding of the nutritional value of their food and that it should assist in interpreting the nutrient declaration. Additionally, the manner in which the legitimate public health objective is pursued appears to be incompatible with the list of prohibited claims under section 3 of the *Codex General Guidelines on Claims*. For instance, Section 3.5 of these Guidelines prohibits “*claims which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer*”. Arguably, the mandatory indication of the “C” or “D” grades in the ‘*Nutri-Grade*’ label does not provide any meaningful information to consumers and risks demonising certain beverages, whose consumption in moderation can be part of a healthy diet.

Towards a reduction of sugar consumption in ASEAN Member States?

Singapore's measures aimed at reducing sugar and fat intake could serve as an example in the ASEAN region. In recent years, several ASEAN Member States, such as Indonesia, Malaysia, the Philippines, and Thailand, have taken measures to reduce sugar consumption in their respective countries, notably by implementing or considering a sugar tax for sweetened beverages. Nonetheless, Singapore remains the only ASEAN Member State that has so far imposed non-fiscal measures to reduce both sugar and saturated fat intakes in beverages through the 'Nutri-Grade' scheme. As Singapore's 'Nutri-Grade' scheme was only recently implemented, its overall effectiveness has yet to be seen, also in view of further expansions of the product scope. If Singapore's 'Nutri-Grade' scheme proves successful, it could prove that a non-fiscal approach to reduce sugar consumption works, and, consequently, other ASEAN Member States may soon follow Singapore's approach.

The European Commission adopts stricter rules on the presence of arsenic in foodstuffs, including in rice and baby foods

On 3 March 2023, the European Commission adopted *Commission Regulation (EU) 2023/465 amending Regulation (EC) No 1881/2006 on contaminants as regards maximum levels of arsenic in certain foods*, following the objectives of *Europe's Beating Cancer Plan* to "reduce the presence of carcinogenic contaminants in food", setting "maximum levels for more of these contaminants, based on the latest available scientific evidence". *Regulation (EU) 2023/465* provides, *inter alia*, a lower maximum level for inorganic arsenic in white rice and sets new maximum levels for additional products, such as rice-based food items, infant formula, fruit juice, salt, and baby foods. *Regulation (EU) 2023/465* follows the European Food Safety Authority's (hereinafter, EFSA) *Scientific Report on Chronic dietary exposure to inorganic arsenic* that was published in 2021.

The article provides an overview on the setting of maximum levels of arsenic in food in the EU and the latest scientific opinions of the EFSA.

The European Food Safety Authority's Scientific Opinions on Arsenic in Food

Arsenic is a metalloid (*i.e.*, an element that has properties that are intermediate between those of metals and non-metals) that is typically present at low concentrations in rocks, soil, and natural ground water. In addition, human activity has also contributed to increase the levels of arsenic in the environment through industrial emissions (*e.g.*, through mining, smelting of non-ferrous metals, and burning of fossil fuels), as well as through the use of arsenic as part of fertilisers, wood preservatives, insecticides, and herbicides. Food and drinking water are the principal routes of exposure to arsenic. 'Inorganic' arsenic compounds do not contain carbon and are more poisonous than 'organic' arsenic, which is produced by biological activity, mostly in surface waters.

In 2009, the EFSA adopted a *Scientific Opinion on Arsenic in Food*. In that opinion, the EFSA concluded that data had shown that inorganic arsenic causes cancer of the lung, of the urinary bladder, and the skin, and that a range of adverse effects had been reported at low exposures. The EFSA's scientific opinion identified high consumers of rice in Europe, such as certain ethnic groups and children under three years of age, as most subjected to inorganic arsenic dietary exposure. In a 2014 [report](#) regarding the dietary exposure to inorganic arsenic in the European population, the EFSA identified grain-based products as the main contributor to the exposure, and rice, milk and dairy products as important contributors.

The setting of maximum levels for arsenic in food in the EU

In light of the information in EFSA's 2014 [report](#), *Commission Regulation (EU) 2015/1006 of 25 June 2015 amending Regulation (EC) No 1881/2006 as regards maximum levels of*

inorganic arsenic in foodstuffs set maximum levels for the presence of inorganic arsenic only in rice and rice-based products. Additionally, in accordance with *Commission Recommendation (EU) 2015/1381*, EU Member States were called upon to monitor the presence of arsenic in foods.

In the *Scientific Report on Chronic dietary exposure to inorganic arsenic*, which was published in 2021, the EFSA assessed the chronic dietary exposure to inorganic arsenic, taking into account the most recent occurrence data for inorganic arsenic in food. The EFSA concluded that “across the different age classes, the main contributors to the dietary exposure to inorganic arsenic were rice, rice-based products, grains and grain-based products not containing rice and drinking water”. The EFSA further concluded that “particular foodstuffs indicated for the young population (e.g. cereal-based food for infants and young children and biscuits, rusks and cookies for children, infant formulae, follow-on formulae, foods for special medical purposes intended for infants and young children and young child formulae, baby foods and fruit juices) made a relevant contribution in the dietary exposure to inorganic arsenic in this population group”.

Commission Regulation (EU) 2023/465 amending Regulation (EC) No 1881/2006 on contaminants as regards maximum levels of arsenic in certain foods provides, *inter alia*, for a reduced maximum level of inorganic arsenic in white rice and sets new maximum levels for additional products, such as rice-based food items, infant formula, fruit juice, salt, and baby foods. With respect to the new maximum level of 0.5 mg/kg for total arsenic in salt, *Regulation (EU) 2023/465* follows the *Codex Alimentarius General Standard for Contaminants and Toxin in Foods and Feeds*. However, the EU’s already existing maximum level for husked rice (0,25 mg/kg) and the amended maximum level for polished rice (0,15 mg/kg) are stricter than the respective Codex levels (0.35 mg/kg for husked rice and 0.2 mg/kg for polished rice).

In Section 3 of the Annex to *Regulation (EC) No 1881/2006*, the following levels for arsenic (inorganic) have been set in accordance with *Commission Regulation (EU) 2023/465*. The column on the right provides the levels that applied since 2015 under *Commission Regulation (EU) 2015/1006*, while the second column to the right provides the new levels applicable since 24 March 2023.

Foodstuffs		Maximum levels (mg/kg wet weight)	
		Since 24 March 2023	Since 2015
3.5	Arsenic (inorganic arsenic for 3.5.1 to 3.5.4 and total arsenic for 3.5.5)		
3.5.1	Cereals and cereal based products		
3.5.1.1	Non-parboiled milled rice (polished or white rice)	0,15	0,20
3.5.1.2	Parboiled and husked rice	0,25	0,25
3.5.1.3	Rice flour	0,25	
3.5.1.4	Rice waffles, rice wafers, rice crackers, rice cakes, rice flakes and popped breakfast rice	0,30	0,30
3.5.1.5	Rice destined for the production of food for infants and young children	0,10	0,10
3.5.1.6	Non-alcoholic rice-based drinks	0,030	
3.5.2	Infant formulae, follow-on formulae, foods for special medical purposes intended for infants and young children and young child formulae.		
3.5.2.1	-marketed as powder	0,020	
3.5.2.2	-marketed as liquid	0,010	
3.5.3	Baby foods	0,020	
3.5.4	Fruit juices, concentrated fruit juices as reconstituted and fruit nectars	0,020	
3.5.5	Salt	0,50	

The rationale for the higher levels of arsenic in rice and in baby foods

Rice is a popular ingredient in many baby foods, such as cereals and infant formulas, because it is easy to digest, has low potential to produce an allergic reaction, and is often fortified with iron. However, because it is grown in water, rice absorbs more inorganic arsenic from soil minerals, including from naturally occurring metals but also from chemical fertilisers, pesticides and untreated wastewater, than other crops.

“Food safety standards in the EU remain the highest in the world”

The European Commissioner for Health and Food Safety, *Stella Kyriakides*, said that, with the revised and new levels, the Commission was “*taking additional measures to further reduce the exposure risk of a carcinogenic contaminant from our food chain*” and that the EU’s “*citizens want the reassurance that the food they eat is safe, and these new rules are yet another proof that food safety standards in the EU remain the highest in the world*”.

Safe Food Advocacy Europe (SAFE), an NGO specialised in the protection and representation of EU consumers in the food sector, said that it “*welcomes any measure that avoids or reduces the exposure of European consumers to harmful substances in food*”.

As stated above, the EU’s already existing maximum levels set for arsenic in *Regulation (EU) 2023/465* for husked rice (0,25 mg/kg) and the amended maximum levels for polished rice (0,15 mg/kg) are indeed stricter than the respective levels set in the [Codex Alimentarius General Standard for Contaminants and Toxin in Foods and Feeds](#) (0.35 mg/kg for husked rice and 0.2 mg/kg for polished rice).

Outlook

The new maximum levels apply since 24 March 2023. Taking into account that certain foodstuffs covered by *Regulation (EU) 2023/465* have a long shelf life, foodstuffs that were lawfully placed on the market before 24 March 2023 are allowed to remain on the market. Food businesses now need to strive to comply with the new maximum levels for arsenic in rice, rice-based products, as well as infant formula and baby foods.

Recently adopted EU legislation

Trade Law

- [Corrigendum to Commission Implementing Regulation \(EU\) 2023/254 of 6 February 2023 amending Implementing Regulation \(EU\) 2020/761 as regards certain technical rules on the management of tariff rate quotas \(Official Journal of the European Union L 35 of 7 February 2023\)](#)
- [Decision No 1/2023 of the Eu-Georgia Sanitary and Phytosanitary Sub-Committee of 6 March 2023 modifying Annex XI-B to the Association Agreement \(2023/812\)](#)
- [Decision No 1/2023 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework \[2023/819\]](#)
- [Recommendation No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on market surveillance and enforcement \[2023/820\]](#)
- [Recommendation No 2/2023 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on Article 13\(3a\) of the Protocol on Ireland/Northern Ireland \[2023/821\]](#)

- *Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023*
- *Joint Declaration of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on the application of Article 10(1) of the Windsor Framework (See Joint Declaration No 1/2023.)*
- *Joint Declaration of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on Article 13(3a) of the Windsor Framework (See Joint Declaration No 1/2023.)*
- *Joint Declaration of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on the VAT regime for goods not being at risk for the Union's internal market and on the VAT arrangements for cross-border refunds*
- *Unilateral Declaration by the Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 taking note of the Unilateral Declaration by the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on market surveillance and enforcement*
- *Unilateral Declaration by the Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 taking note of the Unilateral Declaration by the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on export procedures for goods moving from Northern Ireland to other parts of the United Kingdom*
- *Unilateral Declaration by the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 on strengthening enforcement action for goods moved in parcels from another part of the United Kingdom to Northern Ireland*
- *Unilateral Declaration by the Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 taking note of the Unilateral Declaration by the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the*

European Union and the European Atomic Energy Community of 24 March 2023 on strengthening enforcement action for goods moved in parcels from another part of the United Kingdom to Northern Ireland

- *Commission Implementing Regulation (EU) 2023/824 of 14 April 2023 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for Canada, the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds*
- *Corrigendum to Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (Official Journal of the European Union L 114 of 31 March 2021)*
- *Corrigendum to Commission Implementing Regulation (EU) 2023/573 of 10 March 2023 amending Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 as regards the entries for Argentina, the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry and germinal products of poultry, fresh meat of and meat products from poultry and game birds (Official Journal of the European Union L 75 of 14 March 2023)*
- *Corrigendum to Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (Official Journal of the European Union L 114 of 31 March 2021)*
- *Decision of the EEA Joint Committee No 272/2022 of 23 September 2022 amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine [2023/801]*

Trade Remedies

- *Commission Implementing Regulation (EU) 2023/752 of 12 April 2023 imposing a definitive anti-dumping duty on imports of sodium gluconate originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council*
- *Corrigendum to Commission Implementing Regulation (EU) 2023/453 of 2 March 2023 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2017/141 on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China to imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, consigned from Malaysia, whether declared as originating in Malaysia or not (Official Journal of the European Union L 67 of 3 March 2023)*
- *Commission Implementing Regulation (EU) 2023/809 of 13 April 2023 imposing a definitive anti-dumping duty on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic*

of China and Taiwan following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

- *Commission Implementing Regulation (EU) 2023/825 of 17 April 2023 extending the anti-dumping duty imposed by Implementing Regulation (EU) 2020/1408 on imports of certain hot rolled stainless steel sheets and coils originating in Indonesia to imports of certain hot rolled stainless steel sheets and coils consigned from Türkiye, whether declared as originating in Türkiye or not*

Customs Law

- *Commission Implementing Regulation (EU) 2023/745 of 3 April 2023 concerning the classification of certain goods in the Combined Nomenclature*
- *Commission Implementing Regulation (EU) 2023/808 of 5 April 2023 concerning the classification of certain goods in the Combined Nomenclature*

Food Law

- *Commission Implementing Regulation (EU) 2023/741 of 5 April 2023 concerning the non-renewal of the approval of the active substance oxamyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) No 540/2011*
- *Corrigendum to Commission Implementing Regulation (EU) 2023/741 of 5 April 2023 concerning the non-renewal of the approval of the active substance oxamyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) No 540/2011*
- *Commission Delegated Regulation (EU) 2023/751 of 30 January 2023 amending Delegated Regulation (EU) 2020/687 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council as regards rules for the prevention and control of certain listed diseases*
- *Commission Implementing Regulation (EU) 2023/834 of 18 April 2023 on exceptional market support measures for the eggs and poultry meat sectors in Italy*

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