



Packaging in China

Chinese packaging regulations pose a significant hurdle to trading with China—particularly for high-value small packaged goods and the luxury end of the market. Lack of harmonisation in excessive packaging and hazardous goods regulation means European exporters need to be mindful that they are in compliance. This applies particularly to pharmaceuticals, cosmetics and spirits sectors.

Exporters must:

- 1. Be sure that their packaging complies with China's excessive packaging regulations**
- 2. Be sure that their packaging complies with China's hazardous goods regulations**

1. Background

The common basis of packaging requirements across most areas is essential to efficient global trade. China's efforts to modernise legislation over the past two decades have brought most Chinese packaging standards into line with the international norms upon which European packaging regulation is founded. As such, China's approach to packaging in most respects is now broadly in line with the spirit of global harmonisation of standards which China officially adopted when it joined the World Trade Organisation in 2001.

Some international standards on packaging allow for additional national regulation depending on particular local circumstances. The European Union generally has equivalent or stricter packaging regulation than China, making trade from Europe to China simpler than the reverse. The only major exception is the regulatory frameworks for excessive packaging.

Substantially different ways of determining when packaging is excessive may pose difficulties in the future for European exporters of food, beverages and cosmetics to China, especially in industries where packaging constitutes a large portion of a product's value.

Both the European Union and China place restrictions on packaging in the interest of reducing waste. The European approach has been to set minimum requirements for recoverability and recyclability.

China, by contrast, measures excessive packaging by three criteria: the space between layers (the interspace ratio), the number of layers and the cost of packaging. These restrictions only apply to certain foods, alcohol and cosmetics products.

Though these requirements have been incorporated into Chinese law this year, various versions of the restrictions have been in force since 2007. The restrictions apply to imports, however they are targeted at domestic production.

The European Union objected to the development of the new standards when they were in their draft stage on the basis that they discriminated against luxury products, which form a large portion of EU exports to China. The regulations, however, do not appear to have made an appreciable difference to EU member state exports to China, which may reflect lax enforcement. Importers should be aware that law enforcement campaigns are common however.

The EU and China's regulations on packaging for hazardous materials are also not fully harmonised. Exporters should consult China's list of hazardous goods and packaging requirements beforehand.

2. Regulations and technical requirements

Main laws and regulations addressing packaging

The **Cleaner Production Law** came into effect in January 2003 and was amended in 2012 to include measures on excess packaging that had been first introduced in 2007 as administrative regulations and passed through several revisions. The law is intended to promote the continuous application of methods to reduce pollution at its source.

The **Food Safety Law** came into effect in 2009. After a raft of food safety scandals which became apparent in 2008, the Chinese government has implemented several measures to improve confidence in the food supply system. The Food Safety Law is the legislative response. It provides a framework that modernises approaches to food safety by increasing the use of risk analysis, public information and consumer rights. It has been criticised, however, for a lack of effective new enforcement mechanisms. It contains provisions requiring clean and non-toxic packaging materials and penalties for the marketing of food that is contaminated by packaging materials. Food packaging materials are defined by the law as products made of paper, wood, metal, porcelain, plastic, rubber, natural fibre, chemical fibre or glass. Chapter 6 outlines provisions for the importing of food to China.

The **Drug Administration Law** was implemented in 2001. It provides the legal framework for the distribution and packaging of drugs and encourages their safe and efficacious use. Chapter 6 addresses drug packaging, setting out requirements for labelling, appropriate packaging and use of trademarks.

The **Product Quality Law** was introduced in 2000 for the purpose of strengthening product quality supervision and control, raising product quality levels and clarifying liability for product quality. It stipulates that China will be guided by international standards of product quality standards. A product that is certified according to these standards is permitted to put the quality certification mark on its packaging. This law provides penalties for packaging quality defects, and outlines the powers of government organs to seal or detain products with defective packaging. It sets the requirements for packaging quality for dangerous and fragile products.

The **Law on the Prevention and Control of Environmental Pollution by Solid Waste** requires packaging materials to be easily recycled or treated, or easy to dissolve or be absorbed into the environment. It requires that a mark of hazardous waste be put on containers and packaging of relevant products.

The **Entry and Exit Animal Quarantine Law** is aimed at preventing infectious or parasitic diseases of animals entering China. The quarantine requirements include inspection of packaging.

The **Standard for Restriction on Excessive Packaging of Food and Cosmetics** (GB 23350-2009) outlines China's idiosyncratic approach to regulating excessive packaging.

The **List of Dangerous Goods** (GB 12268) [Doc35]¹ is the authoritative reference for hazardous goods. The **General specifications for transport packages of dangerous goods** (GB 12463-2009) [Doc27]² contains instructions on complying with Chinese rules for the packaging of hazardous goods and GB 190-2009 [Doc 28]³ for packing symbols.

The **Standards for Additives in Food Containers and Packaging Materials** (GB 9685-2008) states that the limit of the amount of migration of coatings and adhesives that contain melamine from the food container to the food is 30mg/kg. The European Union standards set this at the same level. International standards are currently being developed by the International Standards Organisation. The permitted migration level of Biphenol A in China for plastic containers which come into contact with food is 0.6mg/kg. The same restriction also applies in the European Union. The use of Biphenol A in containers for baby food was banned in China by the Ministry of Health in 2011.

Laws

Chinese	English	URL
中华人民共和国清洁生产促进法	Cleaner Production Law	[Doc12]
中华人民共和国食品安全法	Food Safety Law	[Doc13]
中华人民共和国药品管理法	Drug Administration Law	[Doc14]
中华人民共和国产品质量法	Product Quality Law	[Doc15]
中华人民共和国固体废物污染环境防治法	Law on the Prevention and Control of Environmental Pollution by Solid Waste	[Doc16]
中华人民共和国进出境动植物检疫法	Entry and Exit Animal Quarantine Law	[Doc17]
中华人民共和国环境保护法	Environmental Protection Law	[Doc18]
中华人民共和国进出口商品检验法	Import and Export Commodity Inspection Law	[Doc19]
中华人民共和国反不正当竞争法	Law of the People's Republic of China for Countering Unfair Competition	[Doc20]
中华人民共和国标准化法	Standardisation Law	[Doc21]
中华人民共和国计量法	Metrology Law	[Doc22]
中华人民共和国专利法	Patent Law	[Doc23]
中华人民共和国商标法	Trademark Law	[Doc24]
中华人民共和国合同法	Contract Law	[Doc25]
中华人民共和国价格法	Pricing Law	[Doc26]

¹ Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmecentre.org.cn

² Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmecentre.org.cn

³ Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmecentre.org.cn

Standards⁴

Chinese	English	URL
GB 23350-2009 限制商品过度包装要求 食品和化妆品	Standard for restriction on excessive packaging of food and cosmetics	See below
GB/T 19786-2005 木质包装容器检测规程	Inspection code for wooden containers	[Doc09 CH]
GB9690-2009 食品容器、包装材料用三聚氰胺-甲醛成型品卫生标准	Hygienic standard for melamine-formaldehyde products used as food containers and packaging materials	[Doc10 CH]
GB/T 5009.61 食品包装用三聚氰胺成型品卫生标准的分析方法	Method for analysis of hygienic standard of products of tripolycyanamide for food packaging	[Doc11 CH]
GB 12463-2009 危险货物运输包装通用技术条件	General specifications for transport packages of dangerous goods	[Doc27]
GB 190 危险货物包装标志	Packing symbols for dangerous goods	[Doc 28]
GB 12268-2012 危险货物物品名表	List of dangerous goods	[Doc 35 CH]
GB 6944-2012 危险货物分类和品名编号	Classification and code of dangerous goods	[Doc 36 CH]

⁴ Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmeccentre.org.cn

Levels of harmonisation

Packaging type	International standard	EU standard	China standard	Harmonisation
Wood packaging	ICS 55.160 ISPM-15	ISPM-15	GB/T 1978-2005	Both use ISPM 15 standard. It is recommended to state on the shipping invoice in Chinese that wood packaging materials (WPM) are ISPM-15 compliant; 'WPM are exempt from ISPM-15' or 'there is no WPM in this shipment'
Melamine-formaldehyde products used in food containers	ICS 67.040 ⁵ , <u>ISO/AWI TS 22002-7</u> (under development)	2002/72/EC ⁶	GB 9690-2009, GB/T 5009.61	Same levels apply
Biphenol A		2011/8/EU EFSA	GB 13116-1991	Same levels apply
Excessive packaging	Under development by the ISO	1994/62/EC	GB 23350-2009	Low level of harmonisation
Dangerous goods	UN recommendations for the transport of dangerous goods	European agreement on international carriage of dangerous goods by road (ADR)	GB 12463-2009, GB 190-2009 GB 12268-2012	Not fully harmonised

⁵ http://www.iso.org/iso/home/store/catalogue_ics/catalogue_ics_browse.htm?ICS1=67&ICS2=40

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2002L0072:20070420:EN:PDF>

Technical committees

Committee	URL
ISO TC122 International Standards Organisation committee on packaging standards	http://www.iso.org/iso/home/standards_development/list_of_iso_technical_committees/iso_technical_committee.htm?commid=52040
ISO TC166 International Standards Organisation committee for ceramic ware, glass ware and glass ceramic ware in contact with food	http://www.iso.org/iso/home/standards_development/list_of_iso_technical_committees/iso_technical_committee.htm?commid=53606
Codex Committee on Food Additives and Contaminants (CCFAC)	http://ec.europa.eu/food/fs/ifsi/eupositions/ccfac/ccfac_index_en.html

3. Compliance

See GB 2330-2009 [Doc29]⁷ for detailed instructions on complying with excess packaging regulations.

See GB 12268 for a list of goods regarded as hazardous in China. See GB 12463-2009 [Doc27]⁸ for instructions on complying with Chinese rules for the packaging of hazardous goods and GB 190 [Doc 28]⁹ for packing symbols.

⁷ Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmecentre.org.cn

⁸ Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmecentre.org.cn

⁹ Relevant documents can be provided by the EU SME Centre upon request at enquiries@eusmecentre.org.cn

4. Resources

Lex Europa eur-lex.europa.eu	European Union law and regulations search engine.
Standardisation Administration of the People's Republic of China www.sac.gov.cn/sac_en/	SAC is responsible for drafting and revising laws and regulations for the purpose of standardisation. Source of Chinese legislation and regulations.
International Standards Organisation www.iso.org	ISO develops and publishes international standards.
World Packaging Organisation www.worldpackaging.org	Federation of international packaging institutes. Source of national standards and statutes.
US Department of Agriculture Foreign Agriculture Service www.fas.usda.gov	Publishes reports on changes in Chinese regulations regarding food, including food packaging.
PackWebAsia.com	Online news for the Asian packaging industry.

**Contact the Centre at:**

Room 910, Sunflower Tower
37 Maizidian West Street
Chaoyang District
Beijing, 100125

T: +86 10 8527 5300
F: +86 10 8527 5093

www.eusmecentre.org.cn
enquiries@eusmecentre.org.cn

The EU SME Centre assists European SMEs to export to China by providing a comprehensive range of free, hands-on support services including the provision of information, confidential advice, networking events and training. The Centre also acts as a platform facilitating coordination amongst Member State and European public and private sector service providers to SMEs.

The Centre's range of free services cover:

- Business Development – provision of market information, business and marketing advice
- Legal – legal information, 'ask the expert' initial consultations and practical manuals
- Standards – standards and conformity requirements when exporting to China
- HR and Training – industry and horizontal training programmes
- Access to a service providers directory and information databases
- Hot-desking – free, temporary office space in the EU SME Centre to explore local business opportunities
- Any other practical support services to EU SMEs wishing to export to or invest in China.



The EU SME Centre is a project funded by the European Union.

Disclaimer

This document is provided for general information purposes only and does not constitute legal, investment or other professional advice on any subject matter. Whereas every effort has been made to ensure that the information given in this document is accurate, the EU SME Centre accepts no liability for any errors, omissions or misleading statements, and no warranty is given or responsibility accepted as to the standing of any individual, firm, company or other organisation mentioned. Publication as well as commercial and non-commercial transmission to a third party is prohibited unless prior permission is obtained from the EU SME Centre. The views expressed in this publication do not necessarily reflect the views of the European Commission.

Date: December, 2012