



Outreach

December 14, 2021

Thank you for your membership in and work with NAEGA

HAPPY HOLIDAYS

Thank you for your work with and supporting NAEGA. We look forward to working with you in the New Year!

Media of the Week

New content on Website: Contracts & Best Practices Seminar

Click the Image below to View the Videos on the on the Member's Only Website



This OUTREACH includes:

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Member Notices & Opportunities:

Contracts and Best Practices Seminars – New Video on Website

You can now view all or individual segments of the recently curated video from the seminar held on Wednesday, September 8, 2021. The recording of the session has been edited into two two-hour videos which have been posted to the NAEGA Member's Only website. Your comments about the utility of the digital content on the Website as well as advice and questions about the NAEGA 2 Contract are welcome – please use this new email address for comments and questions: MemberQuestions@naega.org.

NAEGA seminars can be conducted in-person and / or virtually. Both in-person **private** (staff from only one company) and **public** (staff from two or more companies) are being scheduled in 2022. Given the strong attendance and interest from Members, we expect to hold another public virtual seminar in 2022.

The seminars are much valued NAEGA member service. The intensive and informative reviews of commercial and official practices include interaction with all participants. interactive .

Please let us know when, how and where you would like to participate in the NAEGA Contracts and Best Practice seminars. [Click here](#) for more information on the in-depth, interactive programs NAEGA conducts!

Notice to the Trade – State of Emergency in British Columbia, Canada

We wish to extend our support and sympathy to all impacted by the circumstances that led to the State of Emergency declared by the Government of the Province of British Columbia on Wednesday, November 17.

NAEGA issued [the following Notice to Trade](#) in response.

“Buyers and Sellers of agricultural commodities pursuant to terms of the NAEGA 2 Model F.O.B. Contract are advised that it is our understanding that circumstances related to the State of Emergency declared on Wednesday, November 17 by the Government of British Columbia, Canada have had an impact on export operations that is ongoing.

These circumstances may provide for a valid cause under the provisions of Clause 20. Clause 20 provides for the suspension of the seller’s obligation to make delivery when delivery of a commodity, or any part thereof, is prevented at an elevator or port, or the forwarding of the commodity to the elevator or port is prevented by riots, strikes, lockouts, interruptions in or stoppages of the normal course of labor; embargoes or exceptional impediments to transportation; or action by Federal, State or Local government or authority.

Consideration of certification by NAEGA in accordance with Clause 20 of cause for elevators and / or ports, which includes determination of the beginning and end, will proceed upon receipt of applications from Sellers.”

Please contact NAEGA staff if you have any questions or concerns.

China Decrees 248, 249 & 177

The General Administration of Customs of China (GACC) will enact Decrees 248 & 249 on January 1, 2022. the U.S. Government has provided the following updates:

- The U.S. Food and Drug Administration (FDA) [is asking establishments currently exporting certain food products to China](#) to voluntarily submit information to FDA by **December 17, 2021** in response to new facility registration requirements described in China’s Decree 248. In April 2021, GACC announced new registration requirements in Decree 248 that affect all overseas food manufacturers, processors, and storage facilities of food products exported to China. While China has not confirmed that collecting this information is a prerequisite for U.S. establishments to export to China, the FDA is making this request as a precaution against potential trade disruption.
- The U.S. Department of Agriculture’s Foreign Agriculture Service (FAS) has circulated a list that of Harmonized System (HS) codes that GACC has published to its Single Window website that reportedly represent the scope of commodities covered by Decree 248. The list of HS codes and data cells has been updated by GACC several times over the past ten days and other changes are anticipated as GACC makes "system improvements" to the Single Window website. FAS has made [the list available here](#).
- Grain and oilseed exporters registered with the U.S. Department of Agriculture’s Federal Grain Inspection Service (FGIS), or those that are on the exempt from registration list, do not need to register their facilities with GACC. These registrations are covered under China’s Decree 177, which supersedes Decree 248. NAEGA members who have not yet registered or applied for a waiver with FGIS for calendar year 2022 [can do so here](#) or see the article below.

USDA/FGIS Export Facility Registration

The U.S. Department of Agriculture's Federal Grain Inspection Service (FGIS) [continues to accept registration](#) for the U.S. Grain Exporter Registration list and waiver requests for the 2022 calendar year. The U.S. Grain Standards Act requires registration for anyone engaged in the business of buying grain for sale in foreign commerce. The Act waives official inspection and weighing for exporters who export less than 15,000 Metric Tons (MT) of grain, on an individual elevator basis during the preceding calendar year, and plan to export less than 15,000 MT of grain during the current calendar year. Such exporters and individual elevator operators must request and receive a waiver from FGIS.

Registration and waiver requests are required annually and FGIS publishes official lists of U.S. companies and organizations registered or operating under waiver or exemption to buy, handle, weigh, or transport grain for sale in foreign commerce.

Individuals who handle, weigh, or transport grain for sale in foreign commerce also must register. These lists are shared with foreign governments upon request to assist U.S. grain movement in various markets.

Instructions on how to register or renew a registration as a grain or oilseed exporter, or apply for a waiver, are [available through this link](#).

Plant Biotechnology Information Exchange

The NAEGA Plant Biotechnology Information Exchange (PBIE) continues to be improved and updated. Your advice is welcome!

Currently, only NAEGA members have access to this unique tool. As part of membership your company is allowed up to 5 unique users for the PBIE at no cost. To gain access NAEGA Member representatives send the names and email addresses of designated company users to Patrick at phayden@naega.org. Each designated person is provided unique login information and instructions on use of the platform. Please let us know if you have any questions!

U.N Food Systems Summit

NAEGA's U.N. Food Systems Summit (UNFSS) Library has been updated to include documents and resources from the COP26 United Nations Climate Change Conference, including agricultural commodity companies' corporate statement of purpose.

The Library provides access to the official links to re-watch these statements when available and four collections of documents relevant to the UNFSS, collected ahead of the summit:

1. Modern agriculture and trade resources specifically mentioning UNFSS 2021
2. UNFSS Pre-Summit 26-28 July 2021 – resources and analysis
3. Background Library, tracking the origins of UNFSS Game Changers and other proposals
4. COP26 – 2021 United Nations Climate Change Conference

A comprehensive report on the development of the library and recommendations for future action have been posted on the [NAEGA Member's Only UNFSS](#) page along with background

documentation on the project. NAEGA will continue to update the library and report on outcomes from the UNFSS and other initiatives related to food systems through the end of the year.

NAEGA members can access the Library [through this link](#) or through [the U.N. Food Systems Summit](#) page on the NAEGA website. If you have a NAEGA Member's Only website login, you should not have any issues accessing the site at its new address. If you need login credentials, or are having any trouble logging in, please let Patrick know.

Recent Actions:

Letter to U.S. Government on China Decree 248

NAEGA joined a coalition of agricultural trade associations in submitting a letter to U.S. Trade Representative Katherine Tai, U.S. Secretary of Agriculture Tom Vilsack, and Acting Administrator of the U.S. Food and Drug Administration Dr. Janet Woodcock regarding China Decree 248.

The letter thanks them for the interagency effort that the U.S. government has taken in working to address decree 248, and that while some products subject to the China Phase 1 agreement or that have pre-existing approval processes in place may not be impacted by the decree, the registration requirements in the decree pose a risk for a number of U.S. exports. The letter suggests efforts to expedite registration and that the U.S. seek an 18-month delay in the implementation of the decree. The letter as submitted [can be found here](#).

NAEGA Contracts Committee Meeting

The NAEGA Contracts Committee met on Tuesday, December 7 to discuss items of interest and plan for 2022. The committee has begun the process of considering changes to the NAEGA 2 model F.O.B contract and is working to complete another in the series of arbitration training videos. [The videos and background materials from the meeting are available on the NAEGA Member's Only Website](#) and draft minutes will be posted soon. If you are not a member of the committee and would like more information on its activities, please contact Patrick (phayden@naega.org) or Gary (gcmartin@naega.org).

News:

APEC Work on Grain Trade Non-Tariff Measures

The Asia-Pacific Economic Cooperation (APEC) [issued a final report](#) for the project “*Workshop to identify future work on non-tariff measures (NTMs) affecting grain trade*”. Initiated in August of 2019, NAEGA contributed to the project which examined pesticide residue management and trade documentation.

The report highlights recommendations for future work. For pesticide residue management the project focuses on Maximum Residue Levels and anticipates additional work to: Build on harmonization work already undertaken in APEC; Harmonize process for setting default MRL values and measurement of default MRLs; Engage with the Codex Alimentarius, particularly the Codex Committee on Pesticide Residues (CCPR); Improve the transparency of policies and regulatory approaches and changes to the regulatory settings. For Trade Documentation the project

looked closely at the IPPC E-phyto solution and looks forward to: Implementing electronic certification for trade in grain and harmonizing e-documentation requirements and processes.

Korea Pesticide Positive List System IT Applications

On December 31, 2021 the Republic of Korea will permanently revoke or delete thousands of temporary maximum residue levels (MRLs) for agricultural products. These MRLs were set for making a smooth transition to Korea's Ministry of Food and Drug Safety (MFDS) Pesticide Positive List System (PLS). On January 1, 2022, U.S. agricultural exports must meet Korea's domestic MRLs, import tolerances (Its), or a default of 0.01 ppm.

In 2020 U.S. stakeholders identified 360 pesticide compounds as priorities for import tolerance (IT) applications, to avoid potential disruptions to trade and continue the smooth transition to the PLS. MFDS reported to FAS that as of September 24, 2021, just 122 of those had been submitted to MFDS and 111 approved. FAS [redistributed this priority list](#) to stakeholders and is encouraging pesticide compound technology providers to submit the remaining IT applications as soon as possible to avoid any potential trade disruptions.

Calendar & Member Notices:

Click [here](#) for a copy of the IGTC Calendar

December

16 – NAEGA Contracts Committee Arbitration Subcommittee Meeting

2022

January

19 – NAEGA Laytime Calculation Workshop - Virtual

February

24-25 – 2022 USDA Agricultural Outlook Forum – Virtual

March

TBD – WTO Thematic Session on Trade Facilitative Approaches to MRLs – Geneva, Switzerland

13-15 – NGFA Annual Convention – Charleston, SC

April

25 - May 8 – Meeting of the Convention on biological diversity (CBD) COP 15 and COP-MOP

10 – Part 2 - Kunming, China

December

TBD – COP 16 – CBD – Turkey

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