

## submissions

---

**From:** China SPS <sps@aqsiq.gov.cn>  
**Sent:** Sunday, 15 February 2015 3:15 PM  
**To:** standards management  
**Cc:** liuna; sunxinhuacn; congze; wto; maliezh; sps  
**Subject:** Comments Form P. R. China on Notification G/SPS/N/AUS/353  
**Attachments:** Comments from China on Notification GSPSNAUS353.pdf; NAUS353.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### **Comments Form P. R. China on Notification G/SPS/N/AUS/353**

#### *Proposal P1016 Hydrocyanic acid in Apricot Kernels & Other Foods*

Dear Sir or Madam:

We appreciate the opportunity to submit comments from China on the notified regulation proposed by Australia.

Enclosed please find comments in English and Chinese.

If there is any discrepancy between the English version and the Chinese version, the Chinese version stands.

Please acknowledge receipt of the comments by e-mail to [sps@aqsiq.gov.cn](mailto:sps@aqsiq.gov.cn).

Thank you very much in advance if the Australian government could take into-account the comment from China. Your formal reply will be very much appreciated.

Best regards,

Mr. Sun Wenkang  
Director General  
China WTO/SPS National Enquiry Point  
No.18 Xi Ba He DongLi, ChaoYang District, Beijing  
Post Code: 100028  
Tel: 86-10-84603891  
Fax: 86-10-84603815  
E-mail: [sps@aqsiq.gov.cn](mailto:sps@aqsiq.gov.cn)

# 中国 WTO/SPS 国家通报咨询中心

## China WTO/SPS National Notification & Enquiry Center

No.18 Xibahe Dongli, Chaoyang District, Beijing, China, Tel: 86 10 8460 3891 Fax: 86 10 8460 3815

### FAX

To: Food Standards Australia New Zealand Australia	E-mail: standards.management@foodstandards.gov.au
<b>Date:</b> Feb 11, 2015	Number of pages: 1+4
<b>Copies to</b>	
Department for WTO Affairs, Ministry of Commerce of the People's Republic of China	Fax: +86 10 65197726;65128304 E-mail: liuna@mofcom.gov.cn
The Permanent Mission of the People's Republic of China to WTO	Fax: +41-22-9097699/9097688 E-mail: sunxinhuacn@gmail.com
Department of International Cooperation, National Health and Family Planning Commission of the People's Republic of China	Fax: +8610 68792218 E-mail: congze@nhfpc.gov.cn
WTO Affairs Office, General Administration for Quality Supervision, Inspection and Quarantine of the People's Republic of China	Fax: +86 10 82260553 E-mail: wto@aqsiq.gov.cn
<b>From:</b> China WTO/SPS National Notification & Enquiry Center, Standard and Regulation Researching Center, AQSIQ of the People's Republic of China	Tel: 86-10-84603891 Fax: 86-10-84603815 E-mail: sps@aqsiq.gov.cn
<b>Subject:</b>  <b>Comments Form P. R. China on Notification G/SPS/N/AUS/353</b>  <i>Proposal P1016 Hydrocyanic acid in Apricot Kernels &amp; Other Foods</i>	

## **Comments Form P. R. China on Notification G/SPS/N/AUS/353**

*Proposal P1016 Hydrocyanic acid in Apricot Kernels & Other Foods*

Dear Sir or Madam:

We appreciate the opportunity to submit comments from China on the notified regulation proposed by Australia.

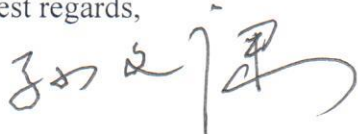
Enclosed please find comments in English and Chinese.

If there is any discrepancy between the English version and the Chinese version, the Chinese version stands.

Please acknowledge receipt of the comments by e-mail to [sps@aqsiq.gov.cn](mailto:sps@aqsiq.gov.cn).

Thank you very much in advance if the Australian government could take into-account the comment from China. Your formal reply will be very much appreciated.

Best regards,



Mr. Sun Wenkang  
Director General  
China WTO/SPS National Enquiry Point  
No.18 Xi Ba He DongLi, ChaoYang District, Beijing  
Post Code: 100028  
Tel: 86-10-84603891  
Fax: 86-10-84603815  
E-mail: [sps@aqsiq.gov.cn](mailto:sps@aqsiq.gov.cn)



## **Comments Form P. R. China on Notification G/SPS/N/AUS/353**

### *Proposal P1016 Hydrocyanic acid in Apricot Kernels & Other Foods*

The Chinese government appreciates the Australian government for providing the opportunity for WTO Members to comment on its “*Proposal P1016 Hydrocyanic acid in Apricot Kernels & Other Foods*”, which was notified through WTO Secretariat as G/SPS/N/AUS/353. After careful study, we would like to submit the following comments for your consideration. The detailed comments are as follows:

#### **I. Unreasonable to Completely Prohibit the Sale of Raw Apricot Kernels**

As there has been a number of poisoning incidences in both Australia and New Zealand following consumption of raw apricot kernels that contained high levels of hydrocyanic acid (HCN), Australia takes the measure to completely prohibit the sale of raw apricot kernels both unhulled (with skin) and hulled (without skin). China, however, believes that such measure taken by Australia is unreasonable. And the reasons are as follows:

Apricot kernels, containing various nutrients such as vitamin E, monounsaturated fat and dietary fiber, may effectively decrease the risks for suffering from heart disease and is the food of higher nutritive value. The measure that will be taken by Australia for completely prohibiting the sale of raw apricot kernels may influence the international trade to a great extent. Apricot kernels may be divided into sweet and bitter ones and the content of HCN in different varieties of apricot kernels are very different. Thus, we hereby suggest Australia first conduct the scientific classification for the apricot kernels and carry out the qualitative and quantitative scientific risk assessments and then set the HCN limits in raw apricot kernels on this basis so as to control the risks. This is the international common practice for controlling the hazardous substances in foods. Simply and completely negating the nutrition and health functions of raw apricot kernels and then prohibiting the sale of such apricot kernels may cause the misjudgment of nutritious and healthy food materials and the serious waste of global apricot kernel plant resources.

In addition, from regulatory impact analysis of the 5 options proposed by Australia for raw apricot kernels, China has not found the exact and powerful evidences supporting the option 5. As the data show, the impact analysis currently conducted by Australia is just the qualitative evaluation, which is lack of quantitative data support. Therefore, we hereby suggest Australia take the transitional measures (e.g. establishing the HCN limit standard) until there are enough information and data.

At last, from the data provided by Australia, we found that most of the HCN poisoning incidences in Australia were caused by overconsumption of raw apricot kernels as the medicinal food for disease treatment. China believes that the key measures that Australia shall take are to strengthen the management of health claim

that raw apricot kernels may “prevent cancer” which might mislead consumers, other than completely prohibit the sale of such raw apricot kernels. The (sweet and bitter) apricot kernels have been included into the *List of Materials considered as both food and medicine* by the *Notice on Further Regulating the Management of Health Food Materials* published by the former Chinese Ministry of Health and may be used for producing the common food.

## II. Matters Required to Be Clarified and Explained by Australia

### (I) How to treat the merely cooked apricot kernels

The measures in the Australia Notification repeatedly state the hazards of raw apricot kernels and completely prohibit the sale of such apricot kernels, but exempt specific apricot kernel products. However, the treatment mode for apricot kernels merely heated, baked, etc. without changing the shape of such apricot kernels has not been clarified yet, we hereby request Australia clarify such treatment mode. We believe that the apricot kernels cooked may contain the greatly-reduced HCN content and the risk of poisoning has also been greatly reduced, thus the apricot kernels shall not be completely prohibited for sale.

### (II) Can other countries export the raw apricot kernels as the food materials to Australia?

If the notification measures are implemented, Australia will prohibit the market sales of the raw apricot kernels. China expects Australia clarify how to manage the raw apricot kernels as food materials. And if other countries export the raw apricot kernels as food materials to Australia, will Australia take the restrictive measures?

(III) The apricot kernel products that may be exempted are clarified in the proposed draft P1016 and include: nine kinds of products in total such as apricots containing raw apricot kernels, alcoholic beverages, oil, flavourings, stone fruit juices, marzipan, cakes, biscuits and confectioneries. Therefore, China expects Australia clarify if the apricot kernel products excluding these nine kinds of products will be exempted. For this, we hereby suggest Australia exempt all the products excluding raw apricot kernels so as not to cause the unnecessary obstacles to international trade.



The Chinese version of comments are as below:

## 对澳大利亚 G/SPS/N/AUS/353 号通报的评议意见

中国感谢澳大利亚政府通过 WTO 秘书处通报其“杏仁及其它食品中的 P1016 氢氰酸的提案”，并提供评议机会。经过仔细研究，中国提出以下评议意见：

### 一、全面禁止生杏仁销售不合理

澳方通报措施因为澳大利亚和新西兰出现多起因食入生杏仁过多导致氢氰酸（HCN）中毒事件而全面禁止所有带皮和不带皮的生杏仁销售，我方认为，澳方的该项措施不合理。理由如下：

杏仁富含多种营养素，比如维生素 E、单不饱和脂肪和膳食纤维等，能够有效降低心脏病的患病风险，是一种营养价值较高的食品。澳方拟采取的全面禁止生杏仁销售的措施可能会很大程度上影响国际贸易。杏仁可分为甜杏仁和苦杏仁，不同品种的杏仁氢氰酸含量差别很大，因此，建议澳方首先对杏仁进行科学分类，并进行定性、定量的科学风险评估，在此基础上制定生杏仁中 HCN 限量来控制风险。这是国际上控制食品中有害物质的一贯做法。简单地全面否定生杏仁的营养健康功能而禁止销售，会造成对营养健康食材的误判，造成全球杏仁植物资源的严重浪费。

另外，从澳大利亚提供的对生杏仁采取 5 项可选择法规措施的法规影响评价草案来看，我方并未发现确实而强有力的支持第 5 项措施的证据。正如资料所显示，澳方目前的影响评价仅是定性评估，缺乏定量数据支持。因此，建议澳方在信息资料还不够充足之前采取过渡性措施，如制定 HCN 限量标准等。

最后，从澳大利亚提供资料中发现，澳大利亚发生氢氰酸中毒的大部分事件中，很大部分是将生杏仁作为治疗疾病的药用食品过量食用而导致中毒事件的发生。我方认为澳大利亚目前应采取的关键措施应该是加强对生杏仁“可预防癌症”这一可能误导消费者的健康声称的管理，而不是绝对的禁止生杏仁的销售。中国原卫生部《关于进一步规范保健食品原料管理的通知》中已将杏仁（甜、苦）列入了《既是食品又是药品的物品名单》，可用于生产普通食品。

### 二、希望澳方澄清解释的事项

#### （一）如何对待仅经过熟制的杏仁

澳大利亚通报措施中反复申明生杏仁的危害而全面禁止销售，对于特定的杏仁制品豁免。但对于仅经过加热、烘焙等不改变杏仁形态的简单加工的杏仁未明确处理方式，请澳方明确。我方认为，经过熟制的杏仁氢氰酸含量可大幅降低，导致中毒的风险也大大降低，不应禁止销售。

#### （二）其他国家是否可以向澳大利亚出口作为食品原料的生杏仁

澳大利亚若实施通报措施，将禁止市场销售生杏仁。我方希望明确如何管理作为食品原料的生杏仁。如其他国家向澳方出口作为食品原料的生杏仁，澳方是否采取限制措施？

（三）在拟定草案 P1016 中明确了可豁免的杏仁产品包括：含生杏仁的杏子、酒精性饮料、油、香料、石果果汁（stone fruit juice）、杏仁蛋白软糖（marzipan）、蛋糕、饼干、调味品共 9 类产品。我方希望明确，9 类产品之外的杏仁产品是否豁免？针对这项内容，我方建议澳方豁免除生杏仁之外的所有产品，以免对国际贸易造成不必要的障碍。