

Access

Sanitary and phytosanitary

SPS Committee

The 72nd Meeting of the World Trade Organization Committee on Sanitary and Phytosanitary Measures was held July 12 – 13. Participants initiated discussions about the fifth review of the Agreement, which will inform the new agenda of the Committee and of Member countries. It was also an opportunity to identify issues, actions and countries that may require some measure of technical cooperation from IICA in promoting and implementing the selected issues.

The fifth review of the Agreement is set for completion in 2020 and the priorities proposed by the countries in this meeting were:

1. Recognition of the equivalence of sanitary and phytosanitary measures, and in particular systems approaches. Proposed by Australia and Canada, it was supported by several countries, such as Brazil and the European Community. Some countries indicated that although they consider it a worthwhile issue, care should be taken not to weaken existing guidelines on this issue.
2. Adaptation of sanitary and phytosanitary measures to regional conditions, in particular, provisions on pest and disease-free areas.
3. Transparency and notifications in the context of the SPS Agreement versus the Technical Barriers to Trade (TBT) Agreement. Proposed by Brazil and supported by several countries, some of whom indicated that a guide or a specific product could be obtained to assist members in understanding and implementing the topic.
4. National coordination among sanitary and phytosanitary organizations. Proposed by Kenya and the United States, for the purpose of assessing and encouraging the creation of institutions to facilitate the implementation of the SPS Agreement. A significant number of delegates supported the proposal. It is important to recall that IICA Member countries were part of the process of establishing the SPS Committees approximately 14 years ago, and therefore will be able to share their experiences and results.
5. Establishment of pesticide maximum residue limits (MRL), in relation to trade. Proposal presented by Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Japan, Kenya, Madagascar, New Zealand, Panama, Paraguay, Peru, Uganda, the United States and Uruguay. This initiative was first raised and discussed at the Ministerial Meeting in Argentina. Its five main components are to:

- i. Enable the joint FAO/WHO meeting on pesticide residues (JMPR) to respond more effectively to the increased demand and to monitor progress on new Codex MRLs.
- ii. Strengthen members' notification practices for greater transparency and predictability in relation to MRLs.
- iii. Report to the Committee on MRL-related international and regional activities.
- iv. Collaborate on MRL solutions for minor uses and specialty crops.
- v. Examine the role of the Committee in increasing coordination and harmonization.

Countries may present additional topics for the fifth review of the agreement until September 10, 2018

Specific Trade Concerns (STC): Nine new trade concerns and seventeen previously raised concerns were discussed at this meeting. The table below outlines cases involving IICA member countries.

	Complaining Party	Country imposing the measure	Issue/ STC
NEW ISSUES			
1.	Brazil	European Union	EU restrictions on the trade of poultry and meat products (Regulation 2018/700)
2.	Brazil	Panama	Restrictions by Panama on the trade of mammal meat and poultry.
3.	Brazil	Russia	Russian Federation restrictions on the trade of beef and pork (G/SPS/N/RUS/145).
4.	Argentina and the United States. Supported by Brazil, Canada, Chile, Australia, Colombia.	European Union	Revision of EU legislation on veterinary drugs. Argentina and the United States indicated that work is underway at the multilateral level on the issue of Antimicrobial Resistance (AMR), and that the European Communities' revision of legislation on veterinary drugs could hamper these multilateral efforts, which are taking place in the OIE, WTO and Codex Alimentarius. Similarly, they expressed concern about the European Communities' approach to protecting health, by limiting trade, deeming it potentially unnecessary and excessive.

			The EU indicated that its objective is to promote the appropriate use of antimicrobials, there being no intention to obstruct any of the multilateral efforts that are currently underway. The EU maintained that decisions are based on science and assured that it will comply with transparency provisions.
5.	Ecuador. Supported by Guatemala and Colombia.	European Union	Specific application of EU Regulation N° 488/2014 on maximum residue levels for cadmium in food products.
PREVIOUSLY RAISED ISSUES			
6.	European Union	United States	United States restrictions on the trade of apples and pears (Concern N° 439)
7.	United States	China	Import restrictions by China due to highly pathogenic avian influenza (Concern N° 406)
8.	Brazil	Mexico	Restrictions by Mexico on imports of swine meat (Concern N° 271)
9.	Brazil	European Union	EU restrictions on the trade of poultry meat, due to salmonella detection (Concern N° 432)
10.	United States. Supported by Guatemala, European Union, Switzerland, Japan, Thailand, the Republic of Korea and Singapore.	China	China's AQSIQ official certification requirements for food imports (G/TBT/N/CHN/1209). (Concern N° 184)
11.	Colombia, Madagascar, Peru. Supported by the United States, Trinidad & Tobago, Indonesia, Ghana, Brazil, Guatemala, Nicaragua, Ecuador, Nigeria, Costa Rica and Panama.	European Union	<p>Maximum levels of cadmium in food products, established by the EU. (G/SPS/GEN/1624) (Concern N° 430).</p> <p>Peru reiterated its STC with respect to EU Regulation #488/2014, which establishes maximum levels for cadmium in chocolate and other cocoa-based products, maintaining that this will adversely impact the sale of cocoa beans to the EU and other international markets. Peru indicated that there are trade partners that are using price to penalize providers for reported levels of cadmium.</p> <p>Peru considers that the Regulation is not in line with the SPS Agreement, given that it adopts a hazard-based approach,</p>

			<p>rather than considering the risk it may pose to human health.</p> <p>The EC indicated that the regulation was based on available scientific findings from the EFSA and that it could not be argued that the measure was premature, given that it had already agreed to a five-year transitional period.</p>
12.	Argentina, China, United States. Supported by India, Chinese Taipei, Guatemala, Chile, Peru, Panama, Brazil, New Zealand, Ghana, Costa Rica, Canada, Thailand, Nigeria, Kenya, Australia, Uruguay.	European Union	<p>EU Revised proposal for categorization of compounds as endocrine disruptors (Concern N° 382)</p> <p>The issue was first raised in March 2014 and it has been raised subsequently in twelve Committee meetings. The countries maintained that the EC should adopt a risk-based rather than a hazard-based approach. They were concerned about the criteria used to classify the compounds and the failure to rely on scientific evidence in making decisions.</p> <p>The EC maintained that its decisions were scientifically-based and its actions had been conducted in a transparent manner.</p>
13.	United States. Supported by Canada	France/ EU	Dimethoate-related restrictions by France on the importation of cherries (Concern N° 422)
14.	United States	China	China's proposed amendments to implementation regulations on safety assessment of agricultural GMOs (Concern N° 395)
15.	China	United States	US Seafood Import Monitoring Program (Concern N° 415)

For more detailed information on specific trade matters, enter the reference # in the “Number of STC” field at the following link: <http://spsims.wto.org/en/SpecificTradeConcerns/Search>. You may also consult the G/SPS/GEN/204/REV.18 document on the Sanitary and Phytosanitary Information Management System at <http://spsims.wto.org/en/OtherDocuments/Search>.

Additional information for members: One important outcome of this meeting was the information presented by the European Community and Canada, given that the importance of these markets to agricultural exports would mean that any changes in their regulations could significantly affect many countries:

CANADA – UPDATE ON THE FINAL PUBLICATION OF REGULATIONS FOR THE APPLICATION OF THE SAFE FOOD FOR CANADIANS ACT. The act is comprised of 14 regulations. Canada is modernizing its regulatory framework. There have been four notifications and four public consultations. The regulation includes three components: licensing, traceability and control, and will enter into force on 15 January 2019.

EUROPEAN UNION – NEW PHYTOSANITARY REGULATIONS FOR THE IMPORTATION OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ITEMS. This is a phytosanitary measure dating back to 2016, and which enters into force in 2019. The notification was submitted in March 2017. Countries interested in exporting high-risk products to the EU should submit a series of documents (dossier). In September, a meeting will be held in Brussels to explain these new regulations.

EUROPEAN UNION – LEGISLATIVE MEASURES IN RELATION TO VETERINARY DRUGS. One of the primary objectives of this new legislation is to incorporate the issue of antimicrobial resistance. It also addresses growth-promoting products and prohibits the use of some antimicrobials in animals.

Important upcoming dates for the WTO’s SPS Committee:

- Deadline for countries to submit issues for the fifth review: September 10
- Document with comments from countries on issues for the fifth review: 11 October

Codex Alimentarius Commission

The 41st Meeting of the Codex Alimentarius Commission was held July 2 -6. IICA provided support for fifteen countries¹ to attend the meeting, allowing them to actively participate in discussions on various topics of interest to the region.

This CAC meeting was unique in that the plenary session addressed two such topics of major interest. While these discussions demonstrated that the CCLAC region is polarized by opposing positions on the issues, it was also clear that sufficient maturity exists to enable consensus and agreements, and in so doing to facilitate further progress in the relevant areas (standards for quinoa and cadmium in chocolate). The following are approved measures or decisions of interest to the Latin American and Caribbean region:

QUINOA STANDARD

The Commission agreed to:

- i) approve the draft standard for quinoa at step 8, except for provisions for moisture content and grain size, which were returned to step 6.
- ii) establish an eWG, chaired by Costa Rica and co-chaired by Chile and the United States, working in Spanish and in English, with a view to further developing provisions related to moisture content and grain size.

STANDARD ON MAXIMUM LEVELS FOR CADMIUM IN CHOCOLATE

¹ Barbados, El Salvador, Grenada, Guyana, Jamaica, Nicaragua, Paraguay, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Surinam, Bahamas.

The Commission approved Maximum Levels in i) chocolate containing or declaring $\geq 50\%$ to $< 70\%$ of total cocoa solids on a dry matter basis, and ii) chocolate containing or declaring $\geq 70\%$ total cocoa solids on a dry matter basis. The Commission noted the reservation of Peru.

The Commission noted Ecuador's request for the standard to be applied to the final product – chocolate – rather than to the raw material – the cocoa bean –, since the product is called “chocolate” and the specific note indicated that the MLs apply to the final product, manufactured for sale at the wholesale or retail level.

STANDARD FOR NON-CENTRIFUGED DEHYDRATED SUGAR CANE JUICE (PANELA).

At the start of the discussions, the Commission considered the recommendation prepared by the Executive Committee at its 75th meeting, relative to discontinuing work on the Panela standard. The Commission was therefore preparing to suspend any further work, prior to a panela standard being established. Colombia's strategy, with the support of many countries from the region and other parts of the world, was instrumental in the decision to allow additional time for this work.

The Commission agreed to extend the work by correspondence for a one-year period, requesting that a report be presented to the Commission at its 42nd session, and making note of the possibility of convening a physical meeting.

Delegations in support of continuing the work emphasized the importance of the standard for developing countries. They also indicated that agreement on most issues had been arrived at, by correspondence, and that other outstanding issues, including those related to the safety of products, could be resolved at a physical meeting.

Delegations in favor of suspending the work, as had been recommended by the Executive Committee at its 75th meeting, made reference to the lack of consensus on fundamental issues (for example, title and scope of application), despite the considerable resources invested over a period of many years.

DRAFT MAXIMUM RESIDUE LIMITS FOR ZILPATEROL HYDROCHLORIDE (CATTLE FAT, KIDNEY, LIVER, MUSCLE)

This was the most debated topic and it was first raised at the last meeting of the Committee on Residues of Veterinary Drugs. The focus of discussions was not the product, but the procedure used and the positions taken by the different parties with respect to the structural aspects.

The Commission once again recognized the value of Codex, as the main international body for establishing rule-based food standards, and having reiterated its commitment to science and consensus, endorsed the approach proposed by the Executive Committee at its 75th Session. It addressed the importance of convening regional coordination meetings, which are fundamental to the process, and stressed that reports on issues should be distributed to members and not solely to the Executive Committee.

The Commission:

- i) highlighted the importance of science, observance of Codex procedures and consensus in the Codex decision-making process;

- ii) emphasized the importance of the work proposed by the Executive Committee at its 75th meeting, which would have to be considered at its 77th meeting;
- iii) asked the Secretariat to ensure that the reports to inform the work of the Executive Committee at its 77th meeting are made available to all members, sufficiently in advance, to enable regional coordinators to solicit views from their respective regions.
- iv) made note of the comments made during the meeting and asked the Secretariat take these into account in preparing reports on the matter, for presentation at the 77th session of the Executive Committee.

Some standards that were approved are as follows:

- The Commission: i) approved the Draft Standard for Aubergines
- The Commission: i) approved the Amendment of the General Standard for the Labelling of Pre-packed foods
- The Commission: i) approved the draft revision of the Code of Practice for Fish and Fishery Products (CXC 52-2003): Guidance for Histamine Control
- The Commission approved maximum levels of methylmercury in alfonsino, marlin, shark and tuna.
- The Commission approved the Recommendation on Risk Management for Gentian Violet, proposed by the CCRVDF, and observed that the text enabled member countries to select the appropriate risk management focus to avoid the presence of gentian violet residues in food, as clarified by the CCRCVDF at its 24th meeting; and also made note of the reservations expressed by Australia, Ecuador, Honduras, Mexico, Nicaragua, Paraguay, the Philippines and the United States.

Important Dates for Upcoming SPS Events

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