

BILAT(13)7300:1 – DA/mvs

Mr Dacian Ciolos
Commissioner
European Commission
200, rue de la Loi
BE-1049 Bruxelles

Brussels, 30th September 2013

Re: TTIP - EU agri-food chain organisations call on negotiators to resolve key non-tariff measures

Dear Sir,

Copa-Cogeca and FoodDrinkEurope, the EU agri-food chain organisations representing European farmers, agri-cooperatives and food and drink manufacturers, welcome the launch of the EU-US Transatlantic Trade and Investment Partnership (TTIP) agreement.

These negotiations provide a unique opportunity to eliminate unnecessary regulatory obstacles, which is a key priority for the European agri-food industry.

In this context, both organisations have been working together on recommendations to resolve key non-tariff measures (NTMs) for the EU agri-food chain actors. We would like to present to you the outcome of this work and we therefore would like to request a meeting with you before the 7 October when the next round of TTIP Negotiations starts.

Moreover, we would also be very interested to hear your views on the matter, and we would greatly appreciate if you would accept to meet with us. Our secretariats will contact your assistants to coordinate the date and timing of this meeting.

Please find attached our joint statement on NTMs of concern to EU agri-food exporters and a comprehensive technical annex.

Finally, we inform you that the same request has been sent to your colleagues Commissioners of TRADE, SANCO, AGRI.

We are looking forward to hearing from you,

Yours sincerely,



Copa-Cogeca



FoodDrinkEurope

Copy: Commissioner Karel De Gucht, Vice-President Antonio Tajani, Commissioner Tonio Borg

Enclosed:

- Joint Statement [BILAT(13)6029 (rev.5)]
- List of US non-tariff measures of concern to EU agri-food exporters [BILAT(13)4719 (rev.8)]

Copa-Cogeca

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EU Transparency Register Number | Cogeca 09586631237-74

FoodDrinkEurope

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From: [REDACTED] (CAB-CIOLOS)
Sent: 01 October 2013 18:46
To: CAB CIOLOS ARCHIVES
Subject: FW: Letter from Copa-Cogeca concerning TTIP - EU agri-food chain organisations call on negotiators to resolve key non-tariff measures
Attachments: BILAT(13)4719EN[8].docx; BILAT(13)6029EN[5].docx; BILAT(13)6029RO[5].docx; BILAT(13)7300_Ciolos.pdf

Pls reg

[REDACTED]

From: CIOLOS Dacian (CAB-CIOLOS)
Sent: Tuesday, October 01, 2013 4:59 PM
To: [REDACTED] (CAB-CIOLOS)
Cc: [REDACTED] (CAB-CIOLOS); [REDACTED] (CAB-CIOLOS)
Subject: FW: Letter from Copa-Cogeca concerning TTIP - EU agri-food chain organisations call on negotiators to resolve key non-tariff measures

Dacian CIOLOS

*Membre de la Commission Européenne,
Agriculture et Développement Rural*

From: [REDACTED]@copa-cogeca.eu]
Sent: Monday, September 30, 2013 10:27 AM
To: CIOLOS Dacian (CAB-CIOLOS)
Cc: [REDACTED]@fooddrinkeurope.eu'; [REDACTED]@fooddrinkeurope.eu'; [REDACTED]@fooddrinkeurope.eu';
Subject: Letter from Copa-Cogeca concerning TTIP - EU agri-food chain organisations call on negotiators to resolve key non-tariff measures

Dear Mr Ciolos,

Please find enclosed a "Letter from Copa-Cogeca concerning TTIP - EU agri-food chain organisations call on negotiators to resolve key non-tariff measures" as well as its attachments.

Kind Regards,

On behalf of [REDACTED]

Team assistant

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Copa - European farmers
Cogeca - European agri-cooperatives

BILAT(13)6029:5

Brussels, 30th September 2013

JOINT STATEMENT

EU agri-food chain organisations call on negotiators to resolve key non-tariff measures during TTIP negotiations

Copa-Cogeca and FoodDrinkEurope, EU agri-food chain organisations representing European farmers, agri-cooperatives and food and drink manufacturers, welcome the launch of the EU-US Transatlantic Trade and Investment Partnership (TTIP) agreement. This agreement provides a unique opportunity to eliminate unnecessary regulatory obstacles, which is a key priority for the European agri-food industry.

EU agri-food chain partners together generate a turnover of €2.2 trillion and provide direct employment to 33.6 million Europeans¹. The industry produces safe, high-quality agricultural commodities and processed food products for over 500 million consumers in the EU, as well as exporting products to more than 200 countries worldwide.

The EU and US markets are already highly integrated. The US is the first export market for European food and drink products (€13.6 billion), the second largest export market for European agricultural commodities (€4.4 billion) and the third largest supplier of agricultural raw materials to the EU (€2.1 billion)². Non-tariff measures, such as excessive administrative burdens, create unnecessary costs, which directly impacts on the competitiveness of EU agri-food exporters and negatively influences the potential of bilateral trade. Since US tariffs on most EU agri-food products are already relatively low, we believe that the biggest gains will come from resolving regulatory obstacles in a mutually beneficial manner.

TTIP negotiations on non-tariff measures should therefore focus on the following key objectives:

- **REGULATORY COOPERATION:** Through close regulatory cooperation, the EU and US should resolve any horizontal, animal or plant-related non-tariff measures that distort trade – be it through equivalence, mutual recognition or harmonising standards. At the same time, both parties should respect each other's level of consumer, environment and health protection.
- **INTERNATIONAL STANDARDS:** Although EU agri-food exporters comply with international standards, exporters are too often confronted with excessive US domestic controls and costly procedures. Recognising international standards, supported by scientific evidence, could provide significant mutual trade benefits.

¹ Regular agricultural workforce of 27.6 million (Eurostat 2007), 4.2 million jobs in the food and drink industry and 1.8 million jobs in wholesale of agricultural and food products (Eurostat 2010)

² Eurostat-COMEXT 2012

- **REGULATORY COHERENCE:** Negotiations should also address the concerns of EU agri-food exporters about the differences between US federal and state legislation. The key aim here should be to simplify the overall framework by closer aligning legislation across the different US States.
- **TRADE FACILITATION:** Providing clear and in depth information on customs cooperation, transit, pre-shipment inspections, customs brokers and consularisation charges is fundamental to making the movement of goods more efficient and less costly.
- **TRIANGULAR TRADE:** The EU and US should agree on effective mechanisms to avoid triangular trade.
- **NEW BARRIERS:** It is particularly important that no new regulatory barriers are introduced through the implementation of the US Food Safety Modernization Act or by any other means.

Please find attached a comprehensive technical annex with a detailed list of US non-tariff measures that are of concern to EU agri-food exporters, including recommendations for trade negotiators.

Our sectors are in favour of comprehensive negotiations and call on negotiators to deliver an agreement which provides concrete solutions to non-tariff measures and practical ways to make the EU and US regulatory systems more compatible, whilst respecting the high level of health and safety standards applied by both parties.

The agreement will only provide a win-win solution if even the most complex regulatory issues are addressed in a satisfactory manner for small, medium, and large-sized companies. We also call on negotiators to focus on substance over speed.

EU agri-food chain partners look forward to working with the EU and US authorities as the TTIP negotiations move forward.

BILAT(13)6029:5

Bruxelles, 30 septembrie 2013

DECLARAȚIE COMUNĂ

Organizațiile lanțului agro-alimentar UE le cer negociatorilor să găsească soluții în ceea ce privește principalele măsuri netarifare din cadrul negocierilor pentru Parteneriatul Comercial și Investițional Transatlantic.

Copa-Cogeca și FoodDrinkEurope, organizațiile din cadrul lanțului agro-alimentar UE, ce reprezintă agricultorii europeni, cooperativele agricole și producătorii de bunuri alimentare și băuturi salută lansarea Parteneriatului Comercial și Investițional Transatlantic. Acest acord constituie o ocazie unică de a elimina obstacolele inutile privind reglementarea, una dintre principalele priorități ale industriei agro-alimentare europene.

Partenerii europenii ai lanțurilor agro-alimentare generează, împreună, o cifră de afaceri de 2.2 miliarde de euro și furnizează locuri de muncă directe unui număr de 33.6 milioane de europeni¹. Sectorul produce bunuri agricole sigure, de calitate, precum și bunuri alimentare procesate pentru un număr de 500 de milioane de consumatori din UE și exportă produse înspre peste 200 de țări din întreaga lume.

Piețele UE și SUA sunt deja puternic integrate. SUA este principala piață de export pentru produsele alimentare și băuturile europene (13.6 miliarde €), a doua cea mai mare piață de export pentru bunurile agricole europene (4.4 miliarde €) și al treilea cel mai mare furnizor de materii prime agricole către UE (2.1 miliarde €)². Măsurile netarifare, precum sarcinile administrative excesive, crearea de costuri necesare au un impact direct asupra competitivității exportatorilor UE de produse agro-alimentare și influențează în mod negativ potențialul comerțului bilateral. Întrucât tarifele SUA asupra majorității produselor agro-alimentare ale UE sunt deja relativ scăzute, considerăm că cele mai mari avantaje ar putea fi obținute în urma soluționării problemelor reprezentate de obstacolele privind reglementarea într-un mod reciproc avantajos.

Negocierile PCIT privind măsurile netarifare ar trebui, prin urmare să se concentreze asupra următoarelor obiective principale:

- **COOPERAREA ÎN DOMENIUL REGLEMENTĂRII:** Prin intermediul unei strânse cooperări în domeniul reglementării, UE și SUA ar trebui să fie în măsură să soluționeze toate problemele orizontale legate de măsurile netarifare aplicate plantelor și care distorsionează comerțul - fie prin echivalență, recunoaștere reciprocă sau armonizarea standardelor. În același timp, ambele părți ar trebui să respecte nivelul celeilalte de protecție a consumatorilor, a mediului înconjurător și a sănătății.

¹ Forța de muncă constantă din sectorul agricol este de 27.6 milioane de persoane (Eurostat 2007), 4.2 milioane de locuri de muncă fiind furnizate de sectorul alimentar și al băuturilor (Eurostat 2012)

² Eurostat-COMEXT 2012

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Copa-Cogeca is the united voice of farmers and agri-cooperatives in the EU. Together, they ensure that EU agriculture is sustainable, innovative and competitive, guaranteeing food security for half a billion people throughout Europe. Copa represents over 13 million farmers and their families, whilst Cogeca defends the interests of 38,000 agricultural cooperatives. Collectively, Copa-Cogeca represents 70 member organisations from EU Member States. For more information on Copa-Cogeca and its activities, please visit: <http://www.copa-cogeca.eu>.



The mission of FoodDrinkEurope is to represent the food and drink industries of the EU – the largest manufacturing sector in the EU in terms of turnover, employment and value added. FoodDrinkEurope works with European and international institutions in order to contribute to the development of a legislative and economic framework that addresses the competitiveness of the industry, food quality and safety, consumer protection and respecting the environment. FoodDrinkEurope's membership consists of 24 national federations, including 3 observers, 25 European sector associations and 18 major food and drink companies. For more information on FoodDrinkEurope and its activities, please visit: www.fooddrink europe.eu.

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Copa-Cogeca este vocea unită a agricultorilor și a cooperativelor agricole ale UE. Împreună, acestea se asigură că agricultura UE este durabilă, inovatoare și competitivă, oferind siguranță alimentară unui număr de cinci sute de milioane de persoane din ansamblul Europei. Copa reprezintă mai bine de 13 milioane de agricultori și exploatațiile acestora, câtă vreme Cogeca reprezintă interesele a 38.000 de cooperative agricole. Împreună, Copa-Cogeca reprezintă 70 de organizații din statele membre ale UE. Pentru mai multe informații cu privire la Copa-Cogeca și activitățile acesteia, vă rugăm accesați: <http://www.copa-cogeca.eu>.



Misiunea FoodDrinkEurope este aceea de a reprezenta sectorul bunurilor alimentare și băuturilor din UE - cel mai mare sector industrial al UE în privința cifrei de afaceri, a forței de muncă și a valorii adăugate. FoodDrinkEurope colaborează cu instituțiile europene și internaționale pentru a contribui astfel la dezvoltarea unei legislații și a unui cadru economic care promovează competitivitatea industrială, calitatea și siguranța alimentară, protecția consumatorilor și respectarea mediului înconjurător. FoodDrinkEurope este alcătuită din 24 de federații, cuprinzând 3 observatori, 25 de asociații sectoriale europene și 18 mari companii producătoare de bunuri alimentare și băuturi. Pentru mai multe informații cu privire la FoodDrinkEurope și la activitățile acesteia, vă rugăm accesați: www.fooddrink europe.eu.

- **STANDARDE INTERNAȚIONALE:** Chiar dacă exportatorii UE din domeniul agro-alimentar respectă standardele internaționale, aceștia se confruntă mult prea adesea cu un control domestic excesiv în SUA și cu proceduri constisitoare. Recunoașterea standardelor internaționale, confirmate de dovezi științifice, ar putea furniza beneficii comerciale reciproce.
- **COERENȚA ÎN DOMENIUL REGLEMENTĂRII:** Negocierile ar trebui, de asemenea, să soluționeze și problemele exportatorilor UE din domeniul agro-alimentar privind diferențele dintre legislația federală și cea statală din SUA. Principalul scop, în acest caz, este acela de a simplifica cadrul general printr-o aliniere legislativă mai strânsă în ansamblul statelor SUA.
- **FACILITAREA COMERȚULUI:** Este esențială furnizarea unor informații clare și aprofundate în ceea ce privește cooperarea vamală, tranzitul, inspecțiile de pre-expediere, comisionarii vamali și costurile de autentificare în vederea eficientizării fluxurilor de mărfă și reducerii costurilor.
- **COMERȚUL TRIUNGHIULAR:** UE și SUA ar trebui să se pună de acord asupra mecanismelor necesare în vederea evitării comerțului triunghiular.
- **NOILE BARIERE:** Este foarte important să nu fie introduse noi bariere de reglementare prin punerea în aplicare a legii americane de modernizare a sectorului siguranței alimentare sau prin orice alte mijloace.

În atașament, veți găsi o anexă tehnică cuprinzătoare și o listă detaliată a măsurilor netarifare americane care îngrijorează exportatorii de produse alimentare din UE, inclusiv recomandările făcute negociatorilor comerciali.

Sectoarele noastre susțin negocierile globale și solicită negociatorilor să ajungă la un acord ce furnizează soluții clare la măsurile netarifare dar și metode practice de a compatibiliza sistemele de reglementare ale UE și SUA, respectându-se, în același timp, standardele ridicate privind sănătatea și siguranța aplicate de ambele părți.

Acordul va furniza o soluție de tip „win-win” doar dacă chiar și cele mai complexe chestiuni sunt abordate în chip satisfăcător pentru întreprinderile mici, mijlocii și mari. Le solicităm, de asemenea, negociatorilor să se concentreze mai degrabă asupra fondului problematicei decât asupra vitezei.

Partenerii UE din lanțul agro-alimentar așteaptă cu interes colaborarea cu autoritățile UE și SUA pe măsura avansării negocierilor PCIT.

BILAT(13)4719:8

Brussels, 30th September 2013

Annex
Key Non-Tariff Measures

I. Introduction:

European exports to the US are generally hindered by two types of barrier:

- a) Regulatory differences and non-tariff measures (technical regulations and standards, sanitary and phytosanitary restrictions)
- b) Market access: import duties.

Copa-Cogeca, FoodDrinkEurope and its respective members share concerns in relation to non-tariff measures (NTMs) in the EU-US negotiations. Both organisations set up an agri-food chain task force in June 2013. The following list of key NTMs is the outcome of two technical meetings held in Brussels and was elaborated on the basis of input provided by experts from both organisations.

II. Objectives:

- Identify key non-tariff measures
- Elaborate recommendations to guide EU policy makers in the negotiations with the US
- Estimate cost savings/market potential for EU exporters

III. Definitions

Non- Tariff- Measures are defined as ‘all non-price and non-quantity restrictions on trade in goods, services and investment, at federal and state level. This includes border measures (customs procedures, etc.) as well as behind-the border measures flowing from domestic laws, regulations and practices’. In other words, non-tariff measures and regulatory divergence are restrictions to trade in goods, services and investment at the federal or (member) state level.¹

Equivalence

Recognition of food safety measures of trading partners as equivalent even if these measures differ from their own. This approach enables countries to develop food safety systems to fit their specific context, rather than forcing a one-size-fits-all approach to achieving a particular level of safety.²

Mutual Recognition

When countries mutually recognize their norms, trade between them is presupposed to meet domestic regulatory requirements. Under mutual recognition, this means that each government has full sovereignty over its own technical regulations for domestically produced products but a limited ability to project those policies onto its trade partners or to determine the characteristics of products consumed domestically.^{3 4}

Harmonisation

Development of common standards for goods and services through the process of approximation of regulatory frameworks in different sectors.⁵

¹ As defined in the Final Report Non-Tariff Measures in EU-US Trade and Investment – An Economic Analysis Reference: OJ 2007/S 180-219493, ECORYS Nederland BV, Rotterdam, 11th of December 2009, (Study Terms of Reference of the Study, p. 7).

² Josling, T. E., Roberts, D. and Orden, D. (2005), “Food Regulation and Trade: Toward a Safe and Open Global System”, *Journal of International Economic Law* 8(3): 793-802. (as cited in the world trade report 2012, page 87. http://www.wto.org/english/res_e/booksp_e/anrep_e/world_trade_report12_e.pdf)

³ An exception to this principle is exclusively allowed in the following case: the MS of destination may refuse the marketing of a product in its current form where it can prove that this is necessary for the protection of, for instance, public safety, health or environment. In that case, the MS of destination is obliged to demonstrate that its measure is the least trade-restrictive measure.

⁴ Engler, A., Nahuelhual, L., Cofré, G. and Barrera, J. (2012), “How far from harmonization are sanitary, phytosanitary and quality-related standards? An exporter’s perception approach”, *Food Policy* 37(2): 162-170.; Hooker, N. H. (1999), “Food safety regulation and trade in food products”, *Food Policy* 24(6): 653-668 and Sykes, A. O. (1999), “The (Limited) Role of Regulatory Harmonization in the International Goods and Services Markets”, *Journal of International Economic Law* 2(1): 49-70. (as cited in the world trade report 2012, page 87. http://www.wto.org/english/res_e/booksp_e/anrep_e/world_trade_report12_e.pdf)

⁵ Contributing authors: Siân Astley from IFR, Bert Pöpping and Sandra Kerbach from Eurofins, Wolfgang Kneifel from BOKU, Hans van Egmond from RIVM, Martin Rose from Fera, André Pirlet from the MoniQA Advisory Panel, Liana Giorgi from ICCR. Editing by Daniel Spichtinger and Siân Astley. <http://www.moniqa.eu/node/255>

IV. List of key non- tariff measures

Please find below a list of key non-tariff measures that have been identified by both Copa-Cogeca and FoodDrinkEurope:

- 1) Horizontal
- 2) Plant (non-processed and processed)
- 3) Animal (non-processed and processed)
- 4) Potential non-tariff measures

1) Horizontal

Barrier	Description	Main sectors concerned	Impact assessment	Recommendations
Bioterrorism Act	<p>The <i>Bioterrorism Act</i> must be included in negotiations on issues not related to safety standards because the level of documentation and recording it requires is excessive. This means additional costs for EU exporters.</p> <p>Two provisions of the Bioterrorism Act are of particular concern:</p> <ul style="list-style-type: none">(i) exporters are obliged to indicate if their exports have been refused elsewhere(ii) exporters have to renew all their documents every 2 years.	All sectors		Mutual recognition.
Lack of harmonisation within the US	<p>The abundance of regulation at the state level presents particular problems for companies without offices in the US. There are more than 2700 state and municipal authorities in the US, which require specific safety certifications or respect of particular environmental rules for products sold within their jurisdictions. These requirements are not always consistent with each other and not always transparent. Food imports are often confronted with additional state-level requirements leading to obstacles to trade.</p>	All sectors		<p>Harmonisation of state and federal level regulations.</p> <p>Increase transparency of internal US rules for EU exporters.</p>

	<p>Examples:</p> <ol style="list-style-type: none"> 1. Grade A (<u>the Pasteurized Milk Ordinance (PMO)</u>), a document issued by the Public Health Service and the Food and Drug Administration of the US Department of Health and Human services. The standard is adopted by individual US states to regulate the production, transportation, processing, handling, sampling, examination, labeling and sale of milk and milk products. The states are organized into the National Conference on Interstate Milk Shipments (NCIMS). This group has annual conferences and significant input into revisions of the PMO. 2. Certificates of approval for each label before marketing and license from the state or region Based on the <u>Federal Alcohol Administration Act</u>, importers of alcoholic beverages must obtain <u>certificates of approval for each label before marketing</u> from the TTB (Alcohol and Tobacco Tax and Trade Bureau). The aim is to ensure that products are labelled in accordance with federal laws and regulations, but this is actually a barrier to entry (the procedure is very long and it takes a month before printing and labelling is possible). In addition, once the label is authorised for the US market, the producer can print large numbers and affix them to bottles for export. It is risky to do so before, partly because the TTB is authorised to change the rules on labelling and it is not uncommon for it to do so. It is therefore possible that the Agency denies a request for a label that looks exactly like another previously approved label. Once approved, the label cannot be changed. Indeed, the presence of the slightest change to a label previously approved by the TTB is generally sufficient to invalidate such permission. <u>The other problem is that a federal license is not sufficient. It is also necessary to have a license from the state or region</u>, based on rules other than federal rules (but it is difficult to get out of this situation because this constraint applies to all alcohol, even alcohol produced in the United States). 			
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	<p>3. Restrictions on sales of raw milk (cheeses)</p> <p>According to the code of federal regulations, certain raw milk cheeses (hard cheeses, semi-soft cheeses and soft ripened cheeses) can be placed on the market (and also imported) provided that they have been ripened for at least 60 days. A majority of US states prohibit sale of raw milk cheese of ripening period of less than 60 days. The EU has no such restrictions on raw milk and dairy products from the US. The requirements for these cheeses can be found in Title 21 of the Code of Federal Regulations, sections 133.150, 133.182 and 133.185. The United States are listed in Column A of Annex I to Reg. 605/2010 and as such are authorised to ship raw milk and dairy products to the EU.</p>			
<p>Second phase of the EU-US agreement on wine</p> <p><u>The insufficient protection of GIs (including 17 wine names) has been identified as a key market access barrier by the Commission.</u></p>	<p>This agreement is an opportunity to implement the second phase of the EU-US agreement on wine. This second phase includes the recognition of Geographical Indications and the phasing out of semi-generic names of origin.</p>	Wine	<p>With exports totaling €2.5 billion in 2012, the U.S. is by far the first third-market outlet for European wines. The US wine consumption is expected to further increase in the next years. With an abolition of NTMs in this sector, the US market represents a</p>	<p>US should commit to the implementation of the second phase of the EU-US agreement on Wine.</p>

			big potential for EU wine exporters.”	
EU-US organic equivalence arrangement	<p>1. A <u>EU-US Organic Equivalence Arrangement</u> was signed in February 2012 between the European Union and the United States. Wine was not part of this agreement (EU-US agreement on wine) because European rules applicable to organic wine were approved at a later date (March 2012).</p> <p>The EU and the US have since been assessing each others' organic wine standards to see how EU and US organic wine may fit into the equivalency arrangement.</p> <p>The organic winemaker's control body is able to certify that they meet these obligations, without the need to obtain separate certifications. Nevertheless, EU organic wine exports must respect the winemaking and labelling rules of the US.</p> <p>2. In the dairy and meat sector, we would warmly welcome an enlargement of last year's equivalence agreement on organic products, so that animal products could also be covered. This is not currently the case.</p> <p>The Equivalence-Agreement with the US foresees exception for milk: and meat products the American National Organic Program (NOP) does not allow the use of Antibiotics, however in the EU this is possible upon specific requirements (<u>Organic production Regulation</u>). Therefore non NOP-certified Milk and meat products are excluded from organic marketing in the US.</p>	Wine and dairy		Equivalence of organic production standards.
Food labelling and composition	<p>Labelling:</p> <p>There are differences in labelling - EU vs. US requirements (flavouring, allergens, colours etc.). There is also a need to harmonise the "Gluten Free" claim between EU and the US.</p> <p>Composition requirements for cocoa and chocolate products:</p> <p>The US requires a minimum percentage of cocoa mass in milk chocolate of 10%, which is very high for milk chocolate. Whey is completely prohibited in dark chocolate and milk chocolate.</p>	Confectionary, chocolate and biscuits		Equivalence or mutual recognition.
Additives	Vegetable carbon E153 is prohibited within the USA	Confectionary,		Mutual recognition.

	<p>Flavourings: dextrin, roasted starch E1400 not allowed</p> <p>Flavourings: coumarin, tonka beans, maltol not allowed</p> <p>Colours: E163 E172 E124 lutein, E141not allowed</p> <p>Caramel colour E150a is discussed within the USA</p> <p>E481 : maximum dose is lower than the EU level</p>	chocolate and biscuits		
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2) Plant (non-processed and processed)

Barrier	Description	Main sectors concerned	Impact assessment	Recommendations
<p>Slow application procedure to allow im-ports of new types of plant products</p> <p><u>Identified as an SPS measure by the Commission (barrier ID 105334).</u></p>	<p>New types of plants and plant products cannot be imported into the USA before phythosanitary requirements are decided on by the USA plant health authorities and then included in US import legislation. This procedure may take several years. EU export applications are pending for plants in growing media (some have been so for more than 20 years) and for fruit and vegetables (some for more than 10 years). Due to these long application procedures, EU exporters of plants and plant products have practically lost all interest in the US market, while US exporters benefit from transparent and significantly less restrictive plant quarantine legislation within the EU.</p> <p>See list of prohibited plant related products at the end of this document.</p>	<p>This is required for every type of fruit or vegetable, and for many plants for plant-ing.</p>		<p>Mutual recognition. Application procedures should be based on sound science.</p>
Horticulture	<p>In addition to complying with EU requirements, the facilities of European companies that want to export to the US also have to be inspected by the US-plant protection service (USDA/APHIS). Normally these inspections are conducted by 1 or 2 inspectors from the US. All costs have to borne by the European operators. Therefore, export is possible only for "elite"-plants and the laboratories and "elite-plant"-</p>	Horticulture	US imports of horticultural products are expected to raise in the	Equivalence or mutual recognition.

	houses which have to be inspected in a period of 3 years. Moreover, US inspectors come from different federal states; consequently non-uniform rules are applied.		next fiscal years. As imports to the US are predicted to exceed US exports (in 2020 the gap between imports and exports will count up to 15.57 bio Euros.), the EU horticultural sector can potentially profit from the removal of NTMs by increasing its exports to the US. ⁶	
Fruit and vegetables	<p>In the fruit and vegetables sector, the main issue at stake is the need to overcome the problem of phythosanitary barriers that prevent fruit (apples and pears) reaching the US market.</p> <p>A number of products are allowed to enter the US only after a pre-clearance procedure (as in the case of apples and pears), while a range of other kinds of products don't have to pass under the same procedure - apparently without a clear reason. The pre-clearance process entails a slow and heavy bureaucracy system with which it is very difficult to</p>	Fruit and vegetables (apples and pears)	Both, US imports and US exports of fruits and vegetables are predicted to increase in the next	<p>Equivalence or mutual recognition.</p> <p>In terms of phythosanitary issues, a more precise analysis of the real phythosanitary risks</p>

⁶ source: <http://www.ers.usda.gov/media/1013582/oce131d.pdf>; Exchange Rate (2012): Euro-USA Dollar 1,2848

	<p>comply: 5 controls are requested during the entire procedure, from the orchards to the packing sheds, before the real pre-clearance inspection. This requires additional costs and efforts of all the people involved in the process (producers, technical consultancy, employees in the packing shed).</p> <p><u>General comments:</u> Two procedures are taking place, one between Italy and the US and another between the EU and the European Commission (DG TRADE and USDA APHIS (US Department of Agriculture/Animal and Plant Health Inspection Service)).</p> <p><u>Reference legal framework:</u> Although it is possible to import apples and pears from Italy, currently US phythosanitary regulation establishes extremely restrictive conditions, which are equivalent to an import ban.</p> <p><u>Progress:</u> The question of apples and pears has adopted a more political than technical character. Proceedings began nearly four years ago and eight Member States have developed a joint document with equivalent measures to export apples and pears produced in Europe. The procedure is particularly long and complex: US requests for information and clarification are a mere pretence to slow down the procedure. Furthermore, the working meetings are scheduled every 6 months. Today, this question is of great interest at EU level and was included as one of the priorities to be addressed. DG TRADE's services have also stated that the apples and pears case figures prominently on the agenda of all of their meetings. Given the extremely favourable climate that has been created over the past few months, it was decided to initiate discussions with technical experts from the USDA/APHIS for a possible bilateral agreement to establish phythosanitary requirements that guarantee the safety of Italian apples and pears to be exported overseas.</p>		<p>years. In 2022, imports are expected to exceed exports to 11,67 bio. Euros. This gap represents a potential increase of market share for EU exporters⁷.</p>	<p>is needed to avoid focus on quarantine pests that have never been a source of concern for a particular area.</p>
<p>Citrus and other fruits, i.e. apricots, avocados and plums</p>	<p>Citrus exports are subjected to stringent health and pest controls, which involve bureaucracy and unjustified trade work. US customs authorities usually cite the potential presence of pests (Mediterranean fruit fly) as an excuse. This suspicion has never been proven, but has impeded the flow of trade and tightened controls on origin by US customs inspectors.</p>	<p>Fruits</p>		<p>Equivalence</p>

⁷ source: <http://www.ers.usda.gov/media/1013582/oce131d.pdf>; Exchange Rate (2012): Euro-USA Dollar 1,2848

	<p>On the other hand, there are many requirements and controls for other fruits such as stone fruits (apricots, avocados and plums) where the protocol is being reviewed by the US and is subject to consultation by the MAGRAMA. There is a risk that export protocols on phythosanitary controls and checkpoints will be stricter and become unjustified barriers to trade.</p> <p>One good example is the fact these EU products can be exported to only one port.</p>			
Pesticides and label-ling chemical and physical characteristics	<p>US <u>pesticides</u> regulations differ from EU regulations. Additionally, the US customs controls for the detection of trace amounts of active substances in plants is stricter. Very often the zero-tolerance principle is applied even though there is no health risk. Moreover, there are many differences between the products registered in the EU and the US. This leads to the rejection of certain EU products, as there is no mutual recognition of active substances. One example is Penconazole. Approved for the use on EU grapes, thus is an unregistered pesticide in the US.</p> <p><u>Example:</u></p> <p>Chlorpyrifos-ethyl</p> <p>Extra virgin Italian olive oil imported into the US has been blocked due to the presence of chlorpyrifos-ethyl. This active substance is authorised for use in the EU on crops for olive oil production, whereas in the US it is only authorised for certain crops such as groundnut (arachide) and maize, but is not authorised for olive production.</p> <p>Special attention must be paid to the evolution of US domestic legislation and the impact that <u>labelling chemical, physical and organoleptic characteristics</u> (chimico fisiche organolettiche) might have on trade.</p>	All sectors		EU should negotiate mutual recognition of active substances.
Labelling legislation, import licence and transport (olive oil)	<p>The labelling legislation is not clear and requires the manufacturer to contact the external agencies /consultants which deal with these aspects, with a significant increase in the costs for the manufacturer. Just to give an example, on average, the costs are the following:</p> <ul style="list-style-type: none"> -Recording Company FDA to obtain the FRN (facility registration number) is 900 EUR - Regulation labels- a standard fee of 80 EUR for each type of product. If 	Olive Oil	EU exporters estimate that such NTMs lead to an approximate cost increase of at least 50% on the price of the	Harmonisation of EU and US regulations, and reduction of red tape.

	<p>the company also produces canned goods in oil or brine these must have FCE and SID numbers. It takes 90 days from the date when the data is submitted until it is approved (delays which have a considerable impact on the cost) and this practice has cost of about €200 for each production site in addition to approximately EUR 70 for each product registered (US regulations include a reference for each product so if the same product is sold in two different sizes you need two different SIDs, which doubles the cost.)</p> <p>-Commercial invoice packing list: this type of document is fairly complicated to implement and complete, so to be certain that the goods are not rejected in the port of arrival due to a formal matter, the EU exporter has to turn to the agencies. The cost of each commercial invoice is about EUR 120.</p> <p>- Prior Notice: this (extra) document has to be issued 5 days before the arrival of the goods at the destination, which has a cost of 200 Euro</p> <p>- Obligation to have the importer/agent on the spot: the combined cost for the use of the import license, coordination of transport and customs agencies is estimated at around 15% of the value of the goods.</p> <p>- Transport: The cost of transport has a considerable impact on the final price. A pallet 80x120 has a shipping cost from the Port of Naples to Port of NY of about 800 Euros, in addition to the shipping costs in Italy and to the customs clearance costs. Not to mention the time, each manufacturer must devote to such bureaucratic operations.</p>		product when unloaded at the warehouse.	
Protection of breeders' rights	<p>The US and the EU follow different strategies in Intellectual property rights on plants. While the EU regards plant variety rights (breeders' rights) as the intellectual property rights system for plants, the US rather protects US PVR (plant variety rights). US PVR are only applicable on seed and potatoes crops and vegetatively reproduced plants by applying plant patents. Because of the absence of a provision for royalty payment on farm saved seed (FSS) the US PVR system offers weak protection to potatoes and cereals. The plant patent system is not fully conform the UPOV 1991 Act. Differences are for example a shorter protection period, a shorter novelty period and the absence of a provision on essentially derived varieties. Due to these different strategies of protection the EU</p>	Plant varieties		Protection of breeders' rights according to international standards also in relation to other intellectual property rights on plants and plant material.

	<p>plants varieties are not fully protected in the US.</p> <p>There are far more patents on plants and plant material possible in the US, this can considerably harm the EU plant breeding sector as the patent system does not have a breeders' exemption. In the US, any living organism that is the product of human intervention (such as by some breeding process or laboratory-based alteration) qualifies as a composition of matter, which is patentable. As a result, plants are patentable subject matter. Furthermore, Individual plant varieties are patentable under the utility patent. Under directive 44/98 individual plant varieties per se are not patentable in the EU.</p> <p>Further of course we are in the EU still waiting for the <u>Enlarged Board of Appeal</u> of the EPO to answer the question as to whether the exclusion of essentially biological processes for the production of plants may affect the allowance of product claims directed to plants or plant material, such as a fruit. An earlier decision had only clarified the circumstances under which plant breeding methods are excluded from patentability as essentially biological processes for the production of plants. We are also waiting for a report of the EU Commission in which the misbalance between patent rights and plant breeders' rights is addressed; now a plant which is characterized by a particular gene (as opposed to its whole genome) is not included in the definition of a plant variety and is therefore patentable.</p> <p>In conclusion, plant professionals in Europe face risks when exchanging plant material with the US. Although the US is a UPOV (International Union for the protection of new varieties of plants) member, the US PVP and plant patent system lack sufficient protection for several crops. On the other hand the utility patent system blocks access to plant material and is considered as too strong.</p>			
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3) Animal (non-processed and processed)

Barrier	Description	Main sectors concerned	Impact assessment	Recommendations
<p>Pasteurized Milk Products (Grade A) <u>Identified as a Standards and Other Technical Requirements and SPS measure by the Commission (barrier ID 060104, ID 085116).</u></p>	<p>Certain dairy products, defined as "Grade A milk products" (including fluid milk, cream, cottage cheese and yoghurt), are regulated under a US Federal/State cooperative program administered jointly by the Food and Drug Administration (FDA) and the National Conference on Interstate Milk Shipments (NCIMS). The Pasteurized Milk Ordinance (PMO) details which products are covered by "Grade A" and lists the detailed specifications which dairy plants need to fulfill to produce these products.</p> <p>According to an FDA notice published in January 2000, foreign companies willing to export Grade A milk products to the US have three options: (i) the exporting company must sign a contract with a US State, which must accept to treat it as if it were within its own jurisdiction (including the inspection and the control of the observance of the US regulation by inspectors of the State several times per year); (ii) the region/country of the exporting firm must adopt and comply with the US rules, in order to become a member of the Conference; (iii) the program and the regulations in the exporting country are recognized equivalent to the US program by the FDA.</p> <p>The first two options are effectively closed to EU producers, as full compliance with the PMO is almost impossible for an EU company. Only a limited number of EU companies have been able to be registered on the NCIMS list, considering the extremely burdensome requirement to meet all PMO provisions and to finance regular inspections by US state officials. Furthermore, a revision of the PMO in 2007 extended the scope of "Grade A" beyond the pasteurized products for which it was initially intended.</p> <p>Upon the European Commission's request, the FDA agreed to enter into equivalence discussions with the EU and a working plan for these discussions was agreed in October 2005. Several meetings have been held since then, but progress has been limited.</p>	Dairy	<p>To follow the Pasteurized Milk Ordinance (405 page document, extremely technical and regularly updated) is a revolution for Europeans. Factory experts in Europe when presented with such measures are extremely surprised by the extremely diverging standards requested from the veterinary services. The FDA has neither the time nor the means to send auditors abroad and has thus officially delegated the certification to two private certifying companies. Currently, only 4 companies outside the US are certified Grade A for a factory, which underlines the difficulty of obtaining such a certification – They are listed in the FDA document.</p> <p>Ingredients for dairy Grade A products are food grade milk products such as casein, caseinates and whey-protein concentrates (WPC-80). These ingredients need to be of dairy Grade A according to</p>	<p>Equivalence discussions between the FDA and the EU should be accelerated to enable the export of European "Grade A" milk products to the U.S.</p>

	<p>EU operators are also interested to find out about the potential relationship between the FSMA and Grade A requirements, in particular whether exporters need to fully comply with both and which provisions prevail in case of a conflict.</p>	<p>the document Definition of Grade "A" Milk and Milk Products.</p> <p>The current status is that EU caseinates and WPC-80 cannot be used in US produced yoghurts-like products because they lack the Grade A status. However, the yoghurts-like market in the US is growing fast, especially Greek style yoghurt, with interesting demand for caseinates and WPC-80. Another interesting prospect is the "aerosol whipped cream" market. These products nowadays fall also under the Grade A provisions although they are not "fresh". The market opportunities for these products (consumer ready) tend to be even more substantial.</p> <p>Just for one member company, the European Dairy Association learned that an increase of their exports up to € 30 million per year worth of the mentioned ingredients to the US would be possible if the equivalence exercise has successfully been agreed upon and market access has been gained.</p>	
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		<p>US dairy imports and exports are foreseen to increase in the next years.</p> <p>In 2022, dairy imports to the US are expected to count up to over 3.11 bio. Euros. This figure of anticipated US import numbers can be interpreted as potential market gain for EU dairy exporters⁸.</p>		
<p>Uncooked meat products dried for less than 400 days</p>	<p>Imports into the U.S. of uncooked meat products (sausage, ham and bacon) have been subject to a long-standing prohibition. Following the EU interventions, US import regulations were modified to permit the import of Parma ham, Serrano hams, Iberian hams, Iberian pork shoulders and Iberian pork loins. The problem hindering exports of these products consists in complex and costly authorisation procedures for exporting plants and their raw material providers. Only recently and after a 15 year long struggle the US Authorities recognized a macro Northern Italian region (Lombardia, Emilia Romagna, Piemonte, Veneto, Marche, Friuli, Liguria, Valle d'Aosta and the Autonomous Provinces of Trento & Bolzano) free from SVD (Swine Vesicular Disease). This made possible the entry into the US of Italian meat based products dried less than 400 days coming from that macro region, opening "de facto" the door to almost the whole range of Italian deli meats. From an administrative point of view this came true through the shorter "Notice rule" instead of the lengthy proceedings of the so called "Proposed rule".</p> <p>However, as long as the US does not recognise the EU regionalisation</p>	<p>Meat products (sausage, ham and bacon)</p>	<p>EU pork meat exporters can potentially profit from the elimination of trade barriers: From 2013 on, pork imports to the US are expected to raise 60 000 tones by 2020⁹.</p>	<p>Equivalence or total mutual recognition.</p> <p>Follow international standards, in particular the regionalisation approach.</p>

⁸ source: <http://www.ers.usda.gov/media/1013582/oce131d.pdf>; Exchange Rate (2012): Euro-USA Dollar 1,2848

⁹ source: <http://www.ers.usda.gov/media/1013582/oce131d.pdf>

	<p>system, uncertainty and unpredictability will remain over what will happen if a new SVD outbreak (or an outbreak of any other animal disease) is confirmed in the mentioned area. Will the whole area be banned again from exporting to the US? If exporters are able to regain access to the US market, what are the administrative procedures involved how many weeks, months, years would these take to resume exports of uncooked meat products to the US?</p> <p>The EU regionalisation system provides a predefined series of control measures to be adopted (establishment of emergency zones/restricted zones, movements of animals) in order to gain again the free status after a predefined period of time.</p>			
<p>BSE status (Identified as a key market access barrier by the Commission (barrier ID 960083).)</p>	<p>In 1997, the US introduced rules on the import of ruminant animals and products from all European countries based on concerns about Bovine Spongiform Encephalopathy (BSE). These rules are still in place, however they are stricter than those agreed on by international standards set by the World Organisation for Animal Health (OIE), thus creating disproportionate and discriminatory trade restrictions. In 2012, the US committed to align its import requirements to OIE standards by drafting a 'BSE comprehensive rule'. The draft US Comprehensive Rule on BSE was published for comment in the Federal Register on 16th March 2012. Under the new rule, the US would adopt the same criteria and categories that the World Organisation for Animal Health uses to identify a country's BSE risk status, defining risk levels as negligible, controlled or undetermined. The import policy for a particular country would be based on its risk classification.</p>	Beef meat	<p>According to consumption trends, US beef consumption will continue to exceed US beef production by 2022. Part of the gap between consumption and production counting up to around 311 thousand tons in 2015, could represent a market</p>	<p>Lifting the BSE-induced embargo on beef meat of European origin would send a strong signal.</p> <p>Follow international standards.</p>

			potential for certain EU beef products, if this NTMs would be removed. ¹⁰	
Products containing eggs	As of June 2009 the US became more stringent regarding the application of sanitary permits for products with meat ingredients. This change did not cause major problems to European exporters. Nevertheless, concerns remain as to the possibility of extending this enhanced enforcement measures to processed products containing eggs. There is not a single egg supplier in Europe listed for exports to the US and only one EU Member State has been recognised as eligible to register its production plants. Therefore, introduction of the sanitary import permits for products containing even less than 2% of eggs, in order to certify that all ingredients come from eligible sources, may close off the US market for many EU products. Such measures would also be difficult to justify in light of the WTO SPS agreement.	Processed products containing eggs		Equivalence. Clarification of current FSIS import requirements in the manner excluding a risk of an export ban on EU products containing eggs.
Zero tolerance for Listeria monocytogenes	<p>The US is not aligned with the relevant Codex international standard (http://www.codexalimentarius.org/standards/list-of-standards) and the USDA requires ready-to-eat food producers to carry out regular monitoring of products and the production environment. The EU approach is different, and focuses on controlling the growth of Listeria in foods during shelf life, rather than eliminating it altogether.</p> <p><u>Background and the case of Italian meat products:</u></p> <p>Following a series of cases of human listeriosis that occurred in the United States and associated with the consumption of food, the U.S. authorities have launched a set of initiatives to halve within a few years the number of human cases of listeriosis.</p>	Ready-to-eat foods		Compliance with inter-national standards (Codex)

¹⁰ Source: <http://www.ers.usda.gov/media/1013582/oce131d.pdf>

	<p>Given the importance and the echo these events have had in the media, the U.S. health authorities have agreed to pursue zero tolerance of <i>Listeria monocytogenes</i> (Lm) in food.</p> <p>The main provision of reference for the control of <i>Listeria</i> is <u>Regulation 9 CFR 430</u>, which then also became the standard for Italian plants authorized to export to the United States.</p> <p>Regulation 9 CFR 430 apply to ready to eat (RTE) meat products which, after having undergone a process eliminating or reducing the number of germs on a product making it safe for human consumption, are exposed to the environment with the risk of their recontamination by <i>Listeria monocytogenes</i>.</p> <p>In order to export these products to the United States, it is required that the processing plants should adopt special procedures related to the characteristics of the exported product, aimed at ensuring an adequate level of safety for consumers.</p> <p>Any detection at the U.S. customs of positivity for <i>Listeria</i> in meat products involves significant penalizations for exporting companies, which see subjected to strengthened control measures 15 successive shipments of product similar to that found positive.</p> <p>The U.S. law is stricter than the one in force within the European Union: while the U.S. apply zero tolerance (absence in 25 gr. of product), the EU admits the presence of 100 cfu / gr. in the finished product ready for consumption.</p> <p>Furthermore in July 2009 also the Codex Alimentarius has adopted the tolerance of 100 cfu / gr. for contamination by <i>Listeria</i> in foods that do not support the growth of the germ.</p> <p>In light of this, our hope is the alignment of the legislation in force in the USA with the European and Codex standards, since the former does not prove more effective for the protection of consumers' health, but certainly much more costly for producers.</p>			
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Ban on EU sheepmeat	The EU currently cannot export sheep meat to the US due to strict US requirements on infectious viral diseases (in particular due to “scrapie” (a TSE). The EU has a system in place for monitoring of TSEs, which is very advanced. Nevertheless, the US goes beyond what the OIE animal disease code justifies on a scientific basis. Going back to the OIE code should give the EU some leeway in the negotiations.			To follow international recognised standards, in this case the scientific standards adopted by the OIE.
Restrictions on sales of raw milk (cheeses)	About half of the US States do not allow the sale of raw milk . According to the code of federal regulations, certain raw milk cheeses (hard cheeses, semi-soft cheeses and soft ripened cheeses) can however be placed on the market (and also imported) provided that they have been ripened for at least 60 days. The EU has no restrictions on raw milk products from the US. The requirements for these cheeses can be found in <u>Title 21 of the Code of Federal Regulations, sections 133.150, 133.182 and 133.185.</u> The Unites States are listed in Column A of Annex I to Reg. 605/2010 and as such are authorised to ship raw milk products to the EU.	Dairy		Equivalence or mutual recognition.
Dairy Promotion Program	<p>The US Farm Bill requires the Dairy Promotion Program to levy an assessment of \$0.075 (7.5¢) per hundredweight of milk, or the equivalent thereof, on many imported products including cow’s milk (dairy products, confectionary, chocolate, ice-cream, food preparations etc.). This measure became effective from the beginning of August 2011.</p> <p>The income from the levy should finance dairy sales promotion, education and research programs. However, imported products cannot in practice benefit from the initiatives financed by the levy, given that they are either limited by a tariff-quota or are used as ingredients in processed products such as chocolate and ice-cream that are unlikely to be subject to sales promotion, given obesity concerns. The fact that the levy applies to imports, constitutes therefore a form of discrimination.</p> <p>Although the U.S. has already taken into account some of the comments formulated by the Commission in the past and the levy on imported products has been significantly lowered compared to the initial draft, fears still exist that this leaves European exports with a competitive disadvantage.</p>	Dairy products, confectionary, chocolate and biscuits, ice-cream, food preparations etc.		EU products should not be subjected to additional and unjustified fees.
Structural	Currently there are structural requirements placed on red meat plants by the	Red meat		Equivalence

requirements on red meat plants	<p>USDA which could act as a barrier to increased trade. The US has a specific requirement for the design and layout of meat plants which differ from the EU and would require structural changes to be made to be able to export to the US. The U.S. approval process is stringent, requiring significant investment in time and money from the complete food chain. This has led to discouragement from EU companies to request approval of their facilities. At present these are not treated as “equivalent” to EU and include, for example requirements on rail height. We need this recognition as part of the TTIP discussions, otherwise, we’ll agree access in principle to export beef and lamb but find that when it comes to plant approval that none of our plants meet their standards.</p>	sector		
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4) Potential NTMs

Barrier	Description	Main sectors concerned	Impact assessment	Recommendations
Implementation of the <u>Food safety modernisation act (FSMA)</u>	<p>The act requires importers to perform checks on their suppliers, so as to strengthen importer accountability and introduces third party audits and certification. Many EU exporters are nervously waiting to see how this act will be implemented.</p> <p>An example under the FSMA is the foreign supplier verification program which can be described as a mixture of public regulations and introduced private business related demands. This could lead to a situation where individual importers will introduce their own interpretation of the guideline. This could lead to more red tape as new individual control mechanisms can be expected to be introduced and could lead to severe distortions of trade.</p> <p>Already now, companies are experiencing that importers have begun to set up their own individual demands in order to make sure they fulfil the demands. This really highlights that equivalence or mutual recognition is very important during implementation and during developments of</p>	All sectors		<p>Equivalence or mutual recognition.</p> <p>The Commission needs to make sure that the implementation of the FSMA is discussed during the negotiations to avoid any distortion of trade as a consequence of its future implementation.</p>

	guidelines.			
Analysis of the quality of olive oil	In order to promote their local production, the US government is considering different analytical methods to those set out by the International Olive Oil Council, especially for the classification of different qualities of oil. Currently, IOC methods must be used to harmonise business practices and they are accepted worldwide. This could result in biased quality standards being developed for oil produced in the US, which would devalue EU production.	Olive oil		Comply with international standards.
Marketing order	<p>The US Congress is considering establishing a "marketing order" for which a tariff would be applied to olive oil imports from the European Union. The USITC recently visited (commissioned by the US Congress) and they are preparing a report on the global marketing "competitiveness" of the olive oil industry. They greatly insisted on the issue of EU aid, which after the 2004 reform became a fully decoupled payment.</p> <p>If the marketing order is approved, then it must be consider as a non-trade barrier, as it will impose unjustified delays and extra costs. The changes target 40% of all units sold in the US and aim to eliminate certain categories of olive oil and introduce labelling changes to products currently labelled as olive oil, pure olive oil, and light or extra light tasting olive oil.</p>	Olive oil		EU to work closely with the US to avoid potential obstacles imposed on EU olive oil exports.

V) Annex - List of prohibited items¹¹ (Plant product items) :

1. Poaceae (True Grasses), All Prohibited, including:

- Aegilops sp (Goat Grass)
- Bambusoideae (True Bamboo)
- Miscanthus sp (Tea, Elephant Grass)
- Oryza sativa (Rice)
- Panicum sp (Witch Grass)
- Pennisetum sp (Fountain Grass)
- Saccharum sp (Sugar cane)

¹¹ www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/cut_flower_imports.pdf

- *Setaria* sp (Fox-Tail Grass)
- *Sorghum bicolor* (Broomcorn)
- *Triticum* sp (Wheat)
- *Zea* sp (Corn)

2. Rutaceae (Citrus), All Prohibited, including:

- *Boronia* sp (Boronia)
- *Choisya* sp (Star-Leaf, Mexican Orange)
- *Citrus* sp (Oranges, Lemons, Limes, etc)
- *Diosma* sp
- *Geleznovia* sp (Yellow Bells)
- *Fortunella* sp (Kumquat)
- *Murraya* sp (Curry)
- *Skimmia* sp (Skimmia)

3. Prohibited :

- *Abies* sp (Firs)
- *Acer* sp (Maples)
- *Actinidia* sp (Kiwi)
- *Aesculus* sp (Buckeye, Horse Chestnut)
- *Ajania pacifica* (Silver and Gold) (Still suspended from the program)
- *Alnus* sp (Alder)
- *Castanea* sp (True Chestnut)
- *Cathaya* sp
- *Cedrus* sp (Cedars)
- *Chaenomeles* sp (Flowering Quince)
- *Chrysanthemum* sp (Mum)
- *Cydonia* sp (Quince)
- *Cynara* sp (Artichoke)
- *Gossypium* sp (Cotton)
- *Juniperus* sp (Junipers)
- *Keteleeria* sp
- *Larix* sp (Larches)
- *Leucanthemella* sp (High Daisy) (Still restricted from the program)
- *Loranthaceae* (mistletoe)
- *Lygodium flexuosum* (Maidenhair creeper)
- *Lygodium microphyllum* (Old world climbing fern)

- Malus sp (Apple, Crabapple)
- Nipponanthemum sp (Nipon-daisy) (Still restricted from the program)
- Pelargonium sp (Scented Geraniums)
- Physalis sp (Chinese Lantern) with fruit
- Picea sp (Spruces)
- Pinus sp (unless there are more than 4 or 5 needles).
- Prunus sp (Almond, Cherry, Apricot, Laurel, Peach)
- Pseudolarix sp (Golden Larch)
- Pseudotsuga sp (Douglas – Firs)
- Pyrus sp (Pear)
- Salix sp (Willow)
- Striga sp (Witchweed)
- Tsuga sp (Hemlock)
- Vitis sp (Grape)

RESTRICTED items:

1. Items requiring a 56-Permit:
 - Ananas sp (Pineapples)
 - Capsicum sp (Peppers)
 - Musa sp (Bananas)
 - Viburnum sp (With Berries/Fruits)
2. Items requiring Phytosanitary Certificates:
 - Cordyline sp (13 stems or more with CANES requires transfer to PPQ PIS; smaller than 6 feet in length) (Leaves not restricted)
 - Dracaena sp (Bamboo; 13 stems or more with CANES requires transfer to PPQ PIS) (Leaves unrestricted)
 - Phoenix sp (Date Palm)
3. Requires Phytosanitary Certificate and 56-Permit for fruits and branches:
 - Cotoneaster sp (Branches less than 10 millimeters in diameter)
 - Hippophae sp (Sea Buckthorn)
 - Ilex sp (Holly berries) (Branches less than 10 millimeters in diameter)
 - Ricinus sp (Castor, Ricin with fruit)
4. Only enterable with leaves and NOT FRUITS:
 - Coffea sp (Coffee)
5. They require a CITES export permit and Permit from USDA:
 - Beccariophoenix madagacariensis (Palm)

- *Cycas* sp (Cycads)
- *Dypsis decipiens* and *Dypsis decaryi* (Palm)
- *Lemurophoenix halleuxii* (Palm)
- *Marojejya darianii* (Palm)
- *Nepenthes* sp (Pitcher-Plant)
- *Ravenea louvelii* and *Ravenea rivularis* (Palm)
- *Sarracenia* sp (Pitcher-Plant)
- *Satranala decussilvae* (Palm)
- *Voanioala gerardii* (Palm)

6. Requires that branches be less than 10 millimeters in diameter and NO FRUITS:

- *Acacia* sp.
- *Albizia* sp
- *Aralia* sp
- *Betula* sp (Birch)
- *Broussonetia* sp
- *Cajanus* sp (Pigeon Pea)
- *Camellia* sp
- *Carpinus* sp (Hornbeam, Ironwood)
- *Carya* sp (Hickory)
- *Castanopsis* sp (Chestnut)
- *Casuarina* sp (Australian pine, beefwood, she-oak)
- *Catalpa* sp
- *Celtis* sp (Hackberry, nettle-tree, sugarberry)
- *Cercidiphyllum* sp (Katsura-tree)
- *Cercis* sp (Redbud)
- *Cornus* sp (Cornel, dogwood)
- *Corylus* sp (Filbert, hazel, hazelnut)
- *Crataegus* sp (Hawthorn, red haw)
- *Cryptomeria* sp (Japonica)
- *Elaeagnus* sp
- *Eriobotrya* sp
- *Fagus* sp (Beech)
- *Ficus* sp (Fig)
- *Fraxinus* sp (Ash)
- *Grevillea/Stylurus* sp (Spider-flower)
- *Hedera* sp (Ivy)

- Hibiscus sp (Giant Mallow, rose mallow)
- Juglans sp (Butternut, walnut)
- Koelreuteria sp (Golden Rain Tree)
- Lagerstroemia sp
- Lindera sp
- Liquidambar sp
- Litchi sp
- Maackia sp
- Mallotus sp
- Melia sp (Bread-tree)
- Morus sp (Mulberry)
- Olea sp
- Parrotia sp
- Persea sp
- Photinia sp
- Platanus sp
- Polygonum sp (Fleece-flower, knotweed, smartweed)
- Populus sp (Aspen, cottonwood, poplar)
- Psidium sp
- Quercus sp (Oak)
- Rhododendron sp (Azalea, Rhododendron)
- Rhus sp
- Robinia sp (Locust)
- Rosa sp (Rose)
- Rubus sp (Blackberry)
- Sageretia sp
- Sapium sp
- Sophora sp
- Sorbus sp
- Styra sp (Snowball, storax)
- Toona sp
- Ulmus sp (Elm)
- Vernicia sp
- Ziziphus sp

NOT RESTRICTED:

- Hypericum sp (St. Johns Wart)
- Callicarpa sp (Mulberry, Beautyberry)
- Helleborus sp (Christmas rose)
- Ligustrum sp (Privet)
- Nigella sp (Fennel)
- Pernettya sp (Pernettya)
- Pryacantha sp (Firethorn)
- Ruscus sp (Box-Holly)
- Symphoricarpos sp (Coralberry, Snowberry)