

69TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 12 AND 14 JULY 2017

Country	SPS market access issues	EU imports
1 Australia request	<ul style="list-style-type: none"> • "Regulated plant pests" (imports into Australia) <p>The representative of Australia undertook to clarify return with a clarification about the issue raised by the EU, as follows:</p> <ul style="list-style-type: none"> – On whether, under the current import regime, Australia has or not a "list of quarantine pests", following the implementation of the Biosecurity Act of 2015; – Clarification about the meaning of "significant pest"; – If the NPPO of the exporting country providing phytosanitary certification considered the pathogen as being an "injurious pest", then it is expected that the consignment is not exported to Australia. – On whether BICON includes list of species of concern, e.g. plant species that are weeds; plant species requiring further assessment; moko hosts requiring further assessment; fruit and vegetable plant species requiring further assessment; algae species that are weeds; list of fungi, i.e. if a consignment arrived with spores (i.e. the goods were not free from diseases symptoms), the exporting country would have to undertake a risk assessment to try and determine if it was a quarantine pest for Australia at that time; – Import procedures and concrete examples to help understanding the approval system of Australia. 	<ul style="list-style-type: none"> • EU criteria on endocrine disruptors
2 Brazil request	<p>The EU had raised the following points before the meeting:</p> <ul style="list-style-type: none"> • Implementation of Portaria 126/2016: State of play, timelines; • Brazil plans to grant pre-listing to Member States already exporting without pre-listing (which, in fact, relate to the information provided by Brazil about the one-of granting of pre-listing); • Avian Influenza: Reply to the letter of the Commission. <p>In the meeting, the representatives of Brazil took note of the points raised by the EU, confirmed that Article 2 of <i>Portaria 126</i> is being implemented (which will, in particular, allow a one-off updating by all Member States currently exporting to Brazil products of animal origin – with or without pre-listing – their lists of establishment's and add new establishments without having to be audited.</p>	<ul style="list-style-type: none"> • EU MRLs for thiabendazole in mangos • Non-renewal of picoxystrobin • Salmonella detections

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	<p>The representatives of Brazil also undertook to follow-up on all these issues with the capital.</p> <p>The one-off updating of the lists of establishments is a major and unprecedented step forward by Brazil. It follows many years of joint push and concrete suggestions by the European Commission, EU Delegation and EU Member States and should solve many ending applications submitted by Member States.</p> <p><u>Note:</u> In their website, on 30.06.2017, the Ministry of Agriculture of Brazil (MAPA) announced that a number of audits are planned to take place during the second semester of 2017 in the EU (Netherlands, France, Ireland, Germany and Czech Republic). However, the COM has no details regarding the dates and scope of these audits.</p>	
3	<p>Canada request</p> <ul style="list-style-type: none"> • <i>Greenhouse potato mini-tubers</i> The EU thanked the additional information recently provided by the CFIA expert about the angling changes in the Canada and NAPPO standards, but regretted that there is still no clarity about the timelines for the approval of the application submitted by [Art. 4.1(a)], including when it will be finalised. Also, the EU stated that there is no clarity about the approval process in general, i.e. the one to be applied to assess the applications from other EU Member States. • <i>Methyl-bromide (MB) and use of alternatives for import conditions: cooperation</i> Following the decision of Canada to discontinue the use of MB and the information already shared by the EU, the EU suggested Canada to cooperate on alternatives to MB to avoid trade disruptions (once MB is discontinued in Canada). Canada did not provide any clarification or additional information but undertook to follow-up on the EU requests. 	<ul style="list-style-type: none"> • Canada's position and concerns regarding the EU's proposed regulatory changes to Plant Protection Products for endocrine disruptors; • The EU's temporary re-authorization of glyphosate; • Approval for timelines for Genetically Modified events; • Reiterate concerns regarding the new comitology proposal; • [Art.4.1(a)] emergency measure on Dimethoate; • Non-renewal of picoxystrobin.
4	<p>China EU request</p> <ul style="list-style-type: none"> • <i>AQSIQ initiative related to certification of food products</i> (certification for low risk products) AQSIQ announced that the revised draft certification requirements will be notified very soon to the WTO. The EU kindly requests to discuss the matter and possibly identify 	<ul style="list-style-type: none"> • EU's requirement of residue test on animal origin food batch by batch • The market access procedure of EU on gelatine.

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	<p>opportunities for cooperation with China.</p> <p>EU signalled that detailed comments will be submitted via TBT and SPS channels in the next few weeks.</p> <p>EU made it clear that an implementation of the measure is impossible before all questions are clarified. At the moment, nothing is clear. Once the scope and detail of the measure is clear, a transition period of 18 months will be necessary to roll out the certification system among the industry establishments concerned.</p> <p>CN ‘guaranteed’ WTO members that they will receive ‘sufficient time’ to implement the measure. Members are invited to make requests.</p> <p>CN noted that there were problems encountered in the past and that food may be tainted on the way to CN. The certification is hoped to strengthen compliance and simplify follow-up to non-compliances. CN is confident that there will be no need to make significant changes to existing control procedures that are in place in the EU. There are already some WTO Members that are discussing certificates with AQSIQ, so it appears that not all countries see big difficulty.</p> <p>List of products mentioned: EU noted that several of the products listed are not even intended for human consumption; others are already covered by specific certification requirements. CN was asked for confirmation that current certificates remain in place. CN again confirmed this. There will be no need for two certificates. EU expressed doubt that this exemption will be known to every BIP in CN about AQSIQ took the view that border posts will be aware.</p> <p>Certification bodies: CN suggested that Members can authorise third parties or organisations to sign certificates, provided that the products are under the supervision of the government.</p> <p>Certificates content: CN signalled that they are flexible as regards the format and content of the certificate and invited EU to make a proposal. EU will make a proposal for the content of the certificate.</p> <p>Sanctions: Should apply only if there is a risk.</p> <p>Bureau of import and export at AQSIQ would be the counterpart for electronic certification.</p>	

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	<p>CN claimed that the same documentation will be required for domestic production.</p> <ul style="list-style-type: none"> • China's non recognition of regionalisation measures as applied in the EU for avian influenza and African swine fever <p>The EU would like to intensify the dialogue regarding of regionalisation measures in line with international standards.</p> <p>An event is planned for 28 September.</p> <p>MoA says that ASF is transmitted also by insect vectors and is doubtful that disease-free areas can be defined at all for vector-transmitted diseases such as ASF. Currently, CN has no plans to recognise any country with any outbreaks of HPAI and ASF</p> <ul style="list-style-type: none"> • State of works on EU Member State applications for beef, dairy products, pet food <p>Applications from [Art. 4.1(a)] for beef are supposedly in final stages. Also the dairy application from 4.1(a) Market access for pet food from 4.1(a) is also an issue that should be resolved quickly.</p> <p>CN informed that risk assessment committee finished the assessment for 4.1(a) for example and the individual dossiers are under processing.</p> <ul style="list-style-type: none"> • Honey <p>New certification requirements for import of honey entered into force on 1 July. EU expressed the hope that the measure will be implemented smoothly although there may be some delays with the submission of questionnaires and model certificates. CN was not prepared to discuss this question.</p>	
5	<p>Dominican Republic</p> <p>request</p>	<ul style="list-style-type: none"> • EU MRLs for thiabendazole in mangos
6	<p>India</p> <p>EU request</p> <ul style="list-style-type: none"> • Update by India of the SPS matrix for plants and plant products <p>The COM asked India to share information about the state of play of the market access pending applications submitted by Member States, as discussed in the meeting of the Plant Health Technical Working Group (18 May 2017, in Brussels), between the Directorate of Plant Protection, Quarantine & Storage, Ministry of Agriculture of India (DPPQS), the</p>	<p>-</p>

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	<p>European Commission, EU Member States and EU business associations.</p> <p>The representative of India stated that the approval process is ongoing but did not provide any details about the next steps in the DPPQS or timelines. He only recalled the statement he made in the plenary of the WTO SPS Committee (the day before) asking countries to submit applications of alternatives to the use of methyl-bromide for the DPPQS's approval.</p> <p>He also undertook to follow-up on the information the EU would send to him about additives used in several products, e.g. wines, spirits.</p>	
7	<p>Indonesia EU request</p> <ul style="list-style-type: none"> • Overview of prioritised market access applications ("SPS matrix") <p>EU deplored the lack of feedback from IDN and informed about SPS matrix (pending application) that will be sent for update by IDN. EU pushed for a system of regular exchanges with the EUD including the date for a follow up meeting with EUD in Jakarta – <u>this should take place in September at the latest</u>. IND acknowledged the need for follow-up and confirmed that the following contacts are the right interlocutors on IDN side to which a letter will be sent soon:</p> <ul style="list-style-type: none"> ○ <u>For plant-based products:</u> <ul style="list-style-type: none"> ▪ [Article 4.1(b)] [REDACTED] Ministry of Agriculture of the Republic of Indonesia ▪ [Article 4.1(b)] [REDACTED] Cooperation and Quarantine Information Centre, Agriculture Quarantine Agency, Ministry of Agriculture of the Republic of Indonesia ○ <u>For Animal-based products:</u> <ul style="list-style-type: none"> ▪ [Article 4.1(b)] [REDACTED], Ministry of Agriculture of the Republic of Indonesia ▪ [Article 4.1(b)] [REDACTED], Directorate General of Livestock and Animal Health Services, Ministry of Agriculture of the Republic of Indonesia 	-

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	<ul style="list-style-type: none"> ○ <u>And we will copy in:</u> <ul style="list-style-type: none"> ▪ Ministry of Trade [Article 4.1(b)] • Recognition of EU regionalisation principles for HPAI - poultry EU pushed Indonesia to recognise regionalisation and to lift the bans imposed due to previous outbreaks of HPAI in EU Member States. IDN explained that the market has been closed for 11 EU MS for poultry products, including [Article 4.1(a)] EU asked IDN to explain steps needed in IDN recognition process for EU regionalisation. IDN stressed that they follow OIE guidance but did not provide detailed explanation on what would be the next steps. They suggest further discussion with the EU Delegation and the right interlocutors on their side in Jakarta. • Draft Indonesian legislation on dairy products EU asked IDN to receive state of play about the draft legislation on dairy products and asked Indonesia to reconsider the draft legislation as regards provisions that are not in line with WTO national treatment principle. EU also referred to the joint letter from the NZ and EU Ambassadors and asked to receive information on the rationale behind the legislation. IDN explained that the draft is currently in inter-ministerial discussions and the current draft has evolved since the EU first submitted its comments. The wording on national treatment has changed. The draft law is now mainly about the quality of milk and productivity of cows. It does not affect quotas of milk imported to IDN. The draft law also need to be discussed with local authorities. • New rules on fees for audit in Member States EU expressed concerns on the new measures on fees for processing applications and for audit in MS (implementation of Government Regulation/ Peraturan Pemerintah (PP) no. 35/2016) and asked IND to receive more information on the rationale behind the fees imposed by IDN. 	

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	<p>The EU stressed that a letter from EUD and MS concerned [Article 4.1(a)] will soon reach IDN authorities as we doubt that these measures are compatible with the WTO SPS agreement. The process for payment of fees should also be clarified.</p> <p>IDN did not provide explanation on how the fees are calculated. They clarified that the new measures affect all WTO members but that no fees are levied on domestic products. According to IDN, it is directly applicable now.</p>	
8	<p>Japan EU request</p> <ul style="list-style-type: none"> • <i>Japan's non-recognition of regionalisation measures</i> as applied in the EU for African swine fever and Avian Influenza and the state of play of MSs applications for regionalisation. <p>In the meeting, Japan recalled the ASF outbreaks of 2016 in 4.1(a), and stated that it is ready to advance on this matter. A videoconference was held with 4.1a last week and information requested, which should allow Japan to access the file.</p> <p>Japan stated that it is carefully watching the situation of ASF in the EU, including in [Article 4.1(a)] and would appreciate to receive more details about outbreaks.</p> <p>More generally, the EU recalled the need to have a more automatic way to recognise regionalization in the future, including to Avian Influenza (several Member States cannot yet export to Japan). In this regard, the EU suggested having a seminar before the end of the year. Japan stated that the approval of Japanese products is a pre-condition to enter in a mutual recognition exercise on regionalization, but would be ready to have a video-conference in September to increase awareness.</p> <p>Regarding Avian Influenza, Joan stated that: [Article 4.1(a)] are already approved. 4.1a and 4.1a are under evaluation for HPAI. [Art. 4.1(a)] did not send information. 4.1a situation needs more careful examination.</p>	<ul style="list-style-type: none"> • Market access of Japanese fresh meat of porcine animals and poultry, eggs and egg products, raw milk and dairy products to the EU which is currently banned; • The EU's quarantine measures for fresh fruits of Japanese Citrus junos; and • Market access of Japanese bonsai plant of Pinus thumbergii to the EU which is currently banned.
9	<p>Philippines EU request</p> <ul style="list-style-type: none"> • <i>Application of the regionalization principle</i> <p>The Commission reiterated its request to Philippines (PH) to lift the country-wide bans on the imports of poultry and poultry products from [Article 4.1(a)], which have been in place since end of 2016. The COM recalled that it had raised this topic during the 2nd FTA round in February and a letter has been sent from TRADE Director to Secretary of Department of Agriculture (March 2017) requesting Philippines to accept the regionalisation</p>	-

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	<p>measures taken by the MS concerned.</p> <p>The Commission thanked PH for lifting, last April, the ban for mechanically separated meat originating from [Article 4.1(a)]</p> <p>The Commission recalled that in accordance with the OIE recommendations, trade restrictions should be limited to the defined infected areas in the country concerned and should not include the whole territory of a country. In addition, in line with article 10.4.4 of the OIE code, a previously free country can regain its free-status three months after a stamping-out policy has been applied. That is already the case for 4.1a and soon for other MS as well.</p> <p>The Philippines informed that the order lifting the temporary ban on poultry products from [Article 4.1(a)] will be signed this week by the Secretary of Department of Agriculture (after the meeting it turned out that it was signed already yesterday). [4.1(a)] will follow soon. [Article 4.1(a)] will be the next in the process, PH is awaiting the 3 months period after the stamping-out policy has been applied (in line with OIE standards) to elapse. In addition, PH expressed its appreciation for the transparency of the EU regarding its regionalisation policy and the quick interventions undertaken by EU MS in order to contain the outbreaks of HPAI.</p> <ul style="list-style-type: none"> • Overview of pending EU Member States' applications for animal products and for plant products <p>The Commission asked for an update in relation to pending applications submitted by EU Member States for plant products and for animal products.</p> <p>PH provided the following updates with regard to animal products:</p> <ul style="list-style-type: none"> – Inspection to [4.1(a)] planned for this year, still before the winter season. Prior to it, 4.1a has to submit Annex B of the questionnaire. – Inspection to 4.1(a) (broiler hatching eggs) scheduled for next month. Applications for poultry products and beef meet are also dealt with. – 4.1a: Following an inspection mission last year, certificate of accreditation will be issued. <p>With regard to plant products, PH informed that it is conducting pest risk analysis (PRA) for</p>	

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	<p>apples and pears from [4.1(a)], as well as apples from [4.1(a)]. Concerning application of [4.1(a)] to export apples, PH sent a letter to 4.1a authorities in June 2017, but has not received an answer yet. The assessment of the application for potatoes from 4.1a will follow once the apples are finalised. PH explained that it does not have the human resources to deal with multiple commodities originating from one MS at one time.</p> <p>PH enquired about latest developments with regard to endocrine disruptors. It also asked when the inspection mission for fishery products will take place, since the one scheduled for last May was cancelled. Lastly, PH informed about its market access request for fresh calamansi (citrus fruit) that was submitted to the European Commission on 4 July.</p>	
<p>10</p> <p>South Africa*</p> <p>EU request</p>	<ul style="list-style-type: none"> <i>South Africa's non recognition of regionalisation measures as applied in the EU for avian influenza and African swine fever</i> <p>EU inquired state of works on regionalisation for avian influenza.</p> <p>South Africa claimed that they received no pre-mission information yet from SANTE.F in preparation of the audit which is planned in September.</p> <p>Regionalisation is a principle, according to ZA and they are seeking a dialogue on the principle more broadly and encompassing all diseases.</p> <p>Regardless of the FMD status of South Africa, de-boned meat should be exported to the EU in accordance with OIE rules. Still South Africa is not eligible.</p> <p>Observations of South Africa regarding their study visit to the EU: Definition of poultry in the EU is not consistent with OIE rules (there is a category of 'other' which should be poultry); the EU control zone should rather be designated as 'containment zone'; in the view of South Africa, compartments should be used as a basis for trade.</p> <p>South Africa claimed that none of their decisions is driven by political considerations. But there is deep frustration that many trade partners accept freedom of ASF, HPAI, FMD for ZA outside the Kruger Park, except the EU. South Africa claimed that many issues are related to different definitions, etc.</p> <p>ZA would envisage to inspect all MS to re-open trade after the closure - all of them, one by one. MAFF could not give a date yet.</p>	<p>-</p>

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	<p>Again, EU asked what exactly ZA means when they speak about regionalisation as a 'concept'. Essentially, the idea is to have a formal 'peace time agreement' related to regionalisation that should encompass all diseases.</p> <p>EU referred to the trade balance which is in favour of ZA (considering all agriculture products) – which was rejected by ZA in strong terms. ZA warned against retaliations or doing 'anything stupid'. ZA implied that there is a lot of informal imports of dairy products and beef (which is not approved).</p> <p>ZA noted that they have not received a response to their request for GI recognition of Karoo lamb. EU will follow up. EU informed that Commissioner Malmström will visit ZA in October.</p>	
11 GCC countries EU request	<ul style="list-style-type: none"> • <i>State of play of the GCC Import Guide /health certificates</i> and the <i>planned food safety seminar</i> with the EU in Saudi Arabia during the last week of September 2017. <p>The GCC representative from Bahrain stated that the GCC Import Guide is suspended until further notice, and that the GCC member countries are in the process of notifying the WTO TBT and SPS Committee accordingly. The representative also informed that all concerns will be analysed and that the GCC's Food Safety Committee will meet in October 2017, in which new implementation rules will be in principle defined.</p> <p>The EU reiterated its concerns – certification for risk products, lack of contact points in each GCC countries, no recognition of the EU's food safety systems – and undertook to send them in writing.</p> <p>In this regard, the EU also requested a confirmation about the possible seminar in October 2017.</p>	-
12 Thailand EU request	<p>EU stated that current trade figures with Thailand (TH) are not sustainable. Imports of meat and poultry products amount to over € 770 Mio whereas EU exports are € 1.4 Mio. The reason is not that EU products are not competitive, but they are not admitted to the Thai market. Now it seems that market access conditions will become even more difficult because the cost for inspections must be covered by Thai importers or EU industry.</p> <ul style="list-style-type: none"> • State of works on EU Member State applications for pork and pork products <p>Applications from six Member States are pending [Article 4.1(a)] . This is</p>	<ul style="list-style-type: none"> • Endocrine disruptors

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	<p>currently the top priority for the EU.</p> <p>TH informed that since April 2017 there are regular technical discussions happening with Member State counsellors and EU Delegation in Bangkok, and that the evaluation of the questionnaires is under way.</p> <p>EU hoped that evaluations remain on track and on-site inspections can be scheduled early 2018. The cost for inspection should be borne by TH but this question should not delay the progress of the applications.</p> <ul style="list-style-type: none"> • State of works on EU Member State applications for apples Applications for apples (and pears) are pending from [Article 4.1(a)] EU questioned the necessity to develop detailed protocols for the control of pests, which delays the approval process even further. The pest risk assessment and the list of quarantine pests should be sufficient. TH referred to the legislation that required protocols and informed that the applications from [Art 4.1(a)] are almost finished with positive result. An approval letter to 4.1 is already in preparation. • Study visit to the EU on nutrition claims EU had sent a formal letter of invitation for a study visit on 6 June 2017, but did not get a response yet. Thailand was invited to work with the EU embassy in Bangkok to prepare the visit. 	
13	<p>Turkey request</p> <ul style="list-style-type: none"> • <i>Prohibition of imports of animals vaccinated against bluetongue</i> EU requested that Turkey should align import conditions to OIE rules and allow imports of vaccinated animals. TR responded that there is a supply problem in the livestock sector and imports are increasing quickly. Nonetheless, procedures must be followed case-by-case and these procedures are quite complex and time consuming, apparently. The Turkish participants were not able to provide a rationale for this particular import condition. The participants offered to investigate specific cases. Vaccinated animals can be accepted from areas where the disease is not present. TR makes a distinction between type 4 and type 8 bluetongue and an assessment of Art 4.1(a) is ongoing, apparently. 	<ul style="list-style-type: none"> • Endocrine disruptors • Prohibition of 4.1(a) to import cherries from Turkey due to the use of “dimethoate” • Cooperation with Turkey on pesticide MRLs (the Mediterranean group of Member States to discuss pesticides)

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		<p>If bluetongue of a certain type is present in a certain region, animals cannot be accepted and vaccination may not 100% exclude virus transmission.</p> <p>Both sides agreed to discuss the matter in a technical working group.</p>	
14	Russia	<ul style="list-style-type: none"> • <i>Russian import restrictions on fishery products from</i> [Article 4.1(a)] • <i>Russian import restrictions on certain animal products from</i> [Article 4.1(a)] • <i>Update of Register for the establishments approved to export products of animal origin</i> 	-
15	Vietnam EU request	<p>In the introduction, VN mentioned that there have been changes in attributions between different Ministries and that from 18th July 2017, new responsibilities will be assigned as the new circular will enter into force. The Department of animal health will be responsible for all animal products and the Department of plant product for all plant products. [Article 4.1(b)] Veterinary Officer Department of Animal Health in the Ministry of Agriculture and Rural Development will remain the overall responsible official.</p> <ul style="list-style-type: none"> • Application of the regionalization principle <p>EU requested VN to accept the regionalisation principle for HPAI, to recognise the concept of zoning and accept the sanitary status of EU MS (and regions within them under the principle of zoning) for international trade in live birds and poultry products in line with the sanitary and trade standards and criteria of the OIE. EU also requested VN to bring the certification requirements in line with international standards to allow recognition of regionalisation (e.g. the export certificate agreed by 4.1(a) and VN requires country freedom).</p> <p>VN asked the EU to send more information on the certificate issue with 4.1(a) as well as on the criteria the EU applies for regionalisation. VN asked for latest information on outbreaks too. EU mentioned that information was on our website and that EU is very transparent in this respect. This information can of course be shared via the EU delegation on a regular basis. VN stressed that there were not outbreaks of the virus in Vietnam and therefore their attitude is rather cautious.</p> <ul style="list-style-type: none"> • Progress on BSE restrictions <p>EU regretted that export of EU beef to VN is still impossible for some MS despite their</p>	-

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	<p>risk-free BSE country status according to the OIE. Referred to progress with applications from certain MS and asked VN to provide an update on the report of VN inspections for [Art. 4.1(a)] that took place in September 2016.</p> <p>VN stressed that they are waiting for the feedback of the new Minister on the inspections following the change of Minister last year. Both reports for [Art 4.1(a)] are with their Minister. They should be sent to [Art 4.1(a)] soon, however no precise timeline was provided. VN is still processing the 4.1a visit report. No information was provided on the other countries applications. EU called for a rapid solution on these applications.</p> <p>The EU also stressed that any possible VN restrictions related to BSE should not apply to safe commodities (e.g. deboned meat) or in deviation of international standards and called for a deletion of "born, raised, slaughtered" clause from the import conditions imposed on those MS that have market access (e.g.4.1a).</p> <ul style="list-style-type: none"> • Request for exchange of information on applications for plant products and animal products <p>VN acknowledged receipt of the EU SPS matrix tables for both animal and plant products. EU highlighted that feedback is expected from VN on all these applications and that matrixes should be used as a common tool to keep track of status. EU also indicated that MS complained about a slow-down with regard to establishments' approvals and non-transparent pre-listing procedures. The timelines for approvals are unclear.</p> <ul style="list-style-type: none"> • AOB <p>VN took the opportunity to announce that they will soon submit an application for exporting processed poultry meat and maybe fresh eggs to the EU. They have already access to Japan for these products.</p>	

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