

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

COUNTRY	EU EXPORTS	EU IMPORTS
1. Canada	<p>1) Greenhouse potato mini-tubers:</p> <p>The EU reiterated that exporters of seed potato from the 4.1 are request authorisation for the import of 'mini-tubers'. Other EU MS, such as 4.1(a) would also be interested. The mini-tubers are grown in green houses and are free of any pest. The application is pending since 2012. The issue is also raised in the Trade and Investment Subcommittee with Canada since January 2013.</p> <p>The EU asked for the State of play of 4.1 a pending application and the next steps in the procedure for other MS to be followed, timelines and what can be done from the EU's side to facilitate the process. The EU also asked for clarity about the approval process in general.</p> <p>The EU also asked the latest state of play of NAPPO and when finalisation of this procedure can be expected.</p> <p>CAN informed that a letter was sent to the 4.1(a) in February 2017, but no reply was received on this letter so far. Regarding [Art4.1(a)] it was recommended to send (or resend) the application to [Article 4.1(b)] in CFIA: [Article 4.1(b)] (with copy to [Article 4.1(b)]).</p> <p>CAN promised to send an overview to the EU on conditions and steps required. CAN expect to have more news on NAPPO in March 2018.</p> <p>2) EU meat authorisation file:</p> <p>The EU welcomed the achievements made in the area of meat trade since our political predecessors sent the so-called 'red meat letters' in 2014. However, it is difficult to accept that, after a Veterinary Agreement being in force for more than 15 years, one third of our Member States still do not have access for their meat products to the Canadian market. While other MS only have access to some meat commodities.</p> <p>Following the audit carried out by Canada in early 2015, significant work has taken place including technical meetings in the EU. All the observed non-compliances have been addressed, in cooperation</p>	<p>Canada expressed its concerns on:</p> <ul style="list-style-type: none"> • 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; • The new comitology proposal; • [Article 4.1(a)] emergency measure on Dimethoate; and • Non-renewal of picoxystobin

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	<p>with the 4 Member States concerned [Article 4.1(a)] , to the satisfaction of CFIA.</p> <p>In addition, the successful conclusion of this file and the strong interest and expectation of the Member States will be vital to confidence-building before starting work on any other measure that would facilitate trade, also those of Canada's interest (simplified listing and recognition of CAN health mark). SANTE and CFIA have been discussing these issues bilaterally.</p> <p>The EU asked for the state of play as Canada has been called at the highest political level to prioritise this matter and to conclude this file in the coming weeks?</p> <p>CAN promised to bring the issue back home.</p>	
2. China	<p><i>1) Revised Food Safety Law and new implementing rules</i></p> <p>China notified implementation measures of the new food safety law (Revised Draft published in August 2017, notified under G/SPS/N/CHN/1055), and implementation measures concerning the Supervision and administration of import and export food safety (Draft published in August 2017, notified under G/SPS/N/CHN/1056), which are of high relevance for the EU.</p> <p>The EU drew China's attention to comments submitted under both notifications.</p> <p>CN expressed interest to cooperate with the EU. AQSIQ has training plans for local CIQs in place but obviously information exchanges are always welcome. China emphasised their ambition to establish a science and evidence-based food safety system. Both sides agreed in principle to address the entire cluster of food law implementation, enforcement and certification in a seminar with AQSIQ (and possibly CIQs) early 2018, or in May in the context of the visit of Commissioner Hogan.</p> <p><i>3) AQSIQ initiative related to certification of low risk food products</i></p> <p>The EU repeated that the planned measure is disproportionate. Obviously, issuing official certificates for all foods will present a massive administrative burden. The electronic exchange of documents with electronic signatures appears to be the only realistic way to realise this.</p> <p>CN reminded of the fruitful exchanges held in October in Beijing and remained open to start working on electronic certificates. CN repeated the idea to start discussions on the basis of a certificate for</p>	<p>China expressed its concerns on:</p> <ul style="list-style-type: none"> • Wood packaging material • EU residue levels of phthalamide • Pesticide residues

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

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	<p>wine, but COM could not yet commit to singling out a specific product. COM noted that a written commitment from CN would be welcome to initiate work on electronic certification.</p> <p>The EU expressed concern that the range of products affected by the measure is still unclear. AQSIQ took note and will inform the relevant branches. AQSIQ undertook to come back to EU with a clarification of the product range and reminded again that all products already currently under certification requirements are exempt from the planned measure.</p> <p><i>5) Regionalisation measures as applied in the EU for avian influenza and African swine fever</i></p> <p>The EU thanked CN for the useful exchange during the China/EU seminar on animal health controls in Beijing on 12 October. To further strengthen the dialogue and cooperation in this important field, the EU invited in writing already five senior expert officials from the Ministry of Agriculture to come to the EU for a study visit. The objective would be to map out a capacity building programme and to develop a formal understanding on the application of the regionalisation principles in trade.</p> <p>CN noted that the Specific Trade Concern raised by the EU in the plenary addressed only African Swine Fever and not avian influenza. But EU clarified that the interest to discuss regionalisation is broader and covers all diseases. CN informed that there are regional control measures in place to manage FMD, and would be open to discuss management also of other diseases (compartmentalisation was mentioned). ASF is a grave concern for China and AQSIQ again made it clear that they insist on strict import controls. According to AQSIQ the situation in different Member States is different, the OIE does not give clear guidance and, therefore, both sides must cooperate to find solutions.</p> <p><i>7) Pending applications submitted by EU Member States to China</i></p> <p>The EU raised only beef and BSE, due to time constraints and again urged China to lift these unnecessary and unjustified trade restrictions for beef. CN was not in a position to comment.</p>	
3. Indonesia	<p><i>1) Overview of prioritised market access applications ("SPS matrix")</i></p> <p>The EU complimented the Ministry of Agriculture for accepting the meeting in October 2017 with the EU delegation and EU Member States embassies in Jakarta. Unfortunately, relevant officials at the right level were not able to participate so only interlocutory answers were given on the SPS matrix market access application overview. The EU asked when feedback can be expected with clarification</p>	

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

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	<p>on the actions required from Indonesia or the Member State and on the next steps in the approval procedure of Indonesia. The EU reiterated that for the time being a large number of MS report that they neither get feedback on their applications nor feedback on request for audits from IDN.</p> <p>The EU asked for a system of regular exchanges on bilateral issues as agreed during working group meetings in Bali in January 2017 and suggested for the next meeting on pending market access applications to be held in the margins of the FTA round in IDN in January/ February 2018.</p> <p>IDN asked for the SPS matrix to be forwarded to the SPS team and promised feed-back on next steps and EUMS pending application. IDN handed over a flowchart describing the application procedure in details. IDN also agreed on having the next bilateral in the margins of next FTA negotiation round in IDN January/ February. The EU should suggest this to the Ministry of Trade.</p> <p><i>2) Recognition of regionalisation-restrictions due to Avian influenza on EU Member States</i></p> <p>The EU asked IDN to lift the ban for previously infected areas that regained their free status three months after a stamping-out policy including cleaning and disinfection of all affected establishments (in line OIE standards).</p> <p>The EU reminded IDN 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.</p> <p>The EU asked IDN to accept the application of the regionalization process and to indicate to EU Member States which steps are needed to lift them. IDN replied that the steps necessary for lifting of bans are described in Regulation number 37 and 38 from 2017 on import of animal products. Application from the Competent Authority of the Member State should be send to DG of Livestock and Animal Health.</p> <p>IDN promised to send an overview on what kind of information is needed.</p> <p><i>3) Draft Indonesian legislation on dairy products</i></p> <p>The EU expressed concerns about the draft regulation currently being considered by the Ministry of Agriculture regarding importation of milk and milk products as well as the recently issued Regulation 26 of 2016 on Milk Supply and Distribution. This Regulation is making dairy imports conditional upon establishing partnerships with local farmers, the details on this not being very clear at this point.</p>	

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

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	<p>The regulation has the potential of significantly damaging exports of EU high quality dairy products, which are, the main EU export and asked IDN to reconsider the regulation. The EU asked for clarification on the rationale behind making dairy imports conditional upon establishing partnerships with local farmers and what the state of play of the draft legislation is.</p> <p>IDN informed that the current regulation 26 of 2016 on Milk Supply and Distribution is not directly regulating the import. However together with the draft legislation on import IDN agreed that it will be regulating the import indirectly. IDN could not give any timeline on when the draft legislation is expected to be put into force. The draft legislation will be notified but IDN could not promise this will be done before entering into force. IDN suggested for the EU Delegation in Jakarta to participate during public consultations.</p> <p><i>4) New rules on fees for audit in Member States</i></p> <p>The EU reiterated its concerns on the new rules on fees for audit in Member States - Regulation no. 35/2016 including the fees for processing a market access application and asked Indonesia to reconsider new rules</p> <p>The EU asked again IDN to provide more information on the rationale behind the fees and how the fee amount was calculated and if similar fees are levied on domestic products and to provide the legal basis for such fees. The EU also asked IDN to explain if the regulation is directly applicable and for clarification about the procedure on the new fees.</p> <p>IDN explained that local producers must also pay a similar fee for desk evaluation and for and promised to send the legal basis for this. The EU should ask Ministry of Agriculture and Ministry of Finance how the calculation of the fee was done. The flowchart handed over by IDN describes the application procedure in details.</p> <p>The EU finally called on IDN to actively engage in finding solutions on all these issues, especially as we are embarked in negotiating an ambitious CEPA and will look for a closer partnership with IDN on SPS issues.</p>	
4. Japan	<p><i>1) Japan's non recognition of regionalisation measures as applied in the EU for African Swine Fever and avian influenza</i></p> <p>The EU acknowledged the cooperation that has been started between the EU and Japan on the animal</p>	

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

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	<p>health mutual recognition. Therefore at this bilateral meeting only specific bans and lack of regionalisation related to ASF and HPAI outbreaks would be discussed.</p> <p>For HPAI the EU asked Japan to recognise regionalisation measures put in place in the EU and to lift bans/restrictions immediately and not later than 3 months after stamping out policy and cleaning and disinfection (in line with the OIE standards). Regarding ASF the EU reiterated that the country-wide ban on 4.1(a) for ASF is considered disproportionate. The EU asked about the state of play of the current bans and what is needed for Japan to lift the ban on import of pork due to ASF and poultry due to HPAI.</p> <p>Japan replied that regarding HPAI the EUMS needs to send a formal request to Japan for recognition of the regionalisation measures put in place. Japan has received requests from [Article 4.1(a)]. A letter was sent to the 4.1(a) Embassy in Tokyo asking for information but no reply has been received. 4.1(a) need to fill in a questionnaire. 4.1(a) are in the process of being evaluated. A new outbreak 19th October in 4.1(a) will delay lifting of ban.</p> <p>Japan replied that regarding ASF and the recognition of regionalisation measures in 4.1(a) the state of play is Japan already asked the Animal Health Committee to give their opinion and actually regionalise was accepted, but then further 20 outbreaks were seen. Therefore Japan needed more information 4.1(a) has supplied the latest information on 17 October 2017 to Japan on the remaining questions as well as for the videoconference held on 29 September 2017 between Japan and 4.1(a). Japan is at the moment evaluating this information carefully. Japan was not able to give any timeline on the issue.</p> <p>The EU and 4.1(a) urged Japan to put in place very soon the procedure for the recognition of disease-free areas from 4.1(a) and re-allow the pig meat trade from not affected areas.</p>	
5. Korea	<p>1) Pending MS applications for market access of beef</p> <p>The EU reiterated that there has been a serious delay in the application processes given that first MS applications were made in 2006 from Member States and Korea only started the first steps to process the four frontrunner MS applications [Art. 4.1(a)] in 2012.</p> <p>The matter was discussed during the recent SPS Committee meeting in Korea on 6 September. To structure the discussion and building on the common understanding reached in Korea in September, a</p>	<p>Korea expressed its concerns on:</p> <ul style="list-style-type: none"> • Export of Ginseng Chicken Soup to the EU • Export of Korean beef to the EU

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

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	<p>roadmap for working through the remaining stages of the approval process was drafted by the EU and sent on 19 October to the Korean Ministry of Agriculture, Food and Rural Affairs and the Ministry of Food and Drug Safety. This proposed roadmap indicates concrete next steps with a timeframe and it reflects the message that EU Trade Commissioner Cecilia Malmstrom conveyed in her letter of 28 September to Trade Minister Kim. The letter was handed over to Korea.</p> <p>The EU asked to consolidate the roadmap in advance of the forthcoming Korea-EU Trade Committee on 7 December. It would be instrumental for the EU and Korean leaders to endorse such a joint roadmap.</p> <p>Korea expressed concerns on developing a joint roadmap with deadlines. Korea claims that such a document if it is made public could impede rather than expedite the process as it would be badly perceived by the public and the national parliament as the EU putting pressure on Korea without a proper consideration of risks. Korea asked for more information on the intended use of the roadmap and whether it would be signed by the Commissioner/Minister.</p> <p>The EU explained that ideally the document should be agreed/endorsed by the Minister and Commissioner but took note of Korean concerns. The EU stressed that the most important is that we have a common understanding at technical level of the steps and the timelines for these. The EU will discuss internally whether the document could remain as a working document and therefore not publicly available. The timelines are only target dates and depends of course on both parties to deliver relevant information on time. The EU stressed that the pressure is high and that it foresees problems on how to proceed if no indicative timelines can be agreed upon. In the absence of such a common timeline and framework to proceed on all applications, a legal challenge might be the only way forward as indicated in the Commissioner letter of 28 September.</p> <p>Korea agreed on discussing the roadmap internally and provide comments to the EU before the Trade Committee meeting in December 2017.</p> <p>Regarding <u>the state of play for the Member States beef applications</u> Korea explained the following:</p> <p>○Art. 4.1(a): the evaluation is finalised and Korea expects to submit the review and Committee opinion to Parliamentary Committee before end of this year.</p>	

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	<ul style="list-style-type: none"> ○ 4.1a Korea expects to finalise the evaluation by end of this year. ○ 4.1a Korea is still waiting for information from 4.1a The questionnaire sent to 4.1a has not been finalised as information on the governance structure of sanitary work in 4.1(a) (legal basis, different responsibilities of ministries and processes). This is a prerequisite for Korea to be able to conduct the assessment before on-site visits can be planned. The EU explained that 4.1a is concerned about the huge amount of legislation that needs to be translated. Korea explained that a full translation of the code rural is not needed but only an explanation of the most relevant aspects as regards governance (to answer the 3 missing questions). Korea promised to send the specific questions from the questionnaire that needs to be answered and the EU to follow up with 4.1(a) on this. ○ Remaining 7 MS [Article 4.1(a)] : Questionnaires have been sent 18 September 2017. <p>2) Recognition of EU regionalisation measures for both AI and ASF</p> <p>Korea does not apply the principle to any products imported from EU, neither poultry nor pork. EU made efforts to explain the regionalization principle and its implementation in the EU in several study visits and seminars. Regionalisation is an obligation, embedded in the WTO SPS Agreement and also bilaterally in the FTA.</p> <p>The EU urges Korea to generally recognise the EU measures on regionalisation including for Avian Influenza. The EU appreciated the fact that Korea re-opened poultry imports from [4.1(a)] by recognising the country again as free of Avian Influenza. But this re-opening happens after months of evaluations.</p> <p>As regards 4.1(a) and African Swine Fever, a lot of information has been continuously supplied to Korean authorities. Despite this, Korea has not yet lifted the ban and on the other hand, even temporarily suspended the assessment due to outbreaks in 4.1(a) 2016.</p> <p>The EU invited Korea to map out a process and identify elements that are still missing for the effective implementation of the principle of regionalization. The EU suggested offering another information event on regionalization in the margins of the ASEM summit in Brussels in December or</p>	

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

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	<p>early in 2018. The EU also invited Korea to discuss automatic recognition of regionalisation and lifting of temporary bans. All this to resolve the current STCs.</p> <p>Korea informed that a request for more information was sent to 4.1(a) in August. 4.1(a) informed that they answered in October on the latest request on more very detailed information. Korea will review this.</p> <p>Korea informed that regarding HPAI they are reviewing the information. The EU asked for timeline and further steps needed.</p> <p>Korea that they will not be able to participate in a seminar on regionalisation in the margins of the ASEM event in December, but will come back to us on our proposal for a new seminar in the beginning of next year.</p>	
<p>6. Saudi Arabia</p>	<p><i>1) Poultry and its products – restrictions due to Avian influenza on EU Member States.</i></p> <p>The EU requested SAU to provide its feedback on the restrictions in place on the respective EU Member States. An overview table was provided prior to the meeting.</p> <p>The EU thanked SAU for bans/restrictions already lifted, namely from [Article 4.1(a)] .</p> <p>The EU asked if SAU can guarantee that ban will be lifted for all EU MS on which trade restriction are imposed after 3 months (after a stamping out policy incl. cleaning/disinfection carried out) according to OIE health code for HPAI? How will SAU improve the situation, as we see that it can take more than 3 months that measures are in place. The EU highlighted that the OIE health code does not recommend issuing bans, but instead recommend that different commodities can be traded under certain conditions.</p> <p>The EU also thanked SAU for not imposing country-wide ban on several EU MS where HPAI was found. In most of the cases its seen that SAU is imposing restrictions only to the affected area, in other cases depending on the commodity this is not the case (e.g. live birds, hatching eggs, day old chicks).</p>	

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	<p>The EU asked how SAU will ensure that no country-wide blocks will be put in place in future.</p> <p>The EU asked how SAU will ensure that it will recognise the regionalisation conditions as imposed by the affected EU Member State and thus not put in place trade restrictions for at Province/Department/Bundesland... level? The EU asked if SAU can automatically accept the regionalisation measures as put in place by the EU (thus accepting the EU legal Decisions whenever there is an outbreak).</p> <p>SAU expressed its worry if all EUMS has the same animal health standard and control. The EU explained there is a high level of scrutiny as the EU market (intracommunity trade) is the biggest trade market for EUMS. The EU Animal disease control system is built on a comprehensive set of harmonised rules applicable in all MS. The EU promised to send Decision on regionalisation and the new Animal health brochure.</p> <p>SAU already put in the overview table on next steps to be taken to lift the remaining bans. SAU explained in general that a report from OIE and the CA of the MS is needed, and promised to share “the ban lifting procedure”. SAU suggested for the EU and SAU to work closely together to accelerate lifting of the remaining bans. MEWA needs to be involved regarding live poultry, hatching eggs and day old chicks.</p> <p>4.1a asked for state of play for lifting of ban. SAU recommended 4.1a to send the report again 4.1a suggested SAU to participate in study visit. SAU explained that new import requirements have been notified (one month ago) to allow import of certain commodities under certain conditions. SAU promised to send the number of the notification.</p> <p>2) Beef/sheep meat – EU market access – pending applications</p> <p>The EU asked SAU to provide an update on the State-of play on EU Member States pending applications and on the way forward.</p> <p>The EU asked the SAU to provide an update on how it will align its import legislation related to BSE (Mad cow disease) with the international standards of EU and how can the EU help with this process.</p>	

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

COUNTRY	EU EXPORTS	EU IMPORTS
	<p>More specifically on following conditions:</p> <ul style="list-style-type: none"> ○ Ban on bone-in meat. SAU allows the import of boneless meat only and bans the EU bone-in meat. Such limitation is not foreseen by the OIE standards. ○ Age limitation: in the case of beef, only the beef obtained from cattle younger than 30 months is allowed for export to SAU. Such age limit is not foreseen by the OIE standards. <p>SAU asked for an overview table on pending applications.</p> <p>SAU explained that the process on import of “bone in” meat is changing as well as the age limitation, right now discussion is ongoing with experts and 30 month is proposed extended to 48 month. The EU commented that this is an improvement but still not in according to the OIE health code.</p> <p>3) GCC guide on imported products</p> <p>The EU asked SAU to provide an update on the Certification requirements for low-risk products and on the way forward.</p> <p>SAU explained that this issue should be discussed with the GCC secretariat. However SAU does not apply the certificate for low-risk products for the moment.</p>	
<p>7. South Africa</p>	<p>1) Regionalisation</p> <p>The EU had expressed a Specific Trade Concern related to the non-recognition of regionalisation for Highly Pathogenic Avian Influenza in the EU. South Africa continues to maintain country-wide bans of several EU Member States although episodes of HPAI are long eradicated.</p> <p>South Africa found it regrettable that EU raised a STC, given that discussions are ongoing. According to South Africa, EU does not give the same benefit to South Africa that it wants for itself. Also South Africa would be interested to come to a peacetime agreement related to regionalisation. Both sides agreed that a seminar would probably be a good idea to sort out divergent views and u-interpretations of OIE recommendations.</p>	

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

COUNTRY	EU EXPORTS	EU IMPORTS
	<p>South Africa is now considering re-opening trade, given that they are now country-free again. 4.1(a) will be inspected in February 2018. Whether other Member States will be inspected at the same occasion is still open.</p> <p>2) Pending Applications</p> <p>4.1(a) initially filed an application for import of pork and poultry in 2012 and responded to a questionnaire. In 2016 additional questions were raised which were addressed in May 2017. But there is no response yet.</p> <p>4.1(a) filed an application for pork exports in 2013 and went through the process so far. The next step is the approval of an export certificate where 4.1a made proposal in March 2017 but did not receive a feedback.</p> <p>South Africa took note and will follow up.</p>	
8. Thailand	<p>1) State of works on EU Member State applications for pork and pork products</p> <p>Applications from six Member States are pending [Article 4.1(a)] This is currently the top priority for the EU. Thailand informed that the process is on track and will be finished soon.</p> <p>2) Regionalisation</p> <p>Thailand now recognised the 4.1(a) regionalisation for HPAI. EU invited Thailand to continue the cooperation with all interested Member States. COM has invited Article 4.1(b) (assistant to the [Article 4.1(b)]) to make a presentation on regionalisation at the 2nd ASEM seminar on SPS from 5 to 6 December 2017 in Brussels (organised by DG SANTE). This will provide an opportunity for a more detailed planning of further cooperation on regionalisation question. EU invited Art. 4.1(b) to identify the areas of interest that will help to address remaining uncertainty and build confidence in the EU's capacity to control animal diseases.</p> <p>3) Applications for apples (and pears) are pending from BE, DE and PL.</p> <p>EU insisted that applications are pending since far too long and again questioned the necessity to develop detailed protocols for the control of pests. The list of quarantine pests should be sufficient.</p> <p>Thai informed that EU imports are treated with highest priority. With 4.1a apparently there is now</p>	Thailand asked for update on the draft endocrine disruptor criteria

70TH WTO SPS COMMITTEE – SUMMARY OF THE BILATERAL MEETINGS HELD IN GENEVA BETWEEN 1 AND 3 NOVEMBER 2017

COUNTRY	EU EXPORTS	EU IMPORTS
	<p>agreement to do cold treatment and the next steps of the approval process can be taken. EU took note but repeated that the current imbalance in import procedures for fruit and vegetables is unsatisfactory.</p> <p>4) Pending application for BE beef</p> <p>Thai DLD undertook an inspection of BE establishments in June 2017 but a report is still pending. Some information on corrective action is also still pending, so the delay is also due to this fact.</p> <p>5) Draft criteria of the EU to identify endocrine disruptors</p> <p>Thai inquired why the draft criteria for endocrine disruptors had been rejected by the European Parliament. SANTE explained the situation and informed that the process of defining criteria must now re-start. Until this is finished, the interim criteria (cut-off criteria) identified in the Pesticides Regulation continue to apply.</p>	
9. Turkey	<p>Prohibition of imports of animals vaccinated against bluetongue</p> <p>The EU requested that Turkey should align its import conditions to OIE rules and allow imports of vaccinated animals. The Turkish participants promised to bring this concern to the attention of the competent Turkish authorities.</p>	<p>Turkey raised the following issues:</p> <ul style="list-style-type: none"> • Cooperation on pesticide MRLs • Prohibition of [4.1(a)] to import cherries from Turkey due to the use of dimethoate

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