



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Directorate D – Food chain: stakeholder and international relations
D2 – Multilateral International Relations

DIRECTORATE-GENERAL FOR TRADE
Directorate D – Sustainable Development, Bilateral Trade Relations,
D3 – Agriculture, Sanitary and Phytosanitary Market Access, Biotechnology

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Report of the 77th WTO SPS Committee meeting (25-26 June 2020)

EU DELEGATION:

DG SANTE: [REDACTED]
DG TRADE: [REDACTED]

SUMMARY

Despite its unusual structure, (a mixture of written and oral procedures), the meeting followed a traditional pattern in that the EU was the subject of intense criticism on Pesticides, where many developing countries have now requested a temporary suspension because of the Covid-19 pandemic. The EU regulatory measures on Veterinary Medicines, High Risk Plants and Composite Products were also criticised by several Members.

On the offensive side, the EU raised concerns on several topics and countries, namely longhorn beetles (new) and apples and pears against USA, BSE restrictions against several countries, imports of meat from Philippines and approval procedures from Indonesia. During a session on Covid-19, the EU delivered a strong statement against Members taking unjustified restrictive measures (China).

In the formal meeting, the EU made a brief introduction to the Farm to Fork Strategy, which triggered expressions of concern from some Members. USA and other sponsors promoted an initiative for a Ministerial Declaration on the SPS Agreement. The Committee completed its work regarding the Fifth Review Report that is for adoption ad referendum by 30 July. Finally, the EU participated in some meetings in the margins (bilaterals with Japan and Canada).

Details

Introduction

The 77th regular meeting of the WTO/SPS Committee took place on 25-26 June following an information session on Covid-19 (24 June). Because of COVID-19 restrictions, the SPS Committee meeting followed a hybrid approach combining virtual and (limited) physical presence with a written procedure. For the first time the Committee resorted to an electronic agenda which allowed Members to upload their statements directly to a shared platform. Members also had an opportunity to make oral statements during the virtual/physical meeting, but the allocated time per Member was limited.

Specific Trade Concerns

Defensives

As in previous occasions, numerous Members criticised the EU measures on Pesticides. The list of STCs included new ones (chlorpyrifos and mancozeb) and four repeatedly raised in the past, namely MRLs of several substances (buprofezin, chlorothalonil, glufosinate, imazalil, iprodione and picoxystrobin), endocrine disruptors, lambda-cyhalothrin and folpet, the last two raised by China. Other STCs related to Veterinary Medicines and High Risk Plants. The EU responded briefly during the oral session and announced a more comprehensive response in writing.

Offensives

As agreed with Member States during the preparatory meeting on 2 June, the EU raised new STC against the United States regarding the non-recognition of the pest free status of many Member States of the European Union for Asian longhorn beetle and Citrus longhorn beetle.

STCs previously raised by the EU and raised again at this meeting included the following:

- Approval of apples and pears against the US (STC N° 439).
- Continued trade suspensions related to Bovine Spongiform Encephalopathy, mentioning specifically Korea, China, Taiwan and the United States (STC N° 193).
- Indonesia's import approval procedures for products of animal and plant origin (STC N° 441).
- The Philippines' trade restrictions on imports of meat (STC N° 466).

Under the agenda point related to International Standards the EU raised again its concerns related to the non-application of regionalisation and other elements of the OIE terrestrial code after outbreaks of avian influenza and African swine fever.

Covid-19 information session

The Committee started with an information session on Covid-19 (an EU initiative). Several international organisations, namely WTO, STDF, Codex, OIE, IPPC and WHO, presented their Covid-19 related measures and recommendations. Numerous Members took the floor. Many reported about measures taken to facilitate trade (mainly related to certification procedures). Several called for the removal of unjustified protective measures. The EU (G/SPS/GEN/1799) and USA delivered firm statements addressed to one specific Member (China). Several Central and South American countries referred to a document subscribed by more than 30 developing countries asking the EU to suspend for a year all MRLs revisions and the implementation of newly adopted MRLS (G/SPS/GEN/1778/Rev.2). They had already presented this request in other WTO forums (TBT Committee and Council for Trade in Goods) and reiterated it during the formal session of the SPS Committee. The EU noted its unwillingness to compromise on health protection and announced a formal response in writing.

Work of the Committee

The Committee expressed almost unanimous support for the text proposed by the Chair for the Fifth Review report (W/313/Rev.3), which is to be adopted ad referendum by 31 July. The Thematic Sessions envisaged for March (Third Party Certification) and June (Risk Analysis) will take place in November and June, respectively. The meeting of November will discuss proposals on African swine fever (EU initiative) (G/SPS/W/322), MRLs of pesticides and possible new suggestions. USA, Canada and Brazil presented their proposal for a Ministerial Declaration on the SPS Agreement, which has gained the support of numerous Members (G/SPS/GEN/1758/Rev.2). The

EU reserved its position noting willingness to engage with the proponents to discuss contents and language. One of the recommendations of the Fifth Review Report is to establish a working group on approval procedures. Canada presented a proposal about its functioning and timetable and invited members to join the working group (G/SPS/W/328). There was very limited response. Finally, Brazil invited Members to support their longstanding proposal on Committee procedures (G/SPS/W/319/Rev2). However, it has limited support from Members and strong opposition of USA.

Other Topics

The EU presented briefly a note previously circulated to all Members on the Farm to Fork Strategy (G/SPS/GEN/1797). Although there was no opportunity for discussion, several Members expressed concern about its trade consequences particularly in relation to pesticides. The EU also referred to an explanatory note on the new rules on Composite Products (G/SPS/GEN/1786), a matter that raises concerns among some Members.

Several Members, notably US and Canada, referred to an International Statement on Agricultural Applications of Precision Biotechnology, an initiative of 2018 currently supported by 11 Members (G/SPS/GEN/1658/Rev.4). The US mentioned some studies on the trade consequences of not applying the Codex MRL on Ractopamine and encouraged Members to adopt this Codex standard (G/SPS/GEN/1801).

Meetings in the Margins

The EU hold bilateral meetings with Japan and Canada. The meeting with Canada focused on pesticides, veterinary medicinal products, and the French measures on dimethoate. Japan raised concerns about composite products and veterinary medicinal products. In turn, the EU identified areas where simplification in the Japanese approval procedures could bring benefits to both sides by allowing saving time and resources. Additionally, the EU stressed the importance of adhering to international standards, in line with the WTO and EPA agreements. Japan did not give immediate feedback but remained positive to discuss the suggestions further in the meetings planned later this year (SPS Committee, AHTWG and market access meetings).

Next Meeting

The next session of the SPS Committee will take place in the first week of November.
