

# **COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT (CETA)**

## **MEETING OF THE SANITARY AND PHYTOSANITARY MEASURES FIFTH JOINT MANAGEMENT COMMITTEE 25-27 OCTOBER 2022**

### **REPORT**

#### **1. WELCOME AND INTRODUCTION**

##### **1.1 Opening Remarks**

- Canada and the EU provided opening remarks and acknowledged the good cooperation and work between both parties to advance SPS issues of mutual interest despite the current pandemic, the energy crisis and the situation in Ukraine.

##### **1.2 Introductions**

- Meeting was attended by representatives from the Canadian Food Inspection Agency (CFIA), Agriculture and Agri-Food Canada (AAFC), Health Canada (HC), Global Affairs Canada (GAC), the EU Commission (DG SANTE, DG TRADE) and EU Member States (FR, DE, LV, RO, HU, LT, EE, ES, NL, SL, SE).

##### **1.3 Adoption of the Agenda**

- Canada made the request to include two additional topics for information sharing purposes: Animal health equivalence and CFIA Regulatory Update.
- Agenda was adopted with only minor revisions to the order of specific items being discussed during the meeting.

#### **2. OPERATION AND IMPLEMENTATION OF THE SPS CHAPTER**

##### **2.1 Rules of Procedure**

- Both parties agreed to finalize the draft minutes and produce a final report within the same format.

##### **2.2 Review and follow up of action items from JMC 2021**

- EU and Canada agreed on continuing tracking the progress of issues and making firm new commitments for the next year.
- Canada and the EU agreed on the current format for capturing and tracking the progress of issues, and agreed that once finalized, completed items should be archived for recordkeeping.

#### **3. INFORMATION SHARING**

##### **3.1 Pesticides, Maximum Residue Limits and (MRL) Import Tolerances for Plant Protection Products (PPP)**

###### **Pesticide/MRLs**

- Emergency Use Authorizations (EUAs) are included in Regulation (EC) 1107/2009, Article 53.

- EU informed on the special circumstances to authorize PPP for a maximum period of 120 days for limited and controlled use, where such a measure appears necessary to contain a danger that cannot be contained by any other reasonable means.
- Canada expressed concerns regarding the number of EUA for PPP by Member State (MS). EU is taking action to verify that EUAs are justified.
- Canada indicated that the EU MS are still using these products under EUAs. When domestic patterns of EUAs continue following the ban on MRLs, it creates an unfair playing field for imports.
- EU explained that the purpose of EUAs is not to facilitate trade. In case the EUAs result in residues above the EU MRLs, the authorizing MS may exceptionally allow the placing on the market in its own territory provided that the food or feed is safe.
- Canada asked the EU to explain under what criteria MS justify what constitutes an emergency and at what point are the EUA requests rejected. EU indicated that it is on a case by case basis and that European Food Safety Authority (EFSA) evaluation of EUAs are published.

### **Neonicotinoids**

- Canada highlighted that Canadian stakeholders are concerned that the proposed measure to revoke the MRLs of neonicotinoids by the EU is more trade restrictive than necessary to meet the EU's set objective (to protect the global pollinator population), with no additional protection provided to consumers. If adopted, this regulation could have a significant impact for Canadian farmers (seeds, oils and horticulture products).
- EU mentioned its concerns for the worldwide decline of pollinators and that this strategy and principles were mentioned as early as the Farm to Fork and EU Green Deal Strategy.
- EU indicated that all comments received through technical barriers to trade (TBT) were shared and discussed with MS prior to the September 27, 2022 Standing Committee on Plants, Animals, Food and Feed (SCoPAFF) vote.
- EU reiterated that the proposal is not to ban usage in third countries but rather not accepting food containing residues of clothianidin and thiamethoxam above the limit of quantification in the EU.
- EU informed that the draft Regulation is being translated and will be submitted to EU Parliament and EU Council for scrutiny. If no objection is received, the Regulation is expected to be adopted in January 2023. The EU indicated that the Regulation includes a 36 month deferral of the application date, so the new MRL would enter into force in 2026, which the EU believes is a sufficient transition period.
- Canada's Pest Management Regulatory Agency (PMRA) has studied the effects of neonicotinoids on pollinator health in Canada over the past 10 years. EU is aware and welcomes the work Canada is doing to protect pollinators. EU will consider setting import tolerance requests, if such requests are received, and will evaluate if for the specific crop and under the specific conditions of use that there is no unacceptable risk to pollinators.
- EU is currently working to promote more sustainable alternatives to the use of these pesticides (clothianidin and thiamethoxam).

- EU indicated that based on the data collected in 2019, the frequency of findings of clothianidin and thiamethoxam in imported products is low: only around 2% of the samples contained detectable levels, while only 0.25% exceeded the MRLs. None of the samples from imported products from Canada (240 samples) contained measurable levels of clothianidin and thiamethoxam.

**ACTION ITEMS:**

- Canada and the EU to have a technical discussion within the framework of the Committee to continue to collaborate and exchange information on potential solutions to the use of pesticides (clothianidin and thiamethoxam).
- Canada to identify further information and clarifications on EUA to be shared with the EU prior to the technical call through the secretariat.
- EU to provide additional information on EUA during the technical call.

**3.2 MLs Contaminants - Hydrocyanic Acid in flaxseed**

- Canada indicated that Canadian growers are finding the new EU legal requirements very difficult to meet as mitigation is nearly not possible as Hydrocyanic Acid (HCN) is naturally occurring in linseed.
- In 2021, Canada exported over CAD \$84 million of flaxseed to the EU and was the EU's 3rd largest supplier of flaxseed; Russia and Kazakhstan being the first and second, respectively.
- Canada requested to have some clarification on the terminology used in the EU legislation on maximum levels of HCN acid in linseed.
- In response to Canada's request, the EU provided a definition for unprocessed flaxseed as processes that do not change the characteristic (i.e. not heated, not roasted) and in line with the definition used for "unprocessed", milling is not considered as processing.
- EU clarified further that taking into account Canada's concerns, the strictest maximum level of 150 mg/lg in flaxseed is explicitly limited to products that are intended to be placed on the market for the final consumer, which is therefore not applicable to consignments of Canadian flaxseed imported in the EU.
- The maximum level of HCN in linseed applicable to linseed imported from Canada into the EU is established at 250 mg/kg, same level of HCN in linseed for animal feed in place since 1974. Therefore, trade should not be adversely impacted.
- Canada asked the EU to consider delaying the implementation date until January 2024 to allow time for Canada to finalize the human flax study. EU indicated that it would be appropriate to have a discussion on the results of Canadian human flax study, once available.

**ACTION ITEMS:**

- Canada to provide information and associated data (volume/data of trade etc.) available regarding the types of flaxseed products and the related hydrocyanic acid content exported to the EU to determine level of impact associated with new EU requirements.

- EU and Canada to hold a technical meeting in the near future between experts to better understand the terminology used in the legislation, the scientific justification, testing methodology, and the outcome of Canada's human flax study.

### **3.3 Veterinary Medicinal Products (VMP)**

- Canada shares the view of the EU and many countries that antimicrobial resistance represents a major global threat of increasing concern to human, animal and environmental health that requires worldwide attention.
- Canada asked for an update on timeline on the final piece of secondary legislation, the import rules for third countries and to consider a transition period that reflects the reality of the agricultural supply chain.
- EU reminded Canada that the obligations of article 118 and VMP regulation are implicating Member States so should be less trade restrictive in order to balance rules involved with obligations to be met.
- EU informed that a specific timeline on when the next delegated act on import rules would be shared could not be provided, however mentioned that the existing dedicated website contains further information that could be shared with Canada.
- EU is planning to organize a meeting with major trading partners to keep them informed prior to the World Trade Organization (WTO) Sanitary and phytosanitary (SPS) notification on import rules.

#### **ACTION ITEMS:**

- EU to keep Canada informed of any developments in relation to the last delegated regulation import rules and to host information session for third countries on VMP.
- EU to provide Canada with a link related to the development of VMP legislation.

### **3.4 CFIA Regulatory update**

- Canada provided a short overview of its current CFIA regulatory process, modernization efforts and 2022-2024 Forward Regulatory Plan (FRP).

#### **ACTION ITEM:**

- Canada to share presentation with the EU.

## **4. OPPORTUNITIES FOR ENHANCED COOPERATION**

### **4.1 Antimicrobial resistance (AMR)**

- Canada and the EU shared information relating to each countries respective work as it relates to the global multifaceted issue of Antimicrobial Resistance (AMR).
- Both Canada and the EU committed to continue to take action to combat the threat of AMR.

- Overall, Canada and the EU shared the importance of international committees and working together to advance this worldwide issue.
- Both countries reiterated their commitment to enhance cooperation on AMR.

## **ACTION ITEM:**

- Canada and EU to continue exchanging information through the Transatlantic Taskforce on Antimicrobial Resistance (TATFAR) and other established networks with like-minded countries.

## **4.2 Regulatory Implementation**

- In the context of opportunities for enhanced cooperation, Canada requested DG SANTE's assistance in creating greater consistency in the implementation of EU legislation by Member States.
- Canada provided some examples of implementation inconsistencies (digital vs. paper certificate, reduction of volume, replacement certificate) since the animal health law was implemented by the EU and the benefits that Canada has seen with the onboarding of TRACES NT<sup>1</sup>.
- Canada highlighted the importance of having DG SANTE's assistance in providing guidance to the Canadian industry and inspectors on how legislation should be interpreted, which would create more predictable trade.
- The EU advised of a forum they use to meet with MS on a monthly basis to discuss import issues and can use this avenue for communicating issues or concerns but requested concrete examples for them to reference.

## **ACTION ITEMS:**

- Canada to have a conversation with Industry on TRACES NT implementation and identify any implementation concerns.
- Canada to provide EU with concrete examples demonstrating inconsistent implementation of EU legislation by MS Border Controls Posts (BCPs) to support greater consistency and predictable trade from Canada to EU.
- EU to review, share and discuss those examples with MS using existing fora.
- EU to provide further clarification on certain aspects (on reduction of volume, issuance of replacement certificates).
- Canada and the EU to work together to update guidance where required.

## **5. SPECIFIC ISSUE MANAGEMENT: PLANT**

### **5.1 Exports of fresh tomato with vines, stems, and calyces**

- The EU reiterated its request for a pilot project with Canada (and the United States) for exports of tomatoes with green parts based on a systems approach from pest free places of production proposed by the EU for 5 EU MS submitted in March 2021.

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<sup>1</sup> TRACES is the European Commission's online platform for sanitary and phytosanitary certification required for the importation of animals, animal products, food and feed of non-animal origin and plants into the European Union, and the intra-EU trade and EU exports of animals and certain animal products. See [https://food.ec.europa.eu/animals/traces\\_en](https://food.ec.europa.eu/animals/traces_en)

- EU amended the draft systems approach and informed Canada on the revised proposal in May 2022.
- EU requested Canada to provide constructive feedback on the latest proposal and to initiate the pilot project in due course.
- Canada explained that this correspondence was not received until late August 2022.
- Canada is still in the process of reviewing the EU's revised proposal.

**ACTION ITEMS:**

- Canada to complete the review of EU's revised proposal and meet with US counterparts to discuss next steps.
- Canada to follow up with the US by mid-November 2022 to determine timing of a trilateral meeting.

**5.2 Recognition of EU's pest free areas for Asian and citrus long horned beetles (ALB and CLB)**

- EU reiterated this long standing issue with Canada and outlined that is it still looking to have Canada recognized pest free areas in affected EU members states with Asian and citrus long horned beetles.
- EU committed to provide a state of play on current condition in the form of a letter.
- Canada mentioned that currently Canadian import requirements are not in alignment with the US, as a result causing further delay.
- Canada expressed its willingness to engage in a trilateral discussion.
- Canada mentioned that it is now considered pest free for Asian long horned beetle since June 2020. EU invited Canada to share information in the form of an official letter.

**ACTION ITEMS:**

- EU to provide a letter on current ALB and CLB status in the context of MS pest free areas.
- Canada to review letter and discuss the state of play with the US in advance of the EU-US meeting in January 2023. Canada to provide feedback to the EU on country freedom and pest free areas recognition following receipt of the letter and discussions with the US.
- Canada to provide a letter to the EU signaling the lifting of restrictions as Canada is now recognized as pest free of Asian long horned beetle since June 2020.

**5.3 EU export applications of berries**

- The EU is grateful to Canada for granting an import trial period for blueberries from Spain since August 2022.
- EU requested Canada to provide an update on the timelines for the completion of the review of the export cherries from Spain to Canada dossier that was submitted in summer 2021.
- Canada indicated that the review of proposal of cherries from Spain has not yet started because of other Canadian governmental priorities.
- Canada awaits a formal market access request from Spain for fresh raspberries.

**ACTION ITEM:**

- Canada to provide an update before the end of March 2023 on the status of the revised system approach for cherries from Spain.

#### **5.4 Fresh cranberries requirements for export to the EU**

- Canada asked the EU to provide an official response to the 2019 request on the removal of the import requirements related to identified *Grapholita packardi* (cherry fruitworm), as a regulated pest for fresh cranberries exported from Canada.
- EU responded that Canadian cranberries could be exported to the EU from a pest free location accompanied by a phytosanitary certificate.
- Canada outlined that this EU import requirement is causing unnecessary burdens to the Canadian stakeholders.

#### **ACTION ITEM:**

- Canada to provide additional scientific evidence/data to the EU to support EFSA risk's assessment if available. EU to follow up as soon as the risk assessment is available.

#### **5.5 Growing media in association with shipments of plants**

- Canada requested clarification from the EU on their definition of growing media versus packing material in association with plants exported from Canada to the EU.
- EU indicated that the growing media is everything that is around the roots and supporting the growth and explicitly intended to sustain the vitality of the plant.
- EU and Canada both agreed that the information provided during the annual meeting is considered sufficient. As a result, this item is considered closed, and the EU is not required to provide an official response to Canada.

#### **ACTION ITEM: NIL**

#### **5.6 Renewal of derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood and birch wood originating or processed in Canada.**

- Canada indicated that the derogation related to the export of ash (*Fraxinus spp.*) and birch (*Betula spp.*) sawn wood from Canada to the EU will expire on June 30, 2023 and that it will need to be renewed. Canada proposed that the derogation be made permanent to remove the need for regular renewal and to ensure continuous uninterrupted trade.
- Canada had requested the EU for the derogation to be made permanent and at the same time made an additional request that the same derogation could be applied for birch sawn wood (*Betula spp.*) under the same heat treatment based systems approach, for the control of the closely related bronze birch borer (*Agrilus anxius*).
- EU confirmed receipt of Canada's request and did not identify any concerns with the renewal of the derogation of ash sawn wood (*Fraxinus spp.*).
- As it relates to Canada's request for the same derogation to be applied for birch sawn wood, EU requested that Canada provide further scientific literature.

#### **ACTION ITEMS:**

- EU and Canada to keep the submission for renewal of derogation for birch and ash sawn wood separately from Canada's request to add new heat treatment for birch wood.
- EU to review derogation renewal for ash and birch wood.

- Canada already provided scientific information on heat treatment option for birch wood to support EFSA's risk assessment but will review literature to see if additional information could be provided.

### **5.7 Wood chips requirements for export to the EU**

- As a result of the situation in Ukraine and current sanctions on Russia, Canada is aware that there is increased demand for alternative sources of biomass to meet energy production requirements in the European Union.
- An application containing preliminary information was submitted by Canada to DG SANTE on September 14, 2022, requesting approval of phosphine fumigation as a treatment option for the import of Canadian fir (*Abies spp.*) and spruce (*Picea spp.*) wood chips.
- Canada thanked the EU for their prompt response received on October 11, 2022 requesting additional information on the fumigation process.

#### **ACTION ITEMS:**

- Canada to respond to the EU's request of October 11, 2022 and provide technical data and information as applicable.
- EU to seek an update from EFSA on whether the information provided by Canada was sufficient.
- EU and Canada to have a technical call following the internal discussion.

## **6. SPECIFIC ISSUE MANAGEMENT: FOOD SAFETY**

### **6.1 EU Priority Certificates**

- EU recognized and thanked Canada for its efforts in the work that went into completing the negotiation of the EU harmonized export certificate for fresh poultry.
- EU-Canada committed to have dedicated resources to work and demonstrate progress on prioritized certificates via working group format.
- Canada acknowledged to work on EU prioritized list of top commodities (processed meat, sheep and goat meat and casings).
- Canada highlighted that this request would provide new market access and difficult to provide timelines for completion.
- EU and Canada committed to have further discussion before the end of the year to establish a road map and associated timelines to complete the work.

#### **ACTION ITEMS:**

- EU to provide Canada with a prioritized list of main commodities following the JMC meeting.
- Canada to review the EU's priority list and start the discussion.
- EU and Canada to set up a working group and have first technical discussion before the end of the year 2022.

### **6.2 Canadian Priority Certificates**

- Canada reiterated that the update of the export certificates is an old request. Since 2014, Canada has raised this request many times. This is not new market access for Canada but rather administrative change.
- Canada and EU committed to work on simplifying certificates for export of meat to the EU with the focus where Public Health (PH) equivalency exists starting with pork, beef and poultry certificates.
- Canada provided to the EU on October 19, 2022 a copy of proposed pork, beef and poultry certificates. EU confirmed receipt of the certificate and asked if Canada had incorporated previous EU comments accordingly.
- Canada confirmed that the sample proposed pork certificate incorporated the EU's new animal health law and kept the animal health attestation untouched. EU indicated that this was important to ensure that the EU could recognize Canada in the event of an African swine fever (ASF) outbreak.
- Canada sought support and cooperation from DG SANTE to make the necessary modifications to the model certificates and reflect wording in the CETA agreement for PH attestation.
- Canada inquired about the process the EU has to follow and timeline for completing the work.
- EU provided clarification on the process for simplifying the certificate for PH attestations and informed that firm timelines cannot be provided.
- EU agreed to starting with Public Health first and will look further into the EU legislative process to ensure work is completed.

### **ACTION ITEMS:**

- EU to work on simplified public health attestation on applicable export certificates in accordance with Canadian established priorities.
- EU to review proposed sample certificates for pork, beef and poultry and provide feedback to Canada.
- Canada and EU agreed that a working group is not required but Canada is willing to engage in a technical discussion if required.
- Canada to send updated animal health statements for the EU TRACES NT import certificates for fresh beef, pork and poultry meat.

### **6.3 Access to Canadian Import Requirements / follow-up on EU's market access applications (EU Market Access Data Base / Access2Markets database)**

- EU provided a short overview of the two databases (Access2markets and Market access database) and functionalities in which further information on Canadian import requirements could be highlighted for EU stakeholders.
- Canada reiterated the need for MS to be aware of Canadian import requirements now that EU have simplified certificates.
- EU mentioned that it had received Canada's list of representatives who would need temporary access to the Access2markets database for a trial period.

- EU recommended to continue dialogue while Canada was provided access to the Access to Market Platform that Canada can provide feedback.

### **ACTION ITEMS:**

- EU to provide a presentation/information session on the 2 databases on the functionality before the end of the year. Canada to confirm a timeline that works for both parties. EU to provide temporary access to Access2Markets database prior to having the information session.
- EU to provide Canada with a print-out of what is currently in the database of the different MS application and engage in a discussion on how to move forward.

### **6.4 EU export of meat to Canada - certification requirements**

- EU clarified a few technical issues noted by MS in relation to the export certificates of meat products to Canada. Canada confirmed that this trade is legitimate.
- Canada explained that its import control tracking system (ICTS) was built many years ago and can only accept certificates issued by the country where the last processing took place before being exported to Canada.
- In the event that this issue should arise again, Canada agreed that information would be exchanged internally to resolve the issue.
- No other occurrence was noted since the issue was first raised.

### **ACTION ITEM:**

- Canada to have further conversations with the EU should there be new consignment issues identified (as applicable).

### **6.5 Peroxyacetic Acid (PAA)**

- Canada indicated that the dossier was officially submitted through the EU platform, E-SUBMISSION Food Chain platform, and received confirmation that the application was acknowledged by EFSA.
- Canada took the opportunity to seek clarity from the EU on the review and assessment process for the approval of Peroxyacetic Acid (PAA) for beef carcass as a decontamination substance.
- EU provided information on the steps Canada should be anticipating as well as on the assessment process.

### **ACTION ITEM:**

- EFSA to provide its assessment on Canada's technical dossier. Canada to provide additional information to EFSA as required.

## **7. SPECIFIC ISSUE MANAGEMENT: AUDIT INFORMATION**

### **7.1 Incoming and Outgoing Audits: On-going/completed, Planned & Under Consideration**

- Canada and the EU acknowledged the need to re-engage in on-site audits and keep the hybrid model as needed.

- Canada informed EU of upcoming audits in November 2022 for dairy and cheese products in Italy and France and the two virtual audits completed: Spain (Fish and Seafood) and Austria (meat & meat products).
- Canada clarified that the EU audit to evaluate the animal health controls in place in relation to export of poultry, eggs and their products from Canada to EU has been postponed to Spring 2023.
- EU provided information on the outcome of the follow-up beef and pork audit completed in September 2022 and confirmed that there is no evidence of failure of the system for Canada. However, Canada was requested to undertake immediate follow-up action on the findings as an outcome of the audit. Canada noted that work is already underway and reaffirmed that the recommendations of the audit are taken seriously.

**ACTION ITEMS:**

- Canada to address EU findings as per regular audit process.
- Canada to work with EU MS to close any outstanding audit recommendations on Canada out-going audits as per regular audit process.

**7.2 Recognition of EU Member States meat inspection systems**

- EU requested clarification on the process to recognize remaining MS meat inspection systems.
- Canada reiterated that an on-site audit is required for recognition of new MS.
- Canada will continue to work with DG SANTE to prioritize and plan audits of the meat inspection systems of MS interested in exporting meat and meat products to Canada in coming years.

**ACTION ITEMS:**

- Canada to provide EU with an updated MS access recognition status table including information on sheep and goat meat within the next couple of weeks.
- EU to provide Canada with a prioritized list of MS that are not currently approved but are interested in exporting and identify the specific species for consideration.
- Canada to consider EU prioritized list to inform its work planning for 2023-2024 and beyond.
- Canada to have a call before the end of March 2023 to plan upcoming audits.

**8. SPECIFIC ISSUE MANAGEMENT: ANIMAL HEALTH**

**8.1 Animal Health Equivalence**

- Canada expressed its interest to explore equivalence of animal health measures for some food commodities between Canada and the EU.
- Canada mentioned that this recognition and agreement between Canada and the EU on its respective systems would enhance collaboration and facilitate trade.
- Both countries recognize that an assessment and determination of equivalence is complex and takes a considerable amount of time. For this reason, EU expressed willingness to explore the concept further and that a technical discussion is required, but advised Canada to identify what specific areas and objectives they would like to achieve.

**ACTION ITEMS:**

- Canada and the EU to explore animal health equivalency concept further.
- Canada and the EU to have a technical discussion to look at specific areas of interest to establish Animal Health Equivalency (AHE) intended objectives and potential options associated with Canadian proposal.

**8.2 Recognition of zoning for animal diseases (HPAI/ASF) and HPAI EU poultry certificate additional attestation**

- Canada discussed EU recognition of zoning for foreign animals diseases such as highly pathogenic avian influenza (HPAI) and African swine fever (ASF).
- Canada also noted the difference in lifting restrictions following an outbreak to allow trade to continue outside affected zones whereby Canada enforces a 28 day policy versus the EU's 90 days. As a result, Canada has maintained a similar 90-day policy until EU can change its 90 day rule.
- Canada seeking timeframes from the EU on changes to its imports legislation in line with the current World Organization for Animal Health (WOAH) guidelines.
- The EU stated that it was working to change the current regulation to align the timeframe to regain HPAI freedom after an outbreak with the chapter on infection with high pathogenicity avian influenza viruses of the WOAHA guidelines.
- EU noted that several delays have been observed in relation to the notifications of new Canadian HPAI outbreaks for regionalization purpose and to the requests to lift regionalization following outbreaks' clearance.
- Canada noted that due to the GPS issue, notifications to the EU have been put on hold until this was cleared up. For requests to release, Canada has been holding notifications until the 90 day rule has been complied with.
- EU noted that some of the GPS coordinates lack accuracy of the HPAI outbreaks and requested Canada to ensure that they are at least located in the restricted zone.
- Canada noted that the GPS coordinates issue is presently with our Legal department in regards to the Privacy Act.
- EU provided information on the ASF situation and planned future work.
- Exchange on zoning agreements was presented by both EU and Canada.

**ACTION ITEMS:**

- Canada and the EU to have a technical call to discuss specific technical clarifications linked to zoning, notifications etc.
- Canada to communicate formally with the EU on the subject of GPS zoning once it has completed its internal legal discussion.
- EU is working to change the current regulation to align the timeframe to regain HPAI freedom after an outbreak with the chapter on infection with high pathogenicity avian influenza (HPAI) viruses of the WOAHA.
- Canada to revert back to 28 days standard once the EU amends their regulation and to repeal the HPAI additional certification attestation.

- Canada and the EU to continue exchanging information, experiences and knowledge on African Swine Fever (ASF).

### **8.3 EU Requirements: Classical Swine Fever**

- Canada reiterated its concerns on the EU's requirement to test for Classical Swine Fever (CSF) in approved Canadian porcine semen collection centers, which Canada has been free from the disease since the 1960s.
- EU informed of the on-going amendment of the regulation 2020/686, confirming that the CSF testing will be removed as a mandatory requirement which is expected to be completed by mid-2023, at which time, the swine semen certificate will be adjusted to reflect this change.

#### **ACTION ITEMS:**

- EU to proceed with amendment of regulation 2020/686, confirming that CSF testing will be removed as a mandatory requirement. Timing anticipated for mid-year 2023.
- Swine semen certificate planned to be amended once the legislation has been adopted.

### **8.4 Exports of Bees to Canada**

- EU inquired about the status of the exports of bees to Canada request from Slovenia.
- Canada acknowledged its interest to import bees, that the procedure is on-going and informed that the risk assessment has started. Following its completion, the necessary risk management conditions will be established.
- Canada indicated that an on-site audit is not required.

#### **ACTION ITEM:**

- Canada to follow up on Slovenia's request once risk assessment is completed.

### **8.5 EU Requirements: Pet food**

- Canada requested an official response from EU on correspondence sent in March 2022.
- EU acknowledged the information requested by Canada and provided justification for delay.
- EU provided a state of play as it relates to the pelleted fish meal.
- Canada mentioned preparing a package with heat treatment information to submit to EU by the end of this year to assist with risk assessment for feathers.
- Canada expressed interests in reopening negotiation initiated in 2017 for the export of raw inedible animal by products from the EU to Canada and finalize the harmonized certificate.
- EU asked Canada to re share latest information on this file to start discussion.

#### **ACTION ITEMS:**

- EU to provide a formal response to the items raised during the March 2022 technical meeting and regarding the bovine spongiform encephalopathy (BSE) attestation included in the animal by-product certificates laid out in the EU regulation 142-2011.
- EU and Canada to have a bilateral discussion to exchange information on reopening the negotiation of the harmonized certificate for raw inedible products.

- Canada to submit a package with heat treatment information by end of 2022 to assist EU in conducting a risk assessment for feathers exported to EU from Canada.

#### **8.6 Harmonized certificate for equine semen to Canada**

- Canada highlighted the significant efforts and resources that it dedicated to the negotiation of this certificate, including the development of import conditions, internal and external stakeholder consultation and discussions with the EU.
- The EU has concerns regarding Canada's requirement to add antibiotics effective against Contagious Equine Metritis (CEM) to the semen extender. This requirement deviates from WOH standards, both from the Chapters of the Terrestrial Code on semen and on CEM (especially in light of recent developments of the Chapter on semen towards more flexibility and less obligation to add antibiotics), and it is not in line with prudent use of antibiotics either.
- Canada is free of CEM where it is a reportable disease, however, it is present in several EU MS. Its introduction would have a significant impact on the Canadian industry.
- Canada confirmed that they did not make any formal risk assessment regarding the compulsory addition of antibiotics to the semen extender.
- The EU asked Canada to re-consider deleting the requirement and reiterated that the certificate already contains three more sets of requirements to duly mitigate risk of CEM transmission. Alternatively, the EU asked Canada to justify the deviation from WOH standards with a risk assessment, in accordance with the relevant WTO SPS rules.

#### **ACTION ITEMS:**

- Canada and the EU to continue the on-going discussion/negotiation on this file.
- Canada committed to share scientific evidence with the EU regarding the compulsory addition of antibiotics to the semen extender.
- Canada and the EU agreed to monitor any WOH discussions/new developments with respect to the semen and CEM Chapter of the Terrestrial Animal Health Code.

#### **CONCLUSION**

- Both parties reviewed the action items and timelines.
- The EU to confirm possible dates for hosting the next annual CETA SPS JMC.
- Canada to organize the mid-year review meeting after confirming availabilities with EU secretariat.
- Both parties expressed gratitude towards their respective Secretariats for the work and efforts undertaken for the meeting.
- Canada and the EU expressed appreciation for the continued collaboration and partnership.
- Meeting was adjourned.

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