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WORKING DOCUMENT

From:	European Commission
To:	Trade Policy Committee (Deputies)
Subject:	Sanitary and phytosanitary (SPS) market access to Canada - preparations of the fifth SPS Joint Management Committee under CETA - 25-27 October 2022



EUROPEAN COMMISSION
Directorate-General for Trade

Directorate D - The Americas, Agriculture and Food Safety
Agriculture, Food and Sanitary and Phytosanitary matters

Brussels, 11 October 2022
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SENSITIVE*

NOTE FOR THE ATTENTION OF THE TRADE POLICY COMMITTEE

SUBJECT: *Sanitary and phytosanitary (SPS) market access to Canada - preparations of the fifth SPS Joint Management Committee under CETA - 25-27 October 2022*

ORIGIN: European Commission, DG Trade and DG Sante

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COPIED TO: Potsdam group Roosendaal group

OBJECTIVE: *For information and comments – deadline 31 October 2022 (completion SPS matrix)*

REMARKS:

The Commission would like to inform of the upcoming EU - Canada Sanitary and Phytosanitary SPS Joint Management Committee (SPS JMC) scheduled from 25-27 October 2022 (3 short sessions) via hybrid meetings, with in-persons meetings in Ottawa, Canada and possibility to connect via videoconference.

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The final agenda with annotations, including the EU positions, is annexed to this note. The agenda takes on board the input received from several Member States.

Furthermore, based on the names received from Member States, connection details on the meeting will be shared with the participants of the meeting.

Member States are also invited to **update by 31 October 2022**, the overview table (SPS matrix) on SPS market access applications to Canada, this table is available in the SPS section of the Market Access Database (MADB). The information in the SPS matrix is important as it is used to further follow-up these applications with Canada. Market access applications of EU Member States not uploaded in the SPS matrix will not be followed-up by the Commission with Canada. The Commission would like to highlight the importance of keeping this information updated as Canada has received access to the *Collaborative space* of the MADB and consequently has received access to *inter alia* the information of the SPS matrices for Canada.

The agenda as well as the outcome of the fifth SPS Joint Management Committee will be made publicly available on following Commission website:

https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/canada/eu-canada-agreement/committees-and-dialogues_en

Market Access Database (MADB)

This note, the annexes and the SPS matrix/matrices is/are available in the MADB, at <https://madb.tradenet.ec.europa.eu/>. In the SPS “User Guide” (available at the bottom, of the SPS sections of the MADB), Member States will find details on: 1) how to obtain a new account (login/password); 2) contact lists of officials from EU Member States, European Commission, third countries and EU Delegations, as well as of EU and national business organisations; 3) how to complete the "SPS matrices" and “audits”; 4) how to subscribe to receive e-mail notifications when new documents are uploaded or existing ones are modified in the MADB; and 5) the types of SPS documents, their intended uses and access permissions.

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COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT (CETA)

MEETING OF THE SANITARY AND PHYTOSANITARY JOINT MANAGEMENT COMMITTEE OTTAWA, 25-27 OCTOBER 2022 (IN PERSON AND VIDEOCONFERENCE)

AGENDA

DAY 1 – 25 OCTOBER 2022

1. WELCOME AND INTRODUCTION

- 1.1. Opening Remarks**
- 1.2. Introductions**
- 1.3. Adoption of the Agenda**

2. OPERATION AND IMPLEMENTATION OF THE SPS CHAPTER

- 2.1. Rules of Procedure**
- 2.2. Review and follow up of action items from JMC 2021**

3. INFORMATION SHARING

- 3.1. Pesticides, Maximum Residue Limits and Import Tolerances for Plant Protection Products - Neonicotinoids (Canada)**
- 3.2 MLs Contaminants - Hydrocyanic Acid in flaxseed (Canada)**
- 3.3 Veterinary Medicinal Products (Canada)**

4. OPPORTUNITIES FOR ENHANCED COOPERATION

- 4.1 Antimicrobial resistance (Canada / EU)**
- 4.2 Regulatory Implementation (Canada)**

5. SPECIFIC ISSUE MANAGEMENT: PLANT

- 5.1. Exports of fresh tomato with vines, stems, and calyces (EU)**
- 5.2 Recognition of EU's pest free areas for Asian and citrus long horned beetles (EU)**
- 5.3. EU export applications of berries (EU)**
- 5.4. Fresh cranberries requirements for export to the EU (Canada)**
- 5.5. Growing media in association with shipments of plants (Canada)**
- 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)**

5.7. Wood chips requirements for export to the EU (Canada)

DAY 2 – 26 OCTOBER 2022

6. SPECIFIC ISSUE MANAGEMENT: FOOD SAFETY

- 6.1. EU Priority Certificates (EU)**
- 6.2. Canadian Priority Certificates (Canada)**
- 6.3. Access to Canadian Import Requirements / follow-up on EU's market access applications (EU Market Access Data Base / Access2Markets database) (EU / Canada)**
- 6.4. EU export of meat to Canada - certification requirements (EU)**
- 6.5. Peroxyacetic Acid (Canada)**

7. AUDITS

- 7.1. Incoming and Outgoing Audits: On-going/Completed, Planned & Under Consideration (Canada / EU)**
- 7.2. Recognition of EU Member States meat inspection systems (EU)**

8. SPECIFIC ISSUE MANAGEMENT: ANIMAL HEALTH

- 8.1. Recognition of zoning for animal diseases (Canada / EU)**
- 8.2. EU requirements: Classical Swine Fever (Canada)**
- 8.3. Exports of bees to Canada (EU)**
- 8.4. EU Requirements: Pet food (Canada)**
- 8.5. Harmonized certificate for equine semen to Canada (EU)**

DAY 3 – 27 OCTOBER 2022

9. AGREEMENT OF MINUTES & COMMITMENTS

10. OFFICIAL CLOSING OF ANNUAL MEETING

AGENDA ITEMS WITH ANNOTATIONS
European Union - Canada
Comprehensive Economic and Trade Agreement
Sanitary and Phytosanitary Measures
Fourth Joint Management Committee
25-26-27 October 2022

3. INFORMATION SHARING

3.1. Pesticides, Maximum Residue Limits and Import Tolerances for Plant Protection Products - Neonicotinoids (Canada)

Canada would like to discuss and convey its concern by the recent EU notification at the WTO that lowers the maximum residue levels for two plant protection products – commonly known as neonicotinoids - that have no known dietary risks. Canada would like to encourage the EU to take an outcome-based rather than an overly prescriptive approach. In Canada's view, this measure should also have been notified to the WTO SPS Committee in addition to the TBT Committee.

Background:

Neonicotinoids are a type of pesticide authorized for use in Canada, heavily relied upon by Canadian producers and proven to pose no dietary risks to consumers. Revoking these MRLs on the basis of environmental concerns for the global pollinator population is extremely trade restrictive and sets a concerning precedent that the EU is attempting to control the SPS regulations in third countries. Canada has had success mitigating the risks to pollinators by restricting uses and improving application techniques of neonicotinoids. Should this proposed measure move forward, Canadian agri-food exports to the EU could be significantly impacted. Furthermore, EU Member States are still using these products under Emergency Use Authorizations (EUAs). Should this domestic pattern of EU continue following the ban on MRLs, it will create an unfair playing field for imports.

3.2 MLs Contaminants - Hydrocyanic Acid in flaxseed (Canada)

Canada requests the Commission to delay the implementation date of the new regulation that would allow additional time to produce scientific evidence to determine the safety of flaxseed and share testing methodologies through the CETA SPS Joint Management Committee. Canada would encourage the EU to conduct a parallel human study, or alternatively await the results of the upcoming Canadian study.

Background:

In May 2022, the European Union (EU) has notified the World Trade Organization (WTO) of a draft regulation concerning the maximum levels of hydrocyanic acid (HCN) in certain foodstuffs. Draft Commission Regulation [G/SPS/N/EU/546](#) amending Regulation (EC) No 1881/2006 establishes maximum levels for hydrocyanic acid in linseed, almonds, cassava root and cassava flour. On May 06, 2022, Canada submitted a comment letter to the EU via the enquiry point along with a Health Canada reference document. Canada is conducting a human study on the breakdown of flaxseed.

3.3 Veterinary Medicinal Products (Canada)

The EU would provide the state of play on the new EU regulation on veterinary medicines. Canada does not have any specific questions. To date, Canada continues to monitor developments of the VMP legislation and the import rules for third countries and wishes to receive an updated timeline for the final piece of secondary legislation as to when they may be available to third countries for consultation and comment.

4. OPPORTUNITIES FOR ENHANCED COOPERATION

4.1 ANTIMICROBIAL RESISTANCE (CANADA / EU)

Both sides to exchange information on the continued efforts undertaken to fight antimicrobial resistance

4.2 Regulatory Implementation (Canada)

Canada would like to have exchanges on regulatory implementation.

5. SPECIFIC ISSUE MANAGEMENT: PLANT

5.1. Exports of fresh tomato with vines, stems, and calyces (EU)

The EU would like to receive Canada's constructive feedback on the latest proposal and to initiate the pilot project in due course.

Background:

On 23 March 2016, Canadian phytosanitary import requirements related to *Tuta absoluta* (tomato leaf miner) for fresh tomatoes entered into force. These Canadian import conditions require that green parts (vines, stems, or calyces) of tomatoes are being removed if imported from a country affected with *Tuta absoluta*. Until that time, export of tomatoes with green parts to Canada were allowed. Since 2016, Italy has an application pending proposing mitigating measures to control *Tuta absoluta* for exported fresh tomatoes with green parts. The last systems approach proposal of Italy has been reviewed by Canada. In April 2020, Canada responded to Italy on their review and concluded that the data in the study provided were not statistically sufficient to support the efficacy of the treatment options proposed. EU proposed to set-up a trial period for trade and Canada informed that it will discuss with U.S.

As agreed by Canada and the U.S. to initiate a pilot project, in March 2021 the EU provided for assessment a systems approach proposal for exporting tomatoes with green parts from pest free places of production originating from 5 Member States (Belgium, France, Italy, Spain, The Netherlands).

In the summer of 2022, based on feedback received from both Canada and the USA, the EU sent CFIA an amended proposal for a systems approach to mitigate the risk of *Tuta absoluta*.

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

The EU requests Canada to recognise PFAs in affected EU Member States with Asian and citrus long horned beetles and would like to receive details on the actions undertaken by Canada on this outstanding request.

Background

The welcomed the country-freedom recognition on 2 December 2019 for ALB and CLB of 21 EU Member States. The Commission requested Canada to recognise also the Pest free areas for ALB and CLB in EU Member States where outbreaks occurred. Canada informed that was awaiting for the US to amend its federal order and recognise the 21 MS for those pests in order to align its decision.

5.3. EU export applications of berries (EU)

Canada to provide an indicative timeline of the procedure and follow-up and finalise the request of Spain to export cherries to Canada.

Background:

Market close in 2017 due to *Rhagoletis cerasi*. In May 2020 Canada informs those countries that are infested with *R. cerasi* must have risk mitigating measure in place, equivalent to those imposed domestically by the CFIA (directive, D-17-03: Phytosanitary requirements). CFIA also indicates that in Canada, a brown sugar flotation test is required to certify of fruit for domestic movement from Ontario to other provinces in Canada (Yee, 2014).

In August 2021 Spain has submitted a proposal for a management system for *Rhagoletis cerasi* including the sugar flotation test.

Market access has been granted to Spain since August 2022. The EU is grateful to Canada for having resolved this issue.

Background:

On 11 January 2021, a letter was sent from Canada to Spain informing on the outcome of the Canada risk assessment, namely: identification of 2 quarantine pests of relevance to Canada also two weevils were identified requesting Spain to respond to this letter and to provide additional information. Spain responded to this letter on 19 February 2021 and provided the requested additional information.

In August 2021, Spain has submitted a proposal for a Systems Approach (SA) for managing the risk of *Lobesia botrana* in fresh fruit of blueberry to be exported from Spain to Canada. In May 2022, Canada sent a letter to Spain outlining Canadian comments in response.

10 August 2022: AIRS (Automated Import Reference System) was updated and changes were made to directives D-13-03 and D-95-08 on plant protection to authorize the import of blueberries from Spain within the framework of an import testing period. MARKET IS OPEN

5.4. Fresh cranberries requirements for export to the EU (Canada)

Canada would like to receive an official response from the EU, outlining the removal of the import requirements related to identified *Grapholita packardi* (cherry fruitworm), as a regulated pest for fresh cranberries exported from Canada.

Background:

The European Union has identified *Grapholita packardi* (cherry fruitworm) as a regulated pest for fresh cranberries exported from Canada.

Canada has provided information to the European Union Commission to state that fresh cranberries grown in Canada are not a host of *G. packardi* and has requested the removal of the import requirements related to this pest for Canadian cranberries.

August 28, 2019 – Letter to Deputy Head of Unit, European Commission

October 7, 2019 – Canada’s comments on Commission Implementing Regulation establishing uniform conditions for the implementation of Regulation (EU) 2016/2031.

5.5. Growing media in association with shipments of plants (Canada)

Canada would like to seek clarification on how the EU defines growing medium vs. packing material. Canada would appreciate receiving further information on how the EU regulates “growing media” versus “packing material” in association with shipments of plants.

Background:

[EU’s plant health regulations](#) (Annex VII, point 1) does not define or clarify the meaning of what is a growing medium versus what is a packing material, and it is not clear how the EU regulates “growing media” versus “packing materials” in association with shipments of plants. An inquiry was sent to the market access officer for the EU on November 10, 2021.

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)

Canada will be submitting a request to renew the derogation related to the requirements for the introduction into the Union of ash wood and birch wood originating or processed in Canada. Canada would like to highlight that the letter has been sent and is looking forward to the EU’s response.

Background:

The Derogation related to the requirements for the introduction into the Union of ash wood and birch wood originating or processed in Canada is expiring on June 30, 2023.

The derogation will need to be renewed. Canada would like to propose that the derogation be permanent to remove the need to regularly renew it. Furthermore, Canada would like to request that heat treatment at 71/1200 be added as an option for importation of birch wood in the EU.

5.7. Wood chips requirements for export to the EU (Canada)

Canada looks forward to hearing from DG SANTE on the request made within the September 14th, 2022, letter to approve phosphine as treatment for spruce and fir wood chips from Canada. Should additional information be required, Canada would appreciate to be informed in a timely manner to avoid undue delays given the importance of this file for Industry, both in Canada and the EU.

Background:

As a result of the war 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. The Canadian wood chip industry in Eastern Canada has identified the EU as a high priority market for exports of coniferous wood chips and has asked the CFIA to submit an application to the EU for approval of phosphine fumigation as a treatment option. An application was submitted to DG SANTE on September 14 containing preliminary information.

DAY 2 – 26 OCTOBER 2022

6. SPECIFIC ISSUE MANAGEMENT: FOOD SAFETY

6.1. EU Priority Certificates (EU)

The EU would ask Canada's agreement to accelerate the work on the priority list of certificates with a preliminary exchange for an EU harmonised certificate for processed meat (in first instance).

Background:

The EU has presented its next priorities and several exchanges were made in 2019 for the finalisation of the EU poultry certificate. With the EU poultry certificate finalised, the EU has updated the list of the priority certificates to be harmonised for the exports to Canada and expects Canada to continue the work at a dedicate Working Group. The EU will also propose to include at the discussion of the Working Group an exchange of information on market access procedures (expression of interest, submission of application, etc.) to be followed.

6.2. Canadian Priority Certificates (Canada)

Canada would like to discuss concrete next steps required to complete the work associated with certificates.

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

Canada would like to exchange views on ensuring awareness of the Canadian import requirements and to explore the possibilities of the relevant EU databases in this regard.

The EU would like to discuss on the follow-up of the different pending applications of individual Member States for market access by using the collaborative space of the market access database.

Background:

The market access database contains inter alia SPS overview tables of market access applications to the Canada market for a variety of products. Canada has access to this information via the collaborative space of the market access database. The aim is to share updated information via this section of the database on these EU applications.

6.4. EU export of meat to Canada - certification requirements (EU)

The EU would like to clarify with Canada the technical issues noted by several MS with regard to the export certification of meat products to Canada

Background:

EU export certificates are issued by the exporting establishment i.e., the establishment where the last handling takes place and wherefrom the consignment is shipped to the importing country, ensuring that the certificate is issued at the moment the consignment leaves the country/EU. The certifying officer only certifies based on a background certificate from the establishment where the processing took place. This also applies if the processing has taken place in another EU Member State as required by the rules of traceability. Canada has notified that the export certification should be made by the country/ EU MS where that last processing took place. It was explained that its import control tracking system (ICTS) is built to only accept certificates issued by the country where last processes before exported. Canada has expressed readiness to discuss and clarify the issue at the JMC.

6.5. Peroxyacetic Acid (Canada)

Canada would like to take this opportunity to highlight the importance for the review of PAA for the Canadian industry. Canada would like the EU to keep us apprised of the status, process and anticipated timeframes and how Canada (industry or government) can support the process.

Background:

Since 2017, Canadian industry stakeholders have been working towards EU approval to use PAA for beef carcass decontamination, a substance that is widely used by Canada's beef industry. On June 13, 2022, the Government of Canada, on behalf of Canadian industry, submitted a dossier to the European Food Safety Authority (EFSA) in support of the approval of PAA in the EU. The dossier provides information on the utility and safety of PAA solutions for the reduction of pathogens on beef carcasses during processing, in accordance with EFSA Guidelines.

7. AUDITS

7.1. Incoming and Outgoing Audits: On-going/Completed, Planned & Under Consideration (Canada / EU)

Both sides to exchange information on incoming and outgoing audits.

7.2. Recognition of EU Member States meat inspection systems (EU)

The EU would like to receive information on the next steps for EU meat market access

Background:

The issue discussed at the latest SPS JMC and follows-up on the steps forward for EU MS (not recognised as equivalent as per the Canadian requirements) for meat export to Canada. At the latest JMC it was explained that Canada would not proceed to any "new" recognition through a virtual audit and that a thorough exercise of prioritisation would be needed on the basis of the interest proven. With the "physical" audits now resumed, provided that all EU MS would like to get market access for meat export under the EU's request for recognition of MS' meat inspection systems as single entity, we would like to discuss how to establish a concrete plan for the MS's applications for market access within a reasonable timeline.

8. SPECIFIC ISSUE MANAGEMENT: ANIMAL HEALTH

8.1. Recognition of zoning for animal diseases (Canada / EU)

The EU would invite Canada to discuss and agree on the simplification of the additional (HPAI) certification requested

Background:

Following the adoption the above mentioned certificate, Canada informed that poultry export shipments to be certified on or after July 1, 2022 should be accompanied by an additional attestation, certifying that the poultry meat:

- a) is derived from birds slaughtered in an establishment located in an EU member state, region, or zone which was free from highly pathogenic avian influenza (HPAI) at the time of slaughter
- b) was obtained from birds kept in a premises where there has been no outbreak of HPAI within 10 km for the 90 days prior to slaughter.

In view of the steps made towards aligning its rules with international rules, the EU would like to discuss how the additional attestations required by Canada could be simplified.

8.2. EU requirements: Classical Swine Fever (Canada)

Canada is seeking a formal response from the EU and recognition of Canada's health status in regard to CSF and, in accordance with article 15.2.9 of the Terrestrial Animal Health Code, to exempt Canadian semen collection centres from the requirement to test for this disease.

Background:

The Commission Implementing Regulation (EU) 2021/403 requires Canadian semen collection centres to test semen donor boars for classical swine fever (CSF) effective January 2022. Canada has a high health swine herd free from several swine diseases including CSF. Canada has reported its last case of CSF in 1963 and is recognized by the OIE as being free from CSF in its domestic swine population. CSF is an immediately reportable disease under Canadian regulations. Canada sent a letter to DG SANTE March 25, 2022, relating to European Union Requirement to Test for Classical Swine Fever in approved Canadian Porcine Semen Collection Centres. A status update to DG SANTE was requested on September 2, 2022.

8.3. Exports of bees to Canada (EU)

The EU would ask for an update on the application made by EU for the export of bees to Canada. The EU would like to receive detailed information on the remaining steps for the export of queen bees together with an indicative timing.

Background:

Following to the interest of beekeepers in the EU (Slovenia) to export queen bees to Canada and the request for information addressed to CFIA in 2019, Canada informed that an official request would be needed that would be submitted to the Animal Health Risk Assessment Unit. At the 2021 JMC was expected to inform on the risk assessment launched. Slovenia informed that in September 2022 Canada send out a Questionnaire for the import of honeybees.

8.4. EU Requirements: Pet food (Canada)

In March 2022, Canada and the EU exchanged on a variety of questions as it relates to the European Union's requirements for Pet food, namely BSE negligible status and attestation in export certificates, pellet fish food, and a few questions in relation to imports into Canada. For instances, Canada would like to receive:

- a formal response on the BSE attestations in the export certificates for ABP.
- a formal response on the outcome of the technical meeting EU set up with the TRACES NT team to know what to do and which certificate to use as it relates to the pellet fish food.
- a response for all the other questions and issues that were sent by Canada on March 22, 2022.

8.5. Harmonized certificate for equine semen to Canada (EU)

The EU would like to discuss on a harmonised certificate for exports of equine semen to Canada.

DAY 3 – 27 OCTOBER 2022

9. AGREEMENT OF MINUTES & COMMITMENTS

10. OFFICIAL CLOSING OF ANNUAL MEETING

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