## Crôteau, Julie -TCT

**From:** [redacted]@ec.europa.eu
**Sent:** 13 April 2018 11:56
**To:** Barbara.Doan@inspection.gc.ca
**Cc:** Allen, Jay -TPF; [redacted]@ec.europa.eu; Rosa.Aiello@inspection.gc.ca; Clark, Sean -TEU; Crôteau, Julie -TEU; [redacted]@ec.europa.eu
**Subject:** RE: Final documents for signature
**Attachments:** 2018-03 1st SPS JMC CETA Public Report.pdf; SPS JMC CETA AGENDA - PUBLIC.pdf

Dear Barb,

Thank you for your message.

I took on board your final drafting suggestions but kept the wording '*further*' assurances since this is not a new file and certain assurances have already been given.

In order to have consistency with the formats used for the other Committees, a common template will be used for the published agenda and summary meeting reports on EC CETA web page. Please find enclosed the formatted summary meeting report and the agenda.

Apart of the change to the summary report highlighted above, we took out the mention of "not-discussed" since this should rather go in the report and deleted the proponents part. [redacted]

I am looking forward to our future cooperation pushing forwards the file of both interest.

Best regards and enjoy the weekend.

[redacted]

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**From:** Doan, Barbara (CFIA/ACIA) [mailto:Barbara.Doan@inspection.gc.ca]
**Sent:** Thursday, April 12, 2018 10:30 PM
**To:** [redacted] (SANTE)
**Cc:** Jay.Allen@international.gc.ca; [redacted] (SANTE); Aiello, Rosa (CFIA/ACIA); Sean.Clark@international.gc.ca; Julie.Croteau@international.gc.ca; [redacted] (TRADE); Doan, Barbara (CFIA/ACIA)
**Subject:** RE: Final documents for signature

Dear [redacted]

Thank you so much for your email and for taking on board our suggested edits to the summary of the minutes. I think we are very close! We have some small final edits to the text of the meeting summary, which I have attached. I have also included a copy of the agenda which we adopted at the meeting on March 26. I have left in the "DRAFT" watermark on our agenda – I was not sure when it should be removed. If you would like to remove it that is fine with me.

Looking forward to hearing your positive feedback on our edits.

All the best,
Barb

s.15(1) - International
s.19(1)

**From:** [redacted]@ec.europa.eu [mailto:[redacted]@ec.europa.eu]
**Sent:** 2018-04-12 9:17 AM
**To:** Doan, Barbara (CFIA/ACIA)
**Cc:** Jay.Allen@international.gc.ca; [redacted]@ec.europa.eu; Aiello, Rosa (CFIA/ACIA); Sean.Clark@international.gc.ca; Julie.Croteau@international.gc.ca; [redacted]@ec.europa.eu
**Subject:** RE: Final documents for signature

Dear Barb,

Thank you for your message and drafting suggestions which were taking on board with some final drafting suggestions.

Welcome your swift feedback in order to finalise and publish. There is a strong demand to get both the agenda and summary minutes published. We intend to publish both before the weekend.

Therefore I would also welcome to receive the final agenda which will be published.

Best regards
[redacted]

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**From:** Doan, Barbara (CFIA/ACIA) [mailto:Barbara.Doan@inspection.gc.ca]
**Sent:** Tuesday, April 10, 2018 3:41 PM
**To:** [redacted](SANTE)
**Cc:** Jay.Allen@international.gc.ca; [redacted](SANTE); Aiello, Rosa (CFIA/ACIA); [redacted](SANTE); 'Sean.Clark@international.gc.ca'; Julie.Croteau@international.gc.ca
**Subject:** RE: Final documents for signature

Dear [redacted]

Thank you for your email and for sending back the signed/initialled version of the work programme and the minutes from the first CETA SPS JMC. I think this is an important accomplishment and will allow sides to begin to work on the action items and items agreed-upon in the work programme immediately.

I understand the public interest with respect to CETA and potentially this meeting. To respond to your question about publishing the minutes, I will seek the views of Canada's CETA Secretariat and share with you what I learn from them.

With respect to the meeting summary, thank you once again for preparing the document – it was quite well written. We had a few comments on the draft. I have attached a copy of the document with Canada's comments. While it looks like we have made significant changes, for the most part they relate to re-ordering the paragraphs. We felt that the flow of the document was improved if we ordered it to reflect the agenda. I note as well that some of the changes related to content reflect the draft Rules of Procedure, Rule 9 paragraph 5, where we are expected to prepare "a short and general summary of the minutes." In this regard Canada has made some adjustments to reflect the minutes which we have recently agreed on.

I am happy to discuss Canada's proposed changes with you, and I recognize that this is a priority for you.

Please note I have copied representatives from Canada's CETA Secretariat (Sean Clark, Julie Croteau) on this email as they will be ultimately responsible for posting the meeting summary on our side once we agree to the content.

Regards,
Barb

s.15(1) - International

s.19(1)

**From:** [redacted]@ec.europa.eu [mailto:[redacted]@ec.europa.eu]
**Sent:** 2018-04-10 3:09 AM
**To:** Doan, Barbara (CFIA/ACIA)
**Cc:** Jay.Allen@international.gc.ca; [redacted]@ec.europa.eu; Aiello, Rosa (CFIA/ACIA); Quinlan, Meghan (CFIA/ACIA); [redacted]@ec.europa.eu
**Subject:** Final documents for signature

Dear Barb,

Please find enclosed the signed/initialled version of both the work programme and the minutes of the first SPS-JMC meeting.

In view of the huge public interest, the possibility exists that we might receive an access to document request for the minutes of the meeting.
I would welcome your views on the publication of those minutes with the understanding that all personal data are scored out.

Finally thanks to forward your comments on the meeting summary.

Best regards
[redacted]

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**From:** Doan, Barbara (CFIA/ACIA) [mailto:Barbara.Doan@inspection.gc.ca]
**Sent:** Thursday, April 05, 2018 9:03 PM
**To:** [redacted](SANTE)
**Cc:** 'Jay.Allen@international.gc.ca'; [redacted](SANTE); Aiello, Rosa (CFIA/ACIA); Quinlan, Meghan (CFIA/ACIA); Doan, Barbara (CFIA/ACIA)
**Subject:** Final documents for signature

Dear [redacted]

Thank you so much for arranging today's video conference, I think it was quite productive! On our side we have finalized the minutes as well as the work programme, and I have signed in my sections. I look forward to receiving the final signed version back from you. Of course if I have not captured or mis-represented anything from our discussion today please let me know as soon as you can so we can land these documents.

With respect to the meeting summary, I want to thank you for preparing the draft. As I mentioned during the videoconference we will review and provide you with our comments tomorrow (Friday).

I am attaching the scanned copy (to sign) as well as an electric copy of both documents.

I look forward to hearing from you soon on the minutes and work programme!

All the best,
Barb

# MEETING OF THE FIRST SANITARY AND PHYTOSANITARY JOINT MANAGEMENT COMMITTEE
OTTAWA, 26-27 MARCH 2018

## AGENDA

### 1. WELCOME AND INTRODUCTION

### 2. OPERATION AND IMPLEMENTATION OF THE SPS CHAPTER
2.1 Rules of Procedure
2.2 Establishment of the CETA SPS JMC Work Programme
2.3 CETA SPS Chapter articles, for further reflection

### 3. INFORMATION SHARING
3.1 *Safe Food for Canadians Regulations*- Information
3.2 Incoming and outgoing audits- Information
3.3 Transparency on new disease outbreaks- Information
3.4 e-Certification- Information
3.5 New Animal Health law
3.6 New Plant Health law
3.7 New regulation for official controls

### 4. ANNEXES discussion
ANNEX 5-C-Process of Recognition of Regional Conditions
ANNEX 5-D-Guidelines to Determine, Recognise and Maintain Equivalence
ANNEX 5-E, *Section B*- Recognition of SPS measures-Phytosanitary Measures
ANNEX 5-F-Approval of Establishments or Facilities
ANNEX 5-H- Principles and Guidelines to Conduct an Audit or Verification
ANNEX 5-J, SECTION B - Import Checks and Fees-Fees

### 5. SPECIFIC ISSUE MANAGEMENT

**Plant**
5.1 Exports of fresh tomato with vines, stems, and calyces
5.2 Exports of potato mini-tubers
2
5.3Alternatives to use of methyl bromide, ongoing project work
5.4 Hazard-based cut-off and the impact on import tolerances
5.5 Non-renewal of picoxystrobin
5.6 Member States' measures that differ from EU-level measures (e.g. dimethoate, glyphosate)

**Animal**
5.7 PCR test on bovine semen for Schmallenberg Virus
5.8 Revised testing protocols due to epizootic hemorrhagic disease virus (EHDV)

5.9 Export live cattle from EU to Canada
5.10 Harmonised conditions for equine semen from EU to Canada
5.11 Harmonised conditions for porcine semen from EU to Canada
5.12 Hatching eggs and day-old-chicks, harmonised export certificates

**Food Safety**
5.13 Recognition of EU Member State meat inspection systems
5.14 EU harmonised export certificates for fresh meat (poultry, sheep/goat) and processed meat (beef, pork, poultry, others)
5.15 Simplified certificates for Canadian meat and meat products (meat derived from bovine, porcine, solipeds, ovine and caprine, poultry, farmed ratites, farmed rabbit, farmed cervids, farmed wild suidae and fish based on existing equivalence)
5.16 Trade EU egg products to CAN
5.17 Closure of EU's audit of CFIA's Fish Inspection Activities
5.18 Closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP).
5.19 Pesticide residue levels
5.20 Certification of fish landed in Canada by EU approved vessels
5.21 Timelines for listing of approved Canadian establishments (e.g. SANTE reference 614984, 731831)

**Audit**
5.22 Update and findings CFIA's Offshore program
5.23 Export of processed animal proteins from EU to Canada - audit rendering plants -

**6. SPECIFIC WORK ON RECOGNITION OF EQUIVALENCE**

**7. OPPORTUNITIES FOR ENHANCED COOPERATION ON SPS INTIATIVES**
7.1 Antimicrobial resistance

**8. OTHER**
8.1 Activities of the Animal Welfare Technical Working Group
8.2 Animal Welfare – Relation with the Regulatory Cooperation Forum

**9. WORK PROGRAMME FOR 2018-2019**

**10. NEXT MEETING**

# MEETING OF FIRST SANITARY AND PHYTOSANITARY JOINT MANAGEMENT COMMITTEE (JMC)
# OTTAWA, 26-27 MARCH 2018

## REPORT

The inaugural CETA Joint Management Committee (JMC) meeting for Sanitary and Phytosanitary (SPS) measures, following the provisional application of CETA on September 21, 2017, took place on March 26-27 in Ottawa. The European Union (EU) and Canada have a long and productive history of cooperation on SPS issues including through a veterinary agreement and years of cooperation through various international fora. The purpose of the meeting was to further expand the existing bilateral dialogue and cooperation on SPS issues in light of CETA. Follow-up actions were identified on the issues discussed in this meeting.

The agenda for the meeting was challenging and progress was made in a number of areas. In particular, both the EU and Canada were able to clarify each other's positions in key areas of interest and committed to ongoing work to advance issues of interest on both sides.

Both sides shared information on: the latest regulatory developments in the area of SPS which might impact trade; the tentative planning of upcoming audits; transparency and timely communication of new disease outbreaks; and, updates on ongoing work related to e-certification.

Exchanges also took place on specific issues relating to plant health, where Canada confirmed its follow-up on the application of Italy and some Members States for imports of fresh tomato with vines, stems, and calyces into Canada and on potato minitubers.

Both sides also committed to continue working together on a project on alternatives to the use of methyl bromide.

The EU committed to explore ways to reducing the time required for recognition of Canadian regionalisation decisions and both sides committed to exchange information on recognition of regionalisation decisions in the plant health area. The need for further follow-up on the simplification of the process to list export-approved establishments was also discussed and the EU informed about recent amendments regarding the certification of fish landed in Canada by EU-approved vessels and re-exported to the EU.

As an outcome of the discussion on animal issues, both sides agreed to continue to work at the technical level to resolve pending issues related to Schmallenberg virus and Epizootic Hemorrhagic Disease virus in order to facilitate trade of live animals and germplasm.

While both sides agreed that Canada's recognition of EU Member State's meat inspection systems is a high priority, no immediate way forward was identified. The EU referred to the political commitment that was made back in 2014; Canada underlined that it required further assurances that exported products meet EU and Canadian health and safety standards in order to deliver on this important issue. Canada remains open to continue to work in collaboration with the EU to demonstrably advance work on this file.

Both sides identified a path forward to further identify ways to continue the important cooperation on animal welfare and antimicrobial resistance. A discussion was held on the necessity for direct exchanges between experts on these issues and a path forward in this regard will be defined in the coming months.

The EU committed to provide Canada information on interaction of EU Regulation 1107/2009 and EU Regulation 396/2005 with respect to the setting of import tolerances for pesticides, including in relation to the possible non-renewal of the EU maximum residue level (MRL) for picoxystrobin. The EU committed to providing information on the legal procedures it takes when a Member State adopts a measure that is or that may be perceived by a third party to be inconsistent with EU rules or the EU's international trade obligations in a manner that would affect trade within the EU or with third parties.

The following agenda points were deferred to a later occasion: export of live cattle from EU to Canada; harmonised conditions for equine semen from the EU to Canada; harmonised conditions for porcine semen from the EU to Canada; hatching eggs and day-old-chicks, harmonised certificates; simplified certificates; closure of EU's audit of CFIA's fish inspection activities; closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP); pesticide residue levels; update and findings CFIA's offshore program; and, export of processed animal proteins from the EU to Canada - audit rendering plants.

## Crôteau, Julie -TCT

**From:** Awad, Chadi -TCT
**Sent:** 26 April 2018 13:48
**To:** Crôteau, Julie -TCT
**Subject:** FW: 1 translation out of 2 - SPS Meeting
**Attachments:** 9818718_001_FR_SPS committee - provisional agenda - March 26-27 2018.docx; 9818710_001_FR_SPS committee - meeting summary - March 26-27 2018.docx

**Importance:** High

Julie,

Did you want me to send the attached to CFIA for final review before posting?

Thanks,
Chadi

---

**From:** Afodjo, Amirath -TEU
**Sent:** April-26-18 8:41 AM
**To:** Awad, Chadi -TCT
**Subject:** 1 translation out of 2

Good morning,

I am still waiting on the 2nd one. I will send it to you as soon as I get it.

Thanks.

**RÉUNION DU PREMIER COMITÉ MIXTE DE GESTION DES MESURES SANITAIRES ET PHYTOSANITAIRES**

OTTAWA, 26 et 27 mars 2018

# PROGRAMME

**1. MOT DE BIENVENUE ET PRÉSENTATION**

**2. FONCTIONNEMENT ET MISE EN ŒUVRE DU CHAPITRE SUR LES MESURES SPS**
2.1 Règles de procédure
2.2 Établissement du programme de travail du Comité mixte de gestion des mesures SPS de l'AECG
2.3 Articles du chapitre sur les mesures SPS de l'AECG, à approfondir

**3. PARTAGE D'INFORMATION**
3.1 *Règlement sur la santé des aliments* - Information
3.2 Audits à venir et en cours - Information
3.3 Transparence en situation d'éclosion d'une nouvelle maladie - Information
3.4 Certification numérique- Information
3.5 Nouvelle loi sur la santé animale
3.6 Nouvelle loi sur la santé des plantes
3.7 Nouveau règlement sur les contrôles officiels

**4. Discussions sur les ANNEXES**
ANNEXE 5-C-Processus de reconnaissance des conditions régionales
ANNEXE 5-D-Lignes directrices sur la détermination, la reconnaissance et le maintien de l'équivalence
ANNEXE 5-E, *Section B* – Reconnaissance des mesures sanitaires et phytosanitaires (SPS)
ANNEXE 5-F – Approbation d'établissements ou d'installations
ANNEXE 5-H – Principes et lignes directrices sur la conduite d'audits ou de vérifications
ANNEXE 5-J, SECTION B – Contrôles à l'importation et frais

**5. GESTION DES ENJEUX SPÉCIFIQUES**

**Plantes**
5.1 Exportations de tomates fraîches avec vignes, tiges et calices
5.2 Exportations de petits tubercules de pomme de terre
5.3 Solutions de rechange à l'utilisation de bromure de méthyle, projet de travail en cours
5.4 Seuils fondés sur les dangers et incidence des tolérances pour les produits importés
5.5 Non-renouvellement de la picoxystrobine
5.6 Mesures des États membres qui diffèrent de celles de l'UE (p. ex. diméthoate, glyphosate)

**Animaux**
5.7 Test de RCP pour le dépistage du virus de Schmallenberg dans la semence de bovin
5.8 Protocoles de test révisés en raison du virus associé à la maladie hémorragique épizootique (VMHÉ) du cerf
5.9 Exportation de bovins vivants en provenance de l'UE
5.10 Conditions harmonisées pour la semence équine en provenance de l'UE
5.11 Conditions harmonisées pour la semence porcine en provenance de l'UE
5.12 Œufs d'incubation et poussons d'un jour, harmonisation des certificats d'exportation

**Sécurité alimentaire**
5.13 Reconnaissance des systèmes d'inspection de la viande des États membres de l'UE
5.14 Certificats d'exportation harmonisés vers l'UE pour la viande fraîche (volaille, mouton/chèvre) et la viande traitée (bœuf, porc, volaille, autres)
5.15 Certificats simplifiés pour la viande et les produits de viande canadiens (viande provenant de bovins, de porcins, de solipèdes, d'ovines, de caprins, de volailles, de ratites d'élevage, de cervidés d'élevage, de suidés sauvages d'élevage et de poissons en fonction de l'équivalence existante)
5.16 Commerce des ovoproduits de l'UE vers le Canada
5.17 Clôture de l'audit de l'UE sur les activités d'inspection des poissons de l'ACIA
5.18 Clôture de l'audit de l'UE sur le programme national de l'ACIA de surveillance des résidus chimiques (PNSRC)
5.19 Concentration de résidus de pesticides
5.20 Certification des poissons apportés au Canada par des navires approuvés de l'UE
5.21 Échéanciers pour la liste des établissements canadiens approuvés (p. ex. Référence SANTE 614984, 731831)

**Audit**
5.22 Le point sur le programme extracôtier de l'ACIA et résultats
5.23 Exportation de protéines animales traitées de l'UE vers le Canada – audit des usines d'équarrissage

## 6. TRAVAIL SPÉCIFIQUE SUR LA RECONNAISSANCE D'ÉQUIVALENCE

## 7. OCCASIONS DE COOPÉRATION RENFORCÉE DANS LE CADRE D'INITIATIVES SUR DES MESURES DE SPS

7.1 Résistance antimicrobactérienne

## 8. AUTRES
8.1 Activités du groupe de bien-être sur le bien-être des animaux
8.2 Bien-être des animaux – Relation avec le Forum de coopération en matière de réglementation

## 9. PROGRAMME DE TRAVAIL POUR 2018-2019

## 10. PROCHAINE RÉUNION

**RÉUNION DU PREMIER COMITÉ CONJOINT DE GESTION (CCC)**
**SUR LES MESURES SANITAIRES ET PHYTOSANITAIRES**
**OTTAWA,** 26-27 MARS 2018

# RAPPORT

Après l'application provisoire de l'AECG le 21 septembre 2017, le Comité conjoint de gestion (CCG) de l'AECG sur les mesures sanitaires et phytosanitaires (SPS) a tenu sa première rencontre les 26 et 27 mars, à Ottawa. Le Canada et l'Union européenne (EU) entretiennent depuis longtemps une collaboration fructueuse sur les mesures SPS, notamment par le biais d'un accord vétérinaire et de nombreuses années de coopération dans le cadre de divers forums internationaux. La réunion avait pour but d'élargir davantage le dialogue bilatéral actuel et la coopération sur les mesures SPS dans le contexte de l'AECG. Des mesures de suivi ont été établies sur les questions abordées lors de cette réunion.

L'ordre du jour de la réunion était ambitieux, mais des progrès ont été réalisés dans plusieurs domaines. En particulier, Le Canada et l'UE ont été en mesure de clarifier leurs positions respectives dans des domaines d'intérêt clés et se sont engagés à poursuivre les travaux en vue de faire progresser les questions d'intérêt commun.

Les deux parties ont échangé des informations sur : les dernières nouveautés en matière de réglementation dans le domaine des mesures SPS qui pourraient avoir une incidence sur le commerce; la planification provisoire des audits à venir; la transparence et la communication en temps utile des nouveaux foyers de maladie; et des mises à jour sur les travaux en cours concernant la certification électronique.

Des échanges ont également eu lieu sur des questions particulières relatives à la protection des végétaux, où le Canada a confirmé assurer un suivi concernant la demande de l'Italie et de certains États membres pour l'exportation à destination du Canada de tomates fraîches avec vignes, tiges et calices ainsi que de minitubercules de pommes de terre

Les deux parties ont également convenu de continuer à travailler ensemble sur un projet concernant des solutions de rechange à l'utilisation du bromure de méthyle.

L'UE s'est engagée à étudier les moyens de réduire le délai nécessaire à la reconnaissance des décisions de régionalisation du Canada, et les deux parties se sont engagées à échanger des informations sur la reconnaissance des décisions de régionalisation dans le domaine phytosanitaire. La nécessité de poursuivre le suivi de la simplification du processus d'inscription des établissements agréés pour l'exportation a également été abordée, et l'UE a informé des modifications récentes concernant la certification du poisson débarqué au Canada par des navires approuvés par l'UE et réexporté vers l'UE.

À l'issue de la discussion sur les questions liées aux animaux, les deux parties sont convenues de continuer à travailler sur les aspects techniques pour résoudre les questions en suspens concernant le virus de Schmallenberg et le virus de la maladie hémorragique épizootique afin de faciliter le commerce d'animaux vivants et de matériel génétique.

Les deux parties sont d'accord pour dire que la reconnaissance par le Canada des systèmes d'inspection des viandes des États membres de l'UE constitue une priorité importante, mais elles n'ont pas trouvé de solution immédiate à cet enjeu. L'UE a fait valoir l'engagement politique qui a été pris en 2014; le Canada a souligné qu'il avait besoin d'assurances supplémentaires que les produits exportés respectent les normes de santé et de sécurité de l'UE et du Canada avant de pouvoir donner suite à cette importante question. Le Canada est disposé à poursuivre la collaboration avec l'UE pour faire avancer concrètement les travaux dans ce dossier.

Les deux parties ont défini une voie à suivre pour trouver d'autres moyens de poursuivre l'importante coopération relative au bien-être des animaux et à la résistance aux antimicrobiens. Une discussion a eu lieu sur la nécessité de favoriser les échanges directs entre experts sur ces questions, et une démarche à cet égard sera établie dans les mois à venir.

L'UE s'est engagée à fournir au Canada des informations sur l'interaction entre le Règlement 1107/2009 et le Règlement 396/2005 en ce qui concerne la fixation des tolérances à l'importation pour les pesticides, y compris en ce qui concerne le non-renouvellement éventuel de la teneur maximale en résidus (LMR) de picoxystrobine au sein de l'UE. L'UE s'est engagée à fournir des informations sur les procédures juridiques qu'elle prend lorsqu'un État membre adopte une mesure qui est ou qui peut être perçue par un tiers comme étant incompatible avec les règles ou les obligations commerciales internationales de l'UE d'une manière qui affecterait le commerce au sein de l'UE ou avec des tiers.

Les points à l'ordre du jour suivants ont été reportés à une occasion ultérieure : exportation de bovins vivants de l'UE vers le Canada; conditions harmonisées concernant la semence équine de l'UE à destination du Canada; conditions harmonisées concernant la semence porcine de l'UE à destination du Canada; œufs d'incubation et poussins d'un jour; certificats harmonisés, certificats simplifiés; clôture de la vérification par l'UE des activités d'inspection du poisson de l'ACIA; clôture de la vérification par l'UE du Programme national de surveillance des résidus chimiques (PNSRC) de l'ACIA; niveaux de résidus de pesticides; mise à jour et conclusions du programme d'activités menées à l'étranger par l'ACIA; et exportation de protéines animales transformées de l'UE vers le Canada - vérification des usines d'équarrissage.

## Awad, Chadi -TCT

**From:** Awad, Chadi -TEU
**Sent:** April-18-18 9:44 AM
**To:** Afodjo, Amirath -TEU
**Subject:** FW: Translation of SPS documents
**Attachments:** SPS committee - meeting summary - March 26-27 2018.docx; SPS committee - provisional agenda - March 26-27 2018.docx

**Importance:** High

Hi Amirath,

Please send the attached for translation. We would need them before 3:00PM this Friday to allow us to post them on the CETA website on time.

Thank you,
Chadi

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**From:** Crôteau, Julie -TEU
**Sent:** April-18-18 9:41 AM
**To:** Awad, Chadi -TEU
**Subject:** Translation of SPS documents

Hi Chadi,

Please send the attached documents for translation via Amirath. If possible, would be good to get them by the end of the week, say by 15:00 on Friday, so that we can send them on to the web folks for conversion and posting on the web page.

Thanks,
Julie

# MEETING OF FIRST SANITARY AND PHYTOSANITARY JOINT MANAGEMENT COMMITTEE (JMC)
## OTTAWA, 26-27 MARCH 2018

## REPORT

The inaugural CETA Joint Management Committee (JMC) meeting for Sanitary and Phytosanitary (SPS) measures, following the provisional application of CETA on September 21, 2017, took place on March 26-27 in Ottawa. The European Union (EU) and Canada have a long and productive history of cooperation on SPS issues including through a veterinary agreement and years of cooperation through various international fora. The purpose of the meeting was to further expand the existing bilateral dialogue and cooperation on SPS issues in light of CETA. Follow-up actions were identified on the issues discussed in this meeting.

The agenda for the meeting was challenging and progress was made in a number of areas. In particular, both the EU and Canada were able to clarify each other's positions in key areas of interest and committed to ongoing work to advance issues of interest on both sides.

Both sides shared information on: the latest regulatory developments in the area of SPS which might impact trade; the tentative planning of upcoming audits; transparency and timely communication of new disease outbreaks; and, updates on ongoing work related to e-certification.

Exchanges also took place on specific issues relating to plant health, where Canada confirmed its follow-up on the application of Italy and some Members States for imports of fresh tomato with vines, stems, and calyces into Canada and on potato minitubers.

Both sides also committed to continue working together on a project on alternatives to the use of methyl bromide.

The EU committed to explore ways to reducing the time required for recognition of Canadian regionalisation decisions and both sides committed to exchange information on recognition of regionalisation decisions in the plant health area. The need for further follow-up on the simplification of the process to list export-approved establishments was also discussed and the EU informed about recent amendments regarding the certification of fish landed in Canada by EU-approved vessels and re-exported to the EU.

As an outcome of the discussion on animal issues, both sides agreed to continue to work at the technical level to resolve pending issues related to Schmallenberg virus and Epizootic Hemorrhagic Disease virus in order to facilitate trade of live animals and germplasm.

While both sides agreed that Canada's recognition of EU Member State's meat inspection systems is a high priority, no immediate way forward was identified. The EU referred to the political commitment that was made back in 2014; Canada underlined that it required further assurances that exported products meet EU and Canadian health and safety standards in order to deliver on this important issue. Canada remains open to continue to work in collaboration with the EU to demonstrably advance work on this file.

Both sides identified a path forward to further identify ways to continue the important cooperation on animal welfare and antimicrobial resistance. A discussion was held on the necessity for direct exchanges between experts on these issues and a path forward in this regard will be defined in the coming months.

The EU committed to provide Canada information on interaction of EU Regulation 1107/2009 and EU Regulation 396/2005 with respect to the setting of import tolerances for pesticides, including in relation to the possible non-renewal of the EU maximum residue level (MRL) for picoxystrobin. The EU committed to providing information on the legal procedures it takes when a Member State adopts a measure that is or that may be perceived by a third party to be inconsistent with EU rules or the EU's international trade obligations in a manner that would affect trade within the EU or with third parties.

The following agenda points were deferred to a later occasion: export of live cattle from EU to Canada; harmonised conditions for equine semen from the EU to Canada; harmonised conditions for porcine semen from the EU to Canada; hatching eggs and day-old-chicks, harmonised certificates; simplified certificates; closure of EU's audit of CFIA's fish inspection activities; closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP); pesticide residue levels; update and findings CFIA's offshore program; and, export of processed animal proteins from the EU to Canada - audit rendering plants.

# MEETING OF THE FIRST SANITARY AND PHYTOSANITARY JOINT MANAGEMENT COMMITTEE
OTTAWA, 26-27 MARCH 2018

## AGENDA

### 1. WELCOME AND INTRODUCTION

### 2. OPERATION AND IMPLEMENTATION OF THE SPS CHAPTER
2.1 Rules of Procedure
2.2 Establishment of the CETA SPS JMC Work Programme
2.3 CETA SPS Chapter articles, for further reflection

### 3. INFORMATION SHARING
3.1 *Safe Food for Canadians Regulations*- Information
3.2 Incoming and outgoing audits- Information
3.3 Transparency on new disease outbreaks- Information
3.4 e-Certification- Information
3.5 New Animal Health law
3.6 New Plant Health law
3.7 New regulation for official controls

### 4. ANNEXES discussion
ANNEX 5-C-Process of Recognition of Regional Conditions
ANNEX 5-D-Guidelines to Determine, Recognise and Maintain Equivalence
ANNEX 5-E, *Section B*- Recognition of SPS measures-Phytosanitary Measures
ANNEX 5-F-Approval of Establishments or Facilities
ANNEX 5-H- Principles and Guidelines to Conduct an Audit or Verification
ANNEX 5-J, SECTION B - Import Checks and Fees-Fees

### 5. SPECIFIC ISSUE MANAGEMENT

**Plant**
5.1 Exports of fresh tomato with vines, stems, and calyces
5.2 Exports of potato mini-tubers
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5.3Alternatives to use of methyl bromide, ongoing project work
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5.6 Member States' measures that differ from EU-level measures (e.g. dimethoate, glyphosate)

**Animal**
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5.8 Revised testing protocols due to epizootic hemorrhagic disease virus (EHDV)

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**Food Safety**
5.13 Recognition of EU Member State meat inspection systems
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5.22 Update and findings CFIA's Offshore program
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**7. OPPORTUNITIES FOR ENHANCED COOPERATION ON SPS INTIATIVES**
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**8. OTHER**
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**9. WORK PROGRAMME FOR 2018-2019**

**10. NEXT MEETING**

## Awad, Chadi -TCT

**From:** Afodjo, Amirath -TEU
**Sent:** April-26-18 8:41 AM
**To:** Awad, Chadi -TCT
**Subject:** 1 translation out of 2
**Attachments:** 9818718_001_FR_SPS committee - provisional agenda - March 26-27 2018.docx

Good morning,

I am still waiting on the 2nd one. I will send it to you as soon as I get it.

Thanks.

# RÉUNION DU PREMIER COMITÉ MIXTE DE GESTION DES MESURES SANITAIRES ET PHYTOSANITAIRES

OTTAWA, 26 et 27 mars 2018

## PROGRAMME

### 1. MOT DE BIENVENUE ET PRÉSENTATION

### 2. FONCTIONNEMENT ET MISE EN ŒUVRE DU CHAPITRE SUR LES MESURES SPS

2.1 Règles de procédure
2.2 Établissement du programme de travail du Comité mixte de gestion des mesures SPS de l'AECG
2.3 Articles du chapitre sur les mesures SPS de l'AECG, à approfondir

### 3. PARTAGE D'INFORMATION

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### 5. GESTION DES ENJEUX SPÉCIFIQUES

**Plantes**

5.1 Exportations de tomates fraîches avec vignes, tiges et calices
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5.12 Œufs d'incubation et poussons d'un jour, harmonisation des certificats d'exportation

**Sécurité alimentaire**
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5.16 Commerce des ovoproduits de l'UE vers le Canada
5.17 Clôture de l'audit de l'UE sur les activités d'inspection des poissons de l'ACIA
5.18 Clôture de l'audit de l'UE sur le programme national de l'ACIA de surveillance des résidus chimiques (PNSRC)
5.19 Concentration de résidus de pesticides
5.20 Certification des poissons apportés au Canada par des navires approuvés de l'UE
5.21 Échéanciers pour la liste des établissements canadiens approuvés (p. ex. Référence SANTE 614984, 731831)

**Audit**
5.22 Le point sur le programme extracôtier de l'ACIA et résultats
5.23 Exportation de protéines animales traitées de l'UE vers le Canada – audit des usines d'équarrissage

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## 7. OCCASIONS DE COOPÉRATION RENFORCÉE DANS LE CADRE D'INITIATIVES SUR DES MESURES DE SPS

7.1 Résistance antimicrobactérienne

## 8. AUTRES
8.1 Activités du groupe de bien-être sur le bien-être des animaux
8.2 Bien-être des animaux – Relation avec le Forum de coopération en matière de réglementation

## 9. PROGRAMME DE TRAVAIL POUR 2018-2019

## 10. PROCHAINE RÉUNION

## Awad, Chadi -TCT

**From:** Afodjo, Amirath -TEU
**Sent:** April-26-18 1:31 PM
**To:** Awad, Chadi -TCT
**Subject:** Translation 2/2
**Attachments:** 9818710_001_FR_SPS committee - meeting summary - March 26-27 2018.docx

**RÉUNION DU PREMIER COMITÉ CONJOINT DE GESTION (CCC)**
**SUR LES MESURES SANITAIRES ET PHYTOSANITAIRES**
**OTTAWA, 26-27 MARS 2018**

# RAPPORT

Après l'application provisoire de l'AECG le 21 septembre 2017, le Comité conjoint de gestion (CCG) de l'AECG sur les mesures sanitaires et phytosanitaires (SPS) a tenu sa première rencontre les 26 et 27 mars, à Ottawa. Le Canada et l'Union européenne (EU) entretiennent depuis longtemps une collaboration fructueuse sur les mesures SPS, notamment par le biais d'un accord vétérinaire et de nombreuses années de coopération dans le cadre de divers forums internationaux. La réunion avait pour but d'élargir davantage le dialogue bilatéral actuel et la coopération sur les mesures SPS dans le contexte de l'AECG. Des mesures de suivi ont été établies sur les questions abordées lors de cette réunion.

L'ordre du jour de la réunion était ambitieux, mais des progrès ont été réalisés dans plusieurs domaines. En particulier, Le Canada et l'UE ont été en mesure de clarifier leurs positions respectives dans des domaines d'intérêt clés et se sont engagés à poursuivre les travaux en vue de faire progresser les questions d'intérêt commun.

Les deux parties ont échangé des informations sur : les dernières nouveautés en matière de réglementation dans le domaine des mesures SPS qui pourraient avoir une incidence sur le commerce; la planification provisoire des audits à venir; la transparence et la communication en temps utile des nouveaux foyers de maladie; et des mises à jour sur les travaux en cours concernant la certification électronique.

Des échanges ont également eu lieu sur des questions particulières relatives à la protection des végétaux, où le Canada a confirmé assurer un suivi concernant la demande de l'Italie et de certains États membres pour l'exportation à destination du Canada de tomates fraîches avec vignes, tiges et calices ainsi que de minitubercules de pommes de terre

Les deux parties ont également convenu de continuer à travailler ensemble sur un projet concernant des solutions de rechange à l'utilisation du bromure de méthyle.

L'UE s'est engagée à étudier les moyens de réduire le délai nécessaire à la reconnaissance des décisions de régionalisation du Canada, et les deux parties se sont engagées à échanger des informations sur la reconnaissance des décisions de régionalisation dans le domaine phytosanitaire. La nécessité de poursuivre le suivi de la simplification du processus d'inscription des établissements agréés pour l'exportation a également été abordée, et l'UE a informé des modifications récentes concernant la certification du poisson débarqué au Canada par des navires approuvés par l'UE et réexporté vers l'UE.

À l'issue de la discussion sur les questions liées aux animaux, les deux parties sont convenues de continuer à travailler sur les aspects techniques pour résoudre les questions en suspens concernant le virus de Schmallenberg et le virus de la maladie hémorragique épizootique afin de faciliter le commerce d'animaux vivants et de matériel génétique.

Les deux parties sont d'accord pour dire que la reconnaissance par le Canada des systèmes d'inspection des viandes des États membres de l'UE constitue une priorité importante, mais elles n'ont pas trouvé de solution immédiate à cet enjeu. L'UE a fait valoir l'engagement politique qui a été pris en 2014; le Canada a souligné qu'il avait besoin d'assurances supplémentaires que les produits exportés respectent les normes de santé et de sécurité de l'UE et du Canada avant de pouvoir donner suite à cette importante question. Le Canada est disposé à poursuivre la collaboration avec l'UE pour faire avancer concrètement les travaux dans ce dossier.

Les deux parties ont défini une voie à suivre pour trouver d'autres moyens de poursuivre l'importante coopération relative au bien-être des animaux et à la résistance aux antimicrobiens. Une discussion a eu lieu sur la nécessité de favoriser les échanges directs entre experts sur ces questions, et une démarche à cet égard sera établie dans les mois à venir.

L'UE s'est engagée à fournir au Canada des informations sur l'interaction entre le Règlement 1107/2009 et le Règlement 396/2005 en ce qui concerne la fixation des tolérances à l'importation pour les pesticides, y compris en ce qui concerne le non-renouvellement éventuel de la teneur maximale en résidus (LMR) de picoxystrobine au sein de l'UE. L'UE s'est engagée à fournir des informations sur les procédures juridiques qu'elle prend lorsqu'un État membre adopte une mesure qui est ou qui peut être perçue par un tiers comme étant incompatible avec les règles ou les obligations commerciales internationales de l'UE d'une manière qui affecterait le commerce au sein de l'UE ou avec des tiers.

Les points à l'ordre du jour suivants ont été reportés à une occasion ultérieure : exportation de bovins vivants de l'UE vers le Canada; conditions harmonisées concernant la semence équine de l'UE à destination du Canada; conditions harmonisées concernant la semence porcine de l'UE à destination du Canada; œufs d'incubation et poussins d'un jour; certificats harmonisés, certificats simplifiés; clôture de la vérification par l'UE des activités d'inspection du poisson de l'ACIA; clôture de la vérification par l'UE du Programme national de surveillance des résidus chimiques (PNSRC) de l'ACIA; niveaux de résidus de pesticides; mise à jour et conclusions du programme d'activités menées à l'étranger par l'ACIA; et exportation de protéines animales transformées de l'UE vers le Canada - vérification des usines d'équarrissage.

## Awad, Chadi -TCT

**From:** Crôteau, Julie -TCT
**Sent:** April-27-18 11:00 AM
**To:** Orton, Andrea -LDWR; Hinds, Jessica -LDWR
**Cc:** Awad, Chadi -TCT
**Subject:** CETA governance webpage: Documents for conversion and posting
**Attachments:** 9818718_001_FR_SPS committee - provisional agenda - March 26-27 2018.docx; 9818710_001_FR_SPS committee - meeting summary - March 26-27 2018.docx; SPS committee - provisional agenda - March 26-27 2018.docx; SPS committee - meeting summary - March 26-27 2018.docx

Hi Andrea, Jessica,

Please find attached the French and English versions of the provisional agendas and meeting summaries for the SPS committee, which met on March 26-27. Grateful if you could convert and post the documents at the earliest convenience. Due to an unfortunate delay with the translation of the documents, we're behind on this and anything you can do to post them soonest would be much appreciated.

Let me know if you have any questions.

Best,
Julie

**RÉUNION DU PREMIER COMITÉ MIXTE DE GESTION DES MESURES SANITAIRES ET PHYTOSANITAIRES**

OTTAWA, 26 et 27 mars 2018

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Les deux parties ont également convenu de continuer à travailler ensemble sur un projet concernant des solutions de rechange à l'utilisation du bromure de méthyle.

L'UE s'est engagée à étudier les moyens de réduire le délai nécessaire à la reconnaissance des décisions de régionalisation du Canada, et les deux parties se sont engagées à échanger des informations sur la reconnaissance des décisions de régionalisation dans le domaine phytosanitaire. La nécessité de poursuivre le suivi de la simplification du processus d'inscription des établissements agréés pour l'exportation a également été abordée, et l'UE a informé des modifications récentes concernant la certification du poisson débarqué au Canada par des navires approuvés par l'UE et réexporté vers l'UE.

À l'issue de la discussion sur les questions liées aux animaux, les deux parties sont convenues de continuer à travailler sur les aspects techniques pour résoudre les questions en suspens concernant le virus de Schmallenberg et le virus de la maladie hémorragique épizootique afin de faciliter le commerce d'animaux vivants et de matériel génétique.

Les deux parties sont d'accord pour dire que la reconnaissance par le Canada des systèmes d'inspection des viandes des États membres de l'UE constitue une priorité importante, mais elles n'ont pas trouvé de solution immédiate à cet enjeu. L'UE a fait valoir l'engagement politique qui a été pris en 2014; le Canada a souligné qu'il avait besoin d'assurances supplémentaires que les produits exportés respectent les normes de santé et de sécurité de l'UE et du Canada avant de pouvoir donner suite à cette importante question. Le Canada est disposé à poursuivre la collaboration avec l'UE pour faire avancer concrètement les travaux dans ce dossier.

Les deux parties ont défini une voie à suivre pour trouver d'autres moyens de poursuivre l'importante coopération relative au bien-être des animaux et à la résistance aux antimicrobiens. Une discussion a eu lieu sur la nécessité de favoriser les échanges directs entre experts sur ces questions, et une démarche à cet égard sera établie dans les mois à venir.

L'UE s'est engagée à fournir au Canada des informations sur l'interaction entre le Règlement 1107/2009 et le Règlement 396/2005 en ce qui concerne la fixation des tolérances à l'importation pour les pesticides, y compris en ce qui concerne le non-renouvellement éventuel de la teneur maximale en résidus (LMR) de picoxystrobine au sein de l'UE. L'UE s'est engagée à fournir des informations sur les procédures juridiques qu'elle prend lorsqu'un État membre adopte une mesure qui est ou qui peut être perçue par un tiers comme étant incompatible avec les règles ou les obligations commerciales internationales de l'UE d'une manière qui affecterait le commerce au sein de l'UE ou avec des tiers.

Les points à l'ordre du jour suivants ont été reportés à une occasion ultérieure : exportation de bovins vivants de l'UE vers le Canada; conditions harmonisées concernant la semence équine de l'UE à destination du Canada; conditions harmonisées concernant la semence porcine de l'UE à destination du Canada; œufs d'incubation et poussins d'un jour; certificats harmonisés, certificats simplifiés; clôture de la vérification par l'UE des activités d'inspection du poisson de l'ACIA; clôture de la vérification par l'UE du Programme national de surveillance des résidus chimiques (PNSRC) de l'ACIA; niveaux de résidus de pesticides; mise à jour et conclusions du programme d'activités menées à l'étranger par l'ACIA; et exportation de protéines animales transformées de l'UE vers le Canada - vérification des usines d'équarrissage.

# MEETING OF FIRST SANITARY AND PHYTOSANITARY JOINT MANAGEMENT COMMITTEE (JMC)
## OTTAWA, 26-27 MARCH 2018

## REPORT

The inaugural CETA Joint Management Committee (JMC) meeting for Sanitary and Phytosanitary (SPS) measures, following the provisional application of CETA on September 21, 2017, took place on March 26-27 in Ottawa. The European Union (EU) and Canada have a long and productive history of cooperation on SPS issues including through a veterinary agreement and years of cooperation through various international fora. The purpose of the meeting was to further expand the existing bilateral dialogue and cooperation on SPS issues in light of CETA. Follow-up actions were identified on the issues discussed in this meeting.

The agenda for the meeting was challenging and progress was made in a number of areas. In particular, both the EU and Canada were able to clarify each other's positions in key areas of interest and committed to ongoing work to advance issues of interest on both sides.

Both sides shared information on: the latest regulatory developments in the area of SPS which might impact trade; the tentative planning of upcoming audits; transparency and timely communication of new disease outbreaks; and, updates on ongoing work related to e-certification.

Exchanges also took place on specific issues relating to plant health, where Canada confirmed its follow-up on the application of Italy and some Members States for imports of fresh tomato with vines, stems, and calyces into Canada and on potato minitubers.

Both sides also committed to continue working together on a project on alternatives to the use of methyl bromide.

The EU committed to explore ways to reducing the time required for recognition of Canadian regionalisation decisions and both sides committed to exchange information on recognition of regionalisation decisions in the plant health area. The need for further follow-up on the simplification of the process to list export-approved establishments was also discussed and the EU informed about recent amendments regarding the certification of fish landed in Canada by EU-approved vessels and re-exported to the EU.

As an outcome of the discussion on animal issues, both sides agreed to continue to work at the technical level to resolve pending issues related to Schmallenberg virus and Epizootic Hemorrhagic Disease virus in order to facilitate trade of live animals and germplasm.

While both sides agreed that Canada's recognition of EU Member State's meat inspection systems is a high priority, no immediate way forward was identified. The EU referred to the political commitment that was made back in 2014; Canada underlined that it required further assurances that exported products meet EU and Canadian health and safety standards in order to deliver on this important issue. Canada remains open to continue to work in collaboration with the EU to demonstrably advance work on this file.

Both sides identified a path forward to further identify ways to continue the important cooperation on animal welfare and antimicrobial resistance. A discussion was held on the necessity for direct exchanges between experts on these issues and a path forward in this regard will be defined in the coming months.

The EU committed to provide Canada information on interaction of EU Regulation 1107/2009 and EU Regulation 396/2005 with respect to the setting of import tolerances for pesticides, including in relation to the possible non-renewal of the EU maximum residue level (MRL) for picoxystrobin. The EU committed to providing information on the legal procedures it takes when a Member State adopts a measure that is or that may be perceived by a third party to be inconsistent with EU rules or the EU's international trade obligations in a manner that would affect trade within the EU or with third parties.

The following agenda points were deferred to a later occasion: export of live cattle from EU to Canada; harmonised conditions for equine semen from the EU to Canada; harmonised conditions for porcine semen from the EU to Canada; hatching eggs and day-old-chicks, harmonised certificates; simplified certificates; closure of EU's audit of CFIA's fish inspection activities; closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP); pesticide residue levels; update and findings CFIA's offshore program; and, export of processed animal proteins from the EU to Canada - audit rendering plants.

# Canada-European Union
# Comprehensive Economic and Trade Agreement
# Sanitary and Phytosanitary Measures
# Joint Management Committee (CETA SPS JMC)
# Ottawa, Ontario
# March 26-27, 2018

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| 4.6 | ANNEX 5-J, *SECTION B*- Import Checks and Fees-Fees (For discussion) | CAN/EU | CETA SPS Secretariat |

**5. SPECIFIC ISSUE MANAGEMENT**

| Item | Issue | Issue Proponent | Department |
|---|---|---|---|
| **PLANT** | | | |
| 5.1 | Exports of fresh tomato with vines, stems, and calyces | EU | CFIA |
| 5.2 | Exports of potato mini-tubers | EU | CFIA |
| 5.3 | Alternatives to use of methyl bromide, ongoing project work | EU | CFIA |
| 5.4 | Hazard-based cut-off and the impact on import tolerances | CAN | GAC |
| 5.5 | Non-renewal of picoxystrobin | CAN | AAFC |
| 5.6 | Member States' measures that differ from EU-level measures (e.g. dimethoate, glyphosate) | CAN | GAC<br>AAFC |
| **ANIMAL** | | | |
| 5.7 | PCR test on bovine semen for Schmallenberg Virus | EU | CFIA |
| 5.8 | Revised testing protocols due to epizootic hemorrhagic disease virus (EHDV) | CAN | CFIA |
| 5.9 | Export live cattle from EU to Canada | EU | CFIA |
| 5.10 | Harmonised conditions for equine semen from EU to Canada | EU | CFIA |
| 5.11 | Harmonised conditions for porcine semen from EU to Canada | EU | CFIA |
| 5.12 | Hatching eggs and day-old-chicks, harmonised export certificates | EU | CFIA |
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| 5.13 | Recognition of EU Member State meat inspection systems<br>Annex A (10472884) | EU | CFIA |
| 5.14 | EU harmonised export certificates for fresh meat (poultry, sheep/goat) and processed meat (beef, pork, poultry, others) | EU | CFIA |
| 5.15 | Simplified certificates for Canadian meat and meat products<br>(meat derived from bovine, porcine, solipeds, ovine and caprine, poultry, farmed ratites, farmed rabbit, farmed cervids, farmed<br>wild suidae and fish based on existing equivalence) | CAN | CFIA |
| 5.16 | Trade EU egg products to CAN | EU | CFIA |
| 5.17 | Closure of EU's audit of CFIA's Fish Inspection Activities | CAN | CFIA |
| 5.18 | Closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP). | CAN | CFIA |
| 5.19 | Pesticide residue levels | EU | Health Canada |
| 5.20 | Certification of fish landed in Canada by EU approved vessels | CAN | CFIA |
| 5.21 | Timelines for listing of approved Canadian establishments (e.g. SANTE reference 614984, 731831) | CAN | CFIA |

| AUDIT | | | |
|---|---|---|---|
| 5.22 | Update and findings CFIA's Offshore program | EU | CFIA |
| 5.23 | Export of processed animal proteins from EU to Canada - audit rendering plants | EU | CFIA |
| **6. SPECIFIC WORK ON RECOGNITION OF EQUIVALENCE** | | | |
| **Item** | **Issue** | | **Department** |
| | | | |
| **7. OPPORTUNITIES FOR ENHANCED COOPERATION ON SPS INITIATIVES** | | | |
| **Item** | **Issue** | | **Department** |
| 7.1 | Antimicrobial resistance | EU | Health Canada<br>CFIA |
| **8. OTHER** | | | |
| **Item** | **Issue** | | **Department** |
| 8.1 | Activities of the Animal Welfare Technical Working Group | EU | BREU |
| 8.2 | Animal Welfare – Relation with the Regulatory Cooperation Forum | EU | BREU |
| **9. WORK PROGRAMME FOR 2018-2019** | | | |
| **Item** | **Issue** | | **Department** |
| 9. | WORK PROGRAMME FOR 2018-2019 | | |

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# AGENDA

## Canada-European Union
## Comprehensive Economic and Trade Agreement
## Sanitary and Phytosanitary Measures
## Joint Management Committee
## Ottawa, Ontario, Canada
## 111 Sussex Drive (Room: Freiman-Guiges)
## March 26-27, 2018

| TIME | No. | AGENDA ITEM | PROPONENT |
|---|---|---|---|
| **9:00-9:15am** | **1.** | **WELCOME AND INTRODUCTION**<br>1.1 Opening Remarks<br>1.2 Introductions<br>1.3 Adoption of the Agenda | Canada/EU |
| **9:15-9:45am** | **2.** | **OPERATION AND IMPLEMENTATION OF THE SPS CHAPTER**<br>2.1 Rules of Procedure<br>2.2 Establishment of the CETA SPS JMC Work Programme<br>2.3 CETA SPS Chapter articles, for further reflection | Canada/EU |
| **9:45-10:45** | **3.** | **INFORMATION SHARING**<br>3.1 *Safe Food for Canadians Regulations*- Information<br>3.2 Incoming and outgoing audits- Information<br>3.3 Transparency on new disease outbreaks- Information<br>3.4 e-Certification- Information<br>3.5 New Animal Health law<br>3.6 New Plant Health law<br>3.7 New regulation for official controls | <br>Canada<br>Canada/EU<br>Canada<br><br>Canada<br>EU<br>EU<br>EU |
| **10:45-11:15am** | Health Break | | |

| TIME | No. | AGENDA ITEM | PROPONENT |
|---|---|---|---|
| **11:15am-12:00pm** | **4.** | **ANNEX REVIEW**<br>ANNEX 5-C-Process of Recognition of Regional Conditions (For discussion)<br>ANNEX 5-D-Guidelines to Determine, Recognise and Maintain Equivalence(For discussion)<br>ANNEX 5-E, *Section B*- Recognition of SPS measures-Phytosanitary Measures (For discussion)<br>ANNEX 5-F-Approval of Establishments or Facilities (For discussion)<br>ANNEX 5-H- Principles and Guidelines to Conduct an Audit or Verification (For discussion)<br>ANNEX 5-J, SECTION B - Import Checks and Fees-Fees (For discussion) | Canada/EU |
| **12:00-1:00pm** | **Lunch** | | |
| **1:00-2:30pm**<br><br>**Break from 2:30-2:45pm**<br><br>**2:45-5:00pm** | **5.** | **SPECIFIC ISSUE MANAGEMENT**<br>**Plant**<br>5.1 Exports of fresh tomato with vines, stems, and calyces<br>5.2 Exports of potato mini-tubers<br>5.3 Alternatives to use of methyl bromide, ongoing project work<br>5.4 Hazard-based cut-off and the impact on import tolerances<br>5.5 Non-renewal of picoxystrobin<br>5.6 Member States' measures that differ from EU-level measures (e.g. dimethoate, glyphosate)<br><br>**Animal**<br>5.7 PCR test on bovine semen for Schmallenberg Virus<br>5.8 Revised testing protocols due to epizootic hemorrhagic disease virus (EHDV)<br>5.9 Export live cattle from EU to Canada<br>5.10 Harmonised conditions for equine semen from EU to Canada<br>5.11 Harmonised conditions for porcine semen from | <br><br>EU<br>EU<br>EU<br>Canada<br>Canada<br>Canada<br><br><br>EU<br>Canada<br>EU<br>EU<br>EU |

| TIME | No. | AGENDA ITEM | PROPONENT |
|---|---|---|---|
| | | EU to Canada | |
| | | 5.12 Hatching eggs and day-old-chicks, harmonised export certificates | EU |
| | | **Food Safety** | |
| **DAY 2** | | | |
| **9-11:30am** | | 5.13 Recognition of EU Member State meat inspection systems | EU |
| **Break 10:15-10:45am** | | 5.14 EU harmonised export certificates for fresh meat (poultry, sheep/goat) and processed meat (beef, pork, poultry, others) | EU |
| | | 5.15 Simplified certificates for Canadian meat and meat products (meat derived from bovine, porcine, solipeds, ovine and caprine, poultry, farmed ratites, farmed rabbit, farmed cervids, farmed wild suidae and fish based on existing equivalence) | Canada |
| | | 5.16 Trade EU egg products to CAN | EU |
| | | 5.17 Closure of EU's audit of CFIA's Fish Inspection Activities | Canada |
| | | 5.18 Closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP). | Canada |
| | | 5.19 Pesticide residue levels | EU |
| | | 5.20 Certification of fish landed in Canada by EU approved vessels | EU |
| | | 5.21 Timelines for listing of approved Canadian establishments (e.g. SANTE reference 614984, 731831) | Canada |
| | | **Audit** | |
| | | 5.22 Update and findings CFIA's Offshore program | EU |
| | | 5.23 Export of processed animal proteins from EU to Canada - audit rendering plants | EU |
| | **6.** | **SPECIFIC WORK ON RECOGNITION OF EQUIVALENCE** | |
| **11:30am-11:45am** | **7.** | **OPPORTUNITIES FOR ENHANCED COOPERATION ON SPS INTIATIVES** | |
| | | 7.1 Antimicrobial resistance | EU |

| TIME | No. | AGENDA ITEM | PROPONENT |
|---|---|---|---|
| **11:45-12:00pm** | **8.** | **OTHER**<br>8.1 Activities of the Animal Welfare Technical Working Group<br>8.2 Animal Welfare – Relation with the Regulatory Cooperation Forum | <br>EU<br>EU |
| **12:00pm** | Lunch | | |
| **2:00-4:00pm** | **9.** | **WORK PROGRAMME FOR 2018-2019** | Canada/EU |
| | **10.** | **BREAK TO WRITE AND FINALIZE MEETING REPORT AND ACTION ITEM LIST** | Canada/EU |
| **4:00-5:00pm** | **11.** | **CETA SPS JMC MEETING REPORT AND ACTION ITEM ADOPTION** | Canada/EU |
| | **12.** | **NEXT MEETING** | Canada/EU |
| | **13.** | **ADJOURNMENT** | Canada/EU |



## 2.1 Rules of Procedure – CETA Joint Committee and Specialised Committees

**LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES**
*GAC CETA Secretariat/Julie Crôteau/343-203-4089*

**ISSUE**
Rules of procedure for the CETA Joint Committee and specialised committees

- **BACKGROUND**
  CETA's Administrative and Institutional Provisions Chapter (Chapter 26) sets out how CETA will be jointly managed and implemented by Canada and the EU, and provides for the creation of a Ministerial-level CETA Joint Committee (CJC). CETA establishes 14 committees and five dialogues or cooperation commitments to be created under the auspices of the CJC to manage specific issues, including the Joint Management Committee for Sanitary and Phytosanitary Measures (Chapter 5 and Article 26.2).

- On March 23, 2018, Canada and the EU agreed on a text of the rules of procedure (Annex), which will provide the administrative framework for the work of the committees. The rules of procedure are to be formally adopted by the Joint Committee at its inaugural meeting, which is scheduled for the last week of September 2018 (exact date tbc), though Canada and the EU have agreed that will be applied immediately by the committees, to guide their work, without needing to wait for their formal adoption.

- The agreed approach between Canada and the EU is to have the Joint Committee rules of procedure apply also to the specialised committees, at least in the first year of the Agreement. They have therefore been developed to allow enough flexibility for the differing requirements of the specialised committees. As provided for by the CETA text, the specialised committees may decide to modify them or to set their own rules later on, should this be deemed appropriate by the co-chairs. The EU has communicated the same approach to all of its committee co-chairs.

**CURRENT STATUS**

- On March 23, 2018, Canada and the EU reached an agreed text of the rules of procedure.

- The CETA Secretariat will share the agreed text of the rules of procedure with Canadian co-chairs and leads during the week of March 26, 2018.

- The rules of procedure can begin to be applied immediately to guide the work of CETA committees in advance of their formal adoption.

- The CETA Joint Committee will formally adopt the rules of procedure at its inaugural meeting in September 2018.

**CANADIAN POSITION**

- The agreed approach between Canada and the EU is for the Joint Committee rules of procedure to apply to the specialised committees, at least initially.

- The rules of procedure are to be applied by the committees immediately, in advance of being formally adopted by the Joint Committee in September 2018.

**EU POSITION**

- The agreed approach between Canada and the EU is for the Joint Committee rules of procedure to apply to the specialised committees, at least initially.

- The rules of procedure are to be applied by the committees immediately, in advance of being formally adopted by the Joint Committee in September 2018.

**NEXT STEPS FOR THE CETA SPS JMC**

- The CETA SPS JMC, at its meeting on March 26-27, 2018, should confirm its endorsement of the Joint Committee rules of procedure for its own use, at least initially. The SPS JMC should also begin applying the rules of procedure now.

**RECOMMENDED POINTS TO REGISTER**

- I understand that our respective CETA Secretariats agreed to the Joint Committee rules of procedure on March 23, 2018.

- I also understand that the intention is for the Joint Committee rules of procedure to apply to all specialised committees, including the SPS JMC, at least for the first year of provisional application.

- We can begin to apply the rules of procedure now to guide the work of the committee, ahead of their formal adoption by the Joint Committee in September 2018.

- As the work of the SPS JMC proceeds in the coming year, we can determine whether the Joint Committee rules of procedure are adequate for the proper functioning of the committee and if not, whether modified rules or setting committee-specific rules of procedure would be appropriate/preferred.

# RULES OF PROCEDURE OF THE CETA JOINT COMMITTEE

## Rule 1
## Composition and Chair

1. The CETA Joint Committee that is established in accordance with Article 26.1 of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (the Agreement) will perform its duties as provided in Article 26.1 of the Agreement, take responsibility for the implementation and application of the Agreement and further its general aims.

2. Further to Article 26.1.1 of the Agreement, the CETA Joint Committee shall be composed of representatives of the Parties to the Agreement and shall be co-chaired by the Minister for International Trade of Canada and the Member of the European Commission responsible for Trade. The co-chairs may be represented by their respective designees as provided in Article 26.1.1 of the Agreement.

3. The Parties in these Rules of Procedure are those defined in Article 1.1 of the Agreement.

## Rule 2
## Representation

1. Each Party to the Agreement will notify the other Party to the Agreement of the list of its representatives of the CETA Joint Committee. The list will be administered and kept current by the Secretariat of the CETA Joint Committee.

2. A co-chair of the CETA Joint Committee may be represented by a designee if he or she is unable to attend a meeting. The co-chair, or his or her designee, will inform in writing the other co-chair and the relevant Contact Point of the designation as far in advance of the meeting as possible.

3. The designee of the co-chair of the CETA Joint Committee will exercise the rights of that co-chair to the extent of the designation. In these Rules of Procedure, subsequent references to representatives and co-chairs will be understood to include the designee.

## Rule 3
## *Secretariat of the CETA Joint Committee*

The CETA Contact Points appointed by the Parties to the Agreement in accordance with Article 26.5 of the Agreement will act as Secretariat of the CETA Joint Committee.

## Rule 4
## Meetings

1. Further to Article 26.1.2 of the Agreement, the CETA Joint Committee shall meet once a year or at the request of either Party to the Agreement. The meetings will be held in Brussels and Ottawa

alternately, unless the co-chairs decide otherwise.

2. In accordance with Article 26.6.1 of the Agreement, the meetings of the CETA Joint Committee may be held by videoconference or teleconference.

3. Each meeting of the CETA Joint Committee will be convened by the Secretariat of the CETA Joint Committee at a date and place decided by the Parties to the Agreement. As provided for in Article 26.6.2, the Parties to the Agreement shall endeavour to meet within 30 days after a Party to the Agreement receives a request to meet from the other Party to the Agreement.

## Rule 5
## **Delegation**

The representatives of the CETA Joint Committee may be accompanied by government officials. Before each meeting, the co-chairs of the CETA Joint Committee will be informed of the intended composition of the delegation of each Party to the Agreement.

## Rule 6
## **Documents**

When the deliberations of the CETA Joint Committee are based on written supporting documents, these documents will be numbered and circulated by the Secretariat of the CETA Joint Committee as documents of the CETA Joint Committee.

## Rule 7
## **Correspondence**

1. Correspondence addressed to the co-chairs of the CETA Joint Committee will be forwarded to the Secretariat of the CETA Joint Committee for circulation, when appropriate, to the representatives of the CETA Joint Committee.

2. Correspondence from the co-chairs of the CETA Joint Committee will be sent to the recipients by the Secretariat of the CETA Joint Committee and be numbered and circulated, when appropriate, to the other representatives of the CETA Joint Committee.

## Rule 8
## **Agenda for the Meetings**

1. A provisional agenda for each meeting will be drawn up by the Secretariat of the CETA Joint Committee. It will be forwarded, together with the relevant documents, to the representatives of the CETA Joint Committee, including the co-chairs no later than 10 calendar days before the beginning of the meeting.

2. The provisional agenda will include items in respect of which the Secretariat of the CETA Joint

Committee has received a request for inclusion in the agenda by a Party to the Agreement, together with the relevant documents, no later than 14 days before the beginning of the meeting.

3. The co-chairs of the CETA Joint Committee will make public a jointly approved version of the provisional agenda of the CETA Joint Committee before the meeting takes place subject to the application of Article 26.4 of the Agreement.

4. The agenda will be adopted by the CETA Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties to the Agreement so decide.

5. The co-chairs of the CETA Joint Committee may by mutual consent invite observers, including representatives of other bodies of the Parties to the Agreement or independent experts to attend its meetings in order to provide information on specific subjects.

6. The co-chairs of the CETA Joint Committee may by mutual consent reduce or increase the time periods specified in paragraphs 1 and 2 in order to take account of the requirements of a particular case.

Rule 9
**Minutes**

1. Draft minutes of each meeting will be drawn up by the Secretariat of the CETA Joint Committee, normally within 21 days from the end of the meeting, unless otherwise decided by mutual consent.

2. The minutes will, as a general rule, summarise each item on the agenda, specifying where applicable:

   (a) the documents submitted to the CETA Joint Committee;

   (b) any statement that a member of the CETA Joint Committee requested to be entered in the minutes; and

   (c) the decisions adopted, recommendations made, joint statements decided upon and operational conclusions adopted on specific items.

3. The minutes will include a list of the names, titles and affiliations, of all individuals who attended the meeting in any capacity.

4. The minutes will be approved in writing by the co-chairs within 28 days of the date of the meeting or by any other date decided by the Parties to the Agreement. Once approved, two copies of the minutes will be signed by the Contact Points of the Secretariat of the CETA Joint Committee and each of the Parties to the Agreement will receive one original copy of these documents. The Parties may decide that signing and exchanging electronic copies satisfies this requirement. Copies

of the signed minutes will be forwarded to the representatives of the CETA Joint Committee.

5. The Secretariat of the CETA Joint Committee will also prepare a short and general summary of the minutes. Once the co-chairs of the Joint Committee have approved the text of the summary, they will make the summary of the minutes public subject to the application of Article 26.4 of the Agreement.

Rule 10
**Decisions and Recommendations**

1. In the specific circumstances where the Agreement so provides, the CETA Joint Committee shall adopt decisions and recommendations by mutual consent, as provided for in Article 26.3.3 of the Agreement. [Alternative proposal EU: The CETA Joint Committee shall make decisions in respect of all matters when this Agreement so provides, and may also make appropriate recommendations. The CETA Joint Committee shall act by mutual consent, as provided for in Article 26.3.3 of the Agreement ]

2. In the period between meetings, the CETA Joint Committee may adopt decisions or recommendations by written procedure if the Parties to the Agreement decide by mutual consent. For that purpose, the text of the proposal will be circulated in writing from the co-chairs to the representatives of the CETA Joint Committee pursuant to Rule 7, with a time limit within which members will make known any concerns or amendments they wish to make. Adopted proposals will be communicated pursuant to Rule 7 once the time limit has elapsed and recorded in the minutes of the next meeting.

3. Where the CETA Joint Committee is empowered under the Agreement to adopt decisions, recommendations or interpretations, such acts will be entitled 'Decision', 'Recommendation' or 'Interpretation' respectively. The Secretariat of the CETA Joint Committee will give any decision, recommendation or interpretation a serial number, the date of adoption and a description of their subject-matter. Each decision will provide for the date that it comes into effect.

4. Each decision, recommendation or interpretation will be signed by the co-chairs of the CETA Joint Committee.

5. The Parties to the Agreement will ensure that the decisions, recommendations or interpretations adopted by the CETA Joint Committee are made public subject to Article 26.4 of the Agreement.

6. In case of decisions of the CETA Joint Committee amending the protocols and annexes to the Agreement pursuant to Article 30.2.2 of the Agreement, all language versions are equally authentic as provided in Article 30.11 of the Agreement.

Rule 11
**Publicity and Confidentiality**

1. Unless otherwise specified by the Agreement or decided by the co-chairs, the meetings of the CETA

Joint Committee will not be open to the public.

2. When a Party to the Agreement submits information considered as confidential or protected from disclosure under its laws and regulations to the CETA Joint Committee or any specialised committee or other body established under the Agreement, the other Party to the Agreement shall treat that information as confidential as provided in Article 26.4 of the Agreement.

Rule 12
**Languages**

1. The official languages of the CETA Joint Committee will be the official languages of the Parties to the Agreement.

2. The working languages of the CETA Joint Committees will be English and/or French. Unless otherwise decided by the co-chairs, the CETA Joint Committee will normally base its deliberations on documents prepared in those languages.

Rule 13
**Expenses**

1. Each Party to the Agreement will meet any expenses it incurs as a result of participating in the meetings of the CETA Joint Committee.

2. Expenditure in connection with the organisation of meetings and reproduction of documents will be borne by the Party to the Agreement hosting the meeting.

3. Expenditure in connection with interpretation to and from the working languages of the Joint Committee at meetings will be borne by the Party to the Agreement hosting the meeting. A Party to the Agreement requesting interpretation and translation into or from languages other than the working languages specified in Rule 12 will pay for these services.

Rule 14
**Specialised committees and other bodies**

1. Pursuant to Article 26.1.4(b) of the Agreement, the CETA Joint Committee shall supervise the work of all specialised committees and other bodies established under the Agreement.

2. The CETA Joint Committee will be informed in writing of the Contact Points designated by specialised committees or other bodies established under the Agreement. All relevant correspondences, documents and communications between the Contact Points of each specialised committee regarding the implementation of the Agreement will be forwarded to the Secretariat of the CETA Joint Committee simultaneously.

3. Pursuant to Article 26.2.6, the specialized committees shall report to the CETA Joint Committee on results and conclusions from each of their meetings.

4. Unless otherwise decided by each specialised committee pursuant to Article 26.2.4 of the Agreement, the present Rules of Procedure will apply *mutatis mutandis* to the specialised committees and other bodies established under the Agreement.

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# Agenda Item 8: CANADA – EU CETA SPS JOINT MANAGEMENT COMMITTEE WORK PROGRAMME

## A) Joint initiatives:

| # | Topic | Milestones | Est. time/date for completion | Canada and EU activities for 2018 | Commitment completion date | On hold (Y/N) |
|---|---|---|---|---|---|---|
| 18-01 | Rules of Procedure ?? | - Discussion at SPS JMC meeting | | | September 21, 2018 | N |
| | | | | | | |
| | | | | | | |
| | | | | | | |

## B) Canadian interests:

| # | Topic | Milestones | Est. time for completion | Canada and EU activities for 2018 | Commitment completion date | On hold (Y/N) |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

## C) EU interests:

| # | Topic | Milestones | Est. time for completion | Canada and EU activities for 2018 | Commitment completion date | On hold (Y/N) |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

D) Topics/Requests that are on hold (to be considered at a later date):

| # | Topic | Requested by (EU/Can) | Explanation for putting item on hold | Revisit status next year (Y/N) |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |



Date: XXXXX, 2018

Barbara Doan
Canadian Chair

Koen Van Dyck
EU Chair

# CHAPTER FIVE

# SANITARY AND PHYTOSANITARY MEASURES

## ARTICLE 5.1

### Definitions

1. For the purposes of this Chapter, the following definitions apply:

(a) the definitions in Annex A of the SPS Agreement;

(b) the definitions adopted under the auspices of the Codex Alimentarius Commission (the "Codex");

(c) the definitions adopted under the auspices of the World Organisation for Animal Health (the "OIE");

(d) the definitions adopted under the auspices of the *International Plant Protection Convention* (the "IPPC");

(e) protected zone for a specified regulated harmful organism means an officially defined geographical area in the European Union in which that organism is not established in spite of favourable conditions for its establishment and its presence in other parts of the European Union; and

(f) a competent authority of a Party means an authority listed in Annex 5-A.

2. Further to paragraph 1, the definitions under the SPS Agreement prevail to the extent that there is an inconsistency between the definitions adopted under the auspices of the Codex, the OIE, the IPPC and the definitions under the SPS Agreement.

ARTICLE 5.2

Objectives

The objectives of this Chapter are to:

(a) protect human, animal and plant life or health while facilitating trade;

(b) ensure that the Parties' sanitary and phytosanitary ("SPS") measures do not create unjustified barriers to trade; and

(c) further the implementation of the SPS Agreement.

ARTICLE 5.3

Scope

This Chapter applies to SPS measures that may, directly or indirectly, affect trade between the Parties.

ARTICLE 5.4

Rights and obligations

The Parties affirm their rights and obligations under the SPS Agreement.

ARTICLE 5.5

Adaptation to regional conditions

1. With respect to an animal, animal product and animal by-product:

(a) the Parties recognise the concept of zoning and they have decided to apply this concept to the diseases listed in Annex 5-B;

(b) if the Parties decide on principles and guidelines to recognise regional conditions, they shall include them in Annex 5-C;

(c) for the purpose of subparagraph (a), the importing Party shall base its sanitary measure applicable to the exporting Party whose territory is affected by a disease listed in Annex 5-B on the zoning decision made by the exporting Party, provided that the importing Party is satisfied that the exporting Party's zoning decision is in accordance with the principles and guidelines that the Parties set out in Annex 5-C, and is based on relevant international standards, guidelines, and recommendations. The importing Party may apply any additional measure to achieve its appropriate level of sanitary protection;

(d) if a Party considers that it has a special status with respect to a disease not listed in Annex 5-B, it may request recognition of that status. The importing Party may request additional guarantees for imports of live animals, animal products, and animal by-products appropriate to the agreed status recognised by the importing Party, including the special conditions identified in Annex 5-E; and

(e) the Parties recognise the concept of compartmentalisation and agree to cooperate on this matter.

2. With respect to a plant and plant product:

(a) when the importing Party establishes or maintains its phytosanitary measure, it shall take into account, among other things, the pest status of an area, such as a pest-free area, pest-free place of production, pest-free production site, an area of low pest prevalence and a protected zone that the exporting Party has established; and

(b) if the Parties decide on principles and guidelines to recognise regional conditions, they shall include them in Annex 5-C.

ARTICLE 5.6

Equivalence

1. The importing Party shall accept the SPS measure of the exporting Party as equivalent to its own if the exporting Party objectively demonstrates to the importing Party that its measure achieves the importing Party's appropriate level of SPS protection.

2. Annex 5-D sets out principles and guidelines to determine, recognise, and maintain equivalence.

3. Annex 5-E sets out:

(a) the area for which the importing Party recognises that an SPS measure of the exporting Party is equivalent to its own; and

(b) the area for which the importing Party recognises that the fulfilment of the specified special condition, combined with the exporting Party's SPS measure, achieves the importing Party's appropriate level of SPS protection.

4. For the purposes of this Chapter, Article 1.7 (Reference to laws) applies subject to this Article, Annex 5-D and the General Notes under Annex 5-E.

ARTICLE 5.7

Trade conditions

1. The importing Party shall make available its general SPS import requirements for all commodities. If the Parties jointly identify a commodity as a priority, the importing Party shall establish specific SPS import requirements for that commodity, unless the Parties decide otherwise. In identifying which commodities are priorities, the Parties shall cooperate to ensure the efficient management of their available resources. The specific import requirements should be applicable to the total territory of the exporting Party.

2. Pursuant to paragraph 1, the importing Party shall undertake, without undue delay, the necessary process to establish specific SPS import requirements for the commodity that is identified as a priority. Once these specific import requirements are established, the importing Party shall take the necessary steps, without undue delay, to allow trade on the basis of these import requirements.

3. For the purpose of establishing the specific SPS import requirements, the exporting Party shall, at the request of the importing Party:

(a) provide all relevant information required by the importing Party; and

(b) give reasonable access to the importing Party to inspect, test, audit and perform other relevant procedures.

4. If the importing Party maintains a list of authorised establishments or facilities for the import of a commodity, it shall approve an establishment or facility situated in the territory of the exporting Party without prior inspection of that establishment or facility if:

(a) the exporting Party has requested such an approval for the establishment or facility, accompanied by the appropriate guarantees; and

(b) the conditions and procedures set out in Annex 5-F are fulfilled.

5. Further to paragraph 4, the importing Party shall make its lists of authorised establishments or facilities publicly available.

6. A Party shall normally accept a consignment of a regulated commodity without pre-clearance of the commodity on a consignment basis, unless the Parties decide otherwise.

7. The importing Party may require that the relevant competent authority of the exporting Party objectively demonstrate, to the satisfaction of the importing Party, that the import requirements may be fulfilled or are fulfilled.

8. The Parties should follow the procedure set out in Annex 5-G on the specific import requirements for plant health.

ARTICLE 5.8

Audit and verification

1. For the purpose of maintaining confidence in the implementation of this Chapter, a Party may carry out an audit or verification, or both, of all or part of the control programme of the competent authority of the other Party. The Party shall bear its own costs associated with the audit or verification.

2. If the Parties decide on principles and guidelines to conduct an audit or verification, they shall include them in Annex 5-H. If a Party conducts an audit or verification, it shall do so in accordance with any principles and guidelines in Annex 5-H.

ARTICLE 5.9

Export certification

1. When an official health certificate is required to import a consignment of live animals or animal products, and if the importing Party has accepted the SPS measure of the exporting Party as equivalent to its own with respect to such animals or animal products, the Parties shall use the model health attestation prescribed in Annex 5-I for such certificate, unless the Parties decide otherwise. The Parties may also use a model attestation for other products if they so decide.

2. Annex 5-I sets out principles and guidelines for export certification, including electronic certification, withdrawal or replacement of certificates, language regimes and model attestations.

ARTICLE 5.10

Import checks and fees

1. Annex 5-J sets out principles and guidelines for import checks and fees, including the frequency rate for import checks.

2. If import checks reveal non-compliance with the relevant import requirements, the action taken by the importing Party must be based on an assessment of the risk involved and not be more trade-restrictive than required to achieve the Party's appropriate level of sanitary or phytosanitary protection.

3. Whenever possible, the importing Party shall notify the importer of a non-compliant consignment, or its representative, of the reason for non-compliance, and provide them with an opportunity for a review of the decision. The importing Party shall consider any relevant information submitted to assist in the review.

Comment [RA1]: This seems weird. Isn't this standard practice?

4. A Party may collect fees for the costs incurred to conduct frontier checks, which should not exceed the recovery of the costs.

ARTICLE 5.11

Notification and information exchange

1. A Party shall notify the other Party without undue delay of a:

(a) significant change to pest or disease status, such as the presence and evolution of a disease listed in Annex 5-B;

(b) finding of epidemiological importance with respect to an animal disease, which is not listed in Annex 5-B, or which is a new disease; and

(c) significant food safety issue related to a product traded between the Parties.

2. The Parties endeavour to exchange information on other relevant issues including:

(a) a change to a Party's SPS measure;

(b) any significant change to the structure or organisation of a Party's competent authority;

(c) on request, the results of a Party's official control and a report that concerns the results of the control carried out;

(d) the results of an import check provided for in Article 5.10 in case of a rejected or a non-compliant consignment; and

(e) on request, a risk analysis or scientific opinion that a Party has produced and that is relevant to this Chapter.

3. Unless the Joint Management Committee decides otherwise, when the information referred to in paragraph 1 or 2 has been made available via notification to the WTO's Central Registry of Notifications or to the relevant international standard-setting body, in accordance with its relevant rules, the requirements in paragraphs 1 and 2, as they apply to that information, are fulfilled.

ARTICLE 5.12

Technical consultations

If a Party has a significant concern with respect to food safety, plant health, or animal health, or an SPS measure that the other Party has proposed or implemented, that Party may request technical consultations with the other Party. The Party that is the subject of the request should respond to the request without undue delay. Each Party shall endeavour to provide the information necessary to avoid a disruption to trade and, as the case may be, to reach a mutually acceptable solution.

ARTICLE 5.13

Emergency SPS measures

1. A Party shall notify the other Party of an emergency SPS measure within 24 hours of its decision to implement the measure. If a Party requests technical consultations to address the emergency SPS measure, the technical consultations must be held within 10 days of the notification of the emergency SPS measure. The Parties shall consider any information provided through the technical consultations.

2. The importing Party shall consider the information that was provided in a timely manner by the exporting Party when it makes its decision with respect to a consignment that, at the time of adoption of the emergency SPS measure, is being transported between the Parties.

ARTICLE 5.14

Joint Management Committee for Sanitary and Phytosanitary Measures

1. The Joint Management Committee for Sanitary and Phytosanitary Measures (the "Joint Management Committee"), established under Article 26.2.1(d), comprises regulatory and trade representatives of each Party responsible for SPS measures.

2. The functions of the Joint Management Committee include:

(a) to monitor the implementation of this Chapter, to consider any matter related to this Chapter and to examine all matters which may arise in relation to its implementation;

(b) to provide direction for the identification, prioritisation, management and resolution of issues;

(c) to address any request by a Party to modify an import check;

(d) at least once a year, to review the annexes to this Chapter, notably in the light of progress made under the consultations provided for under this Agreement. Following its review, the Joint Management Committee may decide to amend the annexes to this Chapter. The Parties may approve the Joint Management Committee's decision, in accordance with their respective procedures necessary for the entry into force of the amendment. The decision enters into force on a date agreed by the Parties;

(e) to monitor the implementation of a decision referred to in subparagraph (d), above, as well as the operation of measures referred to under subparagraph (d) above;

(f) to provide a regular forum to exchange information that relates to each Party's regulatory system, including the scientific and risk assessment basis for an SPS measure; and

(g) to prepare and maintain a document that details the state of discussions between the Parties on their work on recognition of the equivalence of specific SPS measures.

3. The Joint Management Committee may, among other things:

(a) identify opportunities for greater bilateral engagement, including enhanced relationships, which may include an exchange of officials;

(b) discuss at an early stage, a change to, or a proposed change to, an SPS measure being considered;

(c) facilitate improved understanding between the Parties on the implementation of the SPS Agreement, and promote cooperation between the Parties on SPS issues under discussion in multilateral fora, including the WTO Committee on Sanitary and Phytosanitary Measures and international standard-setting bodies, as appropriate; or

(d) identify and discuss, at an early stage, initiatives that have an SPS component, and that would benefit from cooperation.

4. The Joint Management Committee may establish working groups comprising expert-level representatives of the Parties, to address specific SPS issues.

5. A Party may refer any SPS issue to the Joint Management Committee. The Joint Management Committee should consider the issue as expeditiously as possible.

6. If the Joint Management Committee is unable to resolve an issue expeditiously, it shall, at the request of a Party, report promptly to the CETA Joint Committee.

7. Unless the Parties decide otherwise, the Joint Management Committee shall meet and establish its work programme no later than 180 days following the entry into force of this Agreement, and its rules of procedure no later than one year after the entry into force of this Agreement.

8. Following its initial meeting, the Joint Management Committee shall meet as required, normally on an annual basis. The Joint Management Committee may decide to meet by videoconference or teleconference, and it may also address issues out of session by correspondence.

9. The Joint Management Committee shall report annually on its activities and work programme to the CETA Joint Committee.

10. Upon entry into force of this Agreement, each Party shall designate and inform the other Party, in writing, of a contact point to coordinate the Joint Management Committee's agenda and to facilitate communication on SPS matters.

**ANNEX 5-A**

## COMPETENT AUTHORITIES

Competent authorities of the European Union

1. Control is shared between the national Services of the Member States and the European Commission. In this respect, the following applies:

   (a) for exports to Canada, the Member States are responsible for the control of the production circumstances and requirements, including statutory inspections or audits and issuing health certification attesting to the agreed SPS measures and requirements;

   (b) for imports from Canada, the Member States are responsible for the control of the compliance of the imports with the European Union's import conditions; and

   (c) the European Commission is responsible for the overall coordination, inspection or audits of control systems and the necessary measures, including legislative action to ensure uniform application of standards and requirements of this Agreement.

Competent authorities of Canada

2. The following are responsible for the application of SPS measures with respect to domestically produced, exported and imported animals and animal products, plants and plant products, and for issuing health certificates attesting to the agreed SPS measures unless otherwise noted:

(a) the Canadian Food Inspection Agency (the "CFIA");

(b) the Department of Health, as appropriate; or

(c) a successor entity notified to the other Party.

**ANNEX 5-B**

## REGIONAL CONDITIONS

Diseases for which regionalisation decisions may be taken:

*Diseases*

1. Foot-and-mouth disease
2. Vesicular stomatitis
3. Swine vesicular disease
4. Rinderpest
5. Peste des petits ruminants
6. Contagious bovine pleuropneumonia
7. Lumpy skin disease
8. Rift Valley fever
9. Bluetongue
10. Sheep pox and goat pox

11. African horse sickness

12. African swine fever

13. Classical swine fever

14. Notifiable avian influenza

15. Newcastle disease

16. Venezuelan equine encephalomyelitis

17. Epizootic haemorrhagic disease

*Aquatic Diseases*

The Parties may discuss the list of aquatic diseases on the basis of the OIE Aquatic Animal Health Code.

**ANNEX 5-C**

## PROCESS OF RECOGNITION OF REGIONAL CONDITIONS

*Animal diseases*

To be agreed at a later stage.

*Plant pests*

To be agreed at a later stage.

**ANNEX 5-D**

## GUIDELINES TO DETERMINE, RECOGNISE AND MAINTAIN EQUIVALENCE

### Determination and Recognition of Equivalence

To be agreed at a later stage.

### Maintenance of Equivalence

1. If a Party intends to adopt, modify, or repeal an SPS measure in an area for which it has made a recognition of equivalence as set out in Article 5.6.3(a) or a recognition described in Article 5.6.3(b), that Party should:

   (a) evaluate whether the adoption, modification or repeal of that SPS measure may affect the recognition; and

   (b) notify the other Party of its intention to adopt, modify, or repeal that SPS measure, and of the evaluation under paragraph (a). The notification should take place at an early appropriate stage, when amendments can still be introduced and comments taken into account.

2. If a Party adopts, modifies, or repeals an SPS measure in an area for which it has made a recognition, the importing Party should continue to accept the recognition of equivalence as set out in Article 5.6.3(a) or the recognition described in Article 5.6.3(b), as the case may be, in that area until it has communicated to the exporting Party whether special conditions must be met, and if so, provided the special conditions to the exporting Party. The importing Party should consult with the exporting Party to develop these special conditions.

**ANNEX 5-E**

## RECOGNITION OF SANITARY AND PHYTOSANITARY MEASURES

General Notes

1. If a Party modifies an SPS measure listed in this Annex, the modified SPS measure applies to imports from the other Party, taking into account paragraph 2 of Annex 5-D. For updated SPS measures, refer to the legislative publications of each Party.

2. If an importing Party determines that a special condition listed in this Annex is no longer necessary, that Party shall notify the other Party in accordance with Article 26.5 that it will no longer apply that special condition to imports from the other Party.

3. For greater certainty, an SPS measure of an importing Party that is not otherwise referenced in this Annex or a measure of an importing Party that is not an SPS measure applies, as appropriate, to imports from the other Party.

*SECTION A*

## Sanitary Measures

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Semen** | | | | | | |
| **Cattle** | | | | | | |
| Animal health | Directive 88/407 | - *Health of Animals Act*, S.C. 1990, c. 21<br>- *Health of Animals Regulations*, C.R.C., c. 296 | Semen collection centre clinically free of paratuberculosis | - *Health of Animals Act*<br>- *Health of Animals Regulations*<br>- CFIA Artificial Insemination Program | Directive 88/407 | 1. Enzootic bovine leucosis: (serum) Enzyme-linked immunosorbent assay ("ELISA")<br>In addition, when possible, the uterine dam of the prospective donor bull should be subjected to an ELISA test for enzootic bovine leucosis, subsequent to the weaning of the prospective donor, with negative results.<br>This test of the uterine dam is required to export semen to the Member States of the European Union when semen is collected from a donor bull before reaching 24 months of age, and a negative result to an ELISA test is required after reaching that age. This test is not required when the prospective donor bull originates from a Canada Health Accredited Herd for Enzootic bovine leucosis; and, |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| | | | | | | 2. Infectious bovine rhinotracheitis: (serum) ELISA<br>The semi-annual testing for infectious bovine rhinotracheitis of all resident animals must be performed at infectious bovine rhinotracheitis-negative facilities that are approved for export to the European Union. Only infectious bovine rhinotracheitis-negative facilities are allowed to export semen to the European Union. |
| **Embryos** | | | | | | |
| **In vivo derived bovine** | | | | | | |
| Animal health | Directive 89/556 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part XIII | | - *Health of Animals Act*<br>- *Health of Animals Regulations*<br>- CFIA Embryo Export Approval Program | Directive 89/556<br>Decisions<br>2006/168<br>2007/240 | 1. The donor females spent the six months immediately prior to the collection within Canada in no more than two herds:<br>(a) which, according to official findings, were free from tuberculosis;<br>(b) which, according to official findings, were free from brucellosis;<br>(c) which were free from enzootic bovine leucosis or in which no animal showed clinical signs of enzootic bovine leucosis during the previous three years; and |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | SPS measure(s) of the European Union | SPS measure(s) of Canada | Special condition(s) | SPS measure(s) of Canada | SPS measure(s) of the European Union | Special condition(s) |
| | | | | | | (d) in which no bovine animal showed clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvovaginitis during the previous 12 months;<br>2. There was no outbreak of epizootic haemorrhagic disease within 10 kilometers of where the donor female is located during the 30 days prior to collection; and,<br>3. The semen is collected and stored in collection centres or stored in storage centres approved by the CFIA, or the semen is collected and stored in collection centres or stored in storage centres approved by the competent authority of a third country that is approved to export semen to the European Union, or the semen is exported from European Union. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Fresh meat** | | | | | | |
| **Ruminants, equidae, porcine, poultry, farmed game from deer, rabbit and ratite** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2015/1375 | - *Meat Inspection Act*, R.S.C. 1985, c. 25 (1st Supp.)<br>- *Meat Inspection Regulations, 1990*, S.O.R./90-288<br>- *Food and Drugs Act*, R.S.C., 1985, c. F-27<br>- *Food and Drug Regulations*, C.R.C., c. 870 | 1. Compliance with Canadian rules on transmissible spongiform encephalopathy;<br>2. Prolonged delayed evisceration not permitted;<br>3. Compliance with microbiological food safety criteria of the importing Party;<br>4. Porcine meat intended for processing in ready-to-eat product is tested or frozen in accordance with Commission Implementing Regulation (EU) 2015/1375; | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2015/1375 | See Appendix A |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| | | | 5. Blood is collected using a closed blood collection method; and,<br>6. Meat derived from animals slaughtered under emergency slaughter procedures is not eligible for trade. | | | |
| **Meat products** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public Health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions, excluding special condition 4 when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*;<br>2. Compliance with product standards of the importing Party; and, | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | 1. Fresh meat used to make the products complies with applicable special conditions, excluding Appendix A special condition 6(a) when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| | | | 3. Compliance with microbiological food safety criteria of the importing Party. | | | |
| **Minced meat, meat preparations** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public Health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | 1. Fresh meat used to make the products complies with applicable special conditions;<br>2. Compliance with product standards of the importing Party; and,<br>3. Compliance with microbiological food safety criteria of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Processed animal proteins for human consumption** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions, excluding special condition 4 when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*; and<br>2. Compliance with product standards of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004 | 1. Fresh meat used to make the products complies with applicable special conditions, excluding Appendix A special condition 6(a) when the finished product is treated by heat to a temperature sufficient to destroy *Trichinella*; and,<br>2. Compliance with product standards of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Rendered animal fat intended for human consumption** | | | | | | |
| **Ruminants, equidae, pigs, poultry and farmed game** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | 1. Fresh meat used to make the products complies with applicable special conditions, excluding special condition 4; and,<br>2. Compliance with product standards of the importing Party. | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004 | 1. Fresh meat used to make the products complies with applicable special conditions, excluding Appendix A special condition 6(a); and,<br>2. Compliance with product standards of the importing Party. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Animal casings for human consumption** | | | | | | |
| **Cattle, sheep, goats and pigs** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Compliance with Canadian rules on transmissible spongiform encephalopathy | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004 | Compliance with European Union rules on transmissible spongiform encephalopathy |
| **Fishery products and live bivalve molluscs** | | | | | | |
| **Fish and fishery products for human consumption** | | | | | | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| Public Health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2074/2005 | - *Fish Inspection Act*, R.S.C. 1985, c. F-12<br>- *Fish Inspection Regulations*, C.R.C., c. 802<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Smoked fish packed in hermetically sealed containers that are not frozen contain a salt level not less than 9 per cent (water phase method).<br>The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. | - *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005<br>2074/2005 | The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Deheaded eviscerated fish for human consumption** | | | | | | |
| Animal Health | Directive 2006/88 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part XVI<br>- *Reportable Disease Regulations*, S.O.R./91-2 | | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part XVI | Directive 2006/88<br>Regulation 1251/2008 | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Live bivalve molluscs for human consumption, including echinoderms, tunicates and marine gastropods** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2074/2005 | - *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. | - *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Management of Contaminated Fisheries Regulations*, S.O.R./90-351<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2074/2005 | Live bivalve molluscs are monitored for diarrheic shellfish poison toxins on a risk-based level.<br>The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Fish caught under the authority of a recreational fishing licence from Canada** | | | | | | |
| Public health | | | | - *Fish Inspection Act*<br>- *Fish Inspection Regulations* | Regulations<br>852/2004<br>853/2004<br>854/2004<br>2073/2005 | For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions apply:<br>1. The fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;<br>2. The fish has been eviscerated under appropriate hygiene and preservation measures;<br>3. The fish is not a toxic species nor a species that may contain biotoxins; and,<br>4. The fish is introduced into the European Union within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence is attached to the accompanying document. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Milk and milk products for human consumption** | | | | | | |
| **Pasteurised or cheeses from not pasteurised (or low heat treated) and raw milk maturated for at least 60 days** | | | | | | |
| Public health | Regulations<br>852/2004<br>853/2004<br>854/2004 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, s. 34<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations*, Part B, Division 8<br>- *Canada Agricultural Products Act*, R.S.C 1985, c. 20 (4th Supp.)<br>- *Dairy Products Regulations*, S.O.R./79-840 | The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. | - *Food and Drugs Act*<br>- *Food and Drug Regulations*, Part B, Division B<br>- *Canada Agricultural Products Act*<br>- *Dairy Products Regulations* | Decision<br>2011/163<br>Regulations<br>852/2004<br>853/2004<br>854/2004<br>605/2010 | 1. Canada to evaluate Hazard Analysis Critical Control Point ("HACCP") systems of establishments which are not Food Safety Enhancement Program ("FSEP")-HACCP recognized to ensure they are operating under HACCP principles; and,<br>2. Two signatures are required on the export certificate: animal health attestations are signed by an official veterinarian; and public health related attestations are signed by an official inspector.<br>The Canadian and European Union systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the European Union for end product monitoring differ in some aspects. For exported products, it is the responsibility of the exporter to ensure that the products meet the food safety criteria of the importing country. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Animal casings not for human consumption** | | | | | | |
| **Pigs** | | | | | | |
| Animal Health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV | | | | |
| **Bones, horns and hooves (except meals) and their products not for human consumption** | | | | | | |
| Animal health | | | | - *Health of Animals Act*<br>- *Health of Animals Regulations* | Regulation 1069/2009 | Certificate as per Decision 97/534 |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Blood and blood products not intended for human consumption** | | | | | | |
| **Ruminant** | | | | | | |
| Animal health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV and Part XIV<br>- *Feeds Act*, R.S.C. 1985, c. F-9<br>- *Feeds Regulations*, 1983, S.O.R./83-593 | Compliance with Canadian rules on transmissible spongiform encephalopathy | | | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Apiculture products not for human consumption** | | | | | | |
| Animal Health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part VI | Product subjected to treatment, for example freeze drying, irradiation, or vacuum packaging. | - *Health of Animals Act*<br>- *Health of Animals Regulations*<br>- Bee Products Directive<br>TAHD-DSAT-IE-2001-3-6, January 5, 2011 | Regulation 1069/2009 | 1. Bee products used for animal or human feed or industrial use are not restricted; and<br>2. Bee products used for bee feeding are treated. |
| **Wool, feathers and hair** | | | | | | |
| **Wool** | | | | | | |
| Animal health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV | Certificate of origin | - *Health of Animals Act*<br>- *Health of Animals Regulations* | Regulation 1069/2009 | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| Pig bristle | | | | | | |
| Animal health | Regulation 1069/2009 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part IV | Certificate of origin | - *Health of Animals Act*<br>- *Health of Animals Regulations* | Regulation 1069/2009 | |
| **Shell eggs and egg products intended for human consumption** | | | | | | |
| Animal health | Directives 90/539<br>2002/99 | - *Health of Animals Act*<br>- *Health of Animals Regulations*, Part III and Part IV (for shell eggs and egg products) | 1. Statement of origin; and,<br>2. Veterinary certification | *Egg Products – Import Procedures*, AHPD-DSAE-IE-2001-5-3, December 20, 1995 | Directives 90/539<br>2002/99 | |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| **Horizontal issues** | | | | | | |
| Listing of establishments | Regulations<br>2004/852<br>2004/853<br>2004/854 | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Canada Agricultural Products Act*<br>- *Dairy Products Regulations* | Listing required for fresh meat and meat products | - *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Canada Agricultural Products Act*<br>- *Dairy Products Regulations* | Regulations<br>2004/852<br>2004/853<br>2004/854 | The following conditions apply to all animals and animal product commodities with public health recognition where a list of establishments is required:<br>1. Lists of Canadian establishments and plants are entered into the TRACES system by Canada; and,<br>2. Canada provides guarantees that the establishments fulfil the conditions as laid down in this Chapter, in its entirety.<br>The European Union updates and publishes the list of establishments without undue delay. |

| SPS Area | Exports from the European Union to Canada | | | Exports from Canada to the European Union | | |
|---|---|---|---|---|---|---|
| | **SPS measure(s) of the European Union** | **SPS measure(s) of Canada** | **Special condition(s)** | **SPS measure(s) of Canada** | **SPS measure(s) of the European Union** | **Special condition(s)** |
| Water | Directive 98/83 | - *Canada Agricultural Products Act*<br>- *Dairy Products Regulations*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations*<br>- *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990* | | - *Canada Agricultural Products Act*<br>- *Dairy Products Regulations*<br>- *Fish Inspection Act*<br>- *Fish Inspection Regulations*<br>- *Food and Drugs Act*<br>- *Food and Drug Regulations*<br>- *Meat Inspection Act*<br>- *Meat Inspection Regulations, 1990* | Directive 98/83 | |

## APPENDIX A

## SPECIAL CONDITIONS
## WITH RESPECT TO CERTAIN EXPORTS
## FROM CANADA TO THE EUROPEAN UNION

1. Compliance with European Union rules on transmissible spongiform encephalopathy;

2. Shrouds not to be used on carcases;

3. Compliance with European Union rules on decontamination;

4. Compliance with microbiological testing for export to Finland and Sweden as laid down in the Commission Regulation (EC) No 1688/2005.

5. Ante-mortem inspection

   Routine ante-mortem inspection procedures apply provided a CFIA veterinarian is present on premises when ante-mortem inspection is conducted on animals intended to be slaughtered for export to the European Union;

6. Post-mortem inspection

(a) Pork:

in accordance with Commission Implementing Regulation (EU) 2015/1375:

(i) skeletal muscle is tested for Trichinella by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose; or,

(ii) skeletal muscle is submitted to cold treatment by using a treatment approved by the CFIA;

(b) Bovine over 6 weeks old:

(i) liver: incision of the gastric surface and at the base of the caudate lobe to examine the bile ducts;

(ii) head: two incisions in the external masseters parallel to the mandible;

(c) Domestic solipeds:

in accordance with Commission Implementing Regulation (EU) 2015/1375, skeletal muscle is tested for Trichinella by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose;

(d) Farmed game - wild boar:

in accordance with Commission Implementing Regulation (EU) 2015/1375, skeletal muscle is tested for Trichinella by using a validated digestion method approved by the CFIA in a CFIA laboratory or a laboratory certified by the CFIA for that purpose;

7. Regular check on general hygiene:
in addition to Canadian operational and preoperational sanitation requirements, the products testing requirements for E. coli and Salmonella for the United States of America (USA) as is written in Annex T: Testing for Escherichia coli (E. coli) in Slaughter Establishments and Annex U: USDA Performance Standards for Salmonella of USA section of Chapter 11 of the CFIA's Meat Hygiene Manual of Procedures are implemented; and

8. Compliance with microbiological food safety criteria of the importing Party.

*SECTION B*

**Phytosanitary Measures**

To be agreed at a later stage.

**ANNEX-5-F**

## APPROVAL OF ESTABLISHMENTS OR FACILITIES

The conditions and procedures for the purpose of Article 5.7.4(b) are as follows:

(a) the import of the product has been authorised, if so required, by the competent authority of the importing Party;

(b) the establishment or facility concerned has been approved by the competent authority of the exporting Party;

(c) the competent authority of the exporting Party has the authority to suspend or withdraw the approval of the establishment or facility; and

(d) the exporting Party has provided relevant information requested by the importing Party.

**ANNEX 5-G**

## PROCEDURE RELATED TO SPECIFIC IMPORT REQUIREMENTS FOR PLANT HEALTH

A key objective of this procedure is that the importing Party establishes and maintains, to the best of its ability, a list of regulated pests for commodities where a phytosanitary concern exists in its territory.

1. If the Parties jointly identify a specific commodity as a priority, the importing Party should establish a preliminary list of pests for that commodity, within a period of time determined by the Parties, once it receives from the exporting Party:

   (a) information on the pest status in the territory of the exporting Party that relates to the pests regulated by at least one of the Parties; and

   (b) information on the pest status of other pests occurring in its territory based on international databases and other available sources.

2. The preliminary list of pests of an importing Party may include pests that are already regulated in its territory. It may also include potential quarantine pests for which the importing Party may require a pest risk analysis should a commodity be confirmed as a priority in accordance with paragraph 3.

3. For a commodity:

   (a) for which a preliminary list of pests has been established pursuant to paragraph 2;

   (b) which the Parties confirm is a priority; and

   (c) for which the exporting Party has provided all relevant information required by the importing Party,

   the importing Party should undertake the steps necessary to establish its regulated pest list as well as the specific import requirements for that commodity.

4. If the importing Party provides for more than one phytosanitary measure to meet the specific import requirements for a specific commodity, the competent authority of the exporting Party should communicate to the competent authority of the importing Party which measure or measures it will use as the basis for certification.

**ANNEX 5-H**

**PRINCIPLES AND GUIDELINES TO CONDUCT AN AUDIT OR VERIFICATION**

To be agreed at a later stage.

**ANNEX 5-I**

## EXPORT CERTIFICATION

Model attestation for health certificates for animals and animal products

1. Official health certificates shall cover consignments of products being traded between the Parties.

Health attestations

2. Equivalence agreed: Model health attestation to be used (equivalence for measures or certification systems). Refer to Annex 5-E;

"The [insert product] herein described, complies with the relevant [European Union/Canada] (*) SPS measure(s) and requirement(s) which have been recognised as equivalent to the [Canada/European Union] (*) SPS measure(s) and requirement(s) as prescribed in Annex 5-E of the Canada-European Union Comprehensive Economic and Trade Agreement [and the special condition(s) as set out in Annex 5-E](*).

* Delete as appropriate."

3. Until certificates on the basis of equivalence have been adopted, existing certification shall continue to be used.

Official languages for certification

4. (a) For import into the European Union, the certificate must be drawn up in at least one of the official languages of the Member State of the border inspection post of introduction of the consignment into the European Union; and

(b) for import into Canada, the certificate must be drawn up in one of the official languages of Canada.

Means of certification

5. The exchange of original certificate information may occur by a paper-based system or a secure method of electronic data transmission that offers an equivalent certification guarantee. The exporting Party may elect to provide electronic official certification if the importing Party has determined that equivalent security guarantees are being provided, including the use of a digital signature and a non-repudiation mechanism. The importing Party's agreement for the exclusive use of electronic certification can either be recorded through correspondence in one of the annexes to this Chapter or by correspondence in accordance with Article 5.14.8.

6. The European Union may set out its import certificates for live animals and animal products from Canada with an equivalence status referred to in Annex 5-E in Trade Control and Expert System ("TRACES").

**ANNEX 5-J**

## IMPORT CHECKS AND FEES

*SECTION A*

**Frequencies of checks**

The Parties may modify any frequency rate, within their responsibilities, as appropriate, taking into account the nature of checks applied by the exporting Party prior to export, the importing Party's past experience with products imported from the exporting Party, progress made toward the recognition of equivalence, or as a result of other actions or consultations provided for in this Agreement.

Table 1 – Frequencies of frontier checks on consignments of live animals, animal products and animal by-products

| Type of frontier check | Normal rate as referred to in Article 5.10.1 |
|---|---|
| **1. Documentary and identity**<br>Each Party performs documentary and identity checks on all consignments | |
| **2. Physical Checks** | |
| *Live animals* | 100 per cent |
| *Semen, embryos or ova* | 10 per cent |
| *Animal products for human consumption*<br>Fresh meat including offal, and products of the bovine, ovine, caprine, porcine and equine species defined in Council Directive 92/5/EEC<br>Whole eggs<br>Lard and rendered fats<br>Animal casings<br>Gelatin<br>Poultry meat and poultry meat products<br>Rabbit meat, game meat (wild/farmed) and products<br>Milk and milk products<br>Egg products<br>Honey<br>Bone and bone products<br>Meat preparations and minced meat<br>Frogs' legs and snails | 10 per cent |

| Type of frontier check | Normal rate as referred to in Article 5.10.1 |
|---|---|
| *Animal products not for human consumption* | |
| Lard and rendered fats | |
| Animal casings | |
| Milk and milk products | |
| Gelatin | |
| Bone and bone products | |
| Hides and skins ungulates | |
| Game trophies | |
| Processed petfood | |
| Raw material for the manufacture of petfood | 10 per cent |
| Raw material, blood, blood products, glands and organs for pharmaceutical or technical use | |
| Processed animal protein (packaged) | |
| Bristles, wool, hair and feathers | |
| Horns, horn products, hooves and hoof products | |
| Apiculture products | |
| Hatching eggs | |
| Manure | |
| Hay and straw | |

| Type of frontier check | Normal rate as referred to in Article 5.10.1 |
|---|---|
| *Processed animal protein not for human consumption (bulked)* | 100 per cent for six consecutive consignments (as per Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009), if these consecutive tests prove negative, random sampling shall be reduced to 20 per cent of subsequent bulk consignments from the same source. If one of these random sampling proves positive, the competent authority must sample each consignment from the same source until six consecutive tests again prove negative. |
| *Live bivalve molluscan shellfish* | 15 per cent |
| *Fish and fishery products for human consumption* | |
| Fish products in hermetically sealed containers intended to render them stable at ambient temperatures, fresh and frozen fish, dry fisheries products, salted fisheries products, or dry and salted fisheries products | 15 per cent |
| Other fishery products | |
| Live crustaceans or fresh headed and degutted fish without other manual processing | 2 per cent |

For the purposes of this Annex, "consignment" means a quantity of products of the same type, covered by the same health certificate or document, conveyed by the same means of transport, consigned by a single consignee and originating from the same exporting Party or part of that Party.

*SECTION B*

**Fees**

To be agreed at a later stage.

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## 3.1 INFORMATION SHARING: Safe Food for Canadians Regulations (SFCR)

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
- Lyzette Lamondin, Executive Director, Food Safety and Consumer Protection Directorate

### ISSUE:

- CFIA and DG SANTE share information on new and ongoing regulatory initiatives taking place that may be of mutual interest. DG SANTE has not yet taken up the CFIA on its offer to hold a technical discussion on the proposed *Safe Food for Canadians Regulations (SFCR)*.

### OBJECTIVE

- To update DG SANTE on the status of the SFCR and to propose a videoconference to present more detailed information on the proposed regulations to interested Member States (MS).

### BACKGROUND

- *The Safe Food for Canadians Act* was passed in November 2012. The proposed SFCR was pre-published in Canada *Gazette Part I*, in January 2017 for 90 days, and was notified to the WTO. The EU did not provide comments on the SFCR.

- The SFCR will consolidate existing federal food inspection regulations into one overarching set of requirements for all food under the CFIA's oversight – whether it is imported, exported or moves across provincial boundaries. Food businesses and those who import food into Canada will be required to have a license, maintain preventive control plans and have traceability systems in place.

- At the November 2016 Vet JMC meeting in Bratislava, Slovakia, CFIA provided an update on the status of the SFCR. The CFIA and DG SANTE committed to holding a technical call on the new regulations.

- During the 90 day Canada *Gazette Part 1* consultation DG SANTE submitted a short list of questions to the CFIA and responses were sent in April 2017. The CFIA attempted to arrange a call on three different dates, but was told they were not feasible due to technical (i.e. videoconference) issues. The CFIA asked the DG SANTE to suggest a date and venue, but did not receive a response.



## CURRENT STATUS

- The CFIA is willing to arrange a technical call on the new regulations at DG SANTE's convenience.

## GOAL(S) AND OUTCOMES

- The CFIA will propose to hold a video conference with DG SANTE, prior to the regulations being published in *Canada Gazette II.*

- The call should take place within the next two months (i.e. prior to the end of May 2018).

## NEXT STEPS FOR THE CETA SPS JMC

- The CFIA and DG SANTE must agree to a timeframe for the videoconference call.

## RECOMMENDED POINTS TO REGISTER

- THE SAFE FOOD FOR CANADIANS ACT WAS PASSED IN NOVEMBER 2012, WHICH STRENGTHENED AN ALREADY STRONG FOOD SAFETY SYSTEM.

- IN JANUARY 2017 THE PROPOSED SAFE FOOD FOR CANADIANS REGULATIONS WERE PUBLISHED IN CANADA GAZETTE, PART I FOR A 90-DAY DOMESTIC AND INTERNATIONAL COMMENT PERIOD. THE REGULATIONS WERE ALSO NOTIFIED TO THE WTO.

- THESE NEW REGULATIONS WILL ENSURE THAT ALL FOOD IMPORTED INTO CANADA OR PREPARED FOR TRADE MEET A COMMON SET OF REQUIREMENTS CONSISTENT WITH CODEX STANDARDS.

- FINAL PUBLICATION OF THE SFCR IS EXPECTED IN 2018. ALL STAKEHOLDERS WILL HAVE A PERIOD OF TIME TO REVIEW THE FINAL REGULATIONS ONCE THEY ARE PUBLISHED.

- THIS WILL GIVE THEM TIME TO PREPARE TO IMPLEMENT THE NEW REQUIREMENTS BEFORE THEY COME INTO FORCE. THE CFIA IS MAKING INFORMATION AND GUIDANCE MATERIAL AVAILABLE TO HELP FACILITATE THE TRANSITION TO THE NEW REQUIREMENTS. ADDITIONAL DETAIL ON THE TIMING OF COMING INTO FORCE WILL BE PROVIDED WHEN THE REGULATIONS ARE PUBLISHED.

- WE WILL CONTINUE TO UPDATE YOU ON THE PROGRESS OF THIS WORK AND WE WILL INFORM YOU WHEN THE DRAFT REGULATION IS NOTIFIED THROUGH THE WTO.

- IN THE INTERIM, WE PROPOSE THAT A VIDEO CONFERENCE BE HELD BETWEEN DG SANTE AND THE CFIA ON THE SAFE FOOD FOR CANADIANS REGULATIONS.

**RESPONSIVES (IF ASKED WHEN THE CALL SHOULD TAKE PLACE)**

- WE PROPOSE HOLDING THIS TECHNICAL CALL WITHIN THE NEXT TWO MONTHS, AND PRIOR TO THE END OF MAY, IN ORDER TO PRESENT TO MEMBER STATES PRIOR TO PUBLICATION IN CANADA GAZETTE, PART II.

**SUMMARY OF THE ISSUE**

| **3.1 Safe Food for Canadians Regulations (SFCR)** | |
|---|---|
| **CFIA: Lyzette Lamondin** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • DG SANTE has not yet taken up the CFIA on its offer to hold a technical discussion on the current status of the *Safe Food for Canadians Regulations (SFCR)*. | • The CFIA proposes to hold a video conference with DG SANTE in a technical call, prior to the regulations being published in Canada Gazette II. |

**POINTS FOR THE CHAIR TO RAISE**

- THE SAFE FOOD FOR CANADIANS ACT WAS PASSED IN NOVEMBER 2012, WHICH STRENGTHENED AN ALREADY STRONG FOOD SAFETY SYSTEM.

- IN JANUARY 2017 THE PROPOSED REGULATIONS WERE PUBLISHED IN CANADA GAZETTE, PART I FOR A 90-DAY DOMESTIC AND INTERNATIONAL COMMENT PERIOD.

- THESE NEW REGULATIONS WILL ENSURE THAT ALL FOOD IMPORTED INTO CANADA OR PREPARED FOR TRADE MEETS A COMMON SET OF REQUIREMENTS CONSISTENT WITH CODEX STANDARDS.

- FINAL PUBLICATION OF THE SFCR IS EXPECTED IN 2018. ALL STAKEHOLDERS WILL HAVE A PERIOD OF TIME TO REVIEW THE FINAL REGUALTIONS ONCE THEY ARE PUBLISHED.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

- IN THE INTERIM, WE PROPOSE A VIDEO CONFERENCE BE HELD BETWEEN DG SANTE AND THE CFIA ON THE SAFE FOOD FOR CANADIANS REGULATIONS.

**RESPONSIVE POINTS FOR THE CHAIR**

(IF ASKED WHEN THE CALL SHOULD TAKE PLACE)

- WE PROPOSE HOLDING THIS TECHNICAL CALL WITHIN THE NEXT TWO MONTHS IN ORDER TO PRESENT TO MEMBER STATES PRIOR TO PUBLICATION IN CANADA GAZETTE, PART II.

**Prepared by:**
Kevin McBain
Food Safety and Consumer Protection Directorate
613-773-5908
March 7, 2018

Francis Lindsay
Market Access Division, IAB
613-773-2835
March 7, 2018

**Reviewed by:**
Jay Holmes

## 3.2 Incoming and Outgoing Audits-Information

### Section 1

| Outgoing Canadian SPS Audits to the EU: March 26, 2018 to April 1, 2019 | | | | |
|---|---|---|---|---|
| **Government of Canada Department** | **Title of Outgoing audit** | **Country/ Countries being audited** | **Commodity/ commodities being audited** | **Date(s) of the proposed audit or proposed timing of the audit** |
| CFIA-FIED | Maintenance audit of the meat inspection system | Denmark, Germany, Portugal, Spain | pork slaughter and processing (Tentative) | January-March 2019 |
| CFIA-FVO | Establishment verifications for dairy | Italy | Dairy establishments | Spring 2018 |

### Section 3 Responses for Incoming Audits 2018-2019

- Seeds for sprouting (see email attached)
- Ash wood

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## 3.3 Transparency on new disease outbreaks

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Dr. Mohit Baxi - Canadian Food Inspection Agency / Policy and Programs Branch / Animal Health Directorate

### ISSUE

- Although DG SANTE provides regular updates on disease outbreaks occurring in Member States,

### OBJECTIVE

-

### BACKGROUND

- The European Union provides immediate electronic notifications when an outbreak relates to African swine fever, classical swine fever and Notifiable Avian Influenza.
- Mechanisms exist for reporting of cases of diseases within the EU (Animal Disease Notification System),
- This means that

### CURRENT STATUS

- Whereas Canada regularly reports occurrences of diseases such as Bluetongue and Epizootic Haemorrhagic Disease to the EU,
-
- For example, trade of Canadian live cattle to the EU has ceased due to the incursion of a disease already present in the EU.

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## CANADIAN POSITION

- This issue can be resolved via the creation of a process for disease reporting which allows for better communication between SANTE experts and Canadian officials. For instance, quarterly technical exchanges could be instituted via video-conference. The CFIA and DG-SANTE would need to agree to such a process.

- Regular updates on disease incursions in the EU will serve two purposes; ensure that Canada's import conditions for animals, animal products and by-products address the risks which exist due to the presence of diseases in the EU; and will allow more frequent disease technical exchanges with experts.

## EU POSITION

- It is expected that the EU will indicate that they already provide Canada with timely updates on disease occurrences in the EU, via the regular communications of outbreak occurrences and zoning decisions.

- It is expected that the EU will indicate that all information on additional disease occurrences is publicly available online via the Animal Disease Notification System and the Standing Committee on Plants, Animals, Food and Feed (SCoPAFF).

## GOAL(S) AND OUTCOMES

1) The goal is to enhance exchanges at the technical level on epidemiologically significant animal health events in the EU that could potentially prevent the EU from imposing trade restrictions on Canada, should Canada report diseases already present in the EU.

2) Quarterly technical discussions should be set up without delay, preferably in April, July, October and January of each year.

## NEXT STEPS FOR THE CETA SPS JMC

- Re-evaluate and strengthen the current disease reporting process.

- Identify technical personnel to participate in quarterly technical discussions.

## RECOMMENDED POINTS TO REGISTER

- Although DG SANTE provides regular updates on disease outbreaks occurring in Member States,



- The CFIA reports events of epidemiological significance to the EU in real time, including for diseases listed in Annex 5-B of CETA in the EU.

- [redacted]

**RESPONSIVES**

- If asked if Canada is familiar with the ADNS (Animal Disease Notification System) and whether Canada's officials read the SCoPAFF reports:

    - Officials from the CFIA have access to both the reports from SCoPAFF and the ADNS weekly notifications. [redacted]

s.15(1) - International
s.21(1)(c)

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**SUMMARY OF THE ISSUE**

**3.3 ISSUE TITLE**
**Transparency on new disease outbreaks**

**Lead Government of Canada Department(s) and Contact Names**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • Although DG SANTE provides regular updates on disease outbreaks occurring in Member States, [redacted]<br>• [redacted] | • [redacted] |

**POINTS FOR THE CHAIR TO RAISE**

- The CFIA receives regular notifications from the EU in relation to a few animal diseases such as Avian Influenza, African Swine Fever, and Classical Swine Fever. These notifications are timely and we thank the EU for continuing to issue them.
- The CFIA is aware that the EU has other internal mechanisms to capture the occurrence of many other diseases, [redacted]
- The current EU disease notification mechanism, the Animal Disease Notification System, does not provide epidemiological details of disease events, only numbers. [redacted]
- Canada would like to receive more detailed and timely information on these disease events.
- The CFIA would like to propose that DG SANTE and the CFIA set up quarterly video-conferences to discuss disease events of epidemiological significance. This would enhance an already strong relationship in the animal health space.

**RESPONSIVE POINTS FOR THE CHAIR**

- Officials from the CFIA have access to both the reports from SCoPAFF and the ADNS weekly notifications.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

•

**Drafted by:**
Name, Dr. Clarice Lulai Angi Title Counsellor of Veterinary Affaires
Government of Canada Department CFIA
Phone number 448-3732
Date: March 09, 2018
Version 1

**Reviewed by:**
Josee Laframboise, Scientific Information Officer for the Animal Health Directorate
Government of Canada Department
613-773-7418
March 12th, 2018
Version 3

## 3.4 E-CERTIFICATION

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
  - Daniel Miller, Executive Director, Food Import and Export Directorate
  - Amanda Jane Preece/Denis Mulhall, Innovation, Business and Service Development Branch

### ISSUE

- The CFIA would like to work collaboratively with the European Union (EU) to streamline the efficient export and import of products through electronic certification processes.

### OBJECTIVE

- Exchange information on work leading to paperless certification.
- Collaborate to support work at the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) on paperless certification.
- Agree that efforts to move towards paperless certification will benefit both sides.

### BACKGROUND

- 'Digital first' in everything the CFIA does is about the smart use of new technologies to enhance access to data and boost client services. It is about enabling paperless data exchange.
- As one of the initiatives supporting the 'digital first' priority, the Digital Support Delivery Platform (DSDP) will support Agency modernization by providing a set of technologies and tools for citizens, industry, international trading partners, and CFIA inspectors (e.g. rugged tablets for use in the field) to support their respective roles and facilitate regular business transactions.
- The CFIA will seek to use DSDP to standardize and automate processes, provide services on-line, support planning, tracking, and assignment of inspection activities; and provide improved business reporting capabilities.

- DSDP functionality includes enabling enrolment, permissions, inspection processes and export certification (across the food, animal health and plant health business lines).

- Specifically, export outcomes, which will be made available through a staged approach, from DSDP include:
  - the ability to apply for certificates online, monitor and track the progress of applications online; and
  - the capability for government to government (G2G) electronic exchange of export certificates subject to successful negotiations with trading partners. At this time the capability does not exist.

- The EU has developed a single multilingual electronic system called Trade Control and Export System (TRACES) which sets out all sanitary requirements for the importation of animals, semen and embryos, food, feed and plants. TRACES digitizes the the EU certification processes and procedures and is aligned to the objectives of the EU's digital agenda to strengthen cooperation with its partners, facilitate trade, alleviate administration and improve risk management.

- Both Canada and the EU currently prepare paper based certificates for commodities that require certification as a condition of trade.

**FOR ACTION**

- Both sides to agree to start technical discussions that will support the eventual use of paperless certificates.

**CURRENT STATUS**

- On January 9, 2017, the CFIA began making some of its DSDP-related services (e.g., licenses, permits, registrations, authorizations, export certificates for fish origin and hygiene) available online to Canadian industry stakeholders through '*My CFIA*'. *My CFIA* is an online portal that provides industry with a secure, convenient and innovative suite of online services.

- The growing list of services that will be made available through *My CFIA* includes information services, and requests for licences, permits, registrations and export certificates. Services will be phased-in over multiple releases throughout 2018-19 to allow industry stakeholders time

to adjust to the new way of doing business with the CFIA.

- [redacted]
- The Agency is also working to modernize import processes which align with DSDP, and other tools, such as the single window.

[redacted]

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- [redacted]

## GOAL(S) AND OUTCOMES

1. [redacted]
2.
3.

## NEXT STEPS FOR THE CETA SPS JMC

- Confirm whether or not there is interest to start technical discussions that will allow Canada and the EU to move towards a paperless certification system for exports to the EU.

## RECOMMENDED POINTS TO REGISTER

- CFIA IS BUILDING A DIGITAL SERVICE DELIVERY PLATFORM WITH THE AIM OF USING TECHNOLOGY TO IMPROVE HOW IT CONDUCTS INSPECTIONS AND PROVIDES SERVICES TO INTERESTED STAKEHOLDERS.

- THIS INITIATIVE INCLUDES THE DEVELOPMENT TOOLS FOR ELECTRONIC CERTIFICATION WITH POTENTIAL TO EXCHANGE PAPERLESS EXPORT CERTIFICATES WITH OTHER GOVERNMENTS THAT HAVE COMPATIBLE SYSTEMS.

- CFIA WOULD LIKE TO HEAR FROM DG SANTE ABOUT ITS INTERESTS IN FUTURE WORK MOVING TOWARDS PAPERLESS CERTIFICATION.

**RESPONSIVES**

- CAN WE HAVE A RESPONSIVE REGARDING CERTIFICATION FOR EU EXPORTS – IMPORTS TO CANADA.

- CANADA IS SEEKING TO WORK TOWARDS A SYSTEM THAT ALLOWS PAPERLESS CERTIFICATION FOR GOODS TRADED BOTH WAYS BETWEEN CANADA AND THE EU.

- NOT APPLICABLE – FOR INFORMATION AND GAUGE INTEREST IN FUTURE WORK.

s.15(1) - International
s.21(1)(c)

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## SUMMARY OF THE ISSUE

### 3.4 E-Certification

**Lead Government of Canada Department(s) and Contact Names**

- **Canadian Food Inspection Agency**
  - **Daniel Miller**
  - **Amanda Jane Preece/Denis Mulhall**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • On January 9, 2017, the CFIA began making some of its DSDP-related services available online to Canadian industry stakeholders through '*My CFIA*'. *My CFIA* provides industry with a secure, convenient and innovative suite of online services.<br>• The growing list of services that will be made available through *My CFIA* includes information services, and requests for licences, permits, registrations and export certificates. Services will be phased-in over multiple releases throughout 2018-19 to allow industry stakeholders time to adjust to the new way of doing business with the CFIA.<br>• The Agency is also working to modernize import processes which align with DSDP, and other tools.<br>• [redacted] | 1. [redacted]<br>2.<br>3. |

**POINTS FOR THE CHAIR TO RAISE**

- CFIA is building a Digital Service Delivery Platform with the aim of using technology to improve how it conducts inspections and provides services to interested

stakeholders.

- This initiative includes the development tools for electronic certification with potential to exchange paperless export certificates with other governments that have compatible systems.
- CFIA would like to hear from DG SANTE about its interests in future work moving towards paperless certification.

**RESPONSIVE POINTS FOR THE CHAIR**

- Not Applicable

**Drafted by:**
Rick Flohr, National Manager, Food Exports
CFIA
613 773 6256
March 7, 2018
Version

**Reviewed by:**
Sarah George, Director, Exports, IBSDB
(519) 751-8156
March 9, 2018

**Approved by:**
Doug Hazel, Director FIED
613-773-6288
March 14, 2018

## 3.5 New Animal Health Law

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Dr. Clarice Lulai Angi, Mission of Canada to the European Union
- Dr. Mohit Baxi, Director, Animal Import and Export Division

### ISSUE

- The European Parliament and the Council adopted the Regulation on transmissible animal diseases ("Animal Health Law") in March 2016. The Regulation was published in the Official Journal on 31 March 2016 and will replace 75 existing pieces of legislation.

### OBJECTIVE

- This issue is being raised in the context of information sharing. The Regulation is important for Canada because it could have an impact on the trade of animals, germplasm, animal products and by-products.

### BACKGROUND

- The Animal Health Law is an element of the Smarter Rules for Safer Food package that was notified to the WTO in 2013.
- In general terms, the new Animal Health Law:
    - Broadens the definition of transmissible diseases to include aquatic animal diseases, terrestrial animal diseases and instances of occurrence of organisms that are resistant to multiple anti-microbial agents;
    - Lays down rules for the registration of operations in relation to aquatic and terrestrial animals;
    - Lays down rules for the movement of terrestrial and aquatic animals, including bees, bumblebees, apes, pets, laboratory animals, zoo and exhibition animals;
    - Proposes a harmonized list of transmissible animal diseases, which is not aligned with the list of diseases for which regionalisation decisions may be taken (i.e., diseases listed in Annex 5-B of CETA);

- Allows veterinarians and aquatic animal health professionals to diagnose and treat diseases in aquatic animals; as well as delegations of official activities to non-official veterinarians and natural persons when the state is unable to perform animal health activities due to limited resources;
- Introduces compartmentalisation for avian influenza and aquatic animal diseases;
- Makes mandatory the registration in a Member State register of establishments and operators keeping or processing animals, germinal products, animal products;
- Establishes a Union antigen, vaccine and diagnostic reagent bank;
- Lays down general and specific rules for the prevention and control of transmissible animal diseases and ensures a harmonised approach to animal health across the Union;

- The requirements set out in this Regulation should not apply until the key delegated and implementing acts have been adopted by the Commission pursuant to this Regulation, allowing a period of 24 months from the adoption of the key acts until the date when they start to apply.

**CURRENT STATUS**

- The Commission is in the process of consulting and drafting several delegated and implementing acts, which will be adopted by April 2019.

**CANADIAN POSITION**

- Canada would like to receive an update on the new Animal Health Law.
- DG SANTE notified the WTO in 2013 when the proposed Smarter Rules for Safer Food package was proposed. Canada sent comments to the WTO.

**EU POSITION**

- The European Parliament and the Council adopted the Regulation on transmissible animal diseases ("Animal Health Law") in March 2016. The Regulation was published in the Official Journal on 31 March 2016 and has entered into force on the twentieth day following that of its publication in the Official Journal of the European Union. The Regulation will be applied 5 years after it was published in the Official Journal of the European Union, once delegated and implementing legislation is in force.

**GOAL(S) AND OUTCOMES**

1) Canada needs to be reassured that the entry into force of the new Animal Health Law will not negatively impact exports of Canadian animals, animal products and by-products to the EU.
2) Should the new legislation have an impact on trade with Third Countries, the CFIA will need to work with DG SANTE to ensure that measures are in place to prevent trade disruption as of the date of entry into force of the new regulations.

**NEXT STEPS FOR THE CETA SPS JMC**

- Animal Health Directorate officials should be present when DG SANTE makes the presentation during the CETA SPS JMC committee meeting.
- Additional questions from the CFIA may be sent to DG SANTE in writing.

**RECOMMENDED POINTS TO REGISTER**

- Overall, the single, comprehensive new animal health law will streamline a large number of legal acts into a single law, with a focus on preventing and eradicating disease, better surveillance of pathogens, electronic identification and registration of animals, early detection & control of animal diseases, including emerging diseases linked to climate change.

- Canada is supportive of all measures that simplify rules, focus on disease prevention, and are in line with OIE principles and guidelines.

- Canada would like a better understanding of how the EU will monitor for animal pathogens that are resistant to antimicrobial agents.

**RESPONSIVES**

- Will Canada have opportunity to comment on the draft implementing and delegated acts?

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**SUMMARY OF THE ISSUE**

**3.5 ISSUE TITLE**
**New Animal Health Law in the EU**

**Lead Government of Canada Department(s) and Contact Names**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • The Animal Health Law was published on March 31st, 2016. It is expected that it will come into force 5 years from that date.<br>• Several delegated and implementing acts will be adopted by the Commission until April 2019 to make the new rules applicable. The Commission's website indicates that they will duly consult experts, Member States and other interested parties, EU stakeholders during the drafting of these delegated and implementing acts, in the spirit of better regulation. | • To be updated on the current status of the Animal Health Law as well as implemented and delegated acts<br>• To ensure that the new legislation is compatible with existing equivalences with Canada in the context of the text of CETA<br>• To enhance opportunities for Canada to receive timely information of the path forward of the adoption of this regulatory package.<br>• Will there be an opportunity for Canada to comment on the draft implementing and delegated acts? |

**POINTS FOR THE CHAIR TO RAISE**

- Thank you for your presentation today. Canada has followed with interest the developments of the proposed package "Smarter Rules for Safer Food" since May 2013.
- Canada would like to request further information on the inclusion of antimicrobial resistance in this legislative package and how diseases that are resistant to many antibiotics will be classified and dealt with both domestically and internationally.

**RESPONSIVE POINTS FOR THE CHAIR**

- N/A

**Drafted by:**
Name, Dr. Clarice Lulai Angi Title Counsellor of Veterinary Affaires
Government of Canada Department CFIA
Phone number 448-3732

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

Date: March 09, 2018
Version 1

**Reviewed by:**
Josée Laframboise, Scientific Information Officer for the Animal Health Directorate
Government of Canada Department
613-773-7418
March 12th, 2018
Version 2

## 3.6 New Plant Health Law

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Marie-Claude Forest, National Manager, International Phytosanitary Standards

### ISSUE

- The European Parliament and the Council adopted the Regulation (EU) 2016/2031 on Plant Health ("Plant Health Law") in October 2016. The Regulation will be applicable from mid-December 2019.

### OBJECTIVE

- This issue is being raised in the context of information sharing. The Regulation is important for Canada because it could have an impact on the trade of plants and plant products.

### BACKGROUND

- The plant quarantine legislation is harmonized between all Members States of the European Union (EU). This harmonized policy was introduced for the first time in 1977, agreed at that time by the 9 Member States of the European Communities, and introduced a common strategy to prevent the introduction of specific harmful organisms from non-member countries

- Today, Council Directive 2000/29/EC sets out the consolidated rules, principles and requirements for import as well as internal movement of plants and plant products in the EU Member States.

- In general terms, the new Plant Health Law sets out the EU's plant health policy, starting from the definition of a pest, the inclusion of regulated non-quarantine pests, up to the condition for issuing pre-export certificates for plants, plant products or other objects.

- Other Third Countries have indicated that article 42 Restrictions on the basis of a preliminary assessment for the introduction into the Union territory of high-risk plants, plant products and other objects and Article 49 Temporary measures concerning plants, plant products and other objects likely to pose newly identified pest risks or other suspected phytosanitary risks have the potential to be severely trade limiting for Canadian fruits to the EU.

- Additionally, it was indicated that the implementing regulation development is under way. Canada should pay close attention to the regulation specifying high risk commodities for plant imports under the new Plant Health law.

- Different Member States have indicated that the following commodities have been proposed to the Commission for inclusion on the high risk commodity list: Tomatoes, Papaya, Capsicum, Squash and gourd, Avocados, Oranges/citrus, Table grapes, Pears, Plums, Strawberries, Raspberries, Cherries, Peaches and nectarines, Kiwifruit. Canada is aware that the Commission is working very hard to have the list reduced to a more reasonable reflection of biosecurity risk with a much smaller range of commodities.

- This list will be part of a regulation which specifies both high and low risk commodities. The regulation is expected to be published in draft format in April 2018 for comment, and will be notified to the World Trade Organization at the same time. It will be adopted by 14 December 2018 to be applied 12 months later. Trade in commodities specified on the high risk commodity list will cease from the date of implementation until a formal pest risk assessment is undertaken, which can take many years.

**CURRENT STATUS**

- The Commission is looking to make this regulation applicable by mid-December 2019.

**CANADIAN POSITION**

- Canada would like to receive an update on the new Plant Health Law.

**EU POSITION**

- The EU believes that the new plant health strategy, supported by a new financial framework and a horizontal legal framework for official controls on plants, animals, food and feed, will allow the Union to face with more confidence the challenges of the globalized trade and climate changes.

**GOAL(S) AND OUTCOMES**

1) Canada needs to be reassured that the entry into force of the new Plant Health Law will not negatively impact exports of Canadian plants and plant products to the EU.
2) Should the new legislation have an impact on trade with Third Countries, the CFIA will need to work with DG SANTE to ensure that measures are in place to prevent trade disruption as of the date of entry into force of the new regulations.

**NEXT STEPS FOR THE CETA SPS JMC**

- Plant Health Directorate officials should be present when DG SANTE makes the presentation during the CETA SPS JMC committee meeting.
- Additional questions from the CFIA may be sent to DG SANTE in writing.

## RECOMMENDED POINTS TO REGISTER

- We understand that the EU intends, under the new Plant Health Law, to introduce a list of high risk plants and plant products which will lead to import bans for fruits and vegetables which are on these lists.

- How will the EU ensure that these measures do not cause unnecessary trade disruption?

- Will current phytosanitary requirements remain in place?

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**SUMMARY OF THE ISSUE**

**3.6 ISSUE TITLE**
**New Plant Health Law in the EU**

**Lead Government of Canada Department(s) and Contact Names**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • The Commission is looking to make this regulation applicable by mid-December 2019. | • Canada needs to be reassured that the entry into force of the new Plant Health Law will not negatively impact exports of Canadian plants and plant products to the EU.<br>• Should the new legislation have an impact on trade with Third Countries, the CFIA will need to work with DG SANTE to ensure that measures are in place to prevent trade disruption as of the date of entry into force of the new regulations. |

**POINTS FOR THE CHAIR TO RAISE**

- We understand that the EU intends, under the new Plant Health Law, to introduce a list of high risk plants and plant products which will lead to import bans for fruits and vegetables which are on these lists.
- How will the EU ensure that these measures do not cause unnecessary trade disruption?
- Will current phytosanitary requirements remain in place?

**RESPONSIVE POINTS FOR THE CHAIR**

- N/A

**Drafted by:**
Francis Lindsay, Market Access Officer, CFIA
(613)773-2835
March 09, 2018
Version 1

**Reviewed by:**
Katharine Church
Marie-Claude Forest
Clarice Lulai-Angi

## 3.7 New Regulation on Official Controls

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- CFIA, Barbara Doan, Chair, CETA SPS JMC

### ISSUE

- The European Parliament and the Council adopted the Regulation (EU) 2017/625 on Official Controls ("Official Controls Law") in March 2017. The Regulation will be applicable from December 2019.

### OBJECTIVE

- This issue is being raised in the context of information sharing. The Regulation is important for Canada because it could have an impact on the trade of food, feed, animal, animal products, plants and plant products.

### BACKGROUND

- The current regulation (EC) 882/2004 on official controls sets out an integrated and uniform approach to official controls along the agri-food chain, and allows member states to verify compliance with food and feed law.
- In general terms, the new Official Controls Law will now cover controls to verify compliance with food and feed law, animal health and welfare, plant health and animal by-products rules. Organics and plant protection products are also within its scope.

### CURRENT STATUS

- This regulation has entered into force and is gradually being applied. Main implementation will be as of December 2019.

### CANADIAN POSITION

- Canada would like to receive an update on the new Official Controls Law.
- Our understanding of the new official controls regulation is that it will allow non-veterinarians and persons who are not employees of the competent authorities of Member States to perform official controls, particularly in the area of aquatic animal inspections and certifications.



## EU POSITION

- The EU believes that the new horizontal legal framework for official controls on plants, animals, food and feed, will allow the EU to face the challenges of the globalized trade and climate changes with more confidence.

## GOAL(S) AND OUTCOMES

1) Canada needs to be reassured that the entry into force of the new Official Controls Law will not negatively impact exports of Canadian products to the EU and that EU products exported to Canada continue to comply with Canadian requirements.
2) Should the new legislation have an impact on trade with Third Countries, the CFIA will need to work with DG SANTE to ensure that measures are in place to prevent trade disruption as of the date of entry into force of the new regulations.

## NEXT STEPS FOR THE CETA SPS JMC

- Food, Animal Health, and Plant Health Directorate officials should be present when DG SANTE makes the presentation during the CETA SPS JMC committee meeting.
- Additional questions from the CFIA may be sent to DG SANTE in writing.

## RECOMMENDED POINTS TO REGISTER

- Canada is supportive of all measures that simplify rules and are in line with OIE, Codex and IPPC principles and guidelines.

- What is the time frame for implementation of this regulation?

- We are aware that the Commission is making the process of planning of the delegated and implementing acts very transparent, by publishing regular updates online. Could you ensure that Canada will be notified directly of the drafts so that we can comment appropriately?

- Canada will be requesting clarification on a number of articles in the new regulation to gain a deeper understanding on how procedures relating to official controls may be affected.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**SUMMARY OF THE ISSUE**

**3.5 ISSUE TITLE**
**New Animal Health Law in the EU**

**Lead Government of Canada Department(s) and Contact Names**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • This regulation has entered into force and is gradually being applied. Main implementation will be as of December 2019. | • Canada needs to be reassured that the entry into force of the new Official Controls Law will not negatively impact exports of Canadian products to the EU and that EU products exported to Canada continue to comply with Canadian requirements.<br>• Should the new legislation have an impact on trade with Third Countries, the CFIA will need to work with DG SANTE to ensure that measures are in place to prevent trade disruption as of the date of entry into force of the new regulations. |

**POINTS FOR THE CHAIR TO RAISE**

- Canada is supportive of all measures that simplify rules and are in line with OIE, Codex and IPPC principles and guidelines.
- What is the time frame for implementation of this regulation?
- We are aware that the Commission is making the process of planning of the delegated and implementing acts very transparent, by publishing regular updates online. Could you ensure that Canada will be notified directly of the drafts so that we can comment appropriately?
- Canada will be requesting clarification on a number of articles in the new regulation to gain a deeper understanding on how procedures relating to official controls may be affected.

**RESPONSIVE POINTS FOR THE CHAIR**

- N/A

**Drafted by:**
Francis Lindsay, Market Access Officer, CFIA
(613)773-2835

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

March 09, 2018
Version 1

**Reviewed by:**
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## 5.1 EXPORTS OF FRESH TOMATO WITH VINES, STEMS, AND CALYCES

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency, Patricia McAllister

### ISSUE

- In March 2016, the CFIA updated the Canadian import requirements for tomatoes from countries where *Tuta absoluta* (tomato leaf miner) was known to occur. This modified the import requirements for tomatoes from Italy and Spain.

- The CFIA is currently working with both countries to establish systems approaches that will mitigate the risk of the pest and allow trade to resume.

### OBJECTIVE

- The EU has requested that this item be included on the agenda and has asked the CFIA to provide an update on the status of discussions with Italy and Spain.

### BACKGROUND

- On March 26, 2016, the CFIA updated the Canadian import requirements for tomatoes from countries where *Tuta absoluta* (tomato leaf miner) was known to occur through the publication of a revised version of D-10-01: General Phytosanitary Import Requirements for Fresh Pepper and Tomato Fruit from the World.

- *Tuta absoluta* is a highly destructive insect pest to tomato plants and fruit and is also reported to infest other plants in the *Solanaceae* family (potato, eggplant, etc.).

- The proposed changes were notified to the WTO on April 23, 2015 and the only comments from the EU were related to their inability to utilise the option for methyl bromide fumigation. The directive clearly states that tomato fruit produced under a systems approach must be imported without vines, stems, or calyces.

- Tomato fruit from countries with *Tuta absoluta* produced in either a pest free area or fumigated is still permitted entry to Canada with green parts. Tomatoes produced under a systems approach are not permitted with green parts.

- *Tuta absoluta* might form temporary outdoor populations in Canada, but it is not likely to be able to survive the winter here. However, it poses a high risk to greenhouse tomato cultivation in Canada as nine generations are possible each year within greenhouses. This pest has been identified as a priority pest of concern for Canada's greenhouse tomato industry.

- Following the implementation of the new requirements Spain stopped exports of tomatoes to Canada. Italy continued to export tomato fruit to Canada using incorrect additional declarations on phytosanitary certificates. This continued until the issue was detected and notices of non-compliance were issued.

- Italian exports peaked after the implementation of D-10-01 when they shipped product to Canada that did not meet Canadian import requirements. Total export volume from the EU has not exceeded $1M annually. Our statistics do not allow us to separate tomato fruit with green parts from tomato fruit without green parts.

- Canada has aligned its import requirements with those of the United States. Canada exports more than $400M of tomatoes to the United States on an annual basis.

- Canada has been in discussion with both Spain and Italy regarding systems approaches to permit tomato fruit export to Canada without the requirement for fumigation.

- On November 16, 2017 (RDIMS 10098691), the CFIA sent a letter to Italy indicating that it could not consider relaxing the ban on tomato vines, calyces and stems until a successful systems approach for tomatoes without green plant parts had been implemented and the CFIA was able to consult with our United States counterparts.

- The CFIA also indicated that Italy would be responsible for providing additional scientific evidence to support its request to export tomatoes with vines, stems, or calyces produced under a systems approach.

- On November 21, 2017 (RDIMS 10115410), the CFIA sent a letter to Spain requesting additional information on tomato production in Spain. It should be noted that Spain has not indicated an interest in exporting tomato fruit without vines, stems, or calyces.

**CURRENT STATUS**

- On February 15, 2018 (RDIMS 10379476), Italy responded to the CFIA's November 16, 2017 letter. Italy provided additional details on tomato production in Italy and requested that CFIA reconsider the prohibition on green parts indicating that freedom from leaves should mitigate the risks associated with *Tuta absoluta*. No additional scientific information was provided to support this request. The CFIA continues to evaluate the information received.

- On February 5, 2018 (RDIMS 10338748), the CFIA received additional information from Spain in response to the CFIA's November 21, 2017 letter. The CFIA continues to evaluate the information received.

- Our review of the United States import requirements indicates that Spain currently has access for tomato fruit to the United States but Italy does not.

- The CFIA has aligned its *Tuta absoluta* requirements with those of the United States. Canada currently exports more than $400M of tomatoes annually to the United States without the requirement for a phytosanitary certificate. The introduction of *Tuta absoluta* could jeopardize this export market and also increase the amount of CFIA resources required to perform export certification. Any changes to our requirements for freedom from vines, stems and calyces would only be completed in consultation with the United States.

**CANADIAN POSITION**

- Canada will continue to work with both Italy and Spain to finalize systems approaches to permit the export of tomato fruit without green parts to Canada.

## EU POSITION

- The EU is looking for an update on the progress of work being done on exports from Spain and Italy.

## GOAL(S) AND OUTCOMES

- The CFIA will continue to work with both Spain and Italy in the finalization of their systems approaches to permit the export of tomato fruit free from vines, stems, and calyces.

- Maintaining Canadian market access to the United States without the requirement for a phytosanitary certificate is a high priority for Canadian producers.

## NEXT STEPS FOR THE CETA SPS JMC

- The CFIA cannot provide a timeline for approval of systems approaches for tomato fruit from Spain and Italy. We will continue to actively engage both countries on this issue. We expect to provide responses to the most recent letters from both countries in early April. Additional information will be required from both countries before systems approaches can be finalized.

- The CFIA prioritizes requests related to maintenance of market access following changes to import requirements.

## RECOMMENDED POINTS TO REGISTER

- Canada will continue to work with both Italy and Spain to finalize systems approaches to permit the export of tomato fruit to Canada. At this time, tomato fruit with vines, stems, or calyces will not be permitted.

- Additional information will be required from both countries before systems approaches can be finalized.

- Canada provided a letter to Spain last week. We have brought a copy of that letter with us today to hand deliver to you. We expect to provide a response to Italy in early April.

**RESPONSIVES**

- The CFIA will not consider relaxing the ban on tomato vines, calyces and stems until a successful systems approach for tomatoes without green plant parts has been implemented in a country and we are able to consult with our United States counterparts.

- The CFIA prioritizes requests related to maintenance of market access following changes to import requirements.

**SUMMARY OF THE ISSUE**

| **5.1 EXPORTS OF FRESH TOMATO WITH VINES, STEMS, AND CALYCES** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>Canadian Food Inspection Agency, Patricia McAllister | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • On February 15, 2018, Italy responded to CFIA's November 16, 2017 letter. Italy provided additional details on tomato production in Italy and requested that CFIA reconsider the prohibition on green parts indicating that freedom from leaves should mitigate the risks associated with *Tuta absoluta*. No additional scientific information was provided to support the request to export tomato fruit with vines, stems, or calyces. The CFIA continues to evaluate the information received.<br>• On February 15, 2018, the CFIA received additional information from Spain in response to the CFIA's November 21, 2017 letter. The CFIA continues to evaluate the information received. | • The CFIA will continue to work with both Spain and Italy on the finalization of their systems approaches to permit the export of tomato fruit free from vines, stems, and calyces.<br>• Maintaining market access to the United States without the requirement for a phytosanitary certificate is a high priority for Canadian producers. |
| **POINTS FOR THE CHAIR TO RAISE**<br>• Canada will continue to work with both Italy and Spain to finalize systems approaches | |

to permit the export of tomato fruit to Canada. At this time, tomato fruit with vines, stems, or calyces will not be permitted.

- Additional information will be required from both countries before systems approaches can be finalized.
- Canada provided a letter to Spain last week. We have brought a copy of that letter with us today to hand deliver to you. We expect to provide a response to Italy in early April.

**RESPONSIVE POINTS FOR THE CHAIR**

- The CFIA will not consider relaxing the ban on tomato vines, calyces and stems until a successful systems approach for tomatoes without green plant parts has been implemented in a country and we aree able to consult with our United States counterparts.
- The CFIA prioritizes requests related to maintenance of market access following changes to import requirements.

***PEST INFORMATION: Tuta absoluta (tomato leafminer)***

**Background**

*Tuta absoluta (Lepidoptera: Gelechiidae)* is a highly destructive insect pest to tomato plants and fruit and is also reported to infest other plants in the *Solanaceae* family (potato, eggplant, etc.).

This moth is native to the Andes region of South America but can now be found in Europe and North Africa. It is likely to continue spreading in the Mediterranean Basin. It is a tropical-to-subtropical moth, but has invaded greenhouses in Northern Europe. Directive D-10-01 considers the following EU countries to be infested with *Tuta absoluta*: Belgium, France, Italy, the Netherlands, Spain, United Kingdom.

**Host**

*Tuta absoluta* lives on and in the leaves, stems and flowers of plants in the *Solanaceae* family and also in the fruit of tomatoes. It has also been found on bean plants (*Phaseolus vulgaris*).

**Movement and dispersal**

This insect pest travels via several pathways.

- Tomato plants, tomatoes and used containers are known to be high-risk pathways for the introduction of this pest.
- Soil is a suspected pathway.
- Production greenhouses that repack and distribute tomato fruit produced in infested countries are likely pathway for the spread of this pest.
- Outdoor markets that sell tomatoes from infested countries and are located in areas with suitable summer conditions for the survival of *Tuta absoluta* also pose a risk.

This moth is reported to fly up to a distance of 100 kilometres. It is likely to be able to move between unscreened greenhouses and outdoor crops.

**Biology**

The female moth lays up to 260 eggs, mostly singly, on leaves, stems and young fruit. The larvae bore between the epidermal layers of the leaf creating mines and, when older (at the 3rd to 4th instar or later developmental stage of the larva) they leave these mines and travel to new locations to mine again.

Young larvae usually attack the leaves, but can be found in growing points and in the flower. Later stage larvae tend to attack the fruit. Pupation happens in the mine, outside the mine, or in the soil.

At 20°C, the average developmental period from egg to adult is 40 days. *Tuta absoluta* might form temporary outdoor populations in Canada, but it is not likely to be able to survive the winter here. However, it poses a high risk to greenhouse tomato cultivation in Canada as nine generations are possible each year within greenhouses. Greenhouse tomato exports to the United States exceed $400M annually.

# CETA SPS JMC-Ottawa, Ontario Canada
# March 26 & 27, 2018

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Version 1
RDIMS#10445176

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March 19, 2018

## 5.2 EXPORTS OF POTATO MINI-TUBERS

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency, Gordon Henry, Potato Section

### ISSUE

- The Netherlands, as well as the United Kingdom and Scotland, are asking Canada to implement the 2010 international standard to allow the importation of seed potato mini-tubers into Canada under a systems approach.

### OBJECTIVE

- This is a responsive issue, Canada does not support including this topic as an agenda item for the CETA SPS JMC. Canada considers this to be more at a multilateral issue, along with the United States and Mexico, and is committed to working on this issue through The North American Plant Protection Organization (NAPPO).

### BACKGROUND

- The import of propagative potato materials presents a high risk for introducing quarantine pests, particularity viruses and bacterial diseases.

- Potato propagative materials, such as micro-tubers, plantlets, and mini-tubers, present less risk compared to other propagative potato materials because they are always produced in a growth room or greenhouse. However, these materials still present significant risk.

- All potato propagative material from off continent origins, whether a tuber or a plant, must be placed into Post Entry Quarantine (PEQ) and go through a stringent process. The PEQ process introduces the material into a tissue culture environment as part of the steps to ensure freedom from all pests of concern.

- Once PEQ is complete, only small amounts of plantlets are released to the importer as the process cannot accommodate commercial amounts of potato propagative material. However, these plantlets can subsequently be further propagated in the Canadian Seed Certification system. Imported potato micro-tubers, plantlets or mini-tubers cannot be planted

directly into seed potato fields. A pest risk assessment is not required as the imported material is tested extensively for pests under PEQ conditions before it is released into commerce. The U.S. and Mexico have similar import requirements.

- In 2010, the International Plant Protection Convention adopted the International Standard for Phytosanitary Measures (ISPM 33) on the movement of pest free potato propagative material including plantlets and mini-tubers. ISPM 33 provides high level guidance on the production and phytosanitary certification for these commodities. It does not apply to field-grown potatoes.

- The North American Plant Protection Organization (NAPPO), consisting of representatives from Canada, the U.S. and Mexico, undertook a formal process to harmonize its regional standard (RSPM 3 – Guidelines for Movement of Potatoes into a NAPPO Member Country) with ISPM 33 to ensure consistency and agreement of phytosanitary measures within the North American region.

- The NAPPO Expert Group on Potatoes completed a draft amendment of its regional standard in 2016. A new systems-based approach was identified where the phytosanitary risk would be addressed in the country of origin. The foreign certification system would require an assessment and a post-entry monitoring program would be developed. Since 2016, the NAPPO member countries have been consulting with industry and developing implementation plans for the proposed revision of RSPM 3.

**CURRENT STATUS**

- Within the EU, the Netherlands has expressed strong interest in exporting mini-tubers to Canada and has raised the market access issue on a number of occasions over the last several years. In a bilateral meeting in April 2016, the Netherlands indicated that the initial export volume to Canada is estimated at 50,000 mini-tubers. The value of a mini-tuber in Canada ranges between 75 cents and $1.10, therefore, this would be equivalent to a value between $37,500 and $55,000. The greatest value maybe related to the collection of royalties by the owner of the breeders rights.

- In the case of the Netherlands, the CFIA is preparing a pest risk assessment (PRA) to expedite the process and to evaluate its pest and disease status. This is being done in concert with the NAPPO work.

- In February 2017, the CFIA wrote to the Netherlands requesting technical information to support the PRA. No information has been provided by the Netherlands to date.

## CANADIAN POSITION

- Canada's longstanding import requirements have been implemented successfully for decades and have allowed the import of foreign potato germplasm from any interested country.

- The U.S. is Canada's most significant market for seed potatoes. It is essential that Canada and the U.S adopt a similar regulatory approach and timelines to implement the 2010 international standard.

- Industry consultations indicate that, despite the adoption of ISPM 33, import volumes are not expected to increase. Industry in North America prefers to import small shipments of micro-propagative potato materials (in vitro plantlets) and to multiply the pest-free materials within greenhouses after import. Currently, there does not appear to be interest in the import of commercial amounts of propagative material such as minitubers.

- Based on potential limited volume and value of imports, it is not cost effective to develop specific new programs for seed potato mini-tubers. In addition, product certification and testing are cost-recovered activities. The PEQ program remains the most cost-effective and secure program to import micro-propagative materials and mini-tubers into Canada.

## EU POSITION

- Canada should proceed with conducting an assessment of Member State countries to allow the import of mini-tubers by approving Member State systems approaches.

## GOAL(S) AND OUTCOMES

1) Remove agenda item for the CETA SPS JMC.

## POINTS FOR THE CHAIR TO RAISE

- EU Member States have access to Canada for mini-tubers (and micro-tubers and in vitro plantlets) by using the existing post-entry quarantine program.
- EU Member States have supplied potato germplasm successfully for many decades. Currently, shipments of in vitro plantlets from the Netherlands and Scotland are being evaluated by the CFIA.
- Canada would need to amend existing programs and develop new procedures to consider alternatives to PEQ. This will take significant time and must occur trilaterally with the United States and Mexico to ensure trade is not negatively affected within North America.
- Canada will continue to consider a program based on ISPM 33, but it must proceed with Mexico and the United States (through NAPPO) or it could negatively affect trade between Canada and the other NAPPO member states.

## SUMMARY OF THE ISSUE

| **5.2 EXPORTS OF POTATO MINI-TUBERS** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** Canadian Food Inspection Agency, Gordon Henry, Potato Section | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • Canada will continue to consider a program based on ISPM 33, but it must proceed in concert with Mexico and the United States or it could dramatically affect trade between Canada and those countries. | • Remove agenda item from the CETA SPS JMC. |
| **POINTS FOR THE CHAIR TO RAISE**<br>• EU Member States have access to Canada for minitubers (and microtubers and in vitro plantlets) by using the existing post-entry quarantine program. | |



- EU Member States have supplied potato germplasm successfully for many decades. Currently, shipments of in vitro plantlets from the Netherlands and Scotland are being evaluated by the CFIA.

- Canada would need to amend existing programs and develop new procedures to consider alternatives to PEQ. This will take significant time, and must occur trilaterally with the United States and Mexico and we are engaged with NAPPO on this.

**RESPONSIVE POINTS FOR THE CHAIR**

- I will review your request with the project lead and request a follow-up bilaterally with you.

# CETA SPS JMC-Ottawa, Ontario Canada
# March 26 & 27, 2018

**Prepared by:**
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March 6, 2018
RDIMS # 10469828, vr. 1

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## 5.3 METHYL BROMIDE ALTERNATIVES

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
  - Greg Wolff, Director, Phytosanitary Division, Plant Health and Biosecurity Directorate
  - Wendy Asbil, National Manager, Invasive Alien Species and Domestic Plant Health Programs, Phytosanitary Division, Plant Health and Biosecurity Directorate
  - Christine Villegas, Senior Specialist, Invasive Alien Species and Domestic Plant Health Programs, Phytosanitary Division, Plant Health and Biosecurity Directorate
  - Nancy Furness, Senior Program Officer, Forest Products Section, Plant Health and Biosecurity Directorate

### ISSUE

- Methyl bromide (MeBr) use is not permitted in the European Union. Some countries, such as Canada, require MeBr as a quarantine treatment for plant pests. The Canadian Food Inspection Agency (CFIA) has stated a willingness to consider proposals for alternative treatments to MeBr.

- However, very few specific treatments or systems approaches that would achieve the same level of pest risk mitigation as MeBr have been proposed to the CFIA. One concern raised by the EU is the lack of consistent criteria for submitting alternative treatments and evaluation of those treatments.

### OBJECTIVE

- To provide an update on the Canada-EU MeBr project as requested by the EU.

### BACKGROUND

- As signatories to the 1987 Montreal Protocol to the Convention on Substances that Deplete the Ozone Layer, the EU and Canada are committed to phase-out production and consumption of Ozone Depleting Substances (ODS), as well as to reduce and eliminate trade in these

substances. In 1992, MeBr was recognized as an ODS and it was decided by the signatories to phase-out the production and consumption of MeBr.

While the EU has a ban on the use of MeBr, Canada still allows and in some cases even requires MeBr for use in quarantine and pre-shipment applications. This is a concern to EU exporters as the use of MeBr fumigation, in some cases, remains the only treatment option that can be used by exporting countries without a possibly costly and time-consuming review process through the CFIA. In the past, EU exporters have had shipments of a variety of products to Canada rejected because they were not treated with MeBr.

- MeBr is required for:
  - Quarantine purposes;
  - On imports in lieu of MeBr
  - Systems approach

- No practical guide exists for use by EU exporters for submitting alternatives to MeBr, including systems-based approaches.

- The EU can still submit their proposals for alternative treatments or systems approaches to Canada to evaluate but it may take longer to ensure that all the relevant information and data is provided in a manner that is useful to Canada if it is not clearly outlined.

**CURRENT STATUS**

- The EU Delegation to Canada and the CFIA have established a working group to develop guidelines for submission and evaluation of alternative treatments. The working group currently includes the following members:
  - Wendy Asbil, National Manager, Invasive Alien Species and Domestic Plant Health Programs, Phytosanitary Division, Plant Health and Biosecurity Directorate
  - Christine Villegas, Senior Specialist, Invasive Alien Species and Domestic Plant Health Programs, Phytosanitary Division, Plant Health and Biosecurity Directorate
  - Nancy Furness, Senior Program Officer, Forest Products Section, Plant Health and Biosecurity Directorate
  - Sandra Bareyre, Program Officer, EU Delegation to Canada
  - Leah Littlepage, Economic Advisor, EU Delegation to Canada

- An EU-funded project has been developed and is expected to be worked on and completed by December 2019.

- The Terms of Reference (TOR) for this project is expected to be finalized very soon by the EU Delegation to Canada (Please see the attached TOR for your reference).

- The working group has agreed to a project plan that includes a series of meetings and two workshops to be held in Ottawa. Workshop participants may include EU member states' industry, Canadian industry and industry organisations, and Canadian authorities (the CFIA, Health Canada (Pest Management Regulatory Agency) and Environment Canada.

- The first workshop (Fall 2018)will be used to exchange best practices for methyl bromide alternatives taking place at the outset of the project and the second workshop (Spring 2019) will be to validate the guide that was developed during the project.

**CANADIAN POSITION**

- Canada is committed to working with the EU on this initiative to develop guidelines for submission and evaluation of alternative treatments to methyl bromide.

**EU POSITION**

- The EU is committed to this project in order to facilitate access to Canadian markets by having a consistent mechanism for proposing alternatives to methyl bromide as a quarantine treatment.

**GOAL(S) AND OUTCOMES**

- The EU's goal is to facilitate access to Canadian markets by having a consistent mechanism for proposing alternatives to methyl bromide as a quarantine treatment.

- Canada's goal is to work with the EU to develop a practical guide to be used by EU exporters for submitting alternatives to MeBr treatment, thus enhancing Canadian authorities' capacity to accept alternatives to MeBr for import from EU countries.

- This joint project is expected to be completed by December 2019.



## NEXT STEPS FOR THE CETA SPS JMC

- No next steps for the CETA SPS JMC are anticipated.

## RECOMMENDED POINTS TO REGISTER

- Canada is committed to this project and supports the use of alternative treatment methods to methyl bromide.

- Canada and the EU are working to organize a project workshop for Fall 2018, which will be used to discuss and develop the best practices for methyl bromide alternatives.

- Canada will continue to work towards the development of a practical guide for EU exporters to use when submitting alternatives to methyl bromide treatment the Canadian Food Inspection Agency (CFIA).

- Canada is willing to exchange information with the EU on best practices for alternatives to methyl bromide treatments as a phytosanitary measure.

## RESPONSIVES

- The phasing-out of the use of methyl bromide has been difficult due to its effectiveness and fast application combined with insufficient research and scientific evidence on the effectiveness and efficacy of alternative treatments or systems approaches.

- While methyl bromide is listed as a quarantine treatment for certain imported commodities, exporting countries are encouraged to submit alternatives to methyl bromide fumigation for the CFIA's review.

- A good example is the excellent cooperative work done by Italy on systems approaches for alternative approach to methyl bromide. In 2016, the CFIA approved a systems approach for the import of table grapes and hand-harvested grapes for wine-making from Italy, under a trial period.

- During this trial period, there is 100% inspection of shipments of table grapes from Italy, and non-compliances are notified to Italy for investigation. To date, Italy responded quickly to the one notification of non-compliance issued by the CFIA. If there are no further issues we anticipate that the trial period will be closed following the 2018 shipping season.

- This cooperative effort has benefited both Canada and Italy and demonstrates that systems approaches are effective.

**SUMMARY OF THE ISSUE**

| **5.3 Alternatives to methyl bromide** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>• Canadian Food Inspection Agency<br>o Greg Wolff, Director, Phytosanitary Division, Plant Health and Biosecurity Directorate<br>o Wendy Asbil, National Manager, Invasive Alien Species and Domestic Plant Health Programs, Phytosanitary Division, Plant Health and Biosecurity Directorate<br>o Christine Villegas, Senior Specialist, Invasive Alien Species and Domestic Plant Health Programs, Phytosanitary Division, Plant Health and Biosecurity Directorate<br>o Nancy Furness, Senior Program Officer, Forest Products Section, Plant Health and Biosecurity Directorate | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • The EU Delegation to Canada and the CFIA have established a working group to develop guidelines for submission and evaluation of alternative treatments. An EU-funded project has been developed and is expected to be worked on and completed by December 2019.<br>• The Terms of Reference for this project is expected to be finalized very soon by the EU Delegation to Canada. | • The goal is to facilitate access to Canadian markets by having a consistent mechanism for proposing alternatives to methyl bromide as a quarantine treatment.<br>• This project is expected to be completed by December 2019.<br>• The EU initiated this project and Canada is willing to work with them so that the project is completed.<br>• The working group has agreed to a project plan that includes a series of meetings and two workshops. The first workshop (Fall 2018) will be used to exchange best practices for methyl bromide alternatives taking place at the outset of the project and the second workshop (Spring 2019) will be to validate the guide that was developed during the project.<br>• The EU can still submit their proposals for alternative treatments or systems approaches to Canada to evaluate but it may take longer to ensure that all the relevant information and data is provided in |

| | |
|---|---|
| | a manner that is useful to Canada if it is not clearly outlined. |

**POINTS FOR THE CHAIR TO RAISE**

- Canada is committed to this project and supports the use of alternative treatment methods to methyl bromide.
- Canada will continue to work towards the development of a practical guide for EU exporters to use when submitting alternatives to methyl bromide treatment the Canadian Food Inspection Agency (CFIA).
- Canada is willing to exchange information with the EU on best practices for alternatives to methyl bromide treatments as a phytosanitary measure.

**RESPONSIVE POINTS FOR THE CHAIR**

- The phasing-out of the use of methyl bromide has been difficult due to its effectiveness and fast application combined with insufficient research and scientific evidence on the effectiveness and efficacy of alternative treatments or systems approaches.

- While methyl bromide is listed as a quarantine treatment for certain imported commodities, exporting countries are encouraged to submit alternatives to methyl bromide fumigation for the CFIA's review.

- A good example is the excellent cooperative work done by Italy on systems approaches for alternative approach to methyl bromide. In 2016, the CFIA approved a systems approach for the import of table grapes and hand-harvested grapes for wine-making from Italy, under a trial period.

- During this trial period, there is 100% inspection of shipments of table grapes from Italy, and non-compliances are notified to Italy for investigation. To date, Italy responded quickly to the one notification of non-compliance issued by the CFIA. If there are no further issues we anticipate that the trial period will be closed following the 2018 shipping season.

- This cooperative effort has benefited both Canada and Italy and demonstrates that systems approaches are effective.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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Version: 2

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## 5.4 HAZARD-BASED CUT-OFF AND THE IMPACT ON IMPORT TOLERANCES

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- **Global Affairs Canada: Jay Allen**

### ISSUE

- The European Union (EU)'s implementation of hazard-based regulatory decision making requirements under Regulation 1107/2009 (concerning the placing on the market of plant protection products), threatens the continued market access of Canadian exports of agricultural commodities valued at over $2.7 billion CAD annually.

### OBJECTIVE

- To register Canada's systemic concern with the EU's regulatory decision making requirement for non-approval of pesticides and default Maximum Residue Limits (MRLs) once hazard-based cut-off criteria have been met.

### BACKGROUND

- The EU introduced Regulation (EC) 396/2005 to implement provisions relating to MRLs of food and feed of plant and animal origin and that these MRLs were to be based on risk assessments.

- Regulation 1107/2009 introduces hazard-based regulatory decision making requirements for the non-approval of all pest control products meeting hazard-based "cut-off" criteria solely on the identification of the hazard properties of substances that are classified as endocrine disruptors, carcinogenic, mutagenic, or as reproductive toxins, except by derogation (negligible exposure, default MRL). The Commission notified the WTO on the regulatory proposal before its entry into force. [redacted]

- The difference between a hazard-based approach vs. a risk-based approach that remain a cause for concern to Canada and like-minded

countries with respect to trade include the potential for non-approval of widely-used pest control products [redacted]

- Systemically, Canada would like the hazard-based approach to be addressed through regulatory amendments. The Commission's Regulatory Fitness and Performance (REFIT) programme consultations on pesticide legislation (Regulation (EC) 1107/2009 and Regulation (EC) 396/2005) is one such opportunity to focus efforts in the long term as the REFIT process aims to clarify regulations and reduce regulatory burden.

- Specifically, Canada is closely monitoring the Commission's evolving policy options on the two main possible approaches regarding the maintenance of current import tolerances (ITs) and the setting of new ITs for active substances falling under the hazard based criteria (cut-off criteria) of Regulation (EC) No. 1107/2009: (a) current MRLs could be maintained in order to preserve the current ITs and IT requests handled on the basis of the usual risk assessment procedures required by Regulation (EC) No. 396/2005; or (b) MRLs could be lowered to the limit of determination (LOD) and new IT requests refused.

- [redacted]

- Canada has conveyed in WTO TBT and SPS Committee meetings and in Brussels, that it is deeply concerned with the EU's movement towards a hazard-based approach for regulatory decisions for pest control products, including most recently in a specific intervention on endocrine disruptors during the WTO SPS Committee meeting held on March 1-2, 2018. In addition, [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## CURRENT STATUS

- While Canada is monitoring the situation, 2018 could possibly see many pesticide renewals potentially impacted by hazard-based cut-offs (e.g. non-renewal of specific pesticide active ingredients that Canada uses on commodities traded to the EU, and subsequent change in MRLs, unless Canada can securing the maintenance of the currently existing EU import tolerances for these active ingredients and other policy options). Advocacy at this time is crucial in influencing current EU deliberations in this regard.

- however it is important for Canada to raise its systemic concerns in bilateral and multilateral forums to advance efforts to oppose the use of hazard-based cut-off criteria in place of risk based approaches to regulatory decisions. This is important not only from the perspective of maintaining market access to the EU, but also to other markets, given the EU's significant influence on regulatory practice around the world.

- The Commission is currently deliberating on two main possible policy options regarding the maintenance of current import tolerances (ITs) and the setting of new ITs for active substances falling under the hazard based cut-offs:
  (a) maintaining existing ITs and possibly setting new ITs for imported food and feed; or,
  (b) not maintaining existing ITs and refusing IT requests for imported food and feed.

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## EU POSITION

- The Commission is cognizant of trading partner's concerns with the hazard-based approach, and had originally proposed technical amendments to allow maximum residue levels (i.e. import tolerances) to be set based on a scientific risk assessment for substances identified as endocrine disruptors. However, the Commission, [redacted] (see footnote*) to remove this amendment, did not table this amendment for a vote by the EC's Standing Committee on Plants, Animals, Food and Feed (PAFF).

- Commissioner Andriukaitis had previously acknowledged the EU's commitment to transparency, and noted opportunity for Canada's comments and input to be considered within the evaluation process for Regulation 1107/2009 and Regulation 396/2005 (i.e. REFIT). The European Commission has since launched the REFIT evaluation of regulation 1107/2009, and stakeholders including third countries were invited to provide their input and a report is expected to be ready in early 2019. The current regulation reflects agreement amongst EU Member States and seeks to ensure that the health and safety of consumers is safeguarded as a priority according to the principle of precaution.

[redacted]

## GOAL(S) AND OUTCOMES

- The long-term goal is for the EU to move away from a hazard-based cut-off criteria as a basis for regulatory decisions.

- The problem is systemic in nature, and if hazard-based cut-off criteria become common place it threatens the continued market access of Canadian exports of agricultural commodities valued at over $2.7 billion CAD annually.

- [redacted]



- Advocacy efforts towards influencing current EU deliberations regarding policy options for addressing import tolerances are immediate priorities for addressing trade concerns in the interim.

## NEXT STEPS FOR THE CETA SPS JMC

- Global Affairs Canada will continue to monitor developments in 2018-2019 and raise Canada's systemic concerns in appropriate fora.

- Advocacy efforts to influence current EU deliberations on policy options for substances meeting hazard-based criteria.

## RECOMMENDED POINTS TO REGISTER

- Canada would like to reiterate, as we have previously expressed at the WTO TBT and SPS Committee meetings and in Brussels, that we remain deeply concerned with the EU's movement towards a hazard-based approach for regulatory decisions for pest control products.

- Canada is of the view that the hazard identification of a chemical is an important first step in the scientific risk assessment framework. However, it is our view that it is also imperative that potential adverse effects be put into context with consideration of potency, and the level of likely human and environmental exposure based on the conditions of use.

- More broadly, Canada seeks concrete assurance from the EU that decisions on setting MRLs and import tolerances will continue to be made on the basis of complete risk assessments, as set out in Regulation 396/2005.

- With this in mind, regarding the maintenance and establishment of import tolerances falling under the hazard based criteria (cut-off criteria) of Regulation No. 1107/2009, how does the EU plan to make these import tolerances comply with Regulation No. 396/2005 on risk assessment procedures?

- What is the status of the EU's REFIT evaluation of regulation 1107/2009 and 396/2005?

- What are the next steps during the REFIT evaluation?

- In December 2017, Canada provided comments through the REFIT stakeholder survey. How will Canada's concerns be taken into consideration moving forward?

- Canada urges the EU to take its international trade commitments into account when determining its approach for establishing all import tolerances.

- Canada would also appreciate information detailing how the EU plans to work with trading partners to develop its revised measure in a manner that is consistent with its international obligations, and that avoid unnecessary disruptions to market access.

- Can the European Union provide an overview of upcoming pesticide renewals for FY 2018-19?

- Without the final REFIT evaluation complete, how will these pesticide renewals be handled?

**RESPONSIVES**

- N/A

**SUMMARY OF THE ISSUE**

| **5.5 HAZARD-BASED CUT-OFF AND THE IMPACT ON IMPORT TOLERANCES** | |
|---|---|
| **Global Affairs Canada – Jay Allen** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • Current regulatory proposal on endocrine disruptors is of concern but many pesticide renewals in 2018 could potentially be impacted by hazard-based cut-offs | • Continue to register Canada's systemic concern with the EU's hazard-based approach<br>• Influence EU's current deliberations on policy options for substances meeting hazard-based cut-offs |
| **POINTS FOR THE CHAIR TO RAISE**<br>• Canada would like to reiterate, as we have previously expressed at the WTO TBT and SPS Committee meetings and in Brussels, that we remain deeply concerned with the | |

EU's movement towards a hazard-based approach for regulatory decisions for pest control products.

- Canada is of the view that the hazard identification of a chemical is an important first step in the scientific risk assessment framework. However, it is our view that it is also imperative that potential adverse effects be put into context with consideration of potency, and the level of likely human and environmental exposure based on the conditions of use.

- More broadly, Canada seeks concrete assurance from the EU that decisions on setting MRLs and import tolerances will continue to be made on the basis of complete risk assessments, as set out in Regulation 396/2005.

- With this in mind, regarding the maintenance and establishment of import tolerances falling under the hazard based criteria (cut-off criteria) of Regulation No. 1107/2009, how does the EU plan to make these import tolerances comply with Regulation No. 396/2005 on risk assessment procedures?

- What is the status of the EU's REFIT evaluation of regulation 1107/2009 and 396/2005?

- What are the next steps during the REFIT evaluation?

- In December 2017, Canada provided comments through the REFIT stakeholder survey. How will Canada's concerns be taken into consideration moving forward?

- Canada urges the EU to take its international trade commitments into account when determining its approach for establishing all import tolerances.

- Canada would also appreciate information detailing how the EU plans to work with trading partners to develop its revised measure in a manner that is consistent with its international obligations, and that avoid unnecessary disruptions to market access.

- Can the European Union provide an overview of upcoming pesticide renewals for FY 2018-19?

- Without the final REFIT evaluation complete, how will these pesticide renewals be handled?

**RESPONSIVE POINTS FOR THE CHAIR**

- N/A



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RDIMS # 10478733, Vr. 1 and 3

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## 5.5 NON-RENEWAL OF PICOXYSTROBIN

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- AAFC (E. Lewis)

### ISSUE

- Picoxystrobin is an active ingredient registered for use in Canada. It is widely used as a fungicide on key crop exports to the European Union (EU) (e.g., soybeans, wheat, canola, corn and lentil exports). Its authorization for use in the EU was withdrawn by the European Commission in early 2017. Should current maximum residue limits (MRLs) be revoked and import tolerances not be established, the Canadian grain and oilseed sector would be forced to either forgo the use of this fungicide, or their market access to the EU. This issue is of particular importance for the Canadian agriculture sector, whose exports of soybeans, wheat, canola, and corn to the EU totaled over $1.7B (CAD) in 2016.

### OBJECTIVE

- In keeping with the human and environmental health reviews undertaken internationally and in Canada, that have concluded that this active ingredient can be used in agriculture in accordance with prescribed label directions, Canada will seek confirmation from the EU that import tolerances/MRLs for this active ingredient will be maintained in order to minimize trade disruptions, and if not, that any proposal for changes to existing MRLs will be notified to the WTO SPS Committee.

### BACKGROUND

- Picoxystrobin is a fungicide manufactured by DuPont Inc. which is widely used internationally to control diseases in soybeans and cereal crops and is currently registered and marketed in more than 65 countries. It is registered for use – and is used – in Canada on a number of food commodities, including key crops exported to the EU, namely: soybeans, wheat, canola, corn, lentils.

- In June 2016, the European Food Safety Authority (EFSA) published an inconclusive peer review for picoxystrobin, citing a lack of information to complete the risk assessment. After EFSA's opinion was issued, DuPont approached EFSA to provide the missing data; however, DG SANTE informed DuPont that the regulatory process does not allow for a company to provide data after a risk assessment has been completed. The European Commission then proceeded with a draft implementation regulation to not renew (withdraw) the authorization for picoxystrobin, which it notified on January 6th, 2017, to the World Trade Organization (WTO) Technical Barriers to Trade (TBT) Committee. This notification also states that "following non-approval, separate action will be taken to lower MRLs to the limit of quantification (LOQ)".

- Proposed text for Implementing Regulation withdrawing the authorisation of picoxystrobin was presented for approval by the European Commission's (EC) Standing Committee on Plants, Animals, Food and Feed (PAFF committee) on May 18, 2017, but failed to secure a qualified majority vote. The same proposal was referred to the Appeal Committee on July 12, 2017. Despite support by a significant number of Member States, no qualified majority was reached. In accordance with procedure, the European Commission subsequently made the decision for non-renewal with Implementing Regulation (EU) 2017/1455, dated August 10, 2017.

**CURRENT STATUS**

- EU member states were required to withdraw authorisations for plant protection products containing picoxystrobin as active ingredient by 30 November 2017. Any grace period granted should, at the latest, expire on 30 November 2018.

- No changes to existing MRLs have been proposed at this time. However, 'future work on MRLs for picoxystrobin' was identified as an Agenda item for discussion at a recent PAFF committee meeting on February 26-27, 2018.

- Sustained reiteration of the EU's WTO-SPS obligations for risk assessments and measures will influence decision makers to consider policy options that are protective and no more trade restrictive than necessary. This is especially crucial before regulatory proposals have been developed regarding revision of MRLs.

- Picoxystrobin MRLs (CAN, Codex (CXL), EU, US, Japan):
  - Soybeans: CAN: 0.05; no CXL; EU: 0.01; US: 0.05; Japan: 0.05; Brazil: 0.02
  - Wheat: CAN: 0.04, no CXL; EU: 0.05; US: 0.04; Japan: 0.04; Brazil: 0.01
  - Canola: CAN: 0.08, no CXL; EU: 0.02; US: 0.08; Japan: 0.08; Brazil: no value set
  - Lentils: CAN: 0.06, no CXL, EU: 0.01; US: 0.06; Japan: 0.06; Brazil: no value set

**GOAL(S) AND OUTCOMES**

- The overall goal is to maintain market access of key Canadian crop exports to the EU, including soybeans, wheat, canola, corn and lentils.

- Ensure that MRLs continue to apply to imported products following the November 2017 timelines for withdrawals of authorisations by member states.



- EFSA should consider all available data when performing a risk assessment. The EU should maintain its existing MRLs for picoxystrobin, as well as MRLs for other pesticide active ingredients which would not be renewed for use in the EU.

- [redacted]

**NEXT STEPS FOR THE CETA SPS JMC**

- Monitor proposals for new MRLs for picoxystrobin in 2018 for possible impacts on market access for key agricultural commodities, and advocate for any new MRLs to be based on risk assessments.

**RECOMMENDED POINTS TO REGISTER**

- PICOXYSTROBIN IS AN ACTIVE INGREDIENT THAT IS USED AS A FUNGICIDE ON A WIDE VARIETY OF CROPS CULTIVATED IN MANY COUNTRIES, INCLUDING CANADA, AND EXPORTED TO THE EUROPEAN UNION.

- WE UNDERSTAND THAT NO CHANGES TO EXISTING MRLS HAVE BEEN PROPOSED AT THIS TIME. HOWEVER, CANADA IS AWARE OF RECENT PAFF COMMITTEE MEETING DISCUSSIONS IN FEBRUARY, 2018, ON PLANNED FUTURE WORK ON MRLs FOR PICOXYSTROBIN.

- WE REQUEST CLARITY AROUND THE STATUS OF EXISTING MRLS TO MANAGE IMPORTS.

- IN LIGHT OF THE HUMAN AND EVIRONMENTAL HEALTH REVIEWS UNDERTAKEN INTERNATIONALLY THAT HAVE DETERMINED THAT THIS ACTIVE INGREDIENT CAN BE USED IN AGRICULTURE, CANADA SEEKS CONFIRMATION FROM THE EU THAT IMPORT MAXIMUM RESIDUE LIMITS FOR THIS ACTIVE INGREDIENT WILL BE MAINTAINED IN ORDER TO MINIMIZE TRADE DISRUPTIONS.

- IF NOT, CANADA SEEKS CONFIRMATION FROM THE EU THAT ANY PROPOSAL FOR CHANGES TO EXISTING MRLs WILL BE NOTIFIED TO THE WTO SPS COMMITTEE, AND THAT WTO MEMBERS WILL HAVE THE OPPORTUNITY TO PROVIDE COMMENTS TO THE EU.

- IN ADDITION, CANADA ENCOURAGES THE EU TO BASE ITS SCIENTIFIC REVIEW PROCESS ON THE ASSESSMENT OF RISKS AND TO CONSIDER ALL DATA THAT IS MADE AVAILABLE FOR THE PURPOSE OF A REVIEW.

**RESPONSIVES**

- WE WILL CONTINUE TO FOLLOW THIS ISSUE CLOSELY.

**SUMMARY OF THE ISSUE**

| **5.5 NON-RENEWAL OF PICOXYSTROBIN** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>**AAFC (E. Lewis)** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • EU member states were required to have withdrawn authorisations for plant protection products containing picoxystrobin as active ingredient by 30 November 2017 at the latest.<br><br>• No changes to existing MRLs have been proposed at this time. However, future work on MRLs for picoxystrobin was discussed at a recent meeting of SCOPAFF on February 26-27, 2018. | • Monitor status of future work on MRLs, and advocate for risk assessments as the basis for the setting of any new MRLs. |

**POINTS FOR THE CHAIR TO RAISE**

- PICOXYSTROBIN IS AN ACTIVE INGREDIENT THAT IS USED AS A FUNGICIDE ON A WIDE VARIETY OF CROPS CULTIVATED IN MANY COUNTRIES, INCLUDING CANADA, AND EXPORTED TO THE EUROPEAN UNION.

- WE UNDERSTAND THAT IN 2016, EFSA PUBLISHED AN INCONCLUSIVE PEER REVIEW FOR PICOXYSTROBIN, AND BASED ON THIS REVIEW THE EUROPEAN COMMISSION PROCEEDED WITH A DRAFT IMPLEMENTATION REGULATION TO NOT RENEW ITS AUTHORIZATION.



- WE UNDERSTAND THAT NO CHANGES TO EXISTING MRLS HAVE BEEN PROPOSED AT THIS TIME. HOWEVER, CANADA IS AWARE OF RECENT SCOPAFF DISCUSSIONS IN FEBRUARY, 2018, ON PLANNED FUTURE WORK ON MRLs FOR PICOXYSTROBIN.

- WE REQUEST CLARITY AROUND THE STATUS OF EXISTING MRLS TO MANAGE IMPORTS.

- IN LIGHT OF THE REVIEWS UNDERTAKEN INTERNATIONALLY THAT HAVE DETERMINED THAT THIS ACTIVE INGREDIENT CAN BE USED IN AGRICULTURE, CANADA SEEKS CONFIRMATION FROM THE EU THAT IMPORT MAXIMUM RESIDUE LIMITS FOR THIS ACTIVE INGREDIENT WILL BE MAINTAINED IN ORDER TO MINIMIZE TRADE DISRUPTIONS.

- IF NOT, CANADA SEEKS CONFIRMATION FROM THE EU THAT ANY PROPOSAL FOR CHANGES TO EXISTING MRLs WILL BE NOTIFIED TO THE WTO SPS COMMITTEE, AND THAT WTO MEMBERS WILL HAVE THE OPPORTUNITY TO PROVIDE COMMENTS TO THE EU.

- IN ADDITION, CANADA ENCOURAGES THE EU TO BASE ITS SCIENTIFIC REVIEW PROCESS ON THE ASSESSMENT OF RISKS AND TO CONSIDER ALL DATA THAT IS MADE AVAILABLE FOR THE PURPOSE OF A REVIEW.

**RESPONSIVE POINTS FOR THE CHAIR**

- WE WILL CONTINUE TO FOLLOW THIS ISSUE CLOSELY.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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## 5.6 MEMBER STATES' MEASURES THAT DIFFER FROM EU-LEVEL MEASURES (e.g. DIMETHOATE, GLYPHOSATE)

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Global Affairs Canada – Jay Allen
- AAFC – Evan Lewis

### ISSUE

- EU Member States have taken or are considering taking their own measures that limit imports on items where EU authorities permit imports. Recent examples include France taking emergency measures to ban cherry imports from countries where the insecticide dimethoate is registered for use, and statements from Italy and France indicating their respective governments intend to ban the herbicide glyphosate (commonly known by trade name "RoundUp") within three years, despite being authorized for use by EU competent authorities.

### OBJECTIVES

- To seek information from the EU on how it handles situations where Member States take measures that limit imports on products where the EU permits imports.
- [redacted]
- To reiterate two specific Canadian concerns: (1) potential measures by France to impose another temporary national emergency measure in 2018 banning cherry imports from countries where dimethoate is registered for use; and (2) publicly declared intentions by Italy and France to ban glyphosate within three years, despite the EU's recent re-authorization of glyphosate in late 2017.

## BACKGROUND

Glyphosate

- In 2016, the EC recommended three conditions for further use of glyphosate in the Member States:
  1) Ban a co-formulant called POE-tallowamine from glyphosate-based products (For example, France has since banned all such formulations, but other glyphosate formulations are still allowed until alternatives are found.)
  2) Minimize the use in public spaces, such as parks, public playgrounds and gardens (Notably, the Netherlands Parliament had voted to ban personal uses back in 2015, ahead of EC recommendation)
  3) Scrutinize the pre-harvest use of glyphosate

- On November 27, 2017 the European Commission successfully obtained a majority vote in favour of the re-authorization of glyphosate for 5 years. The official approval date is December 15, 2017. Domestic use of glyphosate in the EU is permitted for use by all EU Member States (e.g., Ireland, the Netherlands, Italy, France) until the next renewal decision before the expiration of current re-authorisation on December 15, 2022.

- While the decision at the European Union level for the 5 year renewal of glyphosate is final, Member States have jurisdiction over the approval of various formulations of plant protection products containing glyphosate. French President Emmanuel Macron has publically announced France's plans to ban glyphosate use within three years or sooner, once alternatives are found. Similarly, Italy's Minister of Agriculture had publically stated that Italy intends to ban glyphosate within three years, regardless of decision by the European Commission.

- Canadian exports of products on which the herbicides are widely used, including wheat, canola and soybean, could be negatively affected. EU farmers are also likely to raise concerns regarding the impact on their ability to compete with imported products.

- In the lead-up to the November 27, 2017 re-authorization, Canada, in concert with like-minded trading partners on this issue (e.g. US, Australia, Argentina and Brazil), undertook extensive advocacy in Brussels, EU Member State capitals and through the WTO, pushing for the timely re-authorization of glyphosate, based on a scientific risk-based approach and in line with the opinion of the EU's own scientific evaluation bodies and the Codex Alimentarius, rather than on a politicized decision.

- Canadian exports of products on which the herbicides are widely used - including wheat, canola, pulses and soybean - will continue to face existing maximum residue limits or import tolerances at EU level. However, it is uncertain when and how Member State measures for phase-outs in the future will impact imports.

Dimethoate

- On April 22, 2016, France unilaterally imposed a national emergency measure banning cherry imports from countries where the insecticide dimethoate is registered for use, including six EU Member States (Austria, Bulgaria, Croatia, Slovakia, Romania and Czech Republic) and three third countries, including Canada, even if the crop itself has not been treated with it (other than cherries that are certified organic).

- At the EC's Standing Committee on Plants, Animals, Food and Feed (PAFF) meeting in April 2016, the Commission stated that the French measure was disproportionate, and that basing it upon the authorization status of dimethoate in the country of origin would prevent those producers willing to comply with the French measure from accessing the French market.

- The measure was extended on April 28, 2017 and expired on December 31, 2017.

- Canada has submitted formal written comments to France in mid-October 2016 and July 7, 2017. On October 29, 2017, Canada received a response indicating the measure will be re-assessed in 2018 based on the EFSA re-evaluation of the substance. At the March 1-2, 2018 WTO SPS Committee meeting, Canada most recently informed the EU of its desire that any future measures from France be in line with EU practice and that the upcoming European Food Safety Agency's scientific review be based on risk, and consistent with international approaches.

- CODEX guidance suggests an MRL of 2 ppm for dimethoate on cherries. Canada's MRL is 2 ppm, while the EU has a MRL of 0.02ppm.

## CURRENT STATUS

Glyphosate

- Following the November 27, 2017 re-authorization of glyphosate for 5 years, Canadian exports of wheat, canola, pulses and soybean will continue to face existing maximum residue limits or import tolerances.
- However, Italy and France have each indicated their intention to ban glyphosate within three years and it is uncertain how such national measures will impact imports at the border.

Dimethoate

- The national emergency measure from France expired on December 31, 2017. National measures in 2018, if any, will be informed by the outcome of EFSA's risk assessment report expected in early 2018, as the current authorization expires on July 31, 2018.

## GOAL(S) AND OUTCOMES

- The goal is for EU Member States to refrain from taking non-science based, unilateral measures, particularly measures inconsistent with scientific decisions made at the EU level.

- Canada is engaged in long-term advocacy strategies for the need for a science-based approach that takes into account the EU's trade obligations, as well as international standards. Canada will continue to make interventions regarding glyphosate and dimethoate as appropriate, both bilaterally, in discussions with the European Commission and EU Member States in Brussels, and in the SPS and TBT Committees at the WTO.

- The economic impact of potential measures on glyphosate is extensive, as this product is used in Canadian production of wheat, canola, pulses and soybean. Dimethoate is used in some Canadian production of cherries, and fresh cherry exports to France only totaled $1.2 million since 2012. Canada's cherry exports to France in 2016 and 2017 amounted to $225,000 out of $7.1 million exports to the EU during these years. However the industry considers France is an import market for the largest, most premium sizes.

- Seek to understand how the EU will respond in the future should Member States take unilateral actions.

## NEXT STEPS FOR THE CETA SPS JMC

- Global Affairs Canada will continue to monitor developments in 2018-2019 and raise Canada's systemic concerns in appropriate fora.

- Advocacy efforts to influence EU deliberations on policy options for measures taken by Member States against scientific policy of the EU.

## RECOMMENDED POINTS TO REGISTER

- Canada has concerns regarding Member State measures that are inconsistent with EU-level regulatory decisions.

- Right now, the concern is over pesticides, but it could just as easily apply to other SPS requirements.

- On what basis can EU Member States put in place measures that are different than the European Commission's measures?

- What actions will the EU take to ensure its international trade commitments are met?

Dimethoate

- Canada most recently raised concerns surrounding France's emergency measures on dimethoate at the recent March 1-2 WTO SPS Committee meetings, where Canada stated that it expects any future measures to be consistent with those of the Commission.

- Has the EU Commission considered any action toward France if a temporary National emergency measure is put in place for a third season in summer 2018?
- How was France's measure consistent with internal trade obligations in the EU, noting that there are Member States which allow the use of dimethoate on cherries?

- What is the justification for banning the import of commodities if they were never treated with dimethoate?

- Canada trusts that the European Food Safety Agency's scientific review of additional data on metabolites will be based on risk and be consistent with international approaches.

Glyphosate

- Canada has raised the re-authorization of glyphosate in Brussels, EU Member State capitals and through the WTO, where Canada advocated for the timely re-authorization of glyphosate, based on a scientific risk-based approach and in line with the opinion of the EU's own scientific evaluation bodies and Codex, rather than on a politicized decision.

- Canada is pleased by the November 27, 2017 the European Commission successfully obtained a majority vote in favour of the re-authorization of glyphosate for 5 years.

- How does the EU plan to address statements by France and Italy of their intention to ban glyphosate in the coming three years?

Other

- Canada is concerned that unilateral action by Member States could pop up in other areas, including meat inspection.

- How will the EU react or prevent a Member State from taking measures where the EU has recognized equivalence?

**RESPONSIVES**

- N/A

**SUMMARY OF THE ISSUE**

| **5.7 MEMBER STATES' MEASURES THAT DIFFER FROM EU-LEVEL MEASURES (e.g. DIMETHOATE, GLYPHOSATE)** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • Glyphosate approved by EU for 5 years, but with Italy and France stating their intensions to ban the product within 3 years.<br>• France emergency measures on dimethoate expired on December 31, 2017, but EFSA reauthorization scheduled in 2018. | • The goal is for EU Member States to refrain from taking non-science based measures. |

**POINTS FOR THE CHAIR TO RAISE**

- CANADA HAS CONCERNS REGARDING MEMBER STATE MEASURES THAT ARE INCONSISTENT WITH EU-LEVEL REGULATORY DECISIONS.

- RIGHT NOW, THE CONCERN IS OVER PESTICIDES, BUT IT COULD JUST AS EASILY APPLY TO OTHER SPS REQUIREMENTS.

- ON WHAT BASIS CAN EU MEMBER STATES PUT IN PLACE MEASURES THAT ARE DIFFERENT THAN THE EUROPEAN COMMISSION'S MEASURES?

- WHAT ACTIONS WILL THE EU TAKE TO ENSURE ITS INTERNATIONAL TRADE COMMITMENTS ARE MET?

Dimethoate

- CANADA MOST RECENTLY RAISED CONCERNS SURROUNDING FRANCE'S EMERGENCY MEASURES ON DIMETHOATE AT THE RECENT MARCH 1-2 WTO SPS COMMITTEE MEETINGS, WHERE CANADA STATED THAT IT EXPECTS ANY FUTURE MEASURES TO BE CONSISTENT WITH THOSE OF THE COMMISSION.

- HAS THE EU COMMISSION CONSIDERED ANY ACTION TOWARD FRANCE IF A TEMPORARY NATIONAL EMERGENCY MEASURE IS PUT IN PLACE FOR A THIRD SEASON IN SUMMER 2018?
- HOW WAS FRANCE'S MEASURE CONSISTENT WITH INTERNAL TRADE OBLIGATIONS IN THE EU, NOTING THAT THERE ARE MEMBER STATES WHICH ALLOW THE USE OF DIMETHOATE ON CHERRIES?

- WHAT IS THE JUSTIFICATION FOR BANNING THE IMPORT OF COMMODITIES IF THEY WERE NEVER TREATED WITH DIMETHOATE?

- CANADA TRUSTS THAT THE EUROPEAN FOOD SAFETY AGENCY'S SCIENTIFIC REVIEW OF ADDITIONAL DATA ON METABOLITES WILL BE BASED ON RISK AND BE CONSISTENT WITH INTERNATIONAL APPROACHES.

Glyphosate

- CANADA HAS RAISED THE RE-AUTHORIZATION OF GLYPHOSATE IN BRUSSELS, EU MEMBER STATE CAPITALS AND THROUGH THE WTO, WHERE CANADA ADVOCATED FOR THE TIMELY RE-AUTHORIZATION OF GLYPHOSATE, BASED ON A SCIENTIFIC RISK-BASED APPROACH AND IN LINE WITH THE OPINION OF THE EU'S OWN SCIENTIFIC EVALUATION BODIES AND CODEX, RATHER THAN ON A POLITICIZED DECISION.

- CANADA IS PLEASED BY THE NOVEMBER 27, 2017 THE EUROPEAN COMMISSION SUCCESSFULLY OBTAINED A MAJORITY VOTE IN FAVOUR OF THE RE-AUTHORIZATION OF GLYPHOSATE FOR 5 YEARS.

- HOW DOES THE EU PLAN TO ADDRESS STATEMENTS BY FRANCE AND ITALY OF THEIR INTENTION TO BAN GLYPHOSATE IN THE COMING THREE YEARS?

Other

- CANADA IS CONCERNED THAT UNILATERAL ACTION BY MEMBER STATES

COULD POP UP IN OTHER AREAS, INCLUDING MEAT INSPECTION.

- HOW WILL THE EU REACT OR PREVENT A MEMBER STATE FROM TAKING MEASURES WHERE THE EU HAS RECOGNIZED EQUIVALENCE?

**RESPONSIVE POINTS FOR THE CHAIR**

- N/A

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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## 5.7 Acceptance of PCR test on bovine semen for Schmallenberg Virus (SBV)

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Dr. Mohit Baxi, Director, Animal Import/Export Division

### ISSUE

- The EU is interested in exporting semen of SBV sero-positive bulls to Canada; while Canada is interested in ensuring that SBV is not introduced through the importation of semen from SBV sero-positive bulls.

### OBJECTIVE

- This issue was raised by the EU.

- Canada's objective is to provide the EU with the current status on this file and what, if any commitment Canada can make to advancing this file in 2018-2019.

### BACKGROUND

- Since its discovery in November 2011, Schmallenberg virus (SBV) has spread rapidly to many European countries. Schmallenberg disease will probably remain endemic in the EU.

- Introduction of Schmallenberg disease to North America would have a significant impact on domestic cattle, small ruminant herds and market access for Canada's semen export industry. Canada presently has access to many markets which are not affected by SBV disease.

- To ensure that mitigation measures would be effective in preventing SBV introduction via sero-positive bulls, Canada requires a validated PCR analysis test that can accurately detect the presence of SBV in imported semen, and transmission research be conducted.

- During the November 2016 Canada-EU Veterinary Joint Management Committee (Vet JMC) meeting held in Bratislava, Slovakia, the EU committed to organizing a technical call with officials and scientists from the EU, Canada and the United States (U.S.) to take stock of the work on the panel assessments and to define ways forward.

- The EU organized the technical call on January 2016. Follow up action items from this call included Canada to receive a panel and semen samples from the EU.

- In 2017, Friedrich-Loeffler Instituts (FLI), a German research institute, sent four (4) semen samples to the CFIA Winnipeg Laboratory for PCR test validation. The CFIA Winnipeg laboratory tested the semen samples and, based on the results, the CFIA lab concluded that a larger (10) semen panel is required to validate the PCR test.

- CFIA Winnipeg laboratory has been in touch with FLI to receive more semen samples. The CFIA received its import permit and has provided FLI with a copy so that it can be included in the shipment of samples. It is expected that FLI will be shipping the panel shortly (before the second week of April 2018).

- In addition, both Canada and the U.S. require the EU to conduct a transmission study, as agreed to in January 2016. The EU agreed to share with both Canada and the EU its study plan for the transmission study for Canada's and the U.S.'s review and approval. The EU has not submitted a transmission study plan for Canada's review to date.

**CURRENT STATUS**

- Canada currently imports SBV sero-negative semen from the EU.

- Canada is aware that both the United Kingdom and Ireland, including have had frequent reportings of new outbreaks of Schmallenberg disease.

- The CFIA Winnipeg laboratory is waiting to receive a larger semen panel (10 samples) from FLI in order to help confirm its validation for the PCR test protocol for SBV in bovine semen.

- It is expected that FLI will be shipping the semen panels shortly.

- The CFIA is not aware of the status of the EU's transmission study and has not received the study plan for its review.

**CANADIAN POSITION**

- Canada considers protecting its SBV free status as highly important.

- Validation of the PCR test is a first step but relying on the test alone may present an unacceptable risk for Canada.

- Transmission studies are required in order to be confident that mitigation measures would be successful in preventing SBV from being introduced into Canada via semen from SBV sero-positive bulls.

**EU POSITION**

- The EU states that SBV is not an OIE listed disease.

**NEXT STEPS FOR THE CETA SPS JMC**

- CFIA scientists hope to receive the semen samples required for PCR validation soon and, if so, should complete the validation testing in the spring of 2018.

- The EU will need to design a transmission study for SBV in bovine semen and provide it to Canada for review before proceeding with the study.

- Depending on the results of the study, CFIA may be able to develop suitable mitigation measures for semen from sero-positive bulls.

**RECOMMENDED POINTS TO REGISTER**

- The SBV is actively circulating in the EU.

- PCR validation is only the first step for considering the import of semen from sero-positive bulls.

- As Canada and the EU have discussed in 2016, Canada requires a transmission study to be designed and conducted by the EU.

- Canada is willing to receive the EU's study plan for the transmission study and will review the study plan upon receipt.

## SUMMARY OF THE ISSUE

| **5.7 Acceptance of PCR test on bovine semen for Schmallenberg Virus (SBV)** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names Import/Export Live Animals/ PierreLafortune/Jim Ferrier** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • Bovine semen from the EU is imported from sero-negative bulls. | • Ensure SBV is not introduced to North America |

**POINTS FOR THE CHAIR TO RAISE**

- The SBV is actively circulating in the EU.
- PCR validation is only the first step for considering the import of semen from sero-positive bulls.
- As Canada and the EU have discussed in 2016, Canada requires a transmission study to be designed and conducted by the EU.
- Canada is willing to receive the EU's study plan for the transmission study and will review the study plan upon receipt.

**RESPONSIVE POINTS FOR THE CHAIR**

- The Schmallenberg disease is actively circulating in the EU.

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## 5.8 Revised testing protocol for epizootic hemorrhagic disease virus (EHDV) and Canada's request to be recognized as a seasonally free country for EHDV.

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Import/Export Live Animals and Germplasm
- Mohit Baxi, Pierre Lafortune, Alain Bélanger

### ISSUE 0

- The CFIA would like to obtain a response from DG SANTE to a request it made for Canada to be recognized as seasonally free for EHDV.

- The CFIA would like to know if its intention to replace the current Agar Gel Immunodiffusion (AGID) and serum neutralization (SN) tests with the enzyme-link immunosorbent assay (ELISA) test is deemed acceptable by DG SANTE.

### OBJECTIVE

- To discuss the status of EHDV in Canada and obtain DG SANTE's response to the CFIA's most recent letter.

### BACKGROUND

- On September 26, 2017, the National Centre for Foreign Animal Disease (NCFAD) reported the isolation of EHDV virus from two white-tailed deer from London, ON. This finding indicated the potential presence of the disease in animals in that area and resulted in a change in Canada's status for EHDV. As a result of this change, three certificates for the export of live ruminants to the EU were suspended by the CFIA.

- In a letter dated December 9, 2017, the CFIA requested that Canada be recognized as a seasonally free country for EHDV.

- In a January 11, 2018 letter, DG SANTE requested changes to the CFIA's testing protocol for EHDV in bovine artificial insemination centres but did not address the CFIA's request to be recognized as seasonally free for EHDV.

- In a February 9th 2018 response letter to DG SANTE, the CFIA communicated its intention to modify the testing protocol for EHDV in bovine artificial insemination centres and to comply with the provisions of chapter 8.7 of the OIE Terrestrial Animal Health code. In this letter, the CFIA also requested that DG SANTE address the CFIA's request to recognize that Canada is seasonally free of EHDV.

- The CFIA has also indicated its intention to replace the current AGID and SN tests with the ELISA test but DG SANTE has not confirmed whether this was acceptable to them.

## CURRENT STATUS

- CFIA has accepted to change its EHDV testing protocol.

- The CFIA is waiting for DG SANTE to officially address the CFIA proposals.

## CANADIAN POSITION

- The CFIA would like an official response from DG SANTE as to whether it recognizes that Canada is seasonally free of EHDV.

- The CFIA would also like DG SANTE to confirm whether its intention to replace the current AGID and SN tests with the ELISA test is acceptable to them.

## EU POSITION

- DG SANTE has not provided an answer to the requests made by CFIA in its February 9th, 2018 letter to DG SANTE.

## GOAL(S) AND OUTCOMES

- Obtain confirmation that SANTE has agreed with CFIA's proposals.

**POINTS FOR THE CHAIR TO RAISE**

- THE CFIA WOULD LIKE AN OFFICIAL RESPONSE FROM DG SANTE AS TO WHETHER THEY RECOGNIZE THAT CANADA IS SEASONALLY FREE OF EHDV.

- THE CFIA WOULD ALSO LIKE DG SANTE TO CONFIRM WHETHER OUR INTENTION TO REPLACE THE CURRENT AGID AND SN TESTS WITH THE ELISA TEST IS ACCEPTABLE TO YOU.

**RESPONSIVE POINTS FOR THE CHAIR**

***If DG SANTE says it cannot recognize Canada as Seasonally Free***

- PLEASE PROVIDE AN EXPLANATION AS TO WHY YOU CANNOT RECOGNIZE SEASONAL FREEDOM.
- PLEASE PROVIDE THIS EXPLANATION IN WRITING SO THAT THE CFIA CAN RESPOND APPROPRIATELY.

***If DG SANTE says it does not agree with Canada's request to replace the AGID and SN tests with the ELISA test***

- CAN YOU PROVIDE AN EXPLANATION AS TO WHY YOU DO NOT AGREE WITH OUR REQUEST?

**SUMMARY OF THE ISSUE**

| **5.8 REVISED TESTING PROTOCOL FOR EHDV AND CANADA'S REQUEST TO BE RECOGNIZED AS A SEASONALLY FREE COUNTRY FOR EHDV** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • CFIA has accepted to change its EHDV testing protocol.<br><br>• The CFIA is waiting for DG SANTE to officially address the CFIA proposals. | • Obtain confirmation that SANTE has agreed with CFIA's proposals. |
| **POINTS FOR THE CHAIR TO RAISE** | |

- THE CFIA WOULD LIKE AN OFFICIAL RESPONSE FROM DG SANTE AS TO WHETHER THEY RECOGNIZE THAT CANADA IS SEASONALLY FREE OF EHDV.

- THE CFIA WOULD ALSO LIKE DG SANTE TO CONFIRM WHETHER OUR INTENTION TO REPLACE THE CURRENT AGID AND SN TESTS WITH THE ELISA TEST IS ACCEPTABLE TO YOU.

**RESPONSIVE POINTS FOR THE CHAIR**

***If DG SANTE says it cannot recognize Canada as Seasonally Free***

- PLEASE PROVIDE AN EXPLANATION AS TO WHY YOU CANNOT RECOGNIZE SEASONAL FREEDOM.

- PLEASE PROVIDE THIS EXPLANATION IN WRITING SO THAT THE CFIA CAN RESPOND APPROPRIATELY.

***If DG SANTE says it does not agree with Canada's request to replace the AGID and SN tests with the ELISA test***

- CAN YOU PROVIDE AN EXPLANATION AS TO WHY YOU DO NOT AGREE WITH OUR REQUEST?

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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## 5.9 Live Cattle Export from the EU to Canada

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- **Import/Export Live Animals Pierre Lafortune/Jim Ferrier**

### ISSUE

- The EU is interested in creating conditions for exporting live cattle to Canada.

### BACKGROUND

- A CFIA evaluation of Schmallenberg Virus (SBV) vectors completed in April of 2016 concluded that the CFIA is unable to provide one set of SBV risk mitigation measures to adequately address the risk posed by breeding cattle imported from Europe.

- This was discussed at the Bratislava meeting (November 2016). The action item for the CFIA was: CFIA to inform by letter on state of play and to include risk assessment report to this letter. The CFIA has not fulfilled this action item to date.

### CURRENT STATUS

- Currently, Canada does not permit the importation of live ruminants from the EU.

- Recently approved action items from the November 2016 Bratislava meeting indicate that the EU is waiting for Canada to inform them by letter of the state of play and to include a risk assessment report to this letter.

### CANADIAN POSITION

- Due to the various sanitary challenges and lack of adequate mitigation measures associated with the importation of live cattle from the EU, as well as a lack of importer interest, it is recommended this file be taken off the work plan.

### EU POSITION

- The EU would like to create export conditions for live cattle.

- The EU expects that the CFIA will inform the EU by letter on state of play on this item.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## NEXT STEPS FOR THE CETA SPS JMC

- The CFIA will provide the EU with a letter on the state of play and will include the risk assessment report.

## RECOMMENDED POINTS FOR THE CHAIR

- A CFIA evaluation of SBV vectors completed in April of 2016 concluded that we could not provide one set of SBV risk mitigation measures to adequately address the risk posed by breeding cattle imported from Europe.

- Due to various sanitary challenges associated with live cattle importation and that the CFIA cannot ensure adequate mitigation against, combined with a lack of importer interest, it is recommended that this file be suspended.

- The CFIA will provide the EU with a letter on the state of play and will attach a risk assessment report to this letter.

## SUMMARY OF THE ISSUE

**5.9 Live Cattle Export from the EU to Canada**

**Lead Government of Canada Department(s) and Contact Names Import/Export Live Animals**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • Canada does not permit the importation of live ruminants from the EU. | • To provide the EU with an update on this file. |

**POINTS FOR THE CHAIR TO RAISE**

- A CFIA evaluation of SBV vectors completed in April of 2016 concluded that we could not provide one set of SBV risk mitigation measures to adequately address the risk posed by breeding cattle imported from Europe.

- Due to various sanitary challenges associated with live cattle importation and that the CFIA cannot ensure adequate mitigation against, combined with a lack of importer interest, it is recommended that this file be suspended.

- The CFIA will provide the EU with a letter on the state of play and will attach a risk assessment report to this letter.

**RESPONSIVE POINTS FOR THE CHAIR**

- N/A

# CETA SPS JMC-Ottawa, Ontario Canada
# March 26 & 27, 2018

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**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## 5.10 HARMONIZED IMPORT CONDITIONS FOR EQUINE SEMEN FROM THE EU TO CANADA

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency (CFIA)
- Dr. Pierre Lafortune, National Manager, Import/Export Live Animals and Germplasm
- Dr. Samira Belaissaoui, Senior Staff Veterinarian, Import/Export Live Animals and Germplasm

### ISSUE

- Several years ago the European Union (EU) requested the development of harmonized import conditions for equine semen.

### OBJECTIVE

- The request for the development of harmonized import conditions for equine semen came from the EU, and is not a Canadian Food Inspection Agency (CFIA) initiative.

- To finalize this file as soon as possible.

### BACKGROUND

- The current import conditions for equine semen have been developed using the harmonized import conditions in place for live horses. Consultations on the import conditions for equine semen have taken place both internally (within the CFIA) and with industry.

- In 2013, the CFIA provided the Directorate General for Health and Food Safety (DG SANTE) with draft import conditions in order to initiate negotiations. Multiple discussions between the two parties have taken place over the last several years.

- Negotiations with DG SANTE were ongoing until May, 2016, at which time, the CFIA provided amendments to and comments on DG SANTE's latest draft certificate.

### CURRENT STATUS

- The CFIA is awaiting DG SANTE's reply to amendments and comments that were sent to DG SANTE in May 2016.

- Ongoing negotiations on this issue do not jeopardize the EU's ability to export equine semen to Canada as the major exporting Member States (MS) for equine semen (France, Germany, Belgium, UK, and the

Netherlands) are still able to use existing negotiated bilateral export certificates. Further, there has not been any interest from Canadian importers for equine semen from other MS in years.

**CANADIAN POSITION**

- This is not a CFIA initiative.
- The CFIA has not yet received a reply to feedback that was sent to DG SANTE in May 2016 and the action item from November 2016 Vet JMC for the EU to remains unfulfilled by DG SANTE.
- The CFIA is not aware of interest from Canadian importers for equine semen from EU Member States that do not have an existing negotiated bilateral export certificate.

**EU POSITION**

- The EU has requested the development of harmonized import conditions for equine semen.

**NEXT STEPS FOR THE CETA SPS JMC**

- In order to finalize the file, DG SANTE must provide an amended version of the draft certificate, based on the CFIA's latest communication (May 2016) for the CFIA's review.

**RECOMMENDED POINTS TO REGISTER**

- The EU requested the development of harmonized import conditions for equine semen.
- The CFIA provided amendments and comments to DG SANTE's latest draft certificate in May 2016.
- After the JMC meeting in November 2016, DG SANTE committed to revive work on the file and reply to the CFIA's remarks on the draft harmonized export certificate.
- The CFIA is still awaiting a response in order to finalize the file.

**RESPONSIVES**

- The ongoing negotiations with DG SANTE do not jeopardize the EU's ability to export equine semen to Canada given that the major exporting Member States for equine semen (France, Germany, Belgium, UK and the Netherlands) are still able to export to Canada using existing negotiated bilateral export certificates.

- There has not been any recent interest from Canadian importers for equine semen from other member states.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**SUMMARY OF THE ISSUE**

| **5.10 HARMONIZED IMPORT CONDITIONS FOR EQUINE SEMEN FROM THE EU TO CANADA** | |
|---|---|
| **Canadian Food Inspection Agency (CFIA)**<br>**Dr. Pierre Lafortune/Dr. Samira Belaissaoui** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • Negotiations with DG SANTE to develop harmonized import conditions for the export of equine semen from the EU to Canada were ongoing until May 2016.<br><br>• The last communication was in May 2016 when the CFIA provided amendments to and comments on DG SANTE's latest draft certificate.<br><br>• The CFIA is awaiting DG SANTE's reply in order to finalize this file. | • DG SANTE must provide an amended version of the draft certificate, based on last communication in May 2016, in order to finalize the file. |

**POINTS FOR THE CHAIR TO RAISE**

- The EU requested the development of harmonized import conditions for equine semen.
- The CFIA provided amendments and comments to DG SANTE's latest draft certificate in May 2016.
- After the JMC meeting in November 2016, DG SANTE committed to revive work on the file and reply to the CFIA's remarks on the draft harmonized export certificate.
- The CFIA is still awaiting a response in order to finalize the file.

**RESPONSIVE POINTS FOR THE CHAIR**

- The ongoing negotiations with DG SANTE do not jeopardize the EU's ability to export equine semen to Canada given that the major exporting Member States for equine semen (France, Germany, Belgium, UK and the Netherlands) are still able to export to Canada using existing negotiated bilateral export certificates.
- There has not been any recent interest from Canadian importers for equine semen from other member states.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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RDIMS # 10445239, Version 4

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## 5.11 HARMONIZED IMPORT CONDITIONS FOR PORCINE SEMEN FROM THE EU TO CANADA

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency (CFIA)
- Dr. Pierre Lafortune, National Manager, Import/Export Live Animals and Germplasm
- Dr. Samira Belaissaoui, Senior Staff Veterinarian, Import/Export Live Animals and Germplasm

### ISSUE

- Several years ago the European Union (EU) requested the development of harmonized import conditions for porcine semen.

### OBJECTIVES

- To determine whether the development of harmonized import conditions remains a priority for the EU.

- As Canadian Importers have limited interest in importing porcine semen from the EU and EU Member States (MS) have not expressed an interest in restarting work on this file since the last JMC meeting in November 2016, the CFIA recommends removing this item from future JMC agendas.

### BACKGROUND

- The request for the development of harmonized import conditions for porcine semen came from the EU; it is not a CFIA initiative.

- The import conditions for this commodity have been developed and internal consultation started in 2014.

- Due to conflicting priorities and the complexity associated with these types of negotiations, the CFIA decided to finalize a harmonized certificate for equine semen prior to resuming negotiations for porcine semen.

- Canada has conditions in place for the import of porcine semen from at least nine (9) MS. However, in the past 10 years, importation has only been occurring from two or three of these nine MS. This is a result of Canadian Importer preference.

- Likewise, the CFIA's import statistics for live swine, for which a harmonized certificate has been negotiated, indicate that for the past 15 years importation has been occurring from only two MS.

- The action item on this topic after the JMC meeting in November 2016 was for DG SANTE to explore whether there was interest among MS to restart work on this file.

**CURRENT STATUS**

- Currently, only two or three MS export porcine semen to Canada using existing negotiated bilateral export certificates and no trade issues have been identified thus far.

- The CFIA would prefer to continue using the existing negotiated bilateral export certificates rather than negotiating a harmonized one. Therefore, the CFIA requests the removal of this item from future JMC agendas.

- The CFIA is awaiting a response from DG SANTE as to whether there is any interest from MS in pursuing this file further.

**CANADIAN POSITION**

- The development of a harmonized certificate for this commodity is not a priority for Canada.

- Canadian Importers have limited interest in importing porcine semen from the EU.

- Due to Canadian importer preference, and as indicated by import data, the CFIA does not expect that a harmonized export certificate will result in an increase in imports of porcine semen from MS.

- The CFIA would prefer to continue using the existing negotiated bilateral export certificates rather than negotiating a harmonized one. Therefore, the CFIA requests the removal of this item from future JMC agendas.

**EU POSITION**

- Several years ago the EU requested the development of harmonized import conditions for swine semen several years ago.

- DG SANTE was supposed to determine whether there was still interest among MS to restart work on this file.

## NEXT STEPS FOR THE CETA SPS JMC

- DG SANTE should confirm whether there is any interest from MS in pursuing this file further. If not, this item should be removed from future JMC agendas.

## RECOMMENDED POINTS TO REGISTER

- The EU requested the development of harmonized import conditions for porcine semen.
- The CFIA would prefer to continue using the existing negotiated bilateral export certificates rather than negotiating a harmonized one.
- The development of a harmonized certificate for this commodity is not a priority for Canada.
- Canadian Importers have limited interest for importing porcine semen from the EU.
- After the JMC meeting in November 2016, DG SANTE committed to consulting the MS to determine if there is any interest in pursuing this file further.
- The CFIA is still awaiting a response in order to determine next steps.

## RESPONSIVES

- Based on import data for porcine semen and for live swine from the last 10 years, it is expected that the development of harmonized conditions for porcine semen would not result in an increase in exports from EU member states.
- Existing negotiated bilateral export certificates are being used and no issues have been identified.
- The development of a harmonized certificate for this commodity is not a priority for Canada.
- Canadian Importers have limited interest in importing porcine semen from the EU.

If the EU indicates that DG SANTE has consulted with its MS and its MS have an interest in exporting porcine semen to Canada

- Canada to evaluate the new information from DG SANTE and provide its position following its review.

## SUMMARY OF THE ISSUE

| 5.11 HARMONIZED IMPORT CONDITIONS FOR SWINE SEMEN FROM THE EU TO CANADA | |
|---|---|
| **Canadian Food Inspection Agency (CFIA)**<br>**Dr. Pierre Lafortune/Dr. Samira Belaissaoui** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • Canada has import conditions in place for porcine semen from at least 9 MS.<br><br>• Existing negotiated bilateral export certificates are being used for 2 or 3 MS and no issues have been identified.<br><br>• The CFIA is waiting for DG SANTE to confirm whether MS are interested in pursuing this file. | • The CFIA would prefer to continue using the existing negotiated bilateral export certificates rather than negotiating a harmonized one. Therefore, the CFIA requests the removal of this item from future JMC agendas.<br><br>• DG SANTE must consult the MS to determine if there is any interest in pursuing this file further. |

**POINTS FOR THE CHAIR TO RAISE**

- The EU requested the development of harmonized import conditions for porcine semen.
- The CFIA would prefer to continue using the existing negotiated bilateral export certificates rather than negotiating a harmonized one. Therefore, the CFIA requests the removal of this item from future JMC agendas.
- After the JMC meeting in November 2016 DG SANTE committed to consulting the MS to determine if there is any interest in pursuing this file further.
- The CFIA is still awaiting a response in order to determine next steps.

**RESPONSIVE POINTS FOR THE CHAIR**

- Canada has import conditions in place for porcine semen from at least 9 MS. However, in the past 10 years, importation has only been occurring from 2 or 3 MS, based on Canadian importers preference.
- Existing negotiated bilateral export certificates are being used and no issues have been identified. Therefore, the development of a harmonized certificate for this commodity is not necessary.
- At this time, Canadian Importers have a very limited interest for importing swine semen from the EU.

If the EU indicates that DG SANTE has consulted with its MS and its MS have an interest in exporting porcine semen to Canada

- Canada to evaluate the new information from DG SANTE and provide its position follow its review.

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RDIMS # 10445495, vr. 4

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## 5.12 HATCHING EGGS AND DAY OLD CHICKS, HARMONISED EXPORT CERTIFICATES

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency, Animal Health Directorate
- Dr. Connie Rajzman, Senior Staff Veterinarian, Import/Export Live Animal and Germplasm Section

### ISSUE

- The EU has requested the development of a harmonized export certificate to be used by all MS to export poultry to Canada.

- Harmonized conditions were developed in response however the EU was not able to comply with the requirement for a signature by the Official Veterinarian of the Competent Authority.

- These import conditions are in use for the commercial primary breeders of chickens and turkeys only in four member states (MS) (the UK, Germany, France and the Netherlands).

### OBJECTIVE

- This issue was raised by the EU and is a long-standing due to issues on both sides.

- Canada is seeking resolution to the Official Veterinarian signature issue

### BACKGROUND

- In 2008, the CFIA visited a number of MS to evaluate programs for poultry. This evaluation was used to update existing import conditions for live poultry (day-old chicks). Conditions were only developed for use by commercial primary breeders of chickens and turkeys.

- Given the EU's desire for harmonisation of export certificates, a certificate requiring counter-endorsement of an Official Veterinarian of the Competent Authority was prepared. However, this caused concern for the EU as MS have different definitions for the term "Official Veterinarian".

- Due to issues of concern, such as the issue of signatures on export certificates, these requirements were never provided as harmonized conditions to all MS.

- Canada has asked that DG SANTE clarify to all MS that any official veterinarian who signs a certificate must comply with the Canadian regulatory definition, and be employed by the government of the MS.

- DG SANTE was also to provide the CFIA with details of how each MS uses the term "Official Veterinarian".

- Aside from the four MS currently exporting poultry to Canada, Canada has not received a request to export from any other MS in the past 10 years.

## CURRENT STATUS

- Harmonised conditions are pending the resolution of the countersignature issue, currently with the EU.

- Canada currently imports poultry genetics from only four MS (i.e.,the UK, Germany, France and the Netherlands). As such, all eligible countries wishing to import hatching eggs and day-old chicks into Canada are currently doing so under the conditions developed in 2009.

- As there has been no interest from exporters in the EU, the development of the compartmentalization program has taken priority. For compartmentalization, the CFIA has elevated the priority of this file and steps are being taken to move it forward.

- The compartmentalization program has had the first draft reviewed internally and by Industry. Further work is required to finalize and implement.

## CANADIAN POSITION

- Canada has maintained four existing bilateral agreements with EU Member States that export and accept the single signature as these systems have been evaluated.

- The CFIA has not received any information from DG SANTE or EU Member States since the 2016 Vet JMC in Bratislava, to indicate that there is continued interest in exporting day-old chicks to Canada.

- The CFIA's priority is the development and implementation of a compartmentalization program. This work would have to be put on hold to advance work on harmonization.

## EU POSITION

- Due to differences among MS, the issue of countersignature is difficult to manage and resolve.

- Following the 2016 meeting in Bratislava, DG SANTE was going to explore interest among MS to restart work on this file.

## GOAL(S) AND OUTCOMES

- Goal for this meeting is to reiterate the importance of the Official Veterinarian signature on all export certificates, not just for poultry.

- There has been no interest in other MS to export live poultry to Canada, therefore there is no push for harmonisation; this is a goal and outcome for the EU.

## NEXT STEPS FOR THE CETA SPS JMC

- The completion, implementation and international acceptance of a compartmentalization program.

## RECOMMENDED POINTS TO REGISTER

- Canada cannot move forward with harmonisation until the Official Veterinarian issue is resolved.

- Any additional member states that wish to export hatching eggs and day old chicks to Canada can be handled on a case-by-case basis.

- In the meantime, Canada is dedicated to the completion, implementation and international acceptance of a compartmentalization program.

## RESPONSIVES

- The compartmentalization program has been written in draft form. This completion of this program is a priority for Canada.

- Harmonisation of export certificates is not a current priority for Canada. The MS that want to and have been exporting to Canada have been able to do so under the revised conditions of 2009.

## SUMMARY OF THE ISSUE

### 5.12 HATCHING EGGS AND DAY OLD CHICKS, HARMONISED EXPORT CERTIFICATES

**Canadian Food Inspection Agency; Dr. Connie Rajzman**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • Harmonised conditions are pending the resolution of the countersignature issue, currently with the EU.<br><br>• Canada currently imports poultry genetics from only four MS (i.e.,the UK, Germany, France and the Netherlands). As such, all eligible countries wishing to import hatching eggs and day-old chicks into Canada are currently doing so under the conditions developed in 2009.<br><br>• As there has been no interest from exporters in the EU, the development of the compartmentalization program has taken priority. For compartmentalization, the CFIA has elevated the priority of this file and steps are being taken to move it forward.<br><br>• The compartmentalization program has had the first draft reviewed internally and by Industry. Further work is required to finalize and implement. | • Goal for this meeting is to reiterate the importance of the Official Veterinarian signature on all export certificates, not just for poultry.<br><br>• There has been no interest in other MS to export live poultry to Canada, therefore there is no push for harmonisation; this is a goal and outcome for the EU. |

**POINTS FOR THE CHAIR TO RAISE**

- CANADA CANNOT MOVE FORWARD WITH HARMONISATION UNTIL THE OFFICIAL VETERINARIAN ISSUE IS RESOLVED.

- ANY ADDITIONAL MEMBER STATES THAT WISH TO EXPORT HATCHING EGGS AND DAY OLD CHICKS TO CANADA CAN BE HANDLED ON A CASE-BY-CASE BASIS.

- IN THE MEANTIME, CANADA IS DEDICATED TO THE COMPLETION, IMPLEMENTATION AND INTERNATIONAL ACCEPTANCE OF A COMPARTMENTALIZATION PROGRAM.

**RESPONSIVE POINTS FOR THE CHAIR**

- THE COMPARTMENTALIZATION PROGRAM HAS BEEN WRITTEN IN DRAFT FORM. THIS COMPLETION OF THIS PROGRAM IS A PRIORITY FOR CANADA.

- HARMONISATION OF EXPORT CERTIFICATES IS NOT A CURRENT PRIORITY FOR CANADA. THE MS THAT WANT TO AND HAVE BEEN EXPORTING TO CANADA HAVE BEEN ABLE TO DO SO UNDER THE REVISED CONDITIONS OF 2009.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**Drafted by:**
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613-773-7468
March 8, 2018
Version 1

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CFIA, Strategic Issues
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March 12, 2018
Version 2

Rosa Aiello
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March 18, 2017
RDIMS # 10447522, Version 3

Francis Lindsay
10447522v.4

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## 5.13 RECOGNITION OF EU MEMBER STATE MEAT INSPECTION SYSTEMS

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Daniel Miller, Executive Director, Food Import, Export & Systems Evaluation Directorate
- Doug Hazel, Director, Food Import & Export Division

### ISSUE

- The European Union (EU) Directorate-General for Healthy and Food Safety (DG SANTE)

### OBJECTIVE

-

### BACKGROUND

-

- To further the objective of increasing trade under CETA and the Red Meat letters, the CFIA conducted two audits. The first audit in 2014 focused on beef products in France, Italy, Ireland and Sweden and was concluded in October 2015. As a result of this audit, 19 Member States could resume market access to Canada following a suspension due to Bovine Spongiform Encephalopathy (BSE). The second audit in 2015 was for pork and/or poultry and processed meat products in Croatia, Greece, Poland and Slovenia.

-

- As a result of the 2015 audit, the CFIA determined that Croatia, Poland and Slovenia will be eligible for the exports of the following species pending the negotiation of the necessary import certificates:

    - Croatia-poultry and processed poultry meat products;
    - Poland-poultry and processed poultry meat products; and,

- Slovenia-pork and processed pork meat products.

- [redacted]

- In addition, the following import requirements must be complied with to export meat and meat products to Canada from the European Union:
  - Listeria monocytogenes sampling and testing;
  - Hermetically sealed meat products;
  - Cooling of heat processed products;
  - Inedible poultry parts; and,
  - Allergen control program to be developed maintained and implemented in establishments and appropriate inspection oversight to be provided, and the list of allergens to include pine nuts.

- CFIA can work with DG SANTE under the auspices of the CETA Sanitary and Phytosanitary Joint Management Committee (CETA SPS JMC), if agreed by the EU, on staged implementation of market access requests by EU Member States for beef, pork, poultry, processed meat products.

- [redacted]

- On December 18, 2017, the CFIA sent a letter summarizing the final 2015 audit report, and the final 2015 audit report to DG SANTE. (Annex C).

- [redacted]

systems. (Annex D).

## FOR ACTION

- [redacted]
- [redacted]

## CURRENT STATUS

[redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

- [redacted]

*Recent Correspondence:*

- On March 8, 2018 the CFIA received DG SANTE's response letter to CFIA's December 18, 2017 letter and final audit report. (Annex F).

- The March 8, 2018 letter reaffirmed the [redacted]

- As requested in the March 8, 2018 letter from DG SANTE, CFIA hosted a conference call with DG SANTE on Thursday, March 22, 2018.

- The purpose of the call was to share information with DG SANTE on a proposed staged approach to recognition of the EU meat inspection system for EU Member States to make tangible steps forward at the JMC meeting on March 26-27, 2018.

- [redacted]

- [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
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- [redacted]

- DG SANTE appreciated this discussion and committed to provide a formal written response on its acceptance of Canada's import requirements and how these will be addressed within Member States.

- DG SANTE identified that an overview of the EU's response will be provided when the EU Delegation is in Ottawa for the JMC meeting.

- This includes addressing Canada's sampling and testing requirements for *Listeria monocytogenes* and the development of an EU export library which will incorporate all of Canada's import conditions.

- [redacted]

- Canada indicated that this could be considered and it would be useful to have a further discussion when the EU delegation is in Ottawa next week.

- [redacted]

- [redacted]

**CANADIAN POSITION**

- CFIA has concluded the 2015 audit and is intending to publish the final audit report.

- [redacted]

- [redacted]



[redacted]

- Member States continue to have access to the specific markets for which previously negotiated bilateral certificates or established harmonized certificates (e.g., pork and beef) exist.

- [redacted]

- [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

[redacted]

## GOAL(S) AND OUTCOMES

- Approval of all meat inspection systems in all EU Member States is achieved in a manner that protects Canadians and Canada's animal resource base.

- Canada's issues are addressed equitably by the EU and in a timely fashion.

## NEXT STEPS FOR THE CETA SPS JMC

- DG SANTE to provide a formal written response on its acceptance of Canada's import requirements and how these will be addressed within Member States. DG SANTE may provide an overview of the EU's response when the EU delegation is in Ottawa for the JMC meeting.

- This includes addressing Canada's sampling and testing requirements for *Listeria monocytogenes* and the development of an EU export library which will incorporate all of Canada's import conditions.

- [redacted]

- The establishment of the CETA SPS JMC work plan will enable CFIA and DG SANTE to continue technical discussions to work towards the [redacted]

- [redacted]

- The resources that CFIA would commit to in 2018-19 will be dependent upon the final state of negotiation of [redacted]

## RECOMMENDED POINTS TO REGISTER

- Canada recognizes the importance of this file to the EU and Canada is committed to its international obligations under CETA and the spirit of the "Red Meat Letters."

- Before the CFIA, can move towards full system approval, the EU must be prepared to commit to the work that is necessary to address Canada's concerns. [redacted]

- [redacted]
- [redacted]
- The CFIA would welcome DG SANTE's formal written response to additional import requirements identified in the 2015 audit and will remain available to have a technical discussion on this subject The agenda for this technical meeting must be provided by DG SANTE two weeks in advance of the meeting.

**RESPONSIVES**

*If asked why the CFIA can't approve the entire EU meat inspection system:*

- The two major outstanding concerns preventing the approval of the EU Member States' meat inspection systems are:
  - [redacted]
  - [redacted]

[redacted]

*Responsive if asked about reinstating/expanding access for* [redacted]

- CFIA will continue to work with DG SANTE for reinstating/expanding access [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## SUMMARY OF THE ISSUE

| **5.13 RECOGNITION OF EU MEMBER STATE MEAT INSPECTION SYSTEMS** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • As a result of the 2014 audit for beef, 19 Member States could resume market access to Canada following a suspension due to Bovine Spongiform Encephalopathy (BSE).<br><br>• CFIA has concluded the 2015 audit and is intending to publish the final audit report. The findings of the 2015 audit preclude full recognition of the EU meat inspection system by Canada. We have concerns as evident by Greece.<br><br>• The additional import requirements identified in the 2015 audit must be complied with to export meat and meat products to Canada from the EU.<br><br>• Member States continue to have access to the specific markets for which previously negotiated bilateral certificates or established harmonized certificates (pork and beef) exist.<br><br>• [redacted]<br><br>• | • To agree on a path forward to achieve EU Member States market access to Canada for meat and meat products.<br><br>• Canada's issues are addressed equitably by the EU and in a timely fashion. |

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

[redacted]

**POINTS FOR THE CHAIR TO RAISE**

- Canada recognizes the importance of this file to the EU and is committed to its international obligations under CETA and the spirit of the "Red Meat Letters."
- Before the CFIA can move towards full system approval, [redacted]
- [redacted]
- The CFIA is anticipating a formal written response from DG SANTE concerning the additional import requirements. CFIA will remain available to meet and further discuss the path forward concerning a staged approach to recognition of the EU meat

inspection system. The sharing of agenda items for this technical meeting should be provided two weeks in advance to allow adequate time for preparation.

**RESPONSIVE POINTS FOR THE CHAIR**

*If asked why the CFIA can't approve the entire EU meat inspection system:*

- The two major outstanding concerns preventing the approval of the EU Member States' meat inspection systems are:
  - [redacted]
  - [redacted]

[redacted]

**Drafted by:**
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March 12, 2018

**Reviewed by:**
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**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

March 14, 2018

**Approved by:**
Doug Hazel
Acting Director, FIED, FIESED
613-773-6288

| ANNEX | TITLE |
|---|---|
| A | Synopsis of the Canadian Food Inspection Agency's 2014 and 2015 Audits and Approach for the Recognition of the European Union Member States' Meat Inspection System. (RDIMS 1057791). |
| B | Canadian Food Inspection Agency and European Commission Directorate General for Health and Food Safety, December 14th, 2017 Teleconference, Record of Decision. (RDIMS 10182768). |
| C | December 18, 2017 letter: Audit Performed in Four European Member States Covering Meat Inspection Systems for Pork and Poultry Meat Products: Final Audit Report.<br><br>Audit Performed in Four European Member States Covering Meat Inspection Systems for Pork and Poultry Meat Products Final Report February 23, - March 13, 2015.<br><br>September 22, 2017 letter: Audit Performed in Four European Member States Covering Meat Inspection Systems for Pork and Poultry Meat Products: Finalization of the Audit Report.<br><br>October 24, 2016 letter: February 2015 Audit of Four European Union Member States' Pork and Poultry Meat Products Inspection Systems: Final Report. |
| D | January 24, 2018 letter: Agriculture and Agri-food Minister Lawrence MacAulay to Dr. Vytenis Andriukaitis, European Commissioner for Health and Food Safety, European Commission. |
| E | Analysis of Market Access Eligibility of EU Member States. (RDIMS 10457684) |
| F | March 8, 2018 letter: Reply: Audit performed in four European Union Member States covering meat inspection system for pork and poultry meat products: final audit report. |
| G | Analysis of March 8, 2018 letter: Reply: Audit performed in four European Union Member States covering meat inspection system for pork and poultry meat products: final audit report. (RDIMS 10457688) |

**CETA SPS JMC-Ottawa, Ontario Canada**
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## 5.14 EU harmonised export certificates for fresh meat (poultry, sheep/goat) and processed meats (beef, pork, poultry, others)

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- CFIA/Daniel Burgoyne

[redacted]

[redacted]

### BACKGROUND

- [redacted]
- This would greatly facilitate trade for EU Member States wishing to export meat and meat products to Canada but would be contingent on the exporting Member State having its systems approved.
- Once a harmonized certificate is agreed upon, DG SANTE uploads them on TRACES, therefore making the information readily available for exporters and competent authorities.
- Currently there are three TRACES certificates which are being used by eligible EU MS to export meat and meat products to Canada: fresh pork meat, fresh beef and meat products prepared with imported meat.
- For all other meat products the CFIA accepts bilaterally negotiated export certificates from eligible EU Member States (MS).
- Canada does not yet recognize equivalency of ovine, caprine and poultry meat inspection systems across all EU MS however this is not a

requirement for having a harmonized certificate. Harmonized certificates provide a single set of conditions for all Member States whose systems have been approved by Canada.

- CFIA audits revealed that the implementation of the written programs across EU MS does not always meet the required European Union standard.
- [redacted]
- [redacted]

**CURRENT STATUS**

- The current bilaterally negotiated certificates for ovine, caprine and poultry meat allow trade from individual MS already approved for this trade. The certification conditions require that EU MS attest that the product intended for export meets Canadian import regulatory requirements.
- [redacted]
- [redacted]
- [redacted]



- [redacted]
- [redacted]

## CANADIAN POSITION

- [redacted]
- [redacted]

## EU POSITION

- [redacted]

## GOAL(S) AND OUTCOMES

[redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
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[redacted]

**RECOMMENDED POINTS TO REGISTER**

- AT THE PRESENT TIME, BILATERAL CERTIFICATES ARE IN EFFECT FOR POULTRY, OVINE AND CAPRINE FOR EU COUNTRIES WHERE EXPORT INTEREST EXISTS.
- [redacted]
- THE IMPORT SECTION WILL WORK WITH DG SANTE [redacted] BASED ON THE RESULTS OF THE 2015 AUDIT.
- AS A FIRST STEP, ANNEX-A WILL NEED TO BE UPDATED BY INCLUDING ANY CHANGES THAT NEED TO BE REFLECTED IN CERTIFICATION
- [redacted]

s.15(1) - International

s.21(1)(a)



- [redacted]

**RESPONSIVES**

[redacted]

**SUMMARY OF THE ISSUE**

| **5.14 EU HARMONISED EXPORT CERTIFICATES FOR FRESH AND PROCESSED PRODUCTS OF OVINE, CAPRINE AND POULTRY ORIGIN.** | |
|---|---|
| **CANADIAN FOODM INSPECTION AGENCY, INTERNATIONAL AFFAIRS BRANCH**<br>• CFIA/Daniel Burgoyne | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • CURRENTLY THERE ARE THREE HARMONIZED CERTIFICATES (FRESH BEEF, FRESH PORK AND MEAT PRODUCTS PREPARED FROM IMPORTED MEAT INGREDIENTS)<br>FOR ALL OTHER MEAT PRODUCTS THE CFIA ACCEPTS BILATERALLY NEGOTIATED EXPORT CERTIFICATES FROM ELIGIBLE EU MEMBER STATES | • [redacted] |

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**March 26 & 27, 2018**

**POINTS FOR THE CHAIR TO RAISE**

- AT THE PRESENT TIME, BILATERAL CERTIFICATES ARE IN EFFECT FOR POULTRY, OVINE AND CAPRINE FOR EU COUNTRIES WHERE EXPORT INTEREST EXISTS.
-
-
-
-
-

**RESPONSIVE POINTS FOR THE CHAIR**

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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**Drafted by:**
Perminder Bansal
Daniel Burgoyne
Clarice Lulai-Angi
IAB/FIESD
March 9, 2018

Reviewed by:
Rosa Aiello
CFIA, Senior Analyst-EU
March 19th, 2018
RDIMS # 10472894, vr. 3 and 6

**Approved by:**
Doug Hazel, Director FIED
613-773-6288
March 14, 2018

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## 5.15 SIMPLIFIED CERTIFICATES FOR CANADIAN MEAT AND MEAT PRODUCTS (MEAT DERIVED FROM BOVINE, PORCINE, SOLIPEDS, OVINE AND CAPRINE, POULTRY, FARMED RATITES, FARMED RABBIT, FARMED CERVIDS, FARMED WILD SUIDAE AND FISH BASED ON EXISTING EQUIVALENCE)

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
  - Daniel Miller

### ISSUE

- The CFIA and DG SANTE have worked on draft certificates since 2015 to simplify public health requirements to attest to compliance with Canadian requirements that are considered equivalent to EU requirements for fish and seafood products, and fresh meat derived from ruminants, equidae and swine, exported from Canada.

### OBJECTIVE

- [redacted]

### BACKGROUND

- [redacted]
- 
- 

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[redacted]

## FOR ACTION

- Jan Bloemendal, Policy Officer, to identify the DG SANTE technical subject matter expert(s) who will serve as the primary contact to CFIA for this work to be completed during 2018/19.

## CURRENT STATUS

- There has been no progress on this work since 2016.
- On March 16, 2016, the CFIA and DG SANTE discussed technical concerns raised by DG SANTE in their July 2, 2015 correspondence.
- The CFIA sent a follow up letter and detailed annex to DG SANTE on July 25, 2016 responding to these technical questions. In its response, the CFIA agreed to DG SANTE's proposal to finalize the technical discussions on the beef certificate before proceeding with the one for ovine/caprine.
- The CFIA is awaiting a response to its July 25, 2016 letter addressing DG SANTE's technical concerns.

## CANADIAN POSITION

- CFIA should attest to compliance with Canadian requirements and, as needed, any conditions where EU law is significantly different than Canadian regulations (e.g. freedom from Growth Enhancing Products, EU Health Mark, Trichinella).

## EU POSITION

- [redacted]

## GOAL(S) AND OUTCOMES

- [redacted]

- [redacted]
- [redacted]
- Work can be completed in 2018/19 if CFIA has direct access to appropriate subject matter experts who will be able to have meaningful discussions to assess equivalency of control measures.
- CFIA and DG SANTE should agree to a joint work plan to resolve outstanding items.

**NEXT STEPS FOR THE CETA SPS JMC**

- Agree that this is an issue that should be resolved in 2018/19.

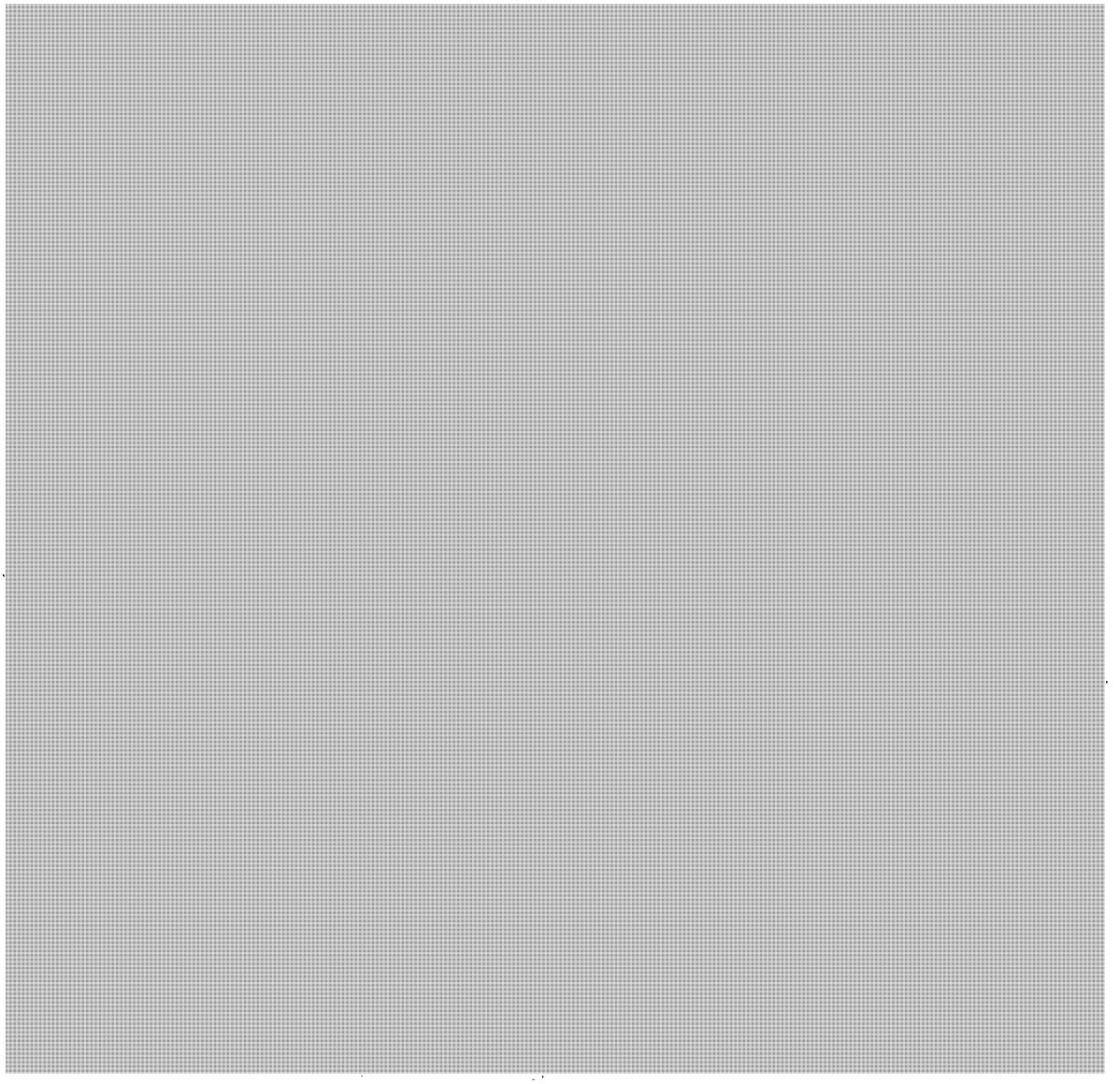
**RECOMMENDED POINTS TO REGISTER**

- THE CFIA REMAINS INTERESTED IN SIMPLIFIED PUBLIC HEALTH ATTESTATIONS ON THE CERTIFICATES FOR PRODUCTS FOR WHICH EQUIVALENCE EXISTS.
- [redacted]
- [redacted]
- [redacted]

- I WOULD LIKE TO SUGGEST THAT TECHNICAL EXPERTS ON BOTH SIDES ENGAGE IN FURTHER DISCUSSIONS TO PROMPTLY RESOLVE ANY OUTSTANDING ISSUES.

- RECORD OF DISCUSSION SHOULD LIST THE ACTION FOR THIS ITEM AS DG SANTE TO IDENTIFY THE APPROPRIATE TECHNICAL SUBJECT MATTER EXPERTS WHO WILL SERVE AS THE PRIMARY CONTACT FOR CFIA TO COMPLETE THE WORK DURING 2018/19

**RESPONSIVES**



- [redacted]

## SUMMARY OF THE ISSUE

| **5.15 SIMPLIFIED CERTIFICATES FOR CANADIAN MEAT AND MEAT PRODUCTS (MEAT DERIVED FROM BOVINE, PORCINE, SOLIPEDS, OVINE AND CAPRINE, POULTRY, FARMED RATITES, FARMED RABBIT, FARMED CERVIDS, FARMED WILD SUIDAE AND FISH BASED ON EXISTING EQUIVALENCE)** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>• Canadian Food Inspection Agency<br>o Daniel Miller | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • There has been no progress on this work since 2016.<br>• On March 16, 2016, the CFIA and DG SANTE discussed technical concerns raised by DG SANTE in their July 2, 2015 correspondence.<br>• The CFIA sent a follow up letter and detailed annex to DG SANTE on July 25, 2016 responding to these technical questions. In its response, the CFIA agreed to DG SANTE's proposal to finalize the technical discussions on the beef certificate before proceeding with the one for ovine/caprine.<br>• The CFIA is awaiting a response to its July 25, 2016 letter addressing DG SANTE's technical concerns. | • [redacted]<br>• Work can be completed in 2018/19 if CFIA has direct access to appropriate subject matter experts who will be able to have meaningful discussions to assess equivalency of control measures.<br>• CFIA and DG SANTE should agree to a joint work plan to resolve outstanding items. |

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**March 26 & 27, 2018**

**POINTS FOR THE CHAIR TO RAISE**

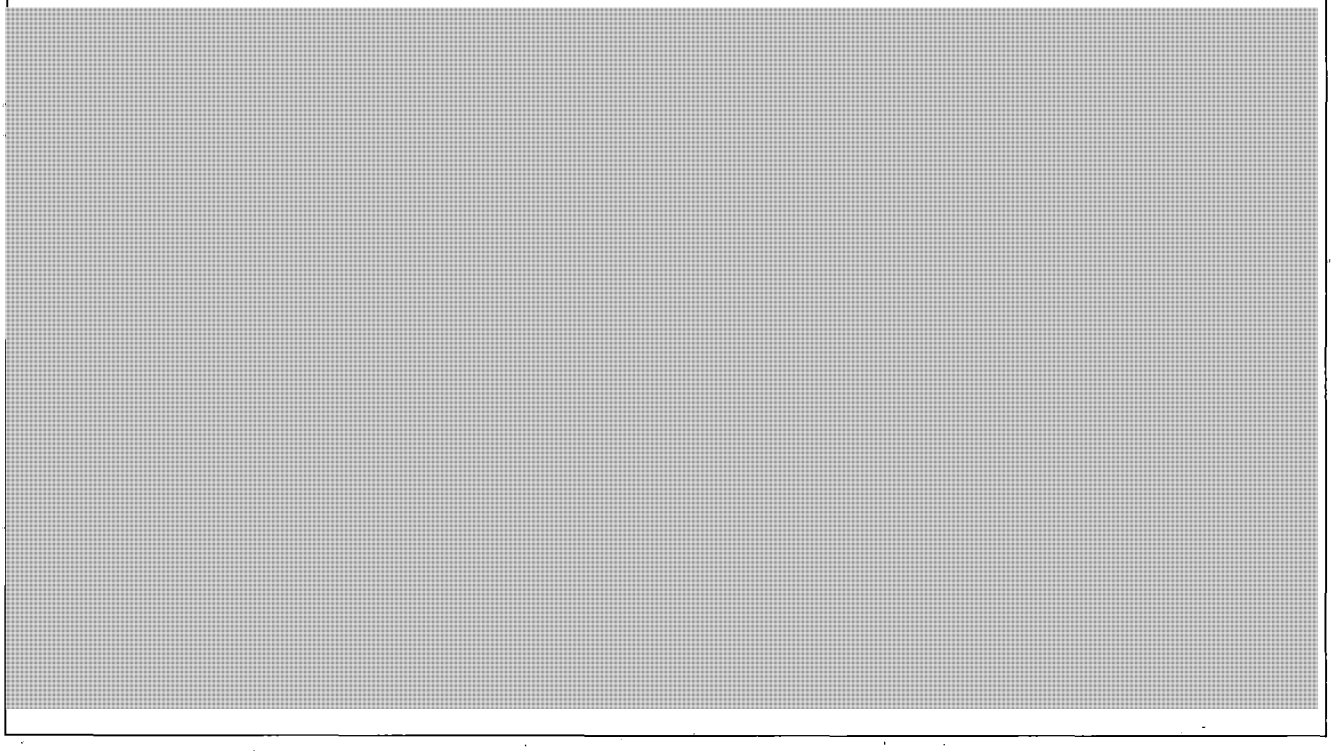
- THE CFIA REMAINS INTERESTED IN SIMPLIFIED PUBLIC HEALTH ATTESTATIONS ON THE CERTIFICATES FOR PRODUCTS FOR WHICH EQUIVALENCE EXISTS.
- AS INDICATED IN OUR JULY 25, 2016 RESPONSE TO DG SANTE, THE CFIA AGREED TO WORK WITH DG SANTE TO FINALIZE TECHNICAL DICSUSSIONS ON THE BEEF CERTIFICATE BEFORE PROCEEDING WITH OVINE/CAPRINE.
- 
- 
- I WOULD LIKE TO SUGGEST THAT TECHNICAL EXPERTS ON BOTH SIDES ENGAGE IN FURTHER DISCUSSIONS TO PROMPTLY RESOLVE ANY OUTSTANDING ISSUES.
- RECORD OF DISCUSSION SHOULD LIST THE ACTION FOR THIS ITEM AS DG SANTE TO IDENTIFY THE APPROPRIATE TECHNICAL SUBJECT MATTER EXPERTS WHO WILL SERVE AS THE PRIMARY CONTACT FOR CFIA TO COMPLETE THE WORK DURING 2018/19

**RESPONSIVE POINTS FOR THE CHAIR**

s.15(1) - International

s.21(1)(a)

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**



**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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**Drafted by:**
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March 8, 2018
Version

Reviewed by:
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CFIA, Senior Analyst-EU
March 19, 2018
RDIMS # 10472898, vr. 3

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613-773-6288
March 14, 2018

s.15(1) - International

s.21(1)(c)



## 5.16 EXPORT OF EU PROCESSED EGG PRODUCTS TO CANADA

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- CFIA/Daniel Burgoyne

### ISSUE

- DG SANTE wishes to discuss the Canadian microbiological standards for processed eggs that are part of the health requirements on the export certificate.

### OBJECTIVE

- To identify need for technical discussion with DG SANTE and Member States on the attestation requirements related to Canadian microbiological standards for processed egg products on the EU export certificate.

### BACKGROUND

- CFIA conducted a desk review contrasting Canadian to EU legislation and programs to determine if the egg inspection systems were similar enough to be deemed equivalent.

- In 2015, CFIA shared with DG SANTE the inspection manual and the text of the *Food and Drug Act and Regulations* and the *Processed Egg Regulations* in order for the DG SANTE, EU Member States and operators to understand the Canadian import requirements. In mid-2016, the CFIA shared with DG SANTE the revised *Listeria* policy for Ready-To-Eat (RTE) meat that also applies to all other RTE foods.

- The CFIA and DG SANTE agreed on a first version of the processed egg certificate in early 2016 that required declaring the test results for coliforms, aerobic colony counts (ACC) and *Salmonella*.

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- Meeting its commitment during the 2016 Vet JMC meeting in Bratislava, Slovakia, the CFIA completed all administrative work for the processed egg certificate, including the EU establishment listings and the inspection manual updates.

- 

- 

## CURRENT STATUS

- 

## POINTS TO REGISTER

- SHIPMENTS OF PROCESSED EGG IMPORTED FROM THE EU WILL BE SAMPLED AND TESTED AS PART OF CFIA'S NORMAL IMPORT INSPECTION PROCEDURES.

- CFIA VERIFIES THAT IMPORTED PROCESSED EGG PRODUCTS COMPLY WITH HEALTH CANADA'S POLICY ON *LISTERIA* AND THE MICROBIOLOGICAL STANDARDS STIPULATED IN THE FOOD AND DRUG REGULATIONS AND THE PROCESSED EGG REGULATIONS.

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**March 26 & 27, 2018**

- [redacted]
- [redacted]

## RESPONSIVE POINTS

[redacted]

***RESPONSIVE: if DG SANTE wants to know how many plants are listed by CFIA***

- [redacted]

| ***5.16 ISSUE TITLE***<br>***EXPORT of EU PROCESSED egg products to CANADA*** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>**CFIA/ Daniel Burgoyne** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • A certificate for export of processed egg products from the EU to Canada was agreed and implemented in early 2017. | • To reaffirm to the EU the Canadian position regarding microbiological contaminants of processed eggs<br>• To ensure that European operators and |

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| | |
|---|---|
| • [redacted]<br>• The microbiological requirements have never been fully discussed between the two parties. A fulsome technical discussion is warranted to ensure Canadian microbiological standards are being met. | competent authorities signing the egg product certificates understand and comply with microbiological requirements of Canada |

**POINTS FOR THE CHAIR TO RAISE**

- SHIPMENTS OF PROCESSED EGG IMPORTED FROM THE EU WILL BE SAMPLED AND TESTED AS PART OF CFIA'S NORMAL IMPORT INSPECTION PROCEDURES.
- CFIA VERIFIES THAT IMPORTED PROCESSED EGG PRODUCTS COMPLY WITH HEALTH CANADA'S POLICY ON *LISTERIA* AND THE MICROBIOLOGICAL STANDARDS STIPULATED IN THE FOOD AND DRUG REGULATIONS AND THE PROCESSED EGG REGULATIONS.
- [redacted]
- [redacted]

**RESPONSIVE POINTS FOR THE CHAIR**

- I UNDERSTAND DG SANTE'S EXPERTS WANTED TO ASSESS THE CANADIAN MICROBIOLOGICAL STANDARDS FOR EGGS WITH THE EU'S STANDARDS.
- CANADA AND THE EU NEED TO SET UP A TECHNICAL CALL TO DISCUSS CUT OFF VALUES FOR ORGANISMS OF CONCERN IN ORDER FOR EUROPEAN OPERATORS TO FULLY UNDERSTAND WHAT THE CANADIAN REQUIREMENTS ARE

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

[redacted]

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2018-03-09
RDIMS # 10436810

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March 19, 2018
RDIMS # 10472911, vr. 3

**Approved by:**
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March 14, 2018

## 5.17 Closure of EU's audit of CFIA's Fish Inspection Activities

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
  - Daniel Miller

### ISSUE

- Confirmation that DG SANTE has accepted CFIA's response and proposed actions to the recommendations published in their audit report of Canada's Fish Inspection Activities.

### OBJECTIVES

- Confirm DG SANTE's acceptance of CFIA's proposed actions.

- CFIA will be implementing the *Safe Food for Canadians Regulations* (SFCR) which will enable a consistent approach to be developed for the delivery of inspection activities. Receiving confirmation from DG SANTE regarding the closure of the 2015 Fishery Products audit will provide some guidance as to next steps. CFIA will keep DG-SANTE informed of relevant changes.

### BACKGROUND

- As part of its routine assessment of foreign country controls over products exported to the EU, DG SANTE conducted an audit of Canada's Fish Inspection Activities in June 2015.
- The final report from the EU was presented to CFIA in June 2016 and published by the EU on May 24, 2017.
- CFIA's final response with proposed actions with the EU findings was provided in October 2017. No response has been received back from DG SANTE.

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- The report focused on two areas that impact CFIA resources:
  - Lack of CFIA oversight of fishing vessels and landing sites; and
  - Use of partially completed certificates.

- CFIA's inspection effort is directed at Canadian processing establishments to manage the greatest area of risk. Inspection of vessels and landing sites would only be done if there was a problem with products received at the processing establishment.

- Partially completed certificates are only provided for shipments of live fish and other perishable which are exported outside of normal business hours. CFIA has implemented strict controls over the use of partially completed certificates to prevent fraudulent practices.
  - Partially completed certificates are only issued when an eligible establishment has provided a business case which provides a valid reason for requiring export certificates outside of regular CFIA office hours based on shipping considerations and the standard timeframe for obtaining a signed certificate.
  - Partially completed certificates have most of the fields completed except for some last minute information that is completed by the eligible establishment (final total weight, final number of cases; details of mode of transport; consignee in importing country).
  - These certificates can only be used for a limited number of products: live fish; live crustaceans; fresh fish with limited processing (for example: dressed, headless)

**FOR ACTION**

- CFIA would like to confirm EU acceptance of the response and actions.

**CURRENT STATUS**

- CFIA provided DG SANTE with a final reply to the audit findings in October 2017.
- No response has been received from DG SANTE on what CFIA has submitted.
- CFIA will continue work to implement SFCR licencing conditions for exporters to receive certificates.

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## CANADIAN POSITION

- CFIA considers the results of foreign audits of its inspection activities as part of its process of continuous improvement.

- CFIA is in a state of transition as it moves to implement the SFCR. These regulations will be consistent with international standards for the sanitary operation of food processing establishments as they follow Codex principles Furthermore, the requirements proposed under SFCR are consistent with EU food safety law. The proposed regulations will provide the CFIA with a consistent approach to regulate Canadian food processors under a system of licencing that includes requirements for preventative controls and product traceability.

- The implementation of the SFCR is a priority for the agency and we are working on the principle that the regulations are consistent with Codex food hygiene guidelines.
    - By following those guidelines, the CFIA can verify that food safety hazards are controlled by processors who are licenced under the regulations and have a preventative control plan.
    - One of the requirements for the preventative control plan is that the operator takes appropriate actions to verify that suppliers are controlling hazards that may be introduced into their product.
    - CFIA will also be regulating the food industry to manage food safety risks through the SFCR in a manner that meets the objectives of EU food safety laws.

- The requirements for fish processors to have preventative controls will remain the same under the proposed SFCR. All food producers will be expected to demonstrate that they have implemented effective controls to ensure that raw materials received for further processing are acceptable for human consumption.

## EU POSITION

- [redacted]

## GOAL(S) AND OUTCOMES

- The goal is to close the audit and maintain market access for Canadian fishery products without adding burden on CFIA to conduct additional activities to meet EU requirements.

- Canadian fish and seafood exports to the EU were valued at over $500 Million in 2017.

- This is not an urgent issue. CFIA would like to receive confirmation from DG SANTE that it has accepted its response to the recommendations before March 31, 2019.

- CFIA is in a state of transition as it implements the *Safe Food for Canadians Regulations* which will enable a consistent approach to deliver inspection activities. Receiving confirmation from DG SANTE regarding the closure of the 2015 Fishery Products audit will enable CFIA to continue work related to risk based oversight of Canadian food processors.

## NEXT STEPS FOR THE CETA SPS JMC

- Agree to close discussions on the 2015 audit of Canada's fish inspection activities.

## RECOMMENDED POINTS TO REGISTER

- CFIA IS TAKING MEANINGFUL ACTION TO IMPROVE HOW IT REGULATES CANADIAN FOOD PROCESSORS TO PROTECT CONSUMERS BY IMPLEMENTING THE SAFE FOOD FOR CANADIANS REGULATIONS (SFCR). THE RECOMMENDATIONS IN THE REPORT HAVE BEEN USEFUL TO SUPPORT THIS WORK.

- THE PROPOSED REQUIREMENTS IN THE SAFE FOOD FOR CANADIANS REGULATIONS ALIGN WELL WITH THOSE THAT ARE SET OUT IN EU FOOD LAW.

- CFIA LOOKS FORWARD TO CONFIRMATION FROM DG SANTE THAT IT IS SATISFIED WITH CFIA'S RESPONSE.

- CFIA IS IN A STATE OF TRANSITION AS IT IMPLEMENTS THE SAFE FOOD FOR CANADIANS REGULATIONS (SFCR) AND DEVELOPS A CONSISTENT APPROACH TO DELIVER INSPECTION ACTIVITIES.

**RESPONSIVES**

**If DG-SANTE brings up their concerns with CFIA's use of partially completed certificates**

- THE CFIA IS WORKING DILIGENTLY ON THE INITIATIVE OF ELECTRONIC CERTIFICATION BETWEEN TRADING PARTNERS.

**If DG SANTE asks about SFCR**

- THE PROPOSED SFCR IS CONSISTENT WITH CODEX FOOD HYGIENE GUIDELINES AND EU FOOD SAFETY LAW.

- THE PROPOSED SFCR SETS A LEVEL PLAYING FIELD FOR ALL SECTORS OF CANADA'S FOOD PROCESSING INDUSTRY – THE REGULATIONS WILL SET UP A LICENCING SYSTEM THAT REQUIRES PROCESSORS TO HAVE PREVENTATIVE CONTROLS AND PRODUCT TRACEABILITY

**SUMMARY OF THE ISSUE**

| **5.17 Closure of EU's audit of CFIA's Fish Inspection Activities** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>• **Canadian Food Inspection Agency**<br>o **Daniel Miller** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • CFIA provided DG SANTE with a final reply to the audit findings in October 2017.<br>• No response has been received from DG SANTE on what CFIA has submitted.<br>• CFIA will continue work to implement SFCR licencing conditions for exporters to receive certificates. | • The goal is to close the audit and maintain market access for Canadian fishery products without adding burden on CFIA to conduct additional activities to meet EU requirements.<br>• Canadian fish and seafood exports to the EU were valued at over $500 Million in 2017.<br>• This is not an urgent issue. CFIA would like to receive confirmation from DG SANTE that it has accepted its response to the recommendations before March 31, 2019.<br>• CFIA is in a state of transition as it implements the *Safe Food for Canadians Regulations* which will enable a consistent |

| | |
|---|---|
| | approach to deliver inspection activities. Receiving confirmation from DG SANTE regarding the closure of the 2015 Fishery Products audit will enable CFIA to continue work related to risk based oversight of Canadian food processors. |

**POINTS FOR THE CHAIR TO RAISE**

- CFIA IS TAKING MEANINGFUL ACTION TO IMPROVE HOW IT REGULATES CANADIAN FOOD PROCESSORS TO PROTECT CONSUMERS BY IMPLEMENTING THE SAFE FOOD FOR CANADIANS REGULATIONS (SFCR). THE RECOMMENDATIONS IN THE REPORT HAVE BEEN USEFUL TO SUPPORT THIS WORK.

- THE PROPOSED REQUIREMENTS IN THE SAFE FOOD FOR CANADIANS REGULATIONS ALIGN WELL WITH THOSE THAT ARE SET OUT IN EU FOOD LAW.

- CFIA LOOKS FORWARD TO CONFIRMATION FROM DG SANTE THAT IT IS SATISFIED WITH CFIA'S RESPONSE.

- CFIA IS IN A STATE OF TRANSITION AS IT IMPLEMENTS THE SAFE FOOD FOR CANADIANS REGULATIONS (SFCR) AND DEVELOPS A CONSISTENT APPROACH TO DELIVER INSPECTION ACTIVITIES.

**RESPONSIVE POINTS FOR THE CHAIR**

If DG-SANTE brings up their concerns with CFIA's use of partially completed certificates,

- THE CFIA IS WORKING DILIGENTLY ON THE INITIATIVE OF ELECTRONIC CERTIFICATION BETWEEN TRADING PARTNERS.

If DG SANTE asks about SFCR

- THE PROPOSED SFCR IS CONSISTENT WITH CODEX FOOD HYGIENE GUIDELINES AND EU FOOD SAFETY LAW.

- THE PROPOSED SFCR SETS A LEVEL PLAYING FIELD FOR ALL SECTORS OF CANADA'S FOOD PROCESSING INDUSTRY – THE REGULATIONS WILL SET UP A LICENCING SYSTEM THAT REQUIRES PROCESSORS TO HAVE PREVENTATIVE CONTROLS AND PRODUCT TRACEABILITY

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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## 5.18 Closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP)

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
  - Daniel Miller

### ISSUE

- CFIA wants to confirm that DG SANTE has accepted its response to the recommendations published in its report of the audit of Canada's NCRMP.

### OBJECTIVE

- Confirm DG SANTE's acceptance of CFIA's response and proposed actions.

- Discuss interest in holding discussions between Canada and the EU to harmonize MRL's for veterinary drugs (Health Canada would be involved).

### BACKGROUND

- As part of its routine assessment of foreign country controls over products exported to the EU, DG SANTE conducted an audit of Canada's NCRMP in June 2015. The report was published on April 7, 2017.

- The report notes that CFIA took satisfactory actions to respond to the recommendations from the previous audit and that "Canada complies with the requirements of and largely adheres to the guarantees provided the residue monitoring plan approved by the EU".

- The audit report provided two recommendations:
  - CFIA should ensure that commodities eligible for export to the EU comply with EU standards for chemical residue limits; and
  - CFIA has a process to follow-up on results that are non-compliant with Canadian standards for milk, eggs and honey.

- CFIA has proposed the following actions in response to the recommendations:
  - Inform exporters about the veterinary drugs that have EU MRLs below Canadian limits;

- Implement preventative control plans that require exporters to demonstrate how they comply with foreign country requirements as a condition for receiving certificates when SFCR comes into force;
- Evaluate data from CFIA's NCRMP to assess the level of compliance with EU standards;
- Improve procedures for inspectors to follow up on non-compliant results for Canadian requirements for milk, eggs and honey.

- DG SANTE has responded seeking additional information on the procedures to follow up on non-compliance results in milk, eggs and honey.

- This issue concerns risk communication, not food safety. [redacted]

- Veterinary drugs are used in accordance with good animal husbandry in Canada and the EU. MRLs for veterinary drugs should be set in accordance with a risk assessment that considers good animal husbandry practices. [redacted]

- When SFCR comes into force, Canadian exporters will be required to follow preventative controls to show that the products they export meet foreign country requirements. [redacted]

- CFIA is analysing data available from the NCRMP to assess the need for exporters to test products to show compliance with EU residue limits. Preliminary analysis has shown that in many cases, Canadian products meet the lower MRLs set by the EU.

- [redacted]

- [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**For Action:**

- CFIA would like to close discussions on the report.

## CURRENT STATUS

- CFIA will continue work to implement SFCR licencing conditions for exporters to receive certificates (Recommendation 1).

- CFIA will monitor notices of port of entry violations from importing countries for shipments that exceed the importing country's residue limits (Recommendation 1).

- CFIA will implement procedures for inspectors to follow up on chemical residue results that are non-compliant with Canadian standards (Recommendation 2).

## CANADIAN POSITION

- CFIA considers the results of foreign audits of its inspection activities as part of its process of continuous improvement.

- CFIA is in a state of transition as it moves to implement the SFCR. The proposed regulations are consistent with international standards for the sanitary operation of food processing establishments, following principles that are set out by Codex, and form part of EU law. The regulations provide the CFIA with a consistent approach to regulate Canadian food processors under a system of licencing that includes requirements for preventative controls and product traceability.

## EU POSITION

- Products certified for export to the EU meet EU requirements.

## GOAL(S) AND OUTCOMES

1) [redacted]

2) CFIA would like to receive confirmation from DG SANTE that it has accepted its response to the recommendations before the end of March 31, 2019.

3) The CFIA will continue to respond to questions from the EU and provide additional information as required as long as the requests are relevant and result in meaningful improvements to CFIA's activities.

4) [redacted]

## NEXT STEPS FOR THE CETA SPS JMC

Agree to accept Canada's response and proposed actions.

## RECOMMENDED POINTS TO REGISTER

- CFIA is taking meaningful action to improve how it regulates Canadian food processors to protect consumers by implementing the Safe Food for Canadians Regulations (SFCR). The recommendations in the report have been useful to support this work.

- The proposed SFCR will include a licencing system that requires Canadian food processors, importers and exporters to develop preventative control plans and product tracking plans that are consistent with Codex principles. The requirements in the SFCR are comparable to those that are set out in EU food law.

- CFIA notes that exporters and importers play an important role to ensure that their products meet the requirements of the importing country. This is the approach Canada follows when assessing imports for compliance with Canadian standards.

- CFIA looks forward to confirmation from DG SANTE that it is satisfied with the actions taken to date.

## RESPONSIVES

- CFIA notes that while there are differences between Canadian and EU MRLs, they are technical differences and do not necessarily mean that food from either side presents a threat to consumer health.

- As DG SANTE noted in previous discussions on the process for setting MRLs in pesticide residues, CFIA suggests that this would be a good subject for further discussion between the parties who perform risk assessments to establish the MRLs that are applied in Canada and the EU to align standards.

If asked about delays in responding to recommendation 1, that CFIA ensure exported products meet EU MRLs that are more stringent that Canadian MRLs.

- CFIA is conducting an extensive analysis of all data related to its surveillance activities for chemical residues in foods to determine if there are significant risks that food exported to the EU would exceed MRLs. CFIA will share the results of this analysis with DG SANTE as part of its response to the report.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## SUMMARY OF THE ISSUE

**5.18 Closure of EU's audit of CFIA's National Chemical Residue Monitoring Program (NCRMP)**

**Lead Government of Canada Department(s) and Contact Names**

- Canadian Food Inspection Agency
  - Daniel Miller

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • CFIA will continue work to implement SFCR licencing conditions for exporters to receive certificates (Recommendation 1).<br><br>• CFIA will monitor notices of port of entry violations from importing countries for shipments that exceed the importing country's residue limits (Recommendation 1).<br><br>• CFIA will implement procedures for inspectors to follow up on chemical residue results that are non-compliant with Canadian standards (Recommendation 2). | 1) [redacted]<br><br>2) CFIA would like to receive confirmation from DG SANTE that it has accepted its response to the recommendations before the end of March 31, 2019.<br><br>3) The CFIA will continue to respond to questions from the EU and provide additional information as required as long as the requests are relevant and result in meaningful improvements to CFIA's activities.<br><br>4) [redacted] |

## POINTS FOR THE CHAIR TO RAISE

- CFIA is taking meaningful action to improve how it regulates Canadian food processors to protect consumers by implementing the Safe Food for Canadians

Regulations (SFCR). The recommendations in the report have been useful to support this work.

- The proposed SFCR will include a licencing system that requires Canadian food processors, importers and exporters to develop preventative control plans and product tracking plans that are consistent with Codex principles. The requirements in the SFCR are comparable to those that are set out in EU food law.

- CFIA notes that exporters and importers play an important role to ensure that their products meet the requirements of the importing country. This is the approach Canada follows when assessing imports for compliance with Canadian standards.

- CFIA looks forward to confirmation from DG SANTE that it is satisfied with the actions taken to date.

**RESPONSIVE POINTS FOR THE CHAIR**

- CFIA notes that while there are differences between Canadian and EU MRLs, they are technical differences and do not necessarily mean that food from either side presents a threat to consumer health.

- As DG SANTE noted in previous discussions on the process for setting MRLs in pesticide residues, CFIA suggests that this would be a good subject for further discussion between the parties who perform risk assessments to establish the MRLs that are applied in Canada and the EU to align standards.

If asked about delays in responding to recommendation 1, for CFIA to ensure that exported products meet EU MRLs that are more stringent that Canadian MRLs.

- CFIA is conducting an extensive analysis of all data related to its surveillance activities for chemical residues in foods to determine if there are significant risks that food exported to the EU would exceed MRLs. CFIA will share the results of this analysis with DG SANTE as part of its response to the report.

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March 7, 2018

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March 14, 2018

## 5.19 EU INQUIRY INTO HOW CANADA ESTABLISHES PESTICIDE MAXIMUM RESIDUE LIMITS (MRLs), IN PARTICULAR WHEN THE MRLs DIFFER FROM CODEX

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- HEALTH CANADA
- Lars Juergensen, A/Director, Policy and Regulatory Affairs Directorate

### ISSUE

- The EU has requested a conversation on how MRLs are established in Canada, particularly when those MRLs are different than Codex MRLs.

### OBJECTIVES

- While Canada is not the requestor and this is not an issue that Canada planned to discuss with the EU, it may present an opportunity for proactive engagement given that it is anticipated that the EU approach to MRLs may become problematic for trade in the near future.

- Broader efforts to increase the use of Codex MRLs globally could include greater constructive engagement with the EU on MRL-related matters.

### BACKGROUND

- MRLs are the maximum concentration of pesticide residue legally permitted in or on food commodities when pesticides are applied correctly.

- MRLs are assessed by Health Canada's (HC) Pest Management Regulatory Agency (PMRA) for each pesticide-crop combination and set at levels well below the amount that could pose a health concern when all possible food treated with the same pesticide are considered.

- MRLs also serve as an enforcement tool to ensure compliance with pesticide labels both domestically and in trade.

- Both Canada and the EU specify MRLs on the basis of an assessment of dietary risks to human health, and notify the WTO of any revisions (including establishment) to MRLs that may affect trade.



- In Canada, Sections 9 and 10 of the *Pest Control Products Act* (PCPA) grant the Minister of Health the authority to specify MRLs at the time of registration, and for products and uses that are not registered (e.g., import MRLs).
    - Section 11 states that the Minister must be satisfied that the health risks associated with MRLs are acceptable and outlines the relevant factors that the Minister shall consider in making such a determination.

- For import MRLs, since there is no Canadian use pattern, results of foreign field trials may be submitted. The domestic health risk assessment (dietary exposure assessment) will also include the review of chemistry, toxicology, metabolism and residue data.
    - Example of an import MRL submission: an applicant wishes to export potatoes from the UK treated with pesticide A and there is no Canadian registration for that pesticide. The applicant will submit the required information, including UK field trial data for that Pesticide A on potatoes, and the MRL being sought. Canada will evaluate the health risks in accordance with the PCPA. If there are no health risks of concern, then the MRL will be specified and shipments of potatoes treated with Pesticide A will be allowed into Canada.

- In Canada, for the purposes of compliance, there is no distinction between a "domestic" and "import" MRLs. There is only one MRL value for each pesticide/crop combination.
    - Canada employs a risk-based approach to compliance and enforcement of MRLs. While enforcement action to address an MRL exceedance can be immediate, Canada can also make a decision following an assessment of the risks the exceedance may pose.

- Like the EU, Canada has a default MRL, or general MRL (GMRL), that applies in cases where there is no MRL. In the EU, the default MRL is 0.01 ppm and in Canada it is 0.1 ppm.
    - The default MRL recognizes that absolute zero is not possible. For Canada, it was set at the lowest enforcement method available at the time, and it was relied upon when residues were at or below that level. Over the past several years, Canada has been reducing its reliance on the GMRL by specifying MRLs for new pesticides or new uses of registered pesticides where their use may result in residues at or below 0.1 ppm in food commodities.

- With respect to international standard setting, Canada's understanding is that while there is no legal imperative for the EU to align its MRLs with Codex, it is current EU policy to seek to do so if specific conditions are fulfilled.
    - According to Article 5(3) of Regulation (EC) 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, international standards shall be taken into consideration where they exist (or their completion is imminent) in the development or adaptation of food law. There are exceptions when these MRLs do not allow legitimate objectives to be met or when they are scientifically determined to result in a lower level of protection.

    - In practice, this means that the EU often introduces reservations at the meeting of the Codex Committee on Pesticide Residues (CCPR). The EU's reservations allow consensus to be achieved at Codex, but signal that the EU will not be adopting those MRLs on the basis of the exemptions provided for in Regulation (EC) 178/2002.

- In specifying MRLs, Canada considers Codex and, following a domestic dietary risk assessment, may seek to align with Codex if the results of the risk assessment allow for such an alignment to occur. For example, if the assessment determines that the MRL is more restrictive than Codex, Canada may consider aligning with Codex only if the risk assessment confirms there are no risks to human health.

## CURRENT STATUS

- To the best of our knowledge there is no specific trade issue related to how Canada specifies MRLs, particularly when they differ from Codex.

## CANADIAN POSITION

- Canada specifies pesticide MRLs in accordance with the Pest Control Products Act and respects its international obligations, notably where trade impacts are possible.



## EU POSITION

- EU is requesting Canada to provide a general explanation on how Canada establishes its MRLs, especially when its MRLs differ from Codex. EU also mentioned that there may be interest in pursuing further technical discussions in this regard.

## GOAL(S) AND OUTCOMES

- This could be an opportunity to provide the EU with factual information on how Canada specifies MRLs and how notifications are made to the WTO to fulfill its trade obligations.

- No negative outcomes are expected.

## NEXT STEPS FOR THE CETA SPS JMC

- Should the EU request a technical briefing with experts, Health Canada could agree that such a discussion among regulators could be scheduled at a later date.

## RECOMMENDED POINTS TO REGISTER

- Canada and the EU share similar approaches for the specification of pesticide MRLs; specify MRLs only if there are no risks to human health.

- Canada specifies MRLs in accordance with the *Pest Control Products Act* and respects its international obligations to notify trading partners when MRLs are specified.

- In Canada, MRLs can be specified at the time of registration, and also in cases where there is no registered product and use. For example, this allows for the importation of food treated with pesticides that are not registered in Canada (e.g., import MRLs). Canada understands that this is consistent with the EU approach.

- Canada employs a risk-based approach to compliance and enforcement of MRLs.

- Canada understands that the EU delegation is seeking information on how Canada specifies MRLs particularly when these differ from Codex.

- In specifying MRLs, Canada considers Codex and, may seek to align with Codex provided there are no risks to human health.

**RESPONSIVES**

- Should the EU have further questions of a technical nature, Canada could agree to a technical discussion among regulators at a later date.

**RESPONSIVES**

- Should the EU have further questions of a technical nature, Canada could agree to a technical discussion among regulators at a later date.

**SUMMARY OF THE ISSUE**

**5.19 EU INQUIRY INTO HOW CANADA ESTABLISHES PESTICIDE MAXIMUM RESIDUE LIMITS (MRLs), IN PARTICULAR WHEN THE MRLs DIFFER FROM CODEX**

**Health Canada, Lars Juergensen**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • No issues to the best of our knowledge. | • Opportunity to provide the EU with factual information on how Canada specifies MRLs and how notifications are made to the WTO to fulfill its trade obligations. |

**POINTS FOR THE CHAIR TO RAISE**

- Canada and the EU share similar approaches for the specification of pesticide MRLs; specify MRLs only if there are no risks to human health.
- Canada specifies MRLs in accordance with the *Pest Control Products Act* and respects its international obligations to notify trading partners when MRLs are specified.
- In Canada, MRLs can be specified at the time of registration, and also in cases where there is no registered product and use. For example, this allows for the importation of food treated with pesticides that are not registered in Canada (e.g., import MRLs). Canada understands that this is consistent with the EU approach.
- Canada employs a risk-based approach to compliance and enforcement of MRLs.

- Canada understands that the EU delegation is seeking information on how Canada specifies MRLs particularly when these differ from Codex.

- In specifying MRLs, Canada considers Codex and, may seek to align with Codex provided there are no risks to human health.

**RESPONSIVE POINTS FOR THE CHAIR**

- Should the EU have further questions of a technical nature, Canada could agree to a technical discussion among regulators at a later date.

# CETA SPS JMC-Ottawa, Ontario Canada
# March 26 & 27, 2018

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**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## 5.20 CERTIFICATION OF FISH LANDED IN CANADA BY EU APPROVED VESSELS

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
  - Daniel Miller, Executive Director, Food Import and Export Directorate

### ISSUE

- [redacted]

### OBJECTIVE

- [redacted]

### BACKGROUND

- [redacted]
- [redacted]



- In spring 2017, the EU notified the WTO (World Trade Organization (WTO) Notification G/SPS/N/EU/195) of its proposal for a certificate for fish stored in third countries before export to the EU. The CFIA submitted comments on April 7, 2017, noting that the proposed amendment to Regulation No 2074/2005 will not allow for fish from a non-EU vessel to land in a third country and receive the same type of certificate as would be allowed for fish from an EU vessel. The CFIA received confirmation of receipt of these comments from the EU on April 10, 2017.
- Has the regulation been entered into force? Are the issues we commented included in the official regulation?

**FOR ACTION**

-

**CURRENT STATUS**

-

**CANADIAN POSITION**

- CFIA will only certify that fish processed at sea by a vessel that is approved to export to the EU and stored in Canada has been stored in accordance with Canadian requirements.

- Canadian conditions for storage of fish and fish were considered as equivalent under the Canada – EU Veterinary Agreement. In addition, Annex 5-E of CETA indicates equivalence of measures for fish and fishery products for human consumption as well as live bivalve molluscs for

human consumption, including echinoderms, tunicates and marine gastropods. Within Annex 5-E, Regulation 2074/2005 is referenced for both of these products.

- [redacted]

## EU POSITION

- [redacted]

## GOAL(S) AND OUTCOMES

- The EU accepts Canadian storage conditions as equivalent to EU requirements, as per Annex 5-E of CETA.
- Accordingly, the EU accepts the CFIA's proposal that the CFIA certifies fish processed at sea by an EU approved vessel and stored in Canada was stored in accordance with Canadian conditions.
- The CFIA could implement a certificate that attests to compliance with Canadian requirements in the next 4 to 6 months. This would not have a significant impact on resources.
- [redacted]

- [redacted]

## NEXT STEPS FOR THE CETA SPS JMC

- CFIA can commit to working with DG SANTE to finalize a certificate for the storage of fish in Canada from any EU approved vessel that is deemed acceptable for both parties and can be signed by CFIA inspectors without resources implications.

## RECOMMENDED POINTS TO REGISTER

- THE CFIA ACKNOWLEDGES RECEIPT OF DG SANTE'S LETTER, DATED MARCH 8, 2018, WHICH REFERS TO REQUIREMENTS TO CERTIFY FISH THAT IS LANDED IN CANADA FOR STORAGE BY VESSELS FROM EU MEMBER STATES.
- [redacted]

- [redacted]

**RESPONSIVES**

*IF DG SANTE DOES NOT TO WANT ACCEPT CERTIFICATION TO CANADIAN REQUIREMENTS*

- CFIA WILL NEED MORE TIME TO STUDY THE ISSUE, HOWEVER, CFIA'S PRIORITY OVER THE NEXT YEAR WILL BE TO SUPPORT IMPLEMENTATION OF THE SAFE FOOD FOR CANADIANS REGULATIONS. OTHER WORK WILL BE PERFORMED AS TIME PERMITS.

[redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**SUMMARY OF THE ISSUE**

## 5.20 CERTIFICATION OF FISH LANDED IN CANADA BY EU APPROVED VESSELS

**Lead Government of Canada Department(s) and Contact Names**

- **Canadian Food Inspection Agency**
  - **Daniel Miller**

| Current Status | GOALS AND OUTCOMES |
|---|---|
| • [redacted] | • [redacted] |

s.15(1) - International

s.21(1)(c)

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**POINTS FOR THE CHAIR TO RAISE**

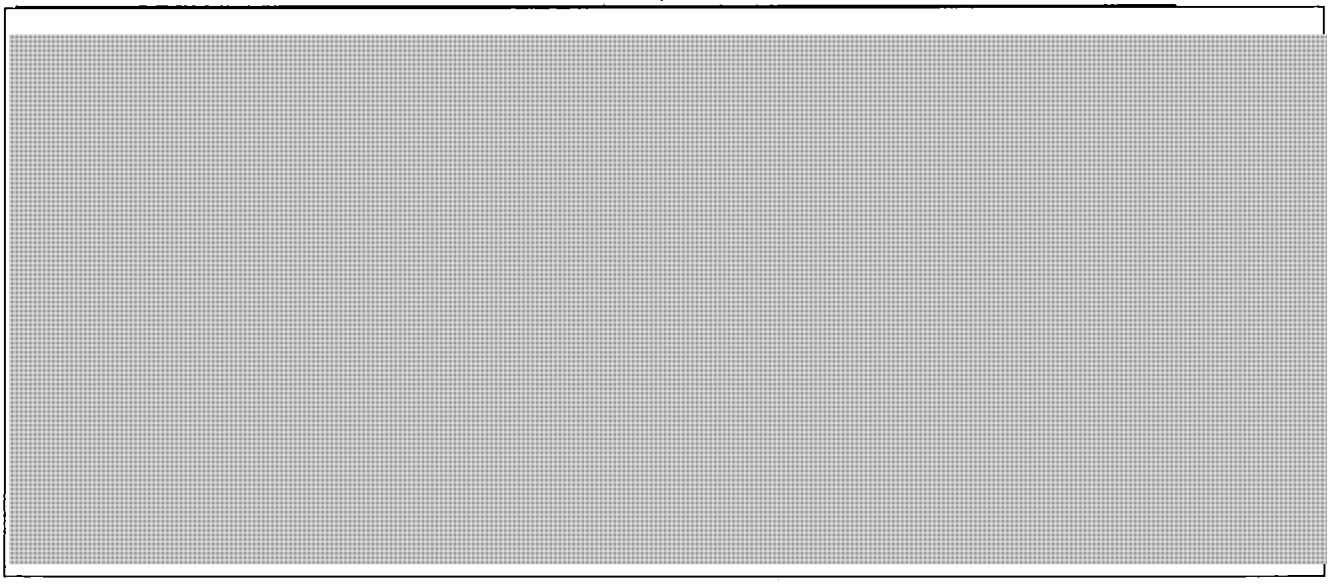
- THE CFIA ACKNOWLEDGES RECEIPT OF DG SANTE'S LETTER, DATED MARCH 8, 2018, WHICH REFERS TO REQUIREMENTS TO CERTIFY FISH THAT IS LANDED IN CANADA FOR STORAGE BY VESSELS FROM EU MEMBER STATES.
- 
- 
- 
- CANADA PROPOSES THAT A MODEL CERTIFICATE BE DEVELOPED THAT REFLECTS THE EQUIVALENCY BETWEEN CANADA AND THE EU OF STORAGE CONDITIONS FOR FISH.

**RESPONSIVE POINTS FOR THE CHAIR**

*IF DG SANTE DOES NOT TO WANT ACCEPT CERTIFICATION TO CANADIAN REQUIREMENTS*

- CFIA WILL NEED MORE TIME TO STUDY THE ISSUE, HOWEVER, CFIA'S PRIORITY OVER THE NEXT YEAR WILL BE TO SUPPORT IMPLEMENTATION OF THE SAFE FOOD FOR CANADIANS REGULATIONS. OTHER WORK WILL BE PERFORMED AS TIME PERMITS.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**



**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**Drafted by:**
Soraya Cheung, Senior Policy Analyst
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March 8, 2018
Version 3

**Reviewed by:**
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Canadian Food Inspection Agency
(613) 773-6256
March 12, 2018
Version 3

**Approved by:**
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613-773-6288
March 14, 2018

# 5.21 ANALYSIS OF PRE AND POST CETA PROVISIONAL APPLICATION TIMEFRAMES TO LIST A CANADIAN ESTABLISHMENT

## Fish

| Date Submitted to EU | Date EU responded | Publication on SANTE Site | Coming into force of the updated list is scheduled for | Approximate number of days between submission and eligible to export | Number and type of establishment |
|---|---|---|---|---|---|
| Feb 2nd , 2018 | Feb 5th, 2018 | March 3rd, 2018 | March 19th, 2018 | 45 | 3 Fishery |
| Jan 17th, 2018 | Feb 5th, 2018 | Feb 28th, 2018 | March 14th, 2018 | 56 | 6 LBM<br>8 Fishery |
| Dec 11th, 2017 | Jan 5th, 2018 | Jan 18th, 2018 | Feb 1st, 2018 | 51 | 2 LBM<br>3 Fishery |
| Nov 2nd, 2017 | Nov 11th, 2017 | Dec 19th, 2017 | Jan 2nd, 2018 | 60 | 1 LBM<br>2 Fishery |
| Oct 5th, 2017 | Oct 18th, 2017 | Nov 9th, 2017 | Nov 23rd, 2017 | 49 | 4 Fishery<br>2 LBM |
| Sept 20th, 2017 | Sept 25th, 2017 | Oct 19th, 2017 | Nov 2nd, 2017 | 53 | 7 Fishery<br>1 LBM |
| July 27th, 2017 | Aug 7th, 2017 | Sep 1st, 2017 | Sept 15th, 2017 | 50 | 1 LBM |
| June 29th, 2017 | July 26th, 2017 | Aug 22nd, 2017 | Sep 5th, 2017 | 68 | 2 Fishery |

## Average Fish

**Prior to September 21st, 2017** – 57 days

**After September 21st, 2017** – 52.2 days

**Total** – 54 days

## Dairy

| Date Submitted to EU | Date EU responded | Publication on SANTE Site | Coming into force of the updated list is scheduled for | Approximate number of days between | Number and type of establishment |
|---|---|---|---|---|---|

| | | | | **submission and eligible to export** | |
|---|---|---|---|---|---|
| Nov 9th, 2017 | Nov 24th, 2017 | Dec 19th, 2017 | Jan 2nd, 2018 | 53 | 1 Dairy |

**Average Dairy** – N/A

**Meat**

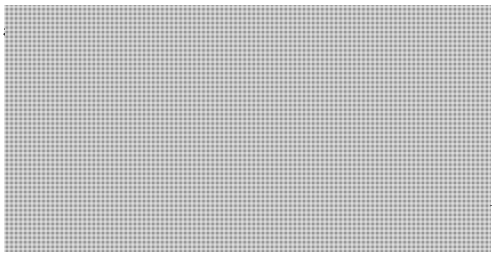
| **Date Submitted to EU** | **Date EU responded** | **Publication on SANTE Site** | **Coming into force of the updated list is scheduled for** | **Approximate number of days between submission and eligible to export** | **Number of establishments per request and type** |
|---|---|---|---|---|---|
| Nov 30th, 2017 | | | *Still working to get company on list | | Addition Trichinella treatment to establishment already approved to export pork as a cold storage |
| October 11, 2017 | 24/10/2017 | 21/11/2017 | 5/12/2017 | 54 | 1 Meat preparations |
| Sept 7th, 2017 | | Oct 5th, 2017 | Oct 18th, 2017 | 41 | 1 Meat of domestic ungulates |

**Average Meat**

**Prior to September 21st, 2017** – 41 days

**After September 21st, 2017** – 54 days

**Total** – 47.5



Additional information

- There are currently **1397 meat and 51 shellfish (1448 total) EU establishments** listed by Canada (we only list meat and shellfish).
- There are currently **25 meat and 895 shellfish/live bivalve molluscs (920 total) Canadian establishments listed** by the EU.
- There are currently **2083 Canadian establishments** listed by the EU (all commodities).

https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerCountry_en.htm#

| List | # Registered Canadian Establishments |
|---|---|
| Section I : Meat of domestic ungulates | 13 |
| Section II : Meat from poultry and lagomorphs | 1 |
| Section III : Meat of farmed game | 4 |
| Section IV : Wild game meat | 1 |
| Section V : Minced meat, meat preparations and mechanically separated meat (MSM) | 2 |
| Section VI : Meat products | 4 |
| Section VII : Live bivalve molluscs | 895 |
| Section VIII : Fishery products | 674 |
| Section IX : raw milk, dairy products, colostrum and colostrum-based products | 105 |
| Section X : Eggs and egg products | 3 |
| Section XIII : Treated stomachs, bladders and intestines: casing only | 5 |
| Section XIV : Gelatine | 5 |
| Section XV : Collagen | 1 |
| Section I : Semen centers | 38 |
| Section II : Embryo team | 64 |
| Section I : Slaughterhouses | 6 |
| Section II : Dairy plants | 116 |
| Section III : Other facility for the collection or handling of animal by-products (i.e. | 15 |

| | |
|---|---|
| unprocessed/untreated materials | |
| Section IV : Processing plants | 21 |
| Section V : Petfood plants (Including plants manufacturing dogchews and flavouring innards | 18 |
| Section VI : Game trophies plants | 81 |
| Section VII : Plants or establishments manufacturing intermediate products | 5 |
| Section IX : Storage of derived products | 5 |
| Section X : Blood and blood products, excluding of equidae, for technical purposes other than feed for animals | 1 |

## 5.22 Update and findings of CFIA's Offshore Program

**LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES**

- **CFIA, Heath Lariviere, Foreign Verification Office**

**ISSUE**

DG SANTE is requesting an update on CFIA's FVO activities conducted in EU Member States (MS).

**CURRENT STATUS**

The CFIA's Foreign Verification Office (FVO) conducted foreign establishment verifications in the EU following MS: United Kingdom, Portugal, Greece, Italy, France, Hungary, Spain and Poland.

**United Kingdom**

- In November/December 2016, the CFIA successfully conducted the first Establishment Verification Mission in the United Kingdom, with the assistance and support of the UK Food Standards Agency (FSA) and DG SANTE.

- The food commodities included within the scope of this mission were manufactured products such as confectionery, grain-based products, spices, snack foods and non-alcoholic beverages. The Verification Reports have been delivered to the verified Establishments and to the FSA.

**Portugal/Greece/Italy**

- In February/March 2017, the second Establishment Verification Mission was conducted in EU (Portugal, Greece and Italy) with the support of the appropriate local food safety authorities.

- The food commodities included within the scope of this mission were Cheese, Honey, Herbs and Pasta. The manufacturing establishments were selected based on an identified area of concern with the food products found in the Canadian marketplace.

- The Verification Reports have been delivered and follow-ups were received.



## France

- In September 2017, the third Establishment Verification Mission was conducted in France with the cooperation of the French authorities (DGAL: Direction générale de l'alimentation).

- The scope of the visit was to observe the establishments' preventive control plans to ensure the safety of the cheese manufactured and exported to Canada, with a focus on product control for microbiological hazards.

- Although the acceptability standards for Escherichia coli and Staphylococcus aureus in unpasteurized cheese differ between EU and Canada, most establishments demonstrated that they have effective control measures in place to ensure the products exported to Canada meet the applicable Canadian standards.

- Minor observations were reported regarding building and equipment maintenance, labelling, sanitation program and storage conditions.

- The French authorities (DGAL) provided the CFIA with a summary of the corrective actions undertaken by the establishments under their oversight.

## Hungary

- In October 2017, the fourth Establishment Verification Mission was conducted in Hungary.

- Five verifications were conducted in poultry Slaughter and Processing establishments.

- The mission was completed in collaboration with the competent foreign authority, the Ministry of Agriculture. A number of observations were reported regarding process controls, sanitation, employee hygiene, and equipment design.

- The summary report was sent to the Ministry of Agriculture in December 2017.

## Spain

- In January 2018, the fifth Establishment Verification Mission was conducted in Spain. Seven verifications were conducted in establishments processing canned marine products.

- The mission was completed in collaboration with the foreign competent authority, the Ministry of Agriculture and Fisheries, Food and Environment (MAPAMA) and the Spanish Ministry of Health.

- A number of observations were reported regarding thermal processing, building maintenance, sanitation, employee hygiene and pest control. The preliminary observations were communicated during the closing meeting held in Madrid, Spain on January 30th and were well received by the MAPAMA.

- The establishment and summary reports will be emailed to MAPAMA in March 2018.

## Poland

- In February/March 2018, the sixth Establishment Verification Mission was conducted in Poland.
- 
- Seven verifications were conducted in establishments processing canned fish (2), processed fruits and vegetables (2), soups (2), and grain-based products (1).
- 
  The mission was completed in collaboration with the competent foreign authority, the General Veterinary Inspectorate (GVI) and the General Sanitary Inspectorate (GSI).

- Observations related to building maintenance, vitamin fortification, allergen control, pest control program and labelling requirement were observed. The preliminary observations were communicated during the closing meeting held in Warsaw on March 9 and were well received by the GVI and GSI.
- 
  The establishment and summary reports will be emailed to GVI and GSI in May 2018.



## NEXT STEPS

- Establishment verification reports and summary reports will be delivered to the relevant establishments and to the relevant food safety authority within a 60 day time frame for all missions occurring after and including the Spain mission.

- CFIA relies on the support of foreign competent authorities to keep the CFIA informed concerning any follow up activities related to any identified areas of concern.

- The CFIA is in the process of scheduling Offshore Food Safety Program activities for 2018-19.

- The FVO is planning on conducting establishment verifications at dairy product manufacturers in Italy in Quarter 1 and additional countries could be added throughout the rest of the fiscal year.

- The possibility of subsequent activities being scheduled in the EU will be based on the CFIA's prioritization process for risks related to imported food under the Offshore Food Safety Program.

## RECOMMENDED POINTS TO REGISTER

- THE CFIA'S FOREIGN VERIFICATION OFFICE HAS SUCCESSFULLY CONDUCTED SIX MISSIONS IN EU MEMBER STATES:

  NOVEMBER/DECEMBER 2016 – United Kingdom (England),
  FEBRUARY/march 2017 – Portugal, Greece and Italy,
  SEPTEMBER 2017 – France,
  OCTOBER 2017 – Hungary,
  JANUARY 2018 – Spain,
  FEBRUARY/MARCH 2018 – Poland.

- THE CFIA HAS BEEN WELCOMED BY ALL FOOD SAFETY AUTHORITIES AND INDUSTRY REPRESENTATIVES. POSITIVE FEEDBACK WAS RECEIVED ABOUT THE EXPERIENCE BY ALL PARTIES INVOLVED IN THE ESTABLISHMENT VERIFICATIONS.

- VERIFICATION REPORTS ARE DELIVERED TO THE VERIFIED ESTABLISHMENTS AND TO THE RELEVANT FOOD SAFETY AUTHORITY. THIS TAKES PLACE WITHIN 60 DAYS OF THE VERIFICATION. WE RELY ON THE SUPPORT OF THE FOREIGN

COMPETENT AUTHORITIES TO KEEP THE CFIA INFORMED ABOUT FOLLOW-UP ON ANY IDENTIFIED AREA OF CONCERN.

- THE CFIA IS IN THE PROCESS OF SCHEDULING FOREIGN ESTABLISHMENT VERIFICATIONS FOR THE CURRENT YEAR. BASED ON THE CFIA'S RISK ASSESSMENT MODEL FOR IMPORTED FOOD, ADDITIONAL ESTABLISHMENT VERIFICATIONS COULD BE SCHEDULED IN THE EU.

- THE CFIA WILL CONTINUE TO WORK WITH DG SANTE AND LOCAL FOOD SAFETY AUTHORITIES CONCERNING OFFSHORE FOOD SAFETY PROGRAM ACTIVITIES, AS APPROPRIATE.

- THESE ACTIVITIES ALLOW THE CFIA TO INCREASE COMPLIANCE WITH CANADIAN REGULATIONS AND UNDERSTANDING OF IMPORT REQUIREMENTS AND TO BUILD ON EXISTING RELATIONSHIPS WITH TRADING PARTNERS.

**SUMMARY OF THE ISSUE**

| **5.22 Update and findings of CFIA's Offshore Program** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • The CFIA's Foreign Verification Office (FVO) conducted foreign establishment verifications in the EU which involved the following member states: United Kingdom, Portugal, Greece, Italy, France, Hungary, Spain and Poland. | • To update the EU on general outcomes of the FVO audits that have taken place in the EU since November 2016. |

**POINTS FOR THE CHAIR TO RAISE**

- THE CFIA'S FOREIGN VERIFICATION OFFICE HAS SUCCESSFULLY CONDUCTED SIX MISSIONS IN EU MEMBER STATES:
  - NOVEMBER/DECEMBER 2016 – United Kingdom (England),
  - FEBRUARY/march 2017 – Portugal, Greece and Italy,
  - SEPTEMBER 2017 – France,
  - OCTOBER 2017 – Hungary,
  - JANUARY 2018 – Spain,
  - FEBRUARY/MARCH 2018 – Poland.
- THE CFIA HAS BEEN WELCOMED BY ALL FOOD SAFETY AUTHORITIES AND

INDUSTRY REPRESENTATIVES. POSITIVE FEEDBACK WAS RECEIVED ABOUT THE EXPERIENCE BY ALL PARTIES INVOLVED IN THE ESTABLISHMENT VERIFICATIONS.

- VERIFICATION REPORTS WILL BE DELIVERED TO THE VERIFIED ESTABLISHMENTS AND TO THE RELEVANT FOOD SAFETY AUTHORITY. WE WILL RELY ON THE SUPPORT OF THE FOREIGN COMPETENT AUTHORITIES TO KEEP THE CFIA INFORMED ABOUT FOLLOW-UP ON ANY IDENTIFIED AREA OF CONCERN.

- THE CFIA IS IN THE PROCESS OF SCHEDULING FOREIGN ESTABLISHMENT VERIFICATIONS FOR THE CURRENT YEAR. BASED ON THE CFIA'S RISK ASSESSMENT MODEL FOR IMPORTED FOOD, ADDITIONAL ESTABLISHMENT VERIFICATIONS COULD BE SCHEDULED IN THE EU.

- THE CFIA WILL CONTINUE TO WORK WITH DG SANTE AND LOCAL FOOD SAFETY AUTHORITIES CONCERNING OFFSHORE FOOD SAFETY PROGRAM ACTIVITIES, AS APPROPRIATE.

- THESE ACTIVITIES WILL ALLOW THE CFIA TO INCREASE COMPLIANCE WITH CANADIAN REGULATIONS AND UNDERSTANDING OF IMPORT REQUIREMENTS AND TO BUILD ON EXISTING RELATIONSHIPS WITH TRADING PARTNERS.

Drafted by:

FVO

Updated by:
Francis Lindsay
March 21, 2018
10468575v.3

## 5.23 Audit of Rendering Plants in the EU

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Canadian Food Inspection Agency
- Dr. Faïza Aklil – Veterinary Animal Health Program Specialist
- Dr. Suminder Sawhney – National Manager, Import/Export Animal Products and By-Products Section

### OBJECTIVE

- The EU is looking for an update on Canada's 2017 audit of the EU's processed animal proteins system (rendering plants)

### BACKGROUND

- The CFIA carried out an onsite audit in seven European Union (EU) Member States (MS), namely France, Germany, Italy, the Netherlands, Romania, Spain and the United Kingdom (UK), from January 13th, 2017 to February 6th, 2017.

- The overall objectives of the audit were to:
  - evaluate the ability of each MS's system of official controls to ensure that the Canadian import requirements regarding rendered products of non-ruminant origin are met; and
  - to assess whether non-ruminant origin rendered products according to the CFIA definition, intended for export to Canada, satisfy the relevant provisions of the Canadian *Health of Animals Act* and *Regulations* as well as those set out in the CFIA Import Policy for Rendered Animal Products and By-Products and those of the Canadian 1997 Feed Ban and 2007 Enhanced Feed Ban.

- The audit concentrated on traceability of rendered products, species segregation, and processing controls put in place by the rendering industry, as well as the official controls carried out by the Competent Authority (CA) of each MS to ensure that only eligible rendered products of non-ruminant origin will be exported to Canada.

- The audit team evaluated the ability of the MS system of official controls to ensure that the requirements regarding traceability of animal by-products and segregation between ruminant and non-ruminant origin Animal By-Products (ABP) are implemented throughout the chain from collection

source to final destination. Particular attention was paid to the requirements for processing plants that handle multiple species.

- In response to the audit findings, DG SANTE provided the CFIA a confirmation of implementation of corrective actions and recommendations for enhancing existing control measures from each MS competent authority.

- The corrective actions were assessed by the CFIA and deemed to be acceptable.

- The final report along with the appropriate documentation for trade (Zoosanitary certificates template) was sent to DG SANTE and to the audited EU rendering establishments in February 2018.

- The CFIA has recently learnt that Belgium and Ireland, MS that were not among the seven MS audited in 2017, are interested in seeking the import of processed non-ruminant protein.

- On March 15, 2018, the CFIA received comments back from DG SANTE on the Zoosanitary certificate template that the CFIA sent to DG SANTE. The CFIA has indicated that it wouldn't have a chance to review the proposals prior to the CETA SPS JMC.

**CURRENT STATUS**

- The CFIA will now allow the import of processed non-ruminant proteins, including blood products, from approved establishments mentioned in the list shared with DG SANTE.

**CANADIAN POSITION**

- In the future, following a scientific risk evaluation, the CFIA may extend the approval to the rest of establishments within the audited MS.

- Any additional MS that were not part of the 2017 audit (e.g., Belgium and Ireland) that wish to export process non-ruminant proteins to Canada will have to undergo a similar evaluation, including on-site audits by the CFIA.

**EU POSITION**

- The EU has indicated that they are pleased with this work and are only looking for an update.

- Belgium and Ireland have recently raised their interest in seeking the import of processed non-ruminant protein (i.e. rendered products of non-ruminant origin). On March 15, 2018, the EU re-iterated this request and sought to include during discussion at the JMC.

## NEXT STEPS FOR THE CETA SPS JMC

- The CFIA will conduct a scientific risk evaluation to determine whether they can extend the approval to the rest of establishments within the audited MS.

## RECOMMENDED POINTS TO REGISTER

- The 2017 audits of the 7 MS are now complete. The CFIA has provided DG SANTE and the audited EU rendering establishments with the final report along with the appropriate documentation for trade (Zoosanitary certificates template).

- The CFIA has received DG SANTE's comments on the certificate and is currently reviewing them.

- The determination of whether the approval can be extended to the remaining establishments within an audited MS is pending the completion of a scientific risk evaluation.

## RESPONSIVE

- (If the EU brings up extending access to MS that weren't part of the audit) The approval of import of non-ruminant animal proteins from MS that were not part of the 2017 audit would be dependent on an audit of each individual MS.

## SUMMARY OF THE ISSUE

| **5.23 AUDIT OF RENDERING PLANTS IN THE EU** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • The 2017 audit of 7 member states are complete.<br><br>• The CFIA will now allow the import of processed non- | • To provide an update. |

| | |
|---|---|
| ruminant proteins, including blood products, from approved establishments mentioned in the list shared with DG SANTE. | |

**POINTS FOR THE CHAIR TO RAISE**

- The 2017 audits of the 7 MS are now complete. The CFIA has provided DG SANTE and the audited EU rendering establishments with the final report along with the appropriate documentation for trade (Zoosanitary certificates template).
- The CFIA has received DG SANTE's comments on the certificate and is currently reviewing them.
- The determination of whether the approval can be extended to the remaining establishments within an audited MS is pending the completion of a scientific risk evaluation.

**RESPONSIVE POINTS FOR THE CHAIR**

- (If the EU brings up extending access to MS that weren't part of the audit) The approval of import of non-ruminant animal proteins from MS that were not part of the 2017 audit would be dependent on an audit each individual MS.

**Drafted by:**
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613-773-7418
March 16th, 2018.
Version 1

**Reviewed by:**
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613-773-7418
March 16th, 2018.
Version 2.



## 7.1 Antimicrobial Resistance

### LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES

- Public Health Agency of Canada (Lindsay Noad) [LEAD]
- Health Canada, Veterinary Drugs Directorate (Dr. Manisha Mehrotra)

### ISSUE

- Antimicrobial resistance (AMR) is a global public health threat and if it is not appropriately managed, antibiotics will become less effective, negatively impacting human and animal health.

- While Canada and the European Union share common AMR goals through the new World Health Organization guidelines on use of medically important antimicrobials in food-producing animals for instance, the SPS chapter could be an avenue to explore closer policy alignment on AMR.

### OBJECTIVE

- To share information on the status of CFIA and/or Government of Canada (GoC) activities related to AMR. To gather information on EU activities and objectives related to AMR.

### BACKGROUND

- The rapid emergence and spread of AMR infections is exacerbated by the widespread use of antimicrobials in human and veterinary medicine and in the agriculture sectors. The GOC recognizes that antimicrobial resistance is a global threat.

- Canada has committed to collaborate with other G7 and G20 countries to support the World Health Organization (WHO) Global Action Plan (GAP) on AMR, which was adopted at the World Health Assembly (WHA) in May 2015 and is recognized as the blueprint for action on AMR. In Canada, AMR is a shared responsibility of multiple sectors that requires collaboration and coordination across federal, provincial, and territorial (F/P/T) jurisdictions, as well as with industry stakeholders and international partners. The Public Health Agency of Canada (PHAC) is the federal lead on AMR and has been working collaboratively with all partners and stakeholders on AMR.



## CURRENT STATUS

- The GoC outlined its commitment to addressing AMR in its 2014 Federal Framework on AMR. The Framework outlines strategic objectives in the areas of surveillance, stewardship, and innovation. The supporting 2015 Federal Action Plan lays out concrete actions the GoC is taking to achieve the objectives of the Framework. Both documents recognize that AMR is complex with multi-sectoral implications and focuses GoC activities to strengthen coordination and collaboration among federal departments and agencies.

- To fulfill commitments made under the WHO Global Action Plan and at the United Nations General Assembly, the GoC, in consultation with F/P/T partners, industry and academia, has developed *Tackling Antimicrobial Resistance and Antimicrobial Use – A Pan-Canadian Framework for Action* using the "One Health" approach. This "One Health" approach encompasses all areas of human and animal health as well as agriculture and the environment. The framework was released on September 5th, 2017 and will be followed by the development of a pan-Canadian action plan. The pan-Canadian framework focuses on four pillars:

  a) Surveillance
  b) Stewardship
  c) Infection Prevention and Control
  d) Research and Innovation

- As the federal lead on AMR, PHAC is playing a leadership role in convening F/P/T partners and external stakeholders to advance work to address AMR, including leading the development of the pan-Canadian framework on AMR and antimicrobial use (AMU) and supporting Action Plan.

- The GoC has established the Canadian Antimicrobial Resistance Surveillance System (CARSS) to provide an integrated national picture of AMR and AMU in Canada, and is supporting efforts to improve appropriate use (stewardship) in humans and animals through targeted awareness campaigns, enhancing education and tools for health professionals, and fostering provincial and territorial collaboration.

- The Canadian Integrated Program for Antimicrobial Resistance Surveillance (CIPARS) is working in partnership with the Canadian Food Inspection Agency, Health Canada and provincial health and agriculture ministries. CIPARS monitors trends in AMR and AMU in selected bacterial

organisms from humans, animals and the food supply in order to better understand how resistant bacteria in food and food animals can contribute to resistant infections in humans. CIPARS data is used to support the development of evidence-based policies to control antimicrobial use in hospitals, the community and agriculture settings as well as to identify appropriate measures to slow the spread of AMR in humans, animals and the environment.

- To strengthen stewardship efforts in the agriculture sector, Health Canada introduced regulatory amendments in 2017, and is proposing policy initiatives to be implemented at the end of 2018, to promote the prudent use of medically important antimicrobials in food-producing animals and remove growth promotion claims of medically important antimicrobials:
    - The GoC has been engaging through the Chief Veterinary Officer for Canada role with the veterinary community, through the Canadian Veterinary Medical Association; the Canadian Council of Veterinary Registrars and the Council of Chief Veterinary Officers, to provide a practical understanding of the recent changes to the *Food and Drug Regulations* and associated policies and influence the adoption of greater and more consistent oversight measures for AMU in veterinary practice.

- The GoC recognizes the importance of developing alternative tools to antibiotics in the agriculture sector. The CFIA is the responsible authority for approvals of veterinary vaccines under the *Health of Animal Act* and *Regulations*. The CFIA has also been leading the development of voluntary national biosecurity standards, protocols and strategies and on-farm food safety recognition programs. These tools play an important role in disease/infection prevention and the reduction of the need for antimicrobials.

- The GoC supports Canadian producer competitiveness in the face of reduced AMU and availability through supporting science and innovation:
    - Conduct research and collaborate with industry and the research community to focus strategic investment in science and innovation that support AMR stewardship and surveillance.
    - Research on AMR in beef, dairy, poultry and swine production systems.
    - Support and participation in industry led research science clusters, which includes addressing sector specific AMR challenges.

- In recent months, a collaborative relationship has begun with the European Food Safety Authority (EFSA) to share information on AMR risk assessment and surveillance. It is important to note that EFSA does not set EU regulations, but gathers AMR data and provides scientific advice, when needed to the European Commission (EC) in the food safety and animal health area. Policies and data related to AMU in the agriculture sector are also outside of EFSA jurisdiction and fall under the responsibility of the European Medicines Agency (EMA). On the human health side, both responsibilities rest with the European Center for Disease Prevention and Control (ECDC). These three agencies work closely together under the "One Health" umbrella and may be referred to as the three sisters in some conversations.

## GLOBAL INITIATIVES ON ANTIMICROBIAL RESISTANCE

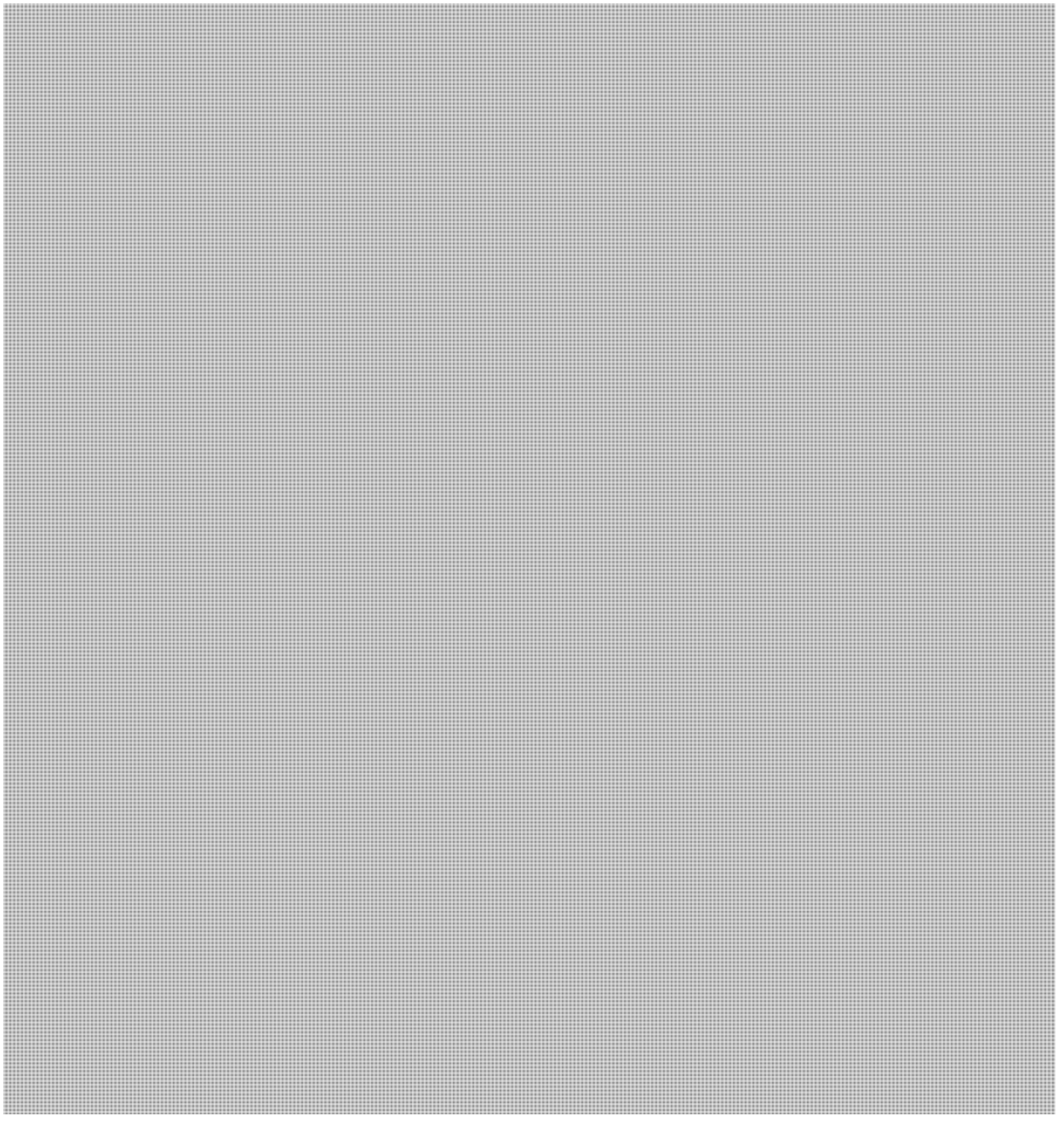
- In the fall of 2016, Canada's Minister of Health and Minister of International Development announced an investment of $9 million to the WHO Antimicrobial Resistance Secretariat to support the implementation of the GAP on AMR which is also based on the "One Health" approach. The GAP is being implemented in cooperation with the Food and Agriculture Organization (FAO) and the World Organisation for Animal Health (OIE) – the three UN organizations are known as the 'tripartite'.

- Standard setting bodies are leading initiatives to address AMR. The GoC has been actively collaborating with Codex Alimentarius, which is responsible for setting global standards on food safety and has undertaken work to provide international guidance to address the risk to public health from the development and spread of foodborne AMR. The OIE, which establishes animal health standards, has published a strategy on AMR, which includes standards and recommendations.

- To bring cohesion to the work of international bodies, the United Nations has recently established an Inter-Agency Coordination Group (UN-IACG), to facilitate coordination of international initiatives and support implementation of the AMR Global Action Plan.

- At G7 and G20 meetings in recent years, leaders committed to a "One Health" approach to the issue of AMR and have committed to implement the GAP. G7 leaders also highlighted the importance of antibiotics in human and veterinary medicine which should be available through prescription or the veterinary equivalent only, and the fact that appropriate use of antibiotics contributes to the reduction of AMR.

- Canada and the EU are both members of the Transatlantic Task Force on Antimicrobial Resistance (TATFAR), where they collaborate with Norway and the U.S. to promote information exchange, coordination, and cooperation on AMR, across three key areas of appropriate therapeutic use, prevention of drug-resistant infections, and strategies for improving the pipeline of therapeutics and diagnostics (all with a "One Health" approach).



## GOAL(S) AND OUTCOMES

- As an initial goal, confirm that both Canada and the EU are interested in pursuing bilateral discussions on AMR in animals under the CETA SPS umbrella.

## RECOMMENDED POINTS TO REGISTER

- ***THE CFIA RECOGNIZES ANTIMICROBIAL RESISTANCE IS A SERIOUS CONCERN AND IS WORKING WITH GOVERNMENT, NON-GOVERNMENT PARTNERS AND STAKEHOLDERS TO DEVELOP A COORDINATED APPROACH TO THIS ISSUE, DOMESTICALLY AND INTERNATIONALLY.***

- ***CANADA HAS RECENTLY RELEASED ITS PAN-CANADIAN FRAMEWORK, WHICH IS A FIRST STEP TOWARDS THE DEVELOPMENT OF A NATIONAL AMR/AMU STRATEGY.***

## RESPONSIVES

- ***CANADA WOULD WELCOME BILATERAL DISCUSSIONS WITH THE EU ON THIS IMPORTANT PUBLIC HEALTH ISSUE.***

- ***THE CFIA WILL CONTINUE TO COLLABORATE WITH THE EU AND ITS ORGANIZATIONS IN BOTH SHARING DATA AND EXPERTISE AND TO IDENTIFY LEARNING OPPORTUNITIES.***

## SUMMARY OF THE ISSUE

| **7.1 Antimicrobial Resistance** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names**<br>Public Health Agency of Canada (Lindsay Noad) | |
| **Current Status** | **GOALS AND OUTCOMES** |
| The Government of Canada (GoC) outlined its commitment to addressing AMR in its 2014 Federal Framework on AMR. The Framework outlines strategic objectives in the areas of surveillance, stewardship, and innovation. The supporting 2015 Federal Action Plan lays out concrete actions the GoC is taking to achieve the objectives of the Framework. Both documents recognize that AMR is | The federal government is working closely with all stakeholders to strengthen Canada's surveillance system, develop better stewardship programs including strengthening Canada's policies and regulations, and enhance research and innovation in this field. By taking action in both the agriculture and human health sector, the GoC ensures that all actions taken are consistent with the "One Health" approach. |

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| complex with multi-sectoral implications and focuses GoC activities to strengthen coordination and collaboration among federal departments and agencies. To ensure cross-sectoral coordination and accountability, the GoC has developed the pan-Canadian framework on AMR and AMU with input from F/P/T governments, industry, academia and other stakeholders in human health, animal health and agriculture sectors which was released in the fall of 2017. The Framework identifies opportunities for action under four pillars: surveillance, stewardship, infection prevention and control, and research and innovation. | |

**POINTS FOR THE CHAIR TO RAISE**

- ***THE CFIA RECOGNIZES ANTIMICROBIAL RESISTANCE IS A SERIOUS CONCERN AND IS WORKING WITH GOVERNMENT, NON-GOVERNMENT PARTNERS AND STAKEHOLDERS TO DEVELOP A COORDINATED APPROACH TO THIS ISSUE, DOMESTICALLY AND INTERNATIONALLY.***
- ***CANADA HAS RECENTLY RELEASED ITS PAN-CANADIAN FRAMEWORK, WHICH IS A FIRST STEP TOWARDS THE DEVELOPMENT OF A NATIONAL AMR/AMU STRATEGY.***

**RESPONSIVE POINTS FOR THE CHAIR**

- ***CANADA WOULD WELCOME BILATERAL DISCUSSIONS WITH THE EU ON THIS IMPORTANT PUBLIC HEALTH ISSUE.***
- ***THE CFIA WILL CONTINUE TO COLLABORATE WITH THE EU AND ITS ORGANIZATIONS IN BOTH SHARING DATA AND EXPERTISE AND TO IDENTIFY LEARNING OPPORTUNITIES.***

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

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s.13(1)(a)
s.15(1) - International

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**DRAFT for consultation**

**8. OTHER**
- **8.1 Activities of the Animal Welfare Technical Working Group**
- **8.2 Animal Welfare – Relation with the Regulatory Cooperation Forum**

**LEAD GOVERNMENT OF CANADA DEPARTMENT AND CONTACT NAMES**
- **BREU (Mission of Canada to the EU)/Cooper and Hooshangi**
  **Note: Since GAC/TPD is a co-lead for CETA regulatory cooperation forum and TPB has animal welfare lead in GAC note will be agreed with them (and consulted with IDC).**

**ISSUE**
- The EU side has placed both items on the CETA SPS JMC agenda.

**OBJECTIVE**. TO BE RECONFIRMED in discussions with CETA RCF leads

- 
- The previous Animal Welfare Technical Working Group under the Vet agreement JMC is no longer functioning.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

## BACKGROUND

- ~~Include a more detailed description of what the issue is, how the issue arose, why this is an issue, who has been involved with this issue, who is currently involved with this issue, where has this issue been discussed in the past and when has the issue been discussed; including steps broken down into dates, and how the issue has advanced since the issue began.~~

### Animal Welfare before and under the CETA negotiations

- Canada and the EU had a treaty pre-existing CETA that related to equivalence of sanitary measures since the late 1990s. This Canada-EU Veterinary Agreement ("the Vet agreement") had a committee (the Vet JMC) that met regularly to advance issues within scope of the agreement. Under the Vet Agreement, a technical working group on animal welfare, was created in 2007 at the behest of the EU, even though the scope of the Vet agreement did not clearly include animal welfare. This technical working group on animal welfare was disbanded in 2010.

Comment [SN-1]: Should this be "certain sanitary measures"?

- [redacted]

- Animal welfare is explicitly listed in Article 21.4 of "Regulatory Cooperation Activities" where "Parties endeavour to fulfil the objectives set out in article 21.3 by undertaking regulatory cooperation activities that may include:
    - "(s) exchanging information, expertise and experience in the field of animal welfare in order to promote collaboration on animal welfare between the Parties".

- With the provisional application of CETA, the Vet agreement is now suspended and the intention is that it is fully replaced by the CETA provisions on full entry into force.

### Animal Welfare Technical Working Group under the Canada-EU Vet Agreement



- While there was an Animal Welfare Technical Working Group (TWG) under the Canada-EU Veterinary Agreement (Vet agreement), its work was suspended in 2010 as mentioned above. In the Agreed Minutes of the Vet Agreement JMC 2013 in Montreal under Section 6.2 Activities of the TWG it is stated that; "(T)he EU noted that the group had been suspended following the meeting in November 2010. The EU proposed both side re-engage in dialogue". The EU committed pursuant to that meeting to send Canada a draft proposal for reviving the TWG in order to further explore this issue. Neither a draft proposal nor any discussion was initiated by DG SANTE that year.

- At the 2014 Vet agreement JMC Meeting in Parma DG SANTE again highlighted the EU's interest in setting up a Working Group on Animal Welfare in order to facilitate scientific and technical co-operation on animal welfare. As such, it was proposed to regulate the future working group's activities on the basis of a draft terms of reference (ToR) which would set the objectives, framework and structure of this proposed collaboration. The draft ToR were to be examined and approved by Canada (as well as the EU) especially given there were some key questions regarding the group's governance, organisation, and future reporting structure already at this point, and especially in light of upcoming CETA developments on the horizon. Canada did not receive any draft ToR to review for this new group until after the next JMC in late Autumn 2015; to this effect, the EU provided Canada with a copy of the previous ToR which had been in existence for the original TWG with some revisions made to it.

- The draft ToR that was to serve as the basis for the creation of the future AW TWG was never mutually agreed nor finalised; not even at the last JMC meeting in Bratislava in November 2016.

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

- [redacted]
- [redacted]
- [redacted]

**CURRENT STATUS**

- [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

- [redacted]
- [redacted]

Comment [MC2]: To be updated pending final decision on agenda

Comment [SM-3]: To confirm, its presence on the agenda is set?

Comment [SM-4]: Is this not likely, given their past actions?

PENDING DISCUSSIONS WITH RCF leads

- [redacted] A way forward to successfully land this issue could include a confirmation of a lead in Canada for SANTE to begin discussions on AW cooperation under the umbrella of RCF. This could be a contact below level of RCF leads but with a clear mandate to pursue AW cooperation. [redacted]
- [redacted]

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

**CANADIAN POSITION**. TO BE RECONFIRMED in discussions with CETA RCF leads

- [redacted]

**EU POSITION**

- [redacted]

**GOAL(S) AND OUTCOMES** TO BE RECONFIRMED in discussions with CETA RCF leads

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**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

- [redacted]

**NEXT STEPS FOR THE CETA SPS JMC** TO BE RECONFIRMED in discussions with CETA RCF leads

- [redacted]

**RECOMMENDED POINTS TO REGISTER** TO BE DETERMINED following discussions with CETA RCF leads

- As agreed between Canada and the EU under CETA, animal welfare will now be discussed under the regulatory cooperation forum. This was recently reconfirmed in discussions between both sides.
- We understand that the Canada RCF chair is preparing to discuss a path forward with the EC RCF chair, including establishing a contact for AW regulatory cooperation under the RCF.
- We are happy to help facilitate putting DG SANTE in touch with the RCF contacts who will engage on animal welfare cooperation on the basis of the terms of that chapter (article 21.4 (s)).
- The work of the technical working group has been valuable and we are sure that this expertise can be useful in the new cooperation format.

**RESPONSIVES** TO BE DETERMINED following discussions with CETA RCF leads

**CETA SPS JMC-Ottawa, Ontario Canada**
**March 26 & 27, 2018**

- As the EU is aware, the work of the RCF is voluntary and based on mutually beneficial areas of work.
- The EU is welcome to indicate areas of work that it would propose for consideration as cooperation.
- [redacted]

**SUMMARY OF THE ISSUE**

| **X.X ISSUE TITLE** | |
|---|---|
| **Lead Government of Canada Department(s) and Contact Names** | |
| **Current Status** | **GOALS AND OUTCOMES** |
| • | • |
| **POINTS FOR THE CHAIR TO RAISE** | |
| • | |
| **RESPONSIVE POINTS FOR THE CHAIR** | |
| • | |

**Drafted by:**
BREU
Mission of Canada to the EU
Phone number
Date
Version

**Reviewed by:**
Name, Title
Government of Canada Department
Phone number
Date
Version

# Canada-European Union Comprehensive Economic and Trade Agreement Sanitary and Phytosanitary Measures Joint Management Committee (CETA SPS JMC) Meeting Report 111 Sussex Drive, Ottawa, Canada March 26-27, 2018

## PARTICIPANTS

**CANADA:**

**Barbara Doan**, Senior Director, Regulatory Co-operation Division, CFIA (Co-chair)
Jay Allen, Director, SPS Measures Division, Global Affairs Canada (Deputy Chair)
Rosa Ajello, Senior Policy Analyst, Regulatory Co-operation Division, CFIA
Marie-Claude Forest, National Manager, International Phytosanitary Standards, Plant Protection Division, CFIA
Mohit Baxi, Director, Animal Import/Export Division, CFIA
Doug Hazel, Director, Food Import/Export Division, CFIA
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Michelle Cooper, Agricultural Counsellor, Mission of Canada to the European Union
Evan Lewis, Director, Europe, Middle East and Africa Division, Agriculture and Agri-Food Canada (AAFC)
Matthew LaPointe, Trade Policy Analyst, Europe, Middle East and Africa Division, AAFC

**EU:**

Bilateral International Relations, European Commission, DG-SANTE (Co-chair)
Bilateral International Relations, DG-SANTE
Sanitary and Phytosanitary (SPS) Export issues, DG-TRADE
, Trade affairs, Delegation of the European Union to Canada
Veterinary International Trade, Agriculture House, Ireland
Embassy of France in the United States
Ministry of Agriculture, Nature and Food Quality, The Netherlands
Ministry of Health, Italy

## 1.0 Welcome and Introduction

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| 1.1 | Barbara Doan, Senior Director, Regulatory Co-operation Division, CFIA, and Canadian Co-Chair of the CETA SPS JMC opened the meeting, welcomed the participants to the inaugural JMC meeting following the provisional application of CETA on September 21, 2017 and thanked the EU for coming to Ottawa. She explained that this group has an expanded scope under CETA and that there is an ambitious agenda for the meeting.<br><br>Bilateral International Relations, European Commission, DG-SANTE, and European Union Co-chair of the CETA SPS JMC, thanked Canada for hosting and agreed that the group has an ambitious agenda and that there is a lot of important work to do during this meeting. He mentioned that Canada and the EU have had previous very good cooperation under the Veterinary Agreement and they look forward to continued good relations under the new CETA SPS JMC. EU emphasized the importance of delivering on the ambitious CETA SPS chapter and looking forward to these discussions. |
| 1.2 | **Introductions**<br><br>Officials from the Canadian and EU delegations were introduced, as listed above. |

Canada Co-chair

EU Co-chair

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| 1.3 | **Adoption of the Agenda**<br><br>EU and Canada agreed to change Annex Review to Annex Discussion in Section 4 for this inaugural meeting given that there is no work to review at this stage. The agenda was finalized and approved by both sides. |
| **2.0 Operation and Implementation of the SPS Chapter:** | |
| 2.1 | **Rules of Procedure**<br><br>Canada indicated that the CETA Secretariats of both Canada and the EU agreed in principle to the Joint Committee draft Rules of Procedure on March 23, 2018, and that the intention is for the rules of procedure to apply to all specialized committees, including the CETA SPS JMC, at least for the first year of provisional application. The EU understood that once the rules of procedure are agreed to at the EU-level, the SPS JMC can then decide whether to have specific rules for the work of this committee. Canada has been instructed that the rules apply immediately, and the EU agreed to check with the EU CETA Secretariat to see if they have received similar instructions. The draft rules of procedure will have to go through formal adoption procedure at the EU Council level and adoption by the CETA Joint Committee subsequently before they would become applicable.<br><br>The EU and Canada discussed sections relating to transparency, including Rule 8.3 (sharing the agenda prior to the meeting), and 9.5 (short summary of the minutes) and, in view of the importance of transparency, aim to follow these rules. The EU indicated that finalizing the minutes of the meeting before the end of these two days would be consistent with the timelines set out in the draft rules of procedure. |
| 2.2 | **Establishment of the CETA SPS JMC Work Programme**<br><br>Canada and the EU agreed on a process for developing the draft SPS JMC work programme, draft meeting report and draft action items list for approval prior to the conclusion of the meeting.<br><br>As each agenda item is discussed, Canada and the EU will agree to a high-level summary of the item, including action items and tentative work programme items, to be captured in the running meeting summary report. The work plan will capture long term work, including milestones, while the list of action items will include more transactional items.<br><br>Following the completion of agenda discussions, Canada and the EU will work collaboratively to adjust and finalize the draft meeting report, and work programme. Work programme timelines may be adjusted during the finalization process of the minutes to ensure that work being committed to can be delivered. |
| 2.3 | **CETA Chapter Articles, for further reflection**<br><br>Canada and the EU agreed to read through the articles in the SPS chapter in order to |

Canada Co-chair

EU Co-chair

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| | identify articles that may inform future work.<br><br>The EU highlighted Article 5.5 relating to allowing trade to continue while applying the concept of zoning and regionalization in the event of pest detection or disease outbreaks. The EU stated that Article 5.6 on equivalence is also important to the work of this group, and that equivalence should be adhered to once the lengthy process to achieve equivalence is completed. Also, on Article 5.7 on trade conditions, a key concern for the EU relates to import requirements applying to all the EU Member States, and that this type of work will be discussed later in the meeting. For example, in the area of plant health, there is an apple pilot project ongoing, which aims to allow the use of data generated to be used for a pest risk assessment for all EU Member States.<br><br>Canada stated that this is part of the priority-setting exercise for the work programme and agreed that Article 5.7 is an important article that allows for flexibility. Canada observed that there are sometimes cases in which some Member States may not comply with all EU and Canadian requirements, and the situation may need flexibility so that the other Member States aren't blocked due to the limitations of a small number of Member States. EU stressed that all recommendations pertaining to compliance with EU regulations were satisfactorily addressed. Both Parties agree that work on recognition of EU Member States' meat inspection systems is a high priority. Based on audit findings and recommendations, actions plans are developed to address the findings.<br><br>For Article 5.14, Canada and the EU will need to discuss how this SPS JMC will report to the CETA Joint Committee. For this year, the Co-Chairs agreed to send the minutes of the SPS JMC to the Joint Committee, along with an Annex that outlines updates on the implementation of the work programme and decisions taken. Canada highlighted that 5.14, section 2(g) states the requirement to maintain a document on the state of equivalence discussions, but that there is nothing to add at this point. |
| **3.0 Information-sharing** | |
| **3.1** | ***Safe Food for Canadians Regulations* – Information**<br><br>Canada provided an update on the proposed new *Safe Food for Canadians Regulations* (SFCR) which will bring into force the *Safe Food for Canadians Act* (SFCA) of 2012. The SFCR was published in January 2017 in Canada Gazette I. The new regulations will ensure that all food imported into Canada or prepared for trade meet a common set of requirements consistent with Codex standards. The final publication of the SFCR is expected in 2018, and all stakeholders will have a period of time to review the final regulations once they are published. Canada proposed to offer a briefing on this through the EU delegation in Ottawa. The EU thanked Canada for the offer and the EU Delegation will work with CFIA to set up the videoconference.<br><br>*Action: Canada committed to holding a videoconference with the European Commission and Member States on the SFCR by May 2018.* |
| **3.2** | **Incoming and outgoing audits – Information**<br><br>Canada indicated that the CFIA has a tentative plan to conduct a maintenance audit of the |

Canada Co-chair

EU Co-chair

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| | meat inspection system by visiting Denmark, Germany, Portugal and Spain in early 2019.<br><br>The EU indicated that there might be an audit on horse meat and an audit related to ash wood. There had been a tentative plan for an audit for seeds for sprouting due to importer interest, but Canada does not have a program for seeds for sprouting at this time, and there is no significant interest on the part of Canadian exporters has been expressed in Canada at this time. |
| **3.3** | **Transparency on new disease outbreaks – Information**<br><br>Canada proposed that DG SANTE and the CFIA set up a mechanism to discuss disease events of epidemiological significance. Canada indicated that it would like to receive more detailed and timely information on these disease events in order to be informed on any control measures which may be taken by Member States.<br><br>The EU indicated that Canada is kept informed at the same time as Member States. The EU also mentioned that Member States put information online. Canada referenced an animal disease presentation that was given at the meeting in Bratislava in 2016 that was extremely useful. The EU suggested that a technical call take place to help point the CFIA to information that is currently available and for Canada to provide updates as well.<br><br>The EU queried why the findings of Epizootic Hemorrhagic Disease Virus (EHDV) in wild deer in September last year, were only reported in December.<br><br>*Action: DG SANTE and CFIA to hold a technical call to provide an overview of animal disease outbreaks by the end of June 2018.* |
| **3.4** | **e-Certification – Information**<br><br>Canada provided an update on ongoing work in the CFIA on its digital service delivery platform. Canada is in the beginning stages of the development of tools for electronic certification with the potential to exchange paperless export certificates with other governments. Canada proposed engaging with the EU on discussions to facilitate the use of electronic certification between Canada and the EU.<br><br>The EU has ongoing e-certification projects with Australia and New Zealand for several years and offered to share the names of contacts to begin a dialogue.<br><br>*Action: Canada and the EU will share relevant contacts for e-certification by the end of April 2018.* |
| **3.5** | **New Animal Health Law**<br><br>The EU provided an update on the Animal Health Law. The EU is working to implement the law, and is working to finalize implementation by the middle of 2019. The EU offered to present further information to Canada via a technical presentation. The CFIA thanked the EU for the offer and is looking forward to this presentation.<br><br>*Action: DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018.* |
| **3.6** | **New Plant Health Law** |

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| | The EU provided an update on the new Plant Health Law, which is looking to identify high-risk plants, and offered to provide a presentation on this issue. Canada agreed that a presentation would be very useful, and are following this law closely. Canada is very interested in getting more information as work continues.<br><br>*Action: DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018.* |
| 3.7 | **New Regulation for Official Controls**<br><br>The EU provided an update on the implementing and delegated acts on the new EU regulation 2017/625 on official controls. The main implementing and delegated acts will be adopted by April 2019 and implemented by the end of 2019. Canada expressed support for measures that simplify rules and that are in line with principles and guideline of international standard-setting bodies. Canada expressed interest in receiving additional information on this regulation.<br><br>*Action: DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018.* |
| **4.0 Annex Discussion** | |
| 4.0 | **Annex 5-C: Process of recognition of regional conditions**<br><br>The EU expressed interest in working on this annex. For example, for animal diseases, there is already work done with regards to seasonal freedom, and zones. Canada is interested in this area, in terms of timelines for recognizing zones. Canada noted that exporters are concerned that it takes a longer time for the EU to recognize Canadian regionalization decisions than it does for Canada to recognize EU regionalization decisions, and Canada would like to see how the EU could minimize trade disruptions in this area.<br><br>*Action: EU to explore reducing time required for recognition of Canadian regionalization decisions.*<br><br>For plant health, the EU is interested in having discussions for further collaboration on pest-free areas. Canada bases its decisions on IPPC standards. Canada and the EU agreed to describe their respective procedures, including timelines for the recognition of pest-free areas and protected zones, as well as movement controls. This could be the basis for further work on this annex.<br><br>*Action: EU and Canadian plant health experts will share this information by October 2018.*<br><br>**Annex 5-D: Guidelines to determine, recognize and maintain equivalence**<br><br>Canada and the EU agreed that there is an international standard, and that, at this time, no work is required in this area.<br><br>**Annex 5-E, Section A – Horizontal Issues – Establishment listing**<br>**Annex 5-F, Approval of establishments**<br><br>The EU proposed that the issue of simplified listing could be resolved through inclusion in the table (Annex 5-E). Canada noted that the issue of simplified listing is covered in Annex |

Canada Co-chair

EU Co-chair

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| | 5-E under Horizontal Issues and requested both sides to adhere to the process agreed in the Annex. Canada expressed concerns regarding proposed amendments that are related to the rejection of recommended establishments by the other Party that will be explored later (Annex 5-I). Canada underscored the need for the EU to respect current obligations with respect to listing of establishments without undue delay. The EU however clarified the need to include the rejection provision as that would be in accordance with the Bratislava recommendation that was endorsed by the EU Member States and also in conformity with the only other country for which the simplified procedure applies, New Zealand. The EU indicated its willingness to engage with Canada in respect to the listing of establishments. The EU indicated that Article 5.7 paragraph 4 requires the listing of all establishments situated in the territory of the exporting country and does not allow for the exclusion of Member States nor does it make reference to systems approval, and Canada agreed to explore with the EU the opportunity to discuss how additional facilities approval could apply to the recent rendering audit carried out in seven Member States. Canada and the EU agreed that this issue will need further clarification and discussion.<br><br>*Action: Canada and the EU to further discuss and clarify these issues by June 2018.*<br><br>**Annex 5-E, Section B – Phytosanitary Measures**<br><br>The EU noted that this section is empty, and this section could be used to explore issues such as ash wood, mini-tubers and seed potatoes. The EU and Canada agreed to begin exploring principles surrounding phytosanitary measures.<br><br>*Action: Canada and the EU to explore this section by October 2018.*<br><br>**Annex 5-H, Annex 5-J:**<br><br>Canada and the EU agreed that work on these annexes is not necessary at this time and can be considered at a future date. |
| **5.0 Specific Issue Management** | |
| **Plant Issues** | |
| **5.1** | **Exports of fresh tomato with vines, stems, and calyces**<br><br>The EU raised this issue on behalf of Italy, indicating that is an issue that has been ongoing for several years. The EU believes that this issue could be very quickly resolved. In addition, there are other Member States that are interested, and are looking closely at the progress being made by Italy. The EU is requesting an update regarding timelines, potential audit, and next steps.<br><br>Canada acknowledged the letter received from Italy in February 2018, indicating that there is some scientific information missing. Canada will be responding to Italy in writing in early April. The EU would like to know if the mitigating measures that are being proposed are sufficient. The EU asked if Canada allows imports of tomatoes with stems and Canada responded that Canada does allow imports of tomatoes with stems if the product has been fumigated prior to entry into Canada. |

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| | The EU asked the possibility to combine the files if other Member States express interest in exporting tomatoes under a systems approach. Canada indicated that it had been working with Spain on a systems approach for tomatoes without stems, and that if other Member States request a system approach, Canada will work with them to evaluate their systems. Canada mentioned that the requirements for tomatoes from countries where *Tuta absoluta* is known to occur can be found in CFIA Directive D-10-01.<br><br>*Action: Canada will respond to Italy on this issue in writing in April 2018 with a copy to the European Commission. Canada will provide information on the process for a systems approach to the EU and Italy.* |
| 5.2 | **Exports of potato mini-tubers to Canada**<br><br>The EU is requesting clarity on next steps for progress on the issue of allowing the import of mini-tubers by interested Member States, such as the Netherlands. Canada indicated that it had requested information from the Netherlands in February 2017, which has not yet been received. In addition, Canada has been working with the United States and Mexico, within NAPPO. Canada indicated that a pest risk assessment has been started for the Netherlands, and that it will assess the information provided by the Netherlands.<br><br>*Action: The Netherlands to provide the information requested in the February 2017 letter. Canada will provide feedback on the information submitted within six months after receipt.* |
| 5.3 | **Alternatives to use of methyl bromide, ongoing project work**<br><br>The EU provided information on this project. There will be a call for proposals out shortly. Proposed workshops are intended to take place in spring and fall of 2019, with the development of the guide in the summer of 2019. The EU suggested that Canada consider inviting officials from the United States to attend the workshops, if possible. Canada is committed to working on this project and considers this project to be valuable.<br><br>*Action: The EU and Canada committed to continuing to work closely together as this project moves forward.* |
| 5.4 | **Hazard-based cut-off and the impact on import tolerances**<br><br>Canada expressed concern with the EU's approach towards requirements for non-approval of pesticides and how maximum residue limits (MRLs) and import tolerances will be set once hazard-based cut-off criteria have been met. Canada requested feedback from the EU on where the EU is going with regulations 1107/2009 and 396/2005. Canada requested assurance from the EU that decisions on setting MRLs and import tolerances will continue to be made on the basis of complete risk assessments, as set out in Regulation 396/2005. The EU is developing guidelines for the implementation of the regulation 1107/2009. The EU stated that it has been transparent with trading partners and that the regulations are consistent with international standards and regulations. Import tolerance requests for substances falling under the cut-off criteria will be carefully evaluated on a case-by-case basis, considering the objectives of consumer protection of the EU pesticide legislation, but also the EU's international obligations arising from the SPS Agreement. Canada specifically |

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| | requested information on how the EU is planning to make import tolerances comply with Regulation 396/2005 on risk assessment procedures and the WTO SPS Agreement.<br><br>*Action: The EU will provide Canada with the requested information on how the EU is planning to make import tolerances comply with Regulation 396/2005 on risk assessment procedures if a decision has been made to de-authorize a pesticide on the basis of a hazard-based cut-off.* |
| **5.5** | **Non-renewal of picoxystrobin**<br><br>Canada noted its understanding that this product is not being renewed in the EU due to lack of data, not due to an identified risk. Canada requested an update on the status of discussions in the EU related to MRLs for imports and whether the MRL will be notified through the WTO. The EU noted that a number of critical issues related to health and environment were identified by EFSA. When additional relevant data is available, the EU will review and consider it. The EU stated that any decision taken on a new MRL for picoxystrobin will be notified through the WTO. The EU indicated that the MRL would likely be set at the limit of detection. |
| **5.6** | **Member States' measures that differ from EU-level measures (e.g. dimethoate, glyphosate)**<br><br>Canada expressed its serious concerns regarding recent and potential future Member State measures that are inconsistent with EU-level decisions; in particular, France's ban (based on France's national scientific advice) on imports of cherries from countries that have approved the use of dimethoate, and Italy and France's stated intention to ban the use of glyphosate despite being authorized for use by the EU. Canada noted that the EU responded strongly on two occasions, but trade was still affected. Canada asked the EU what steps the EU will take to ensure that Member States' international trade commitments are met.<br>The EU explained the legal procedure in place in case measures are taken at national level which go beyond the existing harmonized rules. This documented procedure provides Member States to notify national measure to be discussed at the regulatory committee level. For this case, EFSA is reviewing data, and will be providing an official opinion, which will be useful for discussions of dimethoate in the future.<br><br>*Action: The EU will provide information on this legal procedure referred to above. The EU will send information to Canada relating to measures imposed by British Columbia relating to apple tree root stocks for Canada to review and to provide a response.* |
| **Animal Issues** | |
| **5.7** | **PCR test on bovine semen for Schmallenberg Virus**<br><br>The EU requested an update on this file. Canada indicated that more samples have been requested from the EU and the Canada's labs are preparing for the next panel. The import permits have been received and Canada's understanding is that the sample is anticipated to arrive next month. Following a successful completion of this second trial, a PCR test could be validated. Canada stated that PCR validation is only the one step for considering the |

Canada Co-chair

EU Co-chair

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| | import of semen form seropositive bulls. Canada requires a transmission study to be designed and conducted by the EU and requested an update on the status of the transmission study. The EU indicated that they are not working on a transmission study. Canada committed to resending the risk assessment. The EU indicated that the EU exports semen world-wide without testing. The EU stated that current measures are not justified by the equivalence agreement, and Canada disagreed. Canada requested export data on semen from sero-positive bulls.<br><br>*Action: The EU and Canada will reconvene on this issue after the panel testing is completed to discuss next steps. Canada will resend the risk assessment to the EU. The EU will send information on a validated ELISA test as a possible alternative to the current VNT test. The EU will provide relevant export data, at Canada's request, for Canada to make a determination on the need for a transmission study.* |
| **5.8** | **Revised testing protocols due to epizootic hemorrhagic disease virus (EHDV)**<br><br>Canada indicated that CFIA had sent a request to the EU for Canada to be recognized as seasonally free for EHDV and requested an update. The EU indicated that this file will need to go through the same process as bluetongue, and the EU requested additional information on the program, which will be assessed.<br><br>*Action: Canada will send the revised program to the EU by end of April 2018. Once the information is received by the EU, the EU will assess the seasonally-free period and testing request and come back if additional information is needed without undue delay. If no further information is needed, a proposal will be prepared to discuss with the Member States.* |
| **5.9** | Postponed to a next meeting at the request of the EU due to time constraints. |
| **5.10** | Postponed to a next meeting at the request of the EU due to time constraints. |
| **5.11** | Postponed to a next meeting at the request of the EU due to time constraints. |
| **5.12** | Postponed to a next meeting at the request of the EU due to time constraints. |
| **Food Safety** | |
| | **Recognition of EU Member State meat inspection systems**<br><br>The EU mentioned that this file has an ongoing history, and that the most recent work to progress the file relates to the audit on recognition of EU Member States meat inspection system, conducted in four Member States in 2015. The EU indicated that action plans were submitted that addressed Canada's concerns and recommendations, and that Member States have expressed concern that progress has been slow and difficult to reconcile with the provisional application of the CETA Agreement and its recognition of equivalence in the meat area. Canada indicated that not all recommendations identified in the draft audit report had been addressed, and determined that import conditions would be required where the response was incomplete. The EU is requesting a concrete path forward to conclude the audit and to make progress on market access for all Member States to Canada. The EU wants to find a pragmatic solution to move forward and emphasized that this is a very important issue for the EU and their stakeholders.<br><br>Canada agreed that this is a high-priority issue. Canada was not able to extrapolate a positive result to the whole system as a result of the findings of the audit; however, Canada |

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| | also wants to find a path forward to work with the EU and Member States to move towards eventual full access by all Member States. The EU's view that all findings and recommendations were satisfactorily addressed by the EU was stressed and stated that Canada acknowledged this in writing and also recognized that technical discussions were ongoing on additional import requirements as proposed by Canada. Canada disagrees that all the recommendations were met, and noted in the audit report that, as a result, additional import requirements will be necessary. Canada summarized the recent technical call that took place between DG SANTE and CFIA where ideas on a path forward were discussed. Canada proposed to develop a joint work plan that allows the EU and Canada to move forward in a way that meets Canadian requirements.<br><br>The EU asked about the mechanism to reactivate Member States listed as inactive for shipping status on CFIA's website. Canada responded that Member States are considered inactive when no trade has occurred in at least five years. The normal procedure to reactivate a Member State would be to conduct an audit to confirm that the inspection system still complies with Canadian requirements. However, Canada indicated that it is open to consider an alternative mechanism, such as an assurance by DG SANTE. Canada indicated that it would be possible to move relatively quickly on some items (such as the poultry harmonized certificate, and updates to beef and pork certificates for blood products) with the EU's cooperation.<br><br>Canada proposed to establish a technical working group to continue a dialogue that will demonstrably advance work on this file. The EU is very concerned that some Member States will not have immediate access due to not have systems approval or due to their inactive status, and would like to make progress on this file. Canada underscored the importance of ensuring that imported products meet Canadian requirements for the health and safety of Canadians.<br><br>Given the political agreement made in 2014 and reiterated on several occasions, the EU will report back to the Commissioner on next steps.<br><br>*Action: No action items identified.* |
| 5.14 | **EU harmonised export certificates for fresh meat (poultry, sheep/goat) and processed meat (beef, pork, poultry, others)**<br><br>See discussion on agenda item 5.13 |
| 5.15 | **Simplified certificates for Canadian meat and meat products (meat derived from bovine, porcine, solipeds, ovine and caprine, poultry, farmed ratites, farmed rabbit, farmed cervids, farmed**<br><br>Canada indicated interest in finalizing technical discussions on simplified certificates and is requested a contact to reinitialize work on this. The EU took the view that work on this issue could proceed where movement on items 5.13 and 5.14 were advanced concurrently. Canada expressed disappointment in this response and indicated that Canada is not prepared to link these issues. Canada noted that there are 1397 meat establishment approved to export to Canada and only 25 meat establishments approved for export to the EU. While Canada is open to working concurrently, these issues have different priorities |

Canada Co-chair

EU Co-chair

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| | and Canada is not prepared to link these issues. Canada encourages the EU to engage meaningfully to items 5.13 and 5.14. The EU referred to its detailed response in its letter of March 8, 2018.<br><br>*Action: No action items identified.* |
| 5.16 | **Export of EU egg products to Canada**<br><br>The EU indicated that there is no interest at this time and could be discussed at the next SPS JMC.<br><br>Action: no action at this time. |
| 5.17 | Withdrawn at the request of Canada due to time constraints. |
| 5.18 | Withdrawn at the request of Canada due to time constraints. |
| 5.19 | Postponed to a next meeting at the request of the EU due to time constraints. |
| 5.20 | **Certification of fish landed in Canada by EU-approved vessels**<br><br>DG SANTE has requested that the CFIA certify fish processed at sea by EU vessels and stored in Canada, prior to re-export to the EU. In order to address the issues of fish caught by EU vessels and landed on Canadian territory for re-export to the EU, and the requirements in the existing certificate to certify on hygienic conditions of the vessels, which is not under the control of Canadian authorities, the EU amended the certificate and passed regulation 2017/1973 in October 2017 and enters into force on July 1, 2018. Canada stated that it had provided comments to the WTO notification in April 2017. The EU received information that there may be still some outstanding issues with the certificate as reported by a Member State.<br><br>*Action: No action identified.* |
| 5.21 | **Timelines for listing of approved Canadian establishments**<br><br>Canada noted that there has not been a decrease in the time it takes to list Canadian establishments from before the implementation of CETA and after September 2017 (approximately 50 days). The EU indicated that Canada and the EU had worked on an exchange of letters, but for technical reasons, Canada had been unable to sign the letter. The EU stated that additional conditions relating to having the option to reject a recommended establishment will need to be formalized. Canada indicated that it would be open to discussing the conditions under which a rejection would happen, and that any agreed conditions would be reciprocal. Canada requested that the timelines negotiated (i.e. without undue delay) in the Annex be respected in the meantime. The EU indicated that they would send a letter to clarify the parameters for rejections.<br><br>*Action: No action identified* |
| **Audit** | |
| 5.22 | Postponed to a next meeting at the request of the EU due to time constraints. |
| 5.23 | Postponed to a next meeting at the request of the EU due to time constraints. |
| **6.0 Specific Work on Recognition of Equivalence** | |
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Canada Co-chair

EU Co-chair

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| **7.0 Opportunities for Enhanced Co-operation on SPS Initiatives** | |
| **7.1** | **Antimicrobial resistance**<br><br>The EU proposed to establish a working group to collaborate on this issue. Canada agreed on the importance of working collaboratively on this issue within CETA and internationally. Canada indicated that the SPS JMC finalize its own rules of procedure before establishing a working group, and suggested that Canadian and the EU experts be put in contact in order to share information and identify areas for co-operation.<br><br>*Action: Canada and the EU will exchange contact information of their respective experts on antimicrobial resistance by the end of June 2018.* |
| **8.0 Other business** | |
| **8.1** | **Animal Welfare**<br><br>The EU indicated that work on animal welfare had taken place under the Veterinary Agreement, and it would like to continue to work on these issues under CETA. Canada acknowledged that animal welfare discussions had taken place under the Vet Agreement, and the Chairs of the Regulatory Cooperation Forum are aware that animal welfare is of importance to the EU and are identifying the Canadian lead for animal welfare cooperation. The EU suggested that the animal welfare cooperation also report to the SPS JMC. Canada noted that animal welfare is not considered by Canada to be within the scope of the SPS JMC and it was decided during the CETA negotiations that cooperation on animal welfare would fall under the Regulatory Cooperation chapter. The Regulatory Cooperation Forum may refer any SPS-related questions back to the SPS JMC, if needed. The call between Regulatory Cooperation Forum Chairs is planned for April 2018 and a Canadian contact on animal welfare cooperation will be communicated to the EU. |
| **9.0 Closing** | |
| **9.1** | **Work Programme for 2018-2019**<br>The work programme was adopted on April 6, 2018. |
| **9.2** | **Adoption of the Meeting Report and Action Item List**<br>The meeting report and action item list were adopted on April 6, 2018. |
| **9.3** | **Next Meeting of the CETA SPS JMC**<br><br>The co-chairs agreed to meet in six months via a conference call or video conference to check in on progress.<br><br>The EU indicated that the next meeting would likely take place in Brussels in March or April 2019, and both Chairs committed to considering expanding the meeting by another day, depending on the size of the agenda, as time constraints limited the number of agenda items discussed. |
| **9.4** | **Adjournment**<br><br>In conclusion, both sides acknowledged the hard work on both sides and closed the |

Canada Co-chair

EU Co-chair

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| | meeting. |

## ACTION ITEMS IDENTIFIED AT CETA SPS JMC MARCH 26-27, 2018:

| Agenda Item | Proposed Action | Proposed Timeline |
|---|---|---|
| 3.1 | **Safe Food for Canadians Regulations – Information**<br>Canada committed to holding a videoconference with the European Commission and Member States on the SFCR by the end of April 2018. | End of April 2018 |
| 3.3 | **Transparency on new disease outbreaks – Information**<br>DG SANTE and CFIA to hold a technical call to provide an overview of animal disease outbreaks by the end of June 2018. | June 2018 |
| 3.4 | **e-Certification – Information**<br>Canada and the EU will share relevant contacts for e-certification by the end of April 2018. | April 2018 |
| 3.5 | **New Animal Health Law**<br>DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018. | October 2018 |
| 3.6 | **New Plant Health Law**<br>DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018. | October 2018 |
| 3.7 | **New Regulation for Official Controls**<br>DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018. | October 2018 |
| 4.0 | **Annex 5-C: Process of recognition of regional conditions**<br>• EU to explore reducing time required for recognition of Canadian regionalization decisions.<br>• EU and Canadian plant health experts will share this information (on recognition of pest-free areas) by October 2018.<br><br>**Annex 5-F, Approval of establishments**<br>Canada and the EU to further discuss and clarify these issues (rendering facility approvals) by June 2018.<br><br>**Annex 5-E, Section B – Phytosanitary Measures**<br>Canada and the EU to explore this section (Phytosanitary Measures) by October 2018. | Update at mid-year Co-chair call<br><br>October 2018<br><br>June 2018<br><br>October 2018 |
| 5.1 | **Exports of fresh tomato with vines, stems, and calyces**<br>Canada will respond to Italy on this issue in writing in April 2018 and copy the European Commission.<br>Canada will provide information on the process for a systems approach to the EU and Italy. | April 2018<br><br>Update at mid-year Co-chair call |
| 5.2 | **Exports of potato mini-tubers** | Update at mid- |

Canada Co-chair

EU Co-chair

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| | The Netherlands to provide the information requested in the February 2017 letter. Canada will provide feedback on the information submitted within six months after receipt. | year Co-chair call |
| 5.3 | **Alternatives to use of methyl bromide, ongoing project work**<br>The EU and Canada committed to continuing to work closely together as this project moves forward. | Update at mid-year Co-chair call |
| 5.4 | **Hazard-based cut-off and the impact on import tolerances**<br>The EU will provide Canada with the requested information on how the EU is planning to make import tolerances comply with Regulation 396/2005 on risk assessment procedures if a decision has been made to de-authorize a pesticide on the basis of a hazard-based cut-off. | Update at mid-year Co-chair call |
| 5.6 | **Member States' measures that differ from EU-level measures (e.g. dimethoate, glyphosate)**<br>• The EU will provide information on this legal procedure referred to above.<br>• The EU will send information to Canada relating to measures imposed by British Columbia relating to apple tree root stocks for Canada to review and to provide a response. | Update at mid-year Co-chair call<br><br>At EU's convenience |
| 5.7 | **PCR test on bovine semen for Schmallenberg Virus**<br>The EU and Canada will reconvene on this issue after the panel testing is completed to discuss next steps. | Update at mid-year Co-chair call |
| | Canada will resend the risk assessment to the EU. | May 2018 |
| | The EU will send information on a validated ELISA test as a possible alternative to the current VNT test. | Update at mid-year Co-chair call |
| | The EU will provide relevant export data, at Canada's request, for Canada to make a determination on the need for a transmission study. | Update at mid-year Co-chair call |
| 5.8 | **Revised testing protocols due to epizootic hemorrhagic disease virus (EHDV)**<br>• Canada will send the revised program to the EU by end of April 2018.<br>• Once the information is received by the EU, the EU will assess the seasonally-free period and testing request and come back if additional information is needed without undue delay. If no further information is needed, a proposal will be prepared to discuss with the Member States. | April 2018<br><br>Update at mid-year Co-chair call |
| 7.1 | **Antimicrobial resistance**<br>Canada and the EU will exchange contact information of their respective experts on antimicrobial resistance by the end of June 2018. | June 2018 |
| 9.1<br>9.2 | **Preparing for the Joint Committee**<br>Canada and the EU will finalize the work programme for 2018-2019<br>Canada and the EU will finalize the minutes | Week of April 3<br>Week of April 3 |

Canada Co-chair

EU Co-chair

# CANADA-EU CETA SPS JOINT MANAGEMENT COMMITTEE WORK PROGRAMME (Agenda item 9) AND SPECIFIC ACTION ITEMS TO FACILITATE TRADE
## March 2018

## AGENDA ITEM 9 – WORK PROGRAMME

### A) Joint initiatives:

| # | Topic | Milestones | Est. time/date for completion | Canada and EU activities for 2018 | Commitment completion date | On hold (Y/N) |
|---|---|---|---|---|---|---|
| 18-01 | Rules of Procedure | - Review Draft Rules of Procedure of the CETA Joint Committee agreed upon by CETA Secretariats to see if additional specificity is required for the CETA SPS JMC<br>- Co-Chairs to share thoughts intersessionally. | September 2018 | EU and Canada to consider whether more specific rules for the work of the SPS JMC are necessary based on the provisions of the CETA SPS Chapter. (March 2018) | March 2019 | N |
| 18-02 | Annex 5-C – Process of recognition of regional conditions (zones) | - EU to explore reducing time required for recognition of Canadian regionalization decisions | Co-chairs to discuss intersessionally | EU to explore reducing time required for recognition of Canadian regionalization decisions and share its findings. (March 2018) | October 2018 | N |
| 18-03 | Annex 5-C – Process of recognition of regional conditions (pest-free areas) | - Plant Health experts from EU and Canada will describe their respective procedures, including timelines for the recognition of pest-free areas and protected zones as well as movement controls | October 2018 | Plant Health experts to share information related to establishment of pest-free areas and protected zones. (March 2018) | October 2018 | N |
| 18-04 | Annex 5-E Section B – Recognition of SPS measures – Phytosanitary Measures | - Co-Chairs with share thoughts intersessionally. | October 2018 | Canada and EU agreed to explore principles surrounding phytosanitary measures. (March 2018) | 2021 TBC | N |

### D) Topics/Requests that are on hold (to be considered at a later date):

| # | Topic | Requested by (EU/Can) | Explanation for putting item on hold | Revisit status next year (Y/N) |
|---|---|---|---|---|
| 18-05 | Annex 5-D – Guidelines to Determine, Recognize and Maintain Equivalence | Both | Canada and the EU agreed that there is an international standard, and that at this time no work is required in this area. (March 2018) | N |

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| 18-06 | Annex 5-H – Principles and Guidelines to conduct an Audit or Verification | Both | Canada and the EU agreed that work on this annex is not necessary at this time and can be considered at a future date. (March 2018) | N |
| 18-07 | Annex 5-J – Import Checks and Fees | Both | Canada and the EU agreed that work on this Annex is not necessary at this time and can be considered at a future date. (March 2018) | N |

## SPECIFIC ACTION ITEMS TO FACILITATE TRADE

| Agenda Item | Proposed Action | Proposed Timeline |
|---|---|---|
| 3.1 | **Safe Food for Canadians Regulations – Information**<br>Canada committed to holding a videoconference with the European Commission and Member States on the SFCR by the end of April 2018. | End of April 2018 |
| 3.3 | **Transparency on new disease outbreaks – Information**<br>DG SANTE and CFIA to hold a technical call to provide an overview of animal disease outbreaks by the end of June 2018. | June 2018 |
| 3.4 | **e-Certification – Information**<br>Canada and the EU will share relevant contacts for e-certification by the end of April 2018. | April 2018 |
| 3.5 | **New Animal Health Law**<br>DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018. | October 2018 |
| 3.6 | **New Plant Health Law**<br>DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018. | October 2018 |
| 3.7 | **New Regulation for Official Controls**<br>DG SANTE and CFIA will arrange a time for a presentation on this issue by October 2018. | October 2018 |
| 4.0 | **Annex 5-C: Process of recognition of regional conditions**<br>• EU to explore reducing time required for recognition of Canadian regionalization decisions.<br>• EU and Canadian plant health experts will share this information (on recognition of pest-free areas) by October 2018.<br>**Annex 5-F, Approval of establishments**<br>Canada and the EU to further discuss and clarify these issues (rendering facility approvals) by June 2018.<br>**Annex 5-E, Section B – Phytosanitary Measures**<br>Canada and the EU to explore this section (Phytosanitary Measures) by October 2018. | Update at mid-year Co-chair call<br>October 2018<br>June 2018<br>October 2018 |
| 5.1 | **Exports of fresh tomato with vines, stems, and calyces** | April 2018 |

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