


Toelichting bij de documenten die foodwatch en The Council of Canadians verkregen hebben met een beroep op de wet op openbaarmaking

Over de Animal Health Law

Processed under the provisions of the Access to Information Act / Révisé en vertu de la Loi sur l'accès à l'information



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

- 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.

Pagina 112: *“Canada needs to be reassured that the new Animal Health Law will not negatively impact exports of Canadian animals, animal products and by products to the EU.”*

Canada stelt hier zeker om straks mee te kunnen praten over deze nieuwe Europese wet.

Zie ook pagina 132: *“Will there be an opportunity for Canada to comment the draft implementing and delegated acts?”*

“The Commission indicates that it will duly consult experts, Member States, and other interested parties, EU stakeholders during the drafting of those delegated and implementing acts, in the spirit of better regulation.”

Over de Plant Health Law

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.

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Pagina 135: *“Canada needs to be reassured that the new Plant Health Law will not negatively impact exports of Canadian plants and plant products to the EU”.*

Over gelijkschakeling Europese regelgeving met die van de VS

- 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.

Pagina 144: *“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 of 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 requirement for freedom from vines, stems and calyces would only be completed in consultation with the United States.”*

150 potato Mini tubers

Over de Nederlandse export van pootaardappelen

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, particularly viruses and bacterial diseases.

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• Potato propagative materials, such as micro tubers, plantlets, and mini-

- 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.

Over het voorzorgsbeginsel

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.



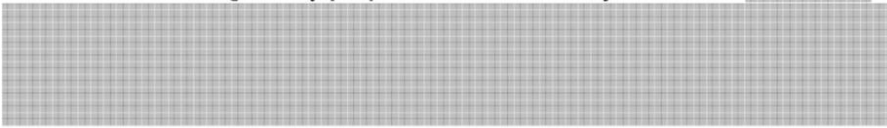
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Pagina 166: *“The long term goal for the EU is to move away from a hazard-based cut-off criteria as a basis for regulatory decisions.”*

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

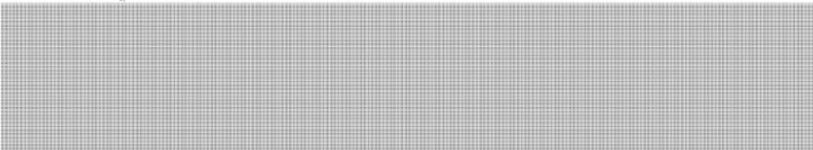
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Pagina 163: *“The European Union’s implementation of a hazard-based regulatory decision making requirements under Regulation 1107/2009 (concerning the placing on the market of plant protection products), threatens the continued market access of Canadian exports of agricultural commodities valued at over \$2.7 million dollars CAD annually.”*

“The difference between a hazard-based approach vs. a risk based approach that remain a cause for concern to Canada and to like-minded countries with respect to trade include the non-approval of widely-used pest products.”

- 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.

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- 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, 





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

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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.

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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.
- [REDACTED] 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.

Pagina 165: *“however it is important for Canada to raise its systematic 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.”*

Met als resultaat dat de commissie overweegt :

- a) *Maintaining existing ITs and possibly setting new ITS for imported food and feed*
- b) *Not maintaining existing Its and refusing IT requests for imported food and feed*

Over pesticiden

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.

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

- Current regulatory proposal on endocrine disruptors is of concern but many pesticide renewals in 2018 could potentially be impacted by hazard-based cut-offs

GOALS AND OUTCOMES

- Continue to register Canada's systemic concern with the EU's hazard-based approach
- Influence EU's current deliberations on policy options for substances meeting hazard-based cut-offs

POINTS FOR THE CHAIR TO RAISE

- 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

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- IN LIGHT OF THE HUMAN AND ENVIRONMENTAL 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.

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- 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.

Canada dreigt naar de WTO te stappen als de grenswaarden en toelating van bepaalde pesticiden niet gegarandeerd wordt.

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.

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Pagina 182: *NEXT STEPS FOR THE CETA JMC COMMITTEE* "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 the EU Member States in Brussels, and in the SPS and TBT committees at the WTO".

Vervolgstappen



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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.