

## JOINT MINUTES

### Sixth Meeting of the SPS Subcommittee of the Association Agreement between the European Union and Central America

13, 16 & 17 November 2020, 8:00 am CA/ 3:00 pm BXL

#### Webex Videconference

#### 1. Approval of Agenda

Costa Rica proposed including an additional issue in item 6, Transfer and exchange of information. Costa Rica would like to clarify their Phytosanitary Certification system to be used for mango (*Mangifera Indica*) exports in compliance with regulation EU 2019/2072 from 28 November 2019 Annex VII, Number 61, item d).

Additionally, Costa Rica requested elimination of item 8.1 (of these minutes) regarding response to EU final comments to notification G/SPS/N/CRI/225/ADD.1, since they have already answered the information request.

#### Agreements:

- ✓ Agenda agreed with both modifications proposed by Costa Rica. The issue on item 8.1 stayed in agenda, as an example of good practices.

#### 2. Presentation by the EU of its new “Green Deal” and the Farm to Fork Strategy

The European Union (EU) widely presented the objectives, scope and rationale of the new Green Deal Initiative and the Farm to Fork Strategy. Central America (CA) thanked the information provided and highlighted the importance of clarifying the new scope and guidelines resulting from these initiatives, in areas such as antimicrobial resistance, MRLs, labelling, among others. Central America found both strategies innovative and expressed willingness to hold an open dialogue with the EU in order to continue fostering fair trade between the Parties. Central America requested to maintain this issue in the agenda of future Subcommittee Meetings.

#### Agreements:

- ✓ The Parties will continue exchanging information on the progress of the strategy and resulting regulations.

### 3. Import approval procedure for products of animal origin and vegetables (Art. 145-146)

#### EU interest:

#### **State of play of the pending export applications from EU Member States. Update of the relevant export matrix.**

The EU asked specific questions in terms of the progress on export applications by CA countries and asked for a written response on the status of each export matrix before the date of the Association Committee. In the case of Panama, the answers to the export matrix were provided on 12 November 2020, outlining the situation of each of the issues requested by the EU. The EU expressed its concerns and dissatisfaction with Panama for the still pending export applications for over three years, particularly in the meat sector and highlighted the importance of the correct application in the SPS chapter of the Association Agreement. Panama explained that the delay is due to the fact the Scientific and Technical Committee has not been able to convene to assess the applications because AUPSA is currently in a phase of transition due to the fact that a bill to create a new entity is pending at Panama's Congress, therefore, the delay in export applications is due to this transition. The EU expressed that current situation with Panama is delaying the approval of EU products without scientific justification and will elevate to the Trade Committee for further discussion.

#### Agreements:

- ✓ EU will send pending export matrixes to El Salvador and Guatemala and any additional questions on specific cases or issues.
  - ✓ CA countries agreed to send an update of the export matrix before the Association Committee, except for El Salvador where is not needed at this stage.
  - ✓ In the case of Guatemala, the update regarding the export matrix will be send to the European Union before the end of this year.
- **Elimination of the clause “born and raised” on certificates for exports of products of animal origin from the EU towards Central America**

The EU presented again, the rationale behind EU request to CA to eliminate the attestations “born and raised” in export health certificates from the countries of the EU, arguing that the EU is a single entity, which has harmonized legislation on animal and public health offering the same guarantees in all territories. The EU proposed to start a case-by-case process to eliminate such attestations in specific products with low risk. Central America confirmed that there are health safety reasons to maintain

such clause, in particular animal health reasons and the difference of animal health status among EU countries. EU requested further information concerning CA regulations on the clause “born and raised” in the export health certificates.

**Agreements:**

- ✓ Costa Rica agreed with the elimination of born and raised clause in health certificates for dairy products.
- ✓ The rest of countries will assess case by case the EU request.

**4. Approval of establishments without prior inspection of individual establishments (prelisting): State of play of existing list and requests pending implementation. (Art.147)**

The EU requested more information in terms of prelisting procedures from Guatemala, Honduras and Nicaragua. The EU acknowledged a letter from Guatemala explaining procedures and requested additional clarification on requirements, as well as details on the approval of an export application (genetic material) from to Czech Republic, where Guatemala had conducted an inspection. Guatemala answered the questions on the prelisting procedure. Nicaragua explained the prelisting process and asked for future exchanges to use Spanish as communication language. Nicaragua shared the link to the website where approved processing plants are published. Honduras explained that its Sanitary Authority was not able to participate in the current meeting due to the declared emergency because of the hurricane and will respond further consultations through e-mail.

**Agreements:**

- ✓ Guatemala requested to the European Union to exchange points of contact, in order to share information regarding the prelisting procedure, with the purpose of generating certainty of this procedure.
- ✓ Guatemala will share the link to the website where approved processing plants will be published, as well as the template for the questionnaires.
- ✓ The EU will send to Honduras a list of questions/doubts to coordinate an answer from the Sanitary Authority.

**5. Measures linked to Animal and Plant Health (article 149)/ Specific reference to restrictions imposed by Panama and Nicaragua over African Swine Fever.**

The EU asked Nicaragua to clarify WTO notification 113. The EU informed that comments were sent through the WTO notification system and requested Nicaragua to clarify if there is any specific problem with an EU Member State,

since there has not been an official answer. Nicaragua confirmed that -to date- there is no restriction to any country or trading partner. Its competent authorities will continue monitoring any evidence of African Swine Fever. Nicaragua also referred to a Risk Analysis performed by a consultant employed from OIRSA as a scientific base for their stand of African Swine Fever.

The EU inquired Panama regarding the letter sent on 6 December 2019, requesting information on restrictions established by Panama on swine imports. Panama informed that they have published a resolution aiming to reinforce surveillance procedures for African Swine Fever, restriction of live swine imports from affected countries, as well as imports of genetic material and swine byproducts, among other measures. Panama informed that an answer to the letter was sent to the EU on March 11, 2020, explaining their position and stating that they could be considered accepting the imports of certain products that have been under treatment inactivating the virus, by performing a case-by-case analysis for products.

**Agreements:**

- ✓ Nicaragua and Panama will send: 1. The Risk Analysis report performed by a consultant for OIRSA region. 2. The legislative measures adopted by the countries to manage the risk and the reasoning behind those measures. 3. According to Article 149.5 of the Agreement, the reasoning to do not accept the ASF free areas recognized by the EU. 4. The list of products subject to restrictions.

**6. Verifications (Art.148)**

- **Possible audits by Central American countries in the EU**

The EU asked CA to inform about the audits scheduled for 2021 in the EU. Central America confirmed that there are no audits scheduled.

**Agreements:**

- ✓ Honduras asked the EU to add this question to the list to be sent to their sanitary authority agreed in item 4 of these minutes.

- **Possible audits by the EU in Central America**

The EU cannot confirm any in situ audit yet. Due to COVID-19 all in situ audits are suspended, for now. As regards remote audits the EU informed that this possibility would only be considered for very limited and specific cases.

**Agreements:**

- ✓ Both Parties will keep each other informed.

## 7. Transparency and Exchange of information

- **MRL review process in the EU:**

Central America reiterated concerns on the measures the EU is considering for agrochemicals and tolerance for MRLs. Central America explained the effect of these measures on their production schemes and asked the EU to understand their difficulties and the possibility of finding a middle ground to work together, such as longer transitions periods for MRLs. The EU acknowledged the difficulties faced by Central America resulting from climate change and confirmed that the reason for diverting from CODEX is to protect health. EU highlighted the importance paid to transparency and risk analysis processes and communicated that the following links provide information on the state of play of European procedures: <https://www.efsa.europa.eu/sites/default/files/pesticides-MRL-review-progress-report.pdf> and <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=homepage&language=EN>

The EU also informed that there is a possibility of organizing a worldwide workshop to explain EU policy on pesticides, this would be an opportunity for trading partners to present their positions and comments. Central America requested the EU to consider organizing a specific seminar for this region.

### **Agreements:**

- ✓ The Parties agreed to maintain a continuous dialogue.

- **Information on legislative developments for Ocratoxin-A in cacao products**

Central America requested information on any changes made by the EU on their regulations for Ocratoxin-A (OTA) in cocoa. The EU mentioned that EFSA produced an opinion last year on the presence of OTA on foodstuff and will be considering the feasibility of changes for OTA content on some food and the establishment of an MRL for OTA cocoa powder ready for human consumption.

- **Information on the implementation of Cadmium MRL in cacao products**

CA asked for information on legislative changes made by the EU on the cadmium content in cacao products. The EU explained that, the levels established in the EU legislation are only applied to chocolate and cocoa powder intended for human consumption, and that they are very close to those, established by CODEX to date. No further changes on EU legislation have been made since last year's Committee.

**Agreements:**

- ✓ The EU will be informing of future legislative changes, if they take place.

- **Information on state of play of the approval process of the residue control program to export bovine meat from Nicaragua to the EU**

Nicaragua confirms its interest on exporting to the EU, but recognizes having difficulties on identifying a qualified laboratory to carry on residue evaluations. Nicaragua required help from the EU to identify authorized laboratories. The EU informed that there is no possibility to help with that information, since it represents conflict of interest.

- **Mango exports from Costa Rica to the EU**

Costa Rica explained their Phytosanitary Certification Process for mango (*Mangifera Indica*) exports in compliance with regulation EU 2019/2072 from 28 November 2019 Annex VII, Number 61, item d) and asked the EU for additional clarification on the conditions for application of hydrothermal treatment and a system approach. The EU explained that Costa Rica must provide a detailed explanation regarding the implementation of the system approach.

**Agreements:**

- ✓ Costa Rica will send written information to SANTE regarding the implementation of the system approach.

- **Information on the changes on sanitary authorities in Panama, including any possible trade implications.**

Panama informed on the status of the new legal framework for the definition of the new Sanitary Authority. A possible text is under review at a special committee in the Congress. Panama also explained the legislative approval

process and informed that they are at a very early stage with the bill. The EU indicated that any change in the structure and competences of the sanitary authorities should not entail any further delay for the authorization of EU products and invited Panama to consider the creation of a transparent institution, based on scientific evidence and committed to respect international agreements. Additionally, the EU requested information on the scope of the project and its further notification to the WTO.

**Agreements:**

- ✓ Panama will inform of the progress.

**8. Notifications (Art 152):**

- **Response to EU final comments to notification G/SPS/N/CRI/225/ADD.**

The EU thanked Costa Rica's prompt actions to resolve difficulties raised by Spain via EU comments concerning the presence of the pest *Frankliniella tritici* and their willingness to declare Spain free of this pest, once the doubts were clarified. Costa Rica recognized the commitment of its Phytosanitary Service in order to comply with transparency and international commitments.

- **Response to EU final comments to notification G/SPS/N/NIC/113.**

The EU required an answer from Nicaragua on the letter conveying EU comments to the Nicaraguan SPS contact point. These pertained to restrictions imposed due to Swine African Fever. Nicaragua informed that they had not received the letter.

**Agreements:**

- ✓ Nicaragua will confirm the correct e-mail addresses for notification and will send an answer to EU.
- ✓ Both parties agreed to improve communication channels.

**9. Emergency measures (Art 153) (Specific reference to restrictions imposed by Panama and Nicaragua over African Swine Fever).**

The EU referred to article 153 and highlighted the importance of complying with provisions regarding emergency measures, notification and transparency. In

the specific case of Africa Swine Fever, the EU was not notified. The EU underlined the importance of complying with provisions in the Association Agreement intended to communicate any difficulties that could create barriers to trade. This will be of benefit to all Parties. Nicaragua expressed that it is a general measure not specific for the EU.

**Agreements:**

- ✓ The Parties acknowledged and agreed to improve communication and comply with provision in this respect.

**10. Cooperation on animal welfare (Art 156.2.f).**

The EU confirmed that animal welfare has been included to the Farm to Fork strategy, and mentioned that there is a possibility of organizing a meeting next year to inform how this legislation would be implemented in the future. Costa Rica reiterated the importance the country pays to animal welfare and their interest on activities between Central America and the EU on this area.

**Agreements:**

- ✓ The EU took note of CA's interest.

**11. Training and cooperation activities on the SPS field.**

- ✓ **Trainings requested by CA**
  - **Training on TRACES NT**
  - **Training and technical assistance on the implementation of the principles of the New Green Deal initiative**
  - **Increased capacity on sanitary legislation (in particular concerning pesticide MRLs, fishery products, meat, vegetables, and residue control programmes)**

Central America presented a list of trainings for the EU to consider in the 2021 scheduling. CA emphasized that these activities can strengthen capacities in the region.

**Agreements:**

- ✓ The EU confirmed that presential BTSF activities are suspended but there are online activities ongoing and mentioned that not all Central American countries are participating in on line activities. The EU encouraged all six countries to take advantage of them.

**12. Other issues**



- **Guatemala asked for support on the implementation of electronic signature for TRACES and training on the application of TRACES on animal and plant health, since they have requested it before without an answer.**

**Agreement:**

- ✓ Guatemala will send to the SPS point of contact of the European Union a new request for support on the implementation of electronic signature for TRACES and training on the application of TRACES on animal and plant health before the end of this year.
- **The EU proposed to hold two preparatory meeting before the next Subcommittee Meeting in 2021.**

**Agreement:**

- ✓ Both Parties agreed to coordinate preparatory meeting before the 2021 Subcommittee.

At the end of the meeting, delegates of the Parties reviewed the draft minutes and reached consensus.

Final minutes have been approved on 25 November 2020 as an expression of all Parties agreement.

Annex: List of participants

## **ANNEX**

### **LIST OF PARTICIPANTS**

#### **European Union**

- Cristina Laso, DG SANTE, European Commission
- Francisco Tristante, DG TRADE, European Commission
- Joaquim Ordeig, DG SANTE, European Commission
- Olivier Coupleux, DG TRADE, European Commission
- Kinga Baranowska, DG SANTE, European Commission
- Massimo De Luca, EU Delegation in Costa Rica
- Silvia Miranda, EU Delegation in Costa Rica

#### **Guatemala**

- Byron Gil Morales, Ministerio de Agricultura, Ganadería y Alimentación.
- Nelson Ruano, Ministerio de Agricultura, Ganadería y Alimentación.
- Donato Gonzalez, Ministerio de Agricultura, Ganadería y Alimentación.
- Jorge Gomez, Ministerio de Salud Pública y Asistencia Social.
- Gloria Valentina Bressani, Ministerio de Economía
- Magin Beteta Barillas, Ministerio de Economía
- Humberto Maldonado Cáceres, Ministerio de Economía
- Francisco Vásquez, Ministerio de Economía

#### **El Salvador**

- José Ángel Álvarez Galán, Ministerio de Agricultura y Ganadería.
- Iván Bethancourt, Ministerio de Agricultura y Ganadería.
- Yasmara Fuentes, Ministerio de Economía.

#### **Honduras**

- César Antonio Díaz, Secretaría de Desarrollo Económico
- Rolando Zúniga Cruz, Secretaría de Desarrollo Económico

#### **Nicaragua**

- Ileana Duarte, Instituto de Protección y Sanidad Agropecuaria
- Wilmer Juárez, Instituto de Protección y Sanidad Agropecuaria
- Ramón Noguera, Instituto de Protección y Sanidad Agropecuaria
- Cassandra Zeledón, Ministerio de Fomento, Industria y Comercio
- Denis Saavedra, Ministerio de Fomento, Industria y Comercio

#### **Costa Rica**

- Alejandra Porras, Ministerio de Comercio Exterior
- Alejandro Patiño, Ministerio de Comercio Exterior
- Federico Arias, Ministerio de Comercio Exterior
- José Miguel Céspedes, Ministerio de Comercio Exterior
- André Sagot, Ministerio de Comercio Exterior
- Germán Rojas, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.
- Olivet Cruz, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.

- Manuel Francisco Ureña, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.
- Federico Chaverri, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.
- Miriam Jiménez, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.
- Byron Gurdíán, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.
- Daniella Gamboa, Servicio Nacional de Salud Animal, Ministerio de Agricultura y Ganadería.
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- Gina Monteverde, Servicio Fitosanitario del Estado, Ministerio de Agricultura y Ganadería.
- Jorge Araya, Servicio Fitosanitario del Estado, Ministerio de Agricultura y Ganadería.
- Fanny Sánchez, Servicio Fitosanitario del Estado, Ministerio de Agricultura y Ganadería.
- Luis Hernández, Servicio Fitosanitario del Estado, Ministerio de Agricultura y Ganadería.

## **Panamá**

- Álvaro Ríos, Ministerio de Comercio e Industrias
- Ruth Harding, Ministerio de Comercio e Industrias
- Milagros Velarde, Ministerio de Comercio e Industrias
- Norman Harris, Ministerio de Comercio e Industrias
- Concepción Santos Sanjur, Ministerio de Desarrollo Agropecuario
- Pablo Constantino Moreno, Ministerio de Desarrollo Agropecuario
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