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Committee on Sanitary and Phytosanitary Measures

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**PESTICIDE MAXIMUM RESIDUE LEVELS (MRLS):
RECOMMENDATIONS FOR ENDORSEMENT BY THE SPS COMMITTEE IN THE FIFTH REVIEW
OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT**

SUBMISSION BY: ARGENTINA, AUSTRALIA, BRAZIL, CANADA, CHILE, COLOMBIA, COSTA RICA,
DOMINICAN REPUBLIC, JAPAN, KENYA, MADAGASCAR, NEW ZEALAND, PANAMA, PARAGUAY,
PERU, UGANDA, THE UNITED STATES AND URUGUAY¹

Revision

The following communication, received on 18 June 2018 is being circulated at the request of the Delegations of Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Japan, Kenya, Madagascar, New Zealand, Panama, Paraguay, Peru, Uganda, the United States and Uruguay.

Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Japan, Kenya, Madagascar, New Zealand, Panama, Paraguay, Peru, Uganda, the United States and Uruguay confirm the central importance of risk analysis, in accordance with the SPS Agreement – including assessing, managing and communicating risks associated with pesticide use – to protecting public health and the environment, while enabling the safe use of plant protection products and facilitating international trade. We acknowledge the broad range of MRL-related issues that are currently having a significant impact on trade in food and agricultural products. We believe that the SPS Committee can play a constructive role in addressing these trade-related concerns. We propose to continue to advance work in the Committee on trade-related issues on MRLs by incorporating the following recommendations into the report of the Fifth Review.

1 ENABLE JMPR TO BETTER RESPOND TO INCREASED DEMAND AND MONITOR PROGRESS ON NEW CODEX MRLS

1.1. Members of the SPS Committee identified that despite the significant efforts to date by the Joint Food and Agriculture Organization (FAO) and World Health Organization (WHO) Meeting on Pesticide Residues, known as "JMPR", to streamline procedures and to manage the process of scientific review as efficiently as possible, the number of nominations put forward by the Codex Committee on Pesticide Residues (CCPR) for evaluation of new compounds and new uses, as well as for periodic re-evaluations of existing MRLs, by the JMPR far exceeds its current capacity. Further, the absence of MRLs for use in traded products is a significant concern, particularly for specialty crop and minor use products, and for agricultural products produced in developing countries.

1.2. Members also noted options to enable additional efficiencies in the Codex process to help maintain the relevance of Codex MRLs to all member countries and, in turn, facilitate countries' abilities to adopt Codex MRLs.

¹ Ministers of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Japan, Kenya, Madagascar, Panama, Paraguay, Peru, Uganda, the United States and Uruguay signed a joint statement supporting the recommendations contained in this submission. See WT/MIN(17)/52.

1.3. *We believe the Committee should encourage Members, as a matter of some urgency, to approach their Codex representatives to highlight the trade issues raised during discussions on MRLs at the SPS Committee and to participate actively in their inter-ministerial discussions on MRL issues. Members should encourage national discussions of options that could enable a more productive Codex MRL system; and in particular, to hasten discussions on ways to achieve sustainable funding for the scientific bodies. Such discussions would take place in the context of national resource availability, and could include, inter alia, options for increasing support to JMPR, increasing representative expert participation and other forms of support for the scientific bodies as well as encouraging programmes to support submission of data from developing countries especially on minor crops. The Committee should also invite regular updates from Codex on its progress in the evaluation of new compounds and new uses.*

2 STRENGTHEN NOTIFICATION PRACTICES OF MEMBERS FOR GREATER TRANSPARENCY AND PREDICTABILITY ON MRLS

2.1. Members have emphasized the need for greater transparency and predictability in Members' regulatory approaches to pesticide registration, in the setting of national MRLs and in the adoption of Codex MRLs. Several participants noted that the WTO notification process can be a powerful tool for identifying potential trade problems associated with proposed MRLs. They stressed that the processes for accepting comments on notifications and for taking comments into account are primary vehicles for reducing and preventing adverse trade impacts resulting from new or revoked MRLs.

2.2. *We believe the SPS Committee should consider ways for WTO Members to provide greater transparency and predictability worldwide on MRLs by urging Members to: (1) notify all proposed changes to their MRLs, including changes to MRLs that are based on international standards; and (2) review and improve their ability to take the comments of their trading partners meaningfully into account when considering proposed changes on MRLs.*

3 REPORT TO THE COMMITTEE ON INTERNATIONAL AND REGIONAL ACTIVITIES ON MRLS

3.1. Members have identified important information on harmonization and other collaborative activities taking place in international and regional forums other than Codex, such as the Organization for Economic Cooperation and Development (OECD), the Asia-Pacific Economic Cooperation (APEC), the North American Free Trade Agreement (NAFTA), and the East African Community (EAC). The goals of these collaborative activities include, *inter alia*, strengthening food safety, public health and environmental protection both domestically and globally; strengthening the scientific basis and enhancing regulatory efficiency by leveraging the scientific and regulatory resources of the international community; minimizing unwarranted trade barriers related to pesticide regulatory requirements; and, facilitating trade and competition.

3.2. There have been many instances in which a creative initiative developed in a regional forum has produced benefits worldwide. For example, the OECD MRL calculator and use of a common application format, known as the OECD dossier, has been taken up by JMPR and many national authorities, thereby enabling greater alignment of MRLs. Further, these tools have also enabled these national authorities to work collaboratively to improve the harmonization of MRLs, including through Global Joint Reviews and regional economic integration efforts, such as those of the EAC. Participants also discussed activities on global data generation and global joint reviews that are being used as the basis of widely-accepted MRLs by many countries.

3.3. Many developing countries have benefited from participation in the Codex process and some developing countries are seeking to dovetail their national and regional efforts to those of the OECD, NAFTA and APEC in order to encourage registrations of new substances that could enable greater access to lower-risk chemistries by their producers.

3.4. *We believe the Committee should welcome efforts by Members of these regional initiatives and the relevant observer organizations to provide regular updates to the Committee on their harmonization and other collaborative activities on MRLs. Such information could provide the basis for other Members to take up creative new MRL-related initiatives at the national and regional*

levels to improve harmonization to Codex MRLs as well as to regional MRLs where relevant, in order to facilitate trade.

4 COLLABORATE ON SOLUTIONS FOR MRLS FOR MINOR USE AND SPECIALTY CROPS

4.1. Members have noted the need for developing countries to have greater access to newer, lower-risk alternative pesticides to replace pesticides that are no longer supported by the manufacturers. Members explained the often complex and difficult issues involved in enabling greater access to minor-use and low-risk chemistries in developing countries, and suggested careful analysis of these issues in order to arrive at practical and effective solutions. The SPS Committee heard presentations on efforts of the EAC, as well as the capacity building activities on minor use associated with the IR-4 program of Rutgers University, the US Department of Agriculture, and the Standards and Trade Development Facility (STDF), which provided creative and collaborative examples of practical ways in which Members have begun to effectively address these issues, including through the Global Minor Use Summits.

4.2. Members also noted that regulatory approval procedures that are not aligned with international best practices (such as the OECD guidance documents on pesticide registration) can add unnecessary costs and act as a disincentive to potential registrants. In the case of the EAC, its members are working to identify and prioritize products based on grower needs that could be registered at the regional level, thereby increasing the attractiveness of the business case for investment.

4.3. We believe the SPS Committee should invite Members, on a voluntary basis, to explore ways in which their domestic regulatory approaches to pesticide registration and use can impact – both negatively and positively – the incentives of the private sector to invest in registration and stewardship of lower-risk alternative pesticides in their countries. The SPS Committee should also invite Members to evaluate their own minor use needs and to collaborate in global data generation activities.

5 DISCUSS THE ROLE OF THE COMMITTEE IN INCREASING COORDINATION AND HARMONIZATION

5.1. Lastly, we note the important role of the Committee conferred by Article 3.5 of the SPS Agreement to monitor the process of international harmonization, and by Article 12.2 to sponsor technical consultation and study with the objective of increasing coordination and integration between international and national systems and approaches for establishing tolerances for contaminants in foods. We believe the Committee should follow up on the trade-related issues outlined above.

5.2. We recommend the Committee include all of the recommendations put forward in this paper in its Report of the Fifth Review of the Operation and Implementation of the SPS Agreement.
