



Japan-EU EPA
Second meeting of the Committee on Sanitary and Phytosanitary Measures
Virtual Conference, 09 and 11 December 2020

On 09 and 11 December 2020, the Committee on Sanitary and Phytosanitary Measures, established under the provisions of the Japan-EU Economic Partnership Agreement, held its second meeting (by videoconference), co-chaired by, Ministry of Foreign Affairs of Japan, and DG Health and Food Safety, European Commission, with attendance from MAFF, MHLW and DG SANTE-TRADE, the EU Delegation to Japan, the Japanese Mission in Brussels and a representative from the German Presidency of the EU.

The Parties presented their comments and observations and the lessons learned from the first SPS Committee held in Tokyo in October 2019, recalled the minutes agreed with the relevant commitments and in the spirit of the EPA, the Parties mentioned the need for recording better outcomes in the future.

As a general remark, both parties re-confirmed their joint commitment to implementing the SPS Chapter and their willingness to continue to cooperate with the aim to effectively implement it. Japan, in line with the EPA-SPS chapter provisions, requested the EU to notify the Japanese competent authorities about all emergency measures. The EU indicated the lack of sufficient progress on SPS issues, the need for adherence to international standards, simplification of approval procedures in light of the EU harmonised legislation (taking advantage of experience gained from other EU applications) and the EU to be considered as a single entity. The EU and Japan took note of those requests and agreed to explore how to better address the issues.

Japan asked the EU to provide a clear statement of the relationship between individual Member States and the EU Commission, and the relevant legal basis.

The EU explained that this is clearly stated in the Treaty, with article 207 being the legal basis and referred to the explanation at the last SPS Committee meeting, but agreed to provide further details on Japan's request, should this still be necessary.

For the purpose of promoting mutual understanding of both Parties' competences, the EU presented its structural changes, including the introduction of a new Chief Trade Enforcement Officer focusing on implementation and enforcement of FTAs. Japan explained the respective roles of Japan's competent authorities in charge of food safety and outlined the Agricultural Forestry and Fishery Products and Food Export Facilitation Act (enforced on 1st April, 2020).

The EU presented its concerns regarding the length and lack of predictability of Japanese import approval procedures and proposed to work along experience already achieved (answers to questionnaires, transparency on timelines in approval procedures and grouping of EU

Member States applications).

Japan recognised the importance of predictability, and would make its best efforts to improve predictability of timelines of procedures and inform in line with the EPA provisions on the timeline of next steps in MAFF's and MHLW's approval procedure. However, Japan indicated the unpredictability due to the independent nature of the third party panels' deliberation.

The EU recalled the EPA provisions and reiterated its request to adhere to them and called Japan to simplify approval procedures and the risk assessment for EU Member States, and use the experience gained from assessment results of already approved EU Member States. Japan reiterated that it has already expedited and simplified the procedures by utilising its knowledge and information gained through the previous risk assessment. Japan will continue to expedite and simplify its procedures to the extent possible, as long as scientifically warranted.

In this regard, the EU highlighted the mutual benefit of the work done on the milk and meat questionnaires, where the EU Commission provided answers to questions related to EU-wide harmonised legislation and coordinated the replies from EU Member States (95% of the questions refer to EU-wide harmonised legislation applicable to all EU Member States). Japan noted the EU's comment and explained that Japan also used the unified questionnaire in the project of mutual recognition of zoning in the area of animal health and would continue to work on the simplification of questionnaires based on scientific grounds.

Both Parties will explore how to further improve the work on simplification, expediting and completing import procedures without undue delay, as referred in the EPA.

With regard to the specific SPS trade issue, Japan requested an update on the EU's processing of Japan's application for reclassification of poultry and porcine meat products, pointing out that it is possible to change classification for both types of product under the current situation. The EU explained that the risk assessment is currently ongoing and information on occurrences of relevant diseases, such as AI and CSF, is essential. Japan replied that it would keep the EU updated on the disease occurrences in Japan, while noting that disease occurrences in EU Member States do not necessarily prevent Japan from conducting risk assessments in relation to EU applications.

The Parties reviewed the EU Member States' prioritised market access applications on beef, ASF regionalisation and fruits. The EU highlighted the structural imbalance where Japan is given access to the whole EU market in one go whereas the EU only gets access to the Japanese market one single Member State at a time. The EU requested Japan to make progress on EU Member States market access applications and finalise them without undue delay taking into account the EPA provisions and EU harmonized legislation. Japan reiterated that it would expedite and simplify the procedures for the EU's applications to the extent possible, as long as scientifically warranted. Japan indicated that some products have not been requested for market access by Member States; or some Member States did not give response to Japan's questionnaires in time; or some agricultural products have already market access to Japan.

EU recalled the agreement where parties will review jointly on regular basis the state of play and make progress on the prioritised market access applications. Both Parties confirmed that

they would continue to take stock of the state of play and make progress on the prioritised market access applications.

As suggested during the first SPS Committee meeting, the EU requested Japan to group EU Member States' fruit and vegetable applications referring to the EU's letter in July and explanation during a videoconference (DVC) in November. Japan agreed in principle to work on the suggestion for grouping, but required more time to assess the specific proposal received from the EU and expressed its concerns, for example, over the priority between the grouping proposal and the specific MS's applications. Japan will send its questions and comments regarding the proposal and agreed to hold the next DVC in early 2021.

Japan requested clarifications on the EU plant health legislation for quarantine measure on carry-on luggage within the EU for establishment of pest-free areas and pest-free production sites in the EU. The EU explained relevant procedures and its legislation for protected zones. Japan requested explanation of the EU approach for supervising quarantine conducted by Member States regarding exports to third Countries. The EU explained that the EU has certain authority to audit export quarantine by Member States. The EU made the same inquiry to Japan to compare the relevant policies.

With reference to the food additive annex 6 of the EPA, the EU proposed to set up a DVC by January 2021 where further discussion could be tabled on timing and frequency of an enhanced cooperation on food additives. Japan requested the EU to clarify specific requests from the EU side, before deciding on any possible date for a DVC.

The Parties discussed the process for listing of missing substances in Japan's new positive list for food utensils, containers and packaging, and agreed to follow up on this.

Both Parties agreed on necessity of continuing dialogue regarding the EU's import measures on Japanese food products following the accident at the Fukushima nuclear power station.

Japan requested clarification on new legislation on composite products including import of miso containing small amount of fish soup stock to the Union, the EU explained the procedure and committed to reply to any pending question.

Japan expressed its concerns about the EU's new regulation on veterinary medical products, indicating that the EU has not provided enough information concerning concrete targeted products, certification procedures, scientific basis and timeline for publication and WTO SPS notification. Japan requested the EU to provide a transition period considering production period of targeted products and also not to make the measure restrictive for trade. Japan also requested the EU to make a WTO SPS notification to at an appropriate time in order to consider WTO members' concerns. The EU took note of it and suggested to arrange another explanation session for trading partners possibly in spring 2021.

Japan expressed its concerns regarding EU's WTO SPS notifications on certificate for fishery products and the detection of Paralytic Shellfish Poison. Both parties decided to continue to discuss between relevant authorities an enhanced cooperation on these matters. Likewise, Japan expressed its concerns about the lack of a reasonable time for other WTO Members to

make comments on EU's WTO SPS notification, as well as a reasonable interval of transitional period related to its revised regulation on *Xylella fastidiosa*. In addition, Japan raised questions on the revised regulation requesting annual surveillance due to its freedom. The EU emphasised that such surveillance was justified because the same measure is applied to EU Member States in accordance with ISPM 4. The Parties will continue the exchange of views. In relation to the EU's revised regulation on Tomato Brown Rugose Fruit Virus, Japan highlighted the need for bilateral notification of any emergency measures introduced by the EU.

Regarding the mutual recognition of animal health – zoning project, information on the state of play of the project was provided. The EU requested to set up a new deadline for the finalisation of the Avian Influenza project, indicating summer break 2021 as target. Japan indicated that deadline could be discussed at later stage, noting the unpredictability of the timing for the independent third party panels' deliberation. Parties agreed to have a DVC in January 2021 to continue the discussion on the project.

Japan debriefed on the outcome of the 1st Animal Health Technical Working Group held on 10-11 November 2020. Both parties acknowledged its importance and the need to continue the work within its framework, and will shortly decide the dates for the next meeting.

The EU presented the objectives, scope and rationale of the new Green Deal Initiative and the Farm to Fork Strategy. Japan thanked for the information provided and highlighted the importance of clarifying the new scope and guidelines resulting from these initiatives. The parties agreed to continue exchanging information on the progress of the strategy and resulting regulations.

Both parties confirmed that the co-chairs of the Committee would communicate closely with each other as appropriate for monitoring the follow-up work on SPS matters.

Both parties confirmed that they would hold the next Committee meeting in Japan, in the second semester 2021, anyway not later than 1st February 2022.