


L	BRIEFING <i>Origin: DG TRADE</i>	<ul style="list-style-type: none"> ○ Subject: SPS issues ○ Meeting: CM meeting with USTR Lighthizer ○ Date: 6 March 2019 ○ Place: Washington 	 Ref. Ares(2019)6047950 - 30/09/2019
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SCENE SETTER

SPS issues are NOT covered in the Juncker-Trump Joint statement of July 2018. This briefing is therefore provided for defensive purposes should R. Lighthizer raise these issues. Ongoing discussions with the US on regulatory issues and standards therefore take place outside the context of trade negotiations. Cooperation should be voluntary, transparent and in full respect of domestic procedures and levels of protection.

Food safety has been identified as one of the areas for possible cooperation in the future. In particular, the European Union and the United States could cooperate in a number of food safety areas where levels of protection are similar, and where regulatory preferences are reconcilable. No engagement will take place in areas characterized by important systemic differences for instance as regards different attitudes on risk assessment and management. In any event, regulatory cooperation can only be undertaken in full respect of each side’s legislation, including legislation related to the approval of GMO’s, pesticides and the prohibition of hormones treatment for the meat sector. However, it is important to continue working together to build trust among each other.

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SPEAKING POINTS/ KEY MESSAGES – *IF THE ISSUE IS RAISED*

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[Redacted]

[Out of Scope]

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2. GMO authorisations

Objective

[Redacted]

[Out of Scope]

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Line to take

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- In July, the European Court of Justice provided important clarification on the scope of application of the GMO legislation in relation to organisms obtained by mutagenesis techniques. As the result of the Court judgement, the GMO legislation is applicable to organisms obtained by new mutagenesis techniques.
- The ruling has not extended the scope of the legislation but has clarified how it should be read.
- The current EU legislation on GMOs, which is based on science, has been in place since the 1990s and has been updated in 2001. The legislation is compatible with the WTO SPS Agreement, where each party has regulatory autonomy.
- The Commission has, therefore, no plans to propose an amendment to the current legislation under the current College of Commissioners.
- Operators in and outside the EU remain responsible for ensuring that products which are placed on the market are safe and comply with all relevant regulatory requirements

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The US is very concerned about the recent ruling of the Court on mutagenesis. In the last WTO SPS Committee on 1 and 2 November 2018, a trade concern was raised by the US, Argentina and Paraguay, requesting the EU to explain the scientific basis of the Court’s decision and to provide clarification on how proper implementation would be insured. Legal uncertainty caused to trade flows was also underlined.

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[Art. 4.1(b)] DG Trade D3 [Redacted] [Art. 4.1(b)]
25 February 2019