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Page: 1/2

Committee on Sanitary and Phytosanitary Measures

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EUROPEAN UNION REVIEW OF LEGISLATION ON VETERINARY MEDICINAL PRODUCTS – SPECIFIC TRADE CONCERN 446

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 24 June 2022, is the statement made by the United States of America at the 22-24 June 2022 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

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1. In April, through G/SPS/N/EU/557, the EU Commission notified the list of antimicrobials that will be reserved for human use. The United States acknowledges that the Commission followed the European Medicine Agency's recommendations.

2. However, the United States continues to have concerns, and again refers to previous statements made at the SPS Committee and documented in the summary reports, regarding the implementation of Article 118 of EU Regulation 2019/6.

3. We would like to reiterate that animal species, specific pathogen-causing diseases, health management practices, antimicrobial access, availability of alternative treatments, and antimicrobial susceptibility profiles vary by region, country, and even regions within particular countries. Any EU measure should allow flexibility to trading partners to use a mix of tools and techniques to meet the EU level of protection, in a manner that is appropriate to the needs of farmers and producers in the exporting countries' own domestic context.

4. The United States remains concerned that the application of EU health standards to imported agriculture and agri-food products from third countries will undermine the competency of national authorities of the EU trading partners to establish measures necessary for the protection of animal within their own territories.

5. Regardless of when measures are implemented, our concern remains that the legislation may unjustifiably limit access to the medicines needed in modern animal husbandry, particularly in developing countries where alternative treatments are not available.

6. The United States requests the scientific justification for the EU restrictions on the use of antimicrobial drugs for growth promotion that are not medically important for humans, as such provisions may negatively impact livelihoods of livestock producers in the European Union and beyond, and ultimately prevent countries from achieving food security and sustainable development goals.

7. Codex Alimentarius recently adopted valuable guidance on addressing AMR through the updated, "Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance", and we encourage the European Union to harmonize its approach with relevant international standards. Unilateral approaches can undermine the multilateral system and create unnecessary uncertainty and disruptions for producers and consumers.

8. We would like to remind the Commission that in July 2021, DG SANTE offered to meet and provide updates to third countries. Members are ready to meet and await the EU setting a date for this meeting as soon as possible to share the outstanding details of the legislation, including its

scientific justification, the relationship between the proposed measures and their risk assessments, and how the proposed measures will consider the competence of third country regulatory systems.

9. Also, the United States requests again that the EU Commission provide a new timeline, taking into consideration the lifespan of different animal species, for a pragmatic implementation process that considers the shelf and storage life of products already in the supply chain. In addition, the United States again urges the European Union to base its regulations on science and risk, and to be mindful of the impact of its SPS measures on global animal health, food security, international trade, and agricultural sustainability.