



Committee on Technical Barriers to Trade

MINUTES OF THE MEETING 8-10 NOVEMBER 2023

CHAIRPERSON: MS. ANNA VITIE

Note by the Secretariat¹

Corrigendum²

2.1.4.15 European Union - Transitional periods for MRLs and international consultations, [G/TBT/N/EU/682](#), [G/TBT/N/EU/683](#), [G/SPS/N/EU/360](#) (ID 580³)

Paragraph 2.165 should read as follows:

2.165 The representative of Colombia provided the following statement. These two topics have been raised several times in this Committee because no solutions have yet been found as regards appropriate transitional periods, nor is it clear how comments submitted by Members in international consultations have been taken into account. The problem is exacerbated when maximum residue levels and import tolerances are reduced or totally withdrawn and the transitional period to adapt to new conditions is completely insufficient for exporters in non-EU countries. Hence, there is an urgent need to extend such transition periods to adequately comply with new regulations. ~~—hence the pressing need to extend such transitional periods to allow time to properly adapt to new legislation.~~ It is worth remembering that access to international markets is essential to the livelihoods of thousands of rural families, especially since the European Union is one of the top markets for producers of bananas, coffee and exotic fruits, among other products. We therefore call on the European Union to consider the comments made before implementing new measures regarding the level of detection for an active ingredient, conduct comprehensive risk assessments before establishing a new maximum residue level and ensure that transitional periods are sufficiently long. Otherwise, we will end up in a situation with measures that unnecessarily restrict and impede trade because they go beyond what is necessary to fulfil the objective being pursued. This being the case, and for the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures, we invite the EU to follow the recommendations for good regulatory practices, according to which rules should be based on clear and objective information, and open dialogue with stakeholders, transparency and reduction of market distortions. ~~We therefore invite the EU to follow the recommendations for good regulatory practices, according to which rules should be based on clear and objective information, and open dialogue with stakeholders, transparency and reduction of market distortions are promoted, to the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures.~~

2.1.4.17 European Union - Non-renewal of the approval of the active substance mancozeb, [G/TBT/N/EU/712](#); [G/TBT/N/EU/797](#), [G/SPS/GEN/1494/Rev.1](#) (ID 627⁴)

Paragraph 2.190 should read as follows:

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

² In English only.

³ For previous statements follow the thread under ID [580](#).

⁴ For previous statements follow the thread under ID [627](#).

2.190 The representative of Colombia provided the following statement. Colombia is aware of the importance of foods free from excess pesticide residues that comply with international safety recommendations. However, the ban on active substances such as mancozeb, clothianidin, thiamethoxam and chlorothalonil, and the subsequent non-renewal of the approval of these substances, are hitting our country's agricultural export sector hard. While our health authorities are going to great lengths with the productive sectors to explore alternatives to meet the requirements, the search for substances to replace those that have been banned or whose approval is being modified requires time and investment, especially when potential alternatives are also becoming scarcer owing to changes to phytosanitary regulations in the European Union. A typical example of this, but not the only one, is the limited availability of an alternative to mancozeb, on account of similar substances, such as chlorothalonil, being banned in the European market. In this context, it is vital that the non-renewal or modification of approval for active substances takes into account production processes and methods in countries that could be affected. Failing to do so would violate Article 2.2 of the TBT Agreement, which stipulates that technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective. Failing to do so also seems to violate Article 12.3 of the TBT Agreement, which states that account should be taken of the special financial and trade needs of developing countries, with a view to ensuring that regulations, standards and conformity assessment procedures do not create unnecessary obstacles to exports. In this regard, we agree with arguments presented in this Committee expressing the need for the European Union to bring maximum residue levels into line with the levels established within the framework of the Codex Alimentarius and to treat farmers in third countries no less favourably than it does European farmers. This being the case, and for the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures, we invite the EU to follow the recommendations for good regulatory practices, according to which rules should be based on clear and objective information, and open dialogue with stakeholders, transparency and reduction of market distortions. We therefore invite the European Union to seek out and support solutions that would allow our agricultural producers to continue meeting the European demand for food, to the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures.

2.1.4.24 European Union - Draft Commission Regulation amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam in or on certain products, [G/TBT/N/EU/908](#) (ID 763⁵)

Paragraph 2.240 should read as follows:

~~1.1.~~ 2.240 The representative of Colombia provided the following statement. Colombia is aware of the importance of foods free from excess pesticide residues that comply with international safety recommendations. However, the ban on active substances such as mancozeb, clothianidin, thiamethoxam and chlorothalonil, and the subsequent non-renewal of the approval of these substances, are hitting our country's agricultural export sector hard. While our health authorities are going to great lengths with the productive sectors to explore alternatives to meet the requirements, the search for substances to replace those that have been banned or whose approval is being modified requires time and investment, especially when potential alternatives are also becoming scarcer owing to changes to phytosanitary regulations in the European Union. A typical example of this, but not the only one, is the limited availability of an alternative to mancozeb, on account of similar substances, such as chlorothalonil, being banned in the European market. In this context, it is vital that the non-renewal or modification of approval for active substances takes into account production processes and methods in countries that could be affected. Failing to do so would violate Article 2.2 of the TBT Agreement, which stipulates that technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective. Failing to do so also seems to violate Article 12.3 of the TBT Agreement, which states that account should be taken of the special financial and trade needs of developing countries, with a view to ensuring that regulations, standards and conformity assessment procedures do not create unnecessary obstacles to exports. In this regard, we agree with arguments presented in this Committee expressing the need for the European Union to bring maximum residue levels into line with the levels established within the framework of the Codex Alimentarius and to treat farmers in third countries no less favourably than it does European farmers. This being the case, and for the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures., we invite

⁵ For previous statements follow the thread under ID [763](#).

~~the EU to follow the recommendations for good regulatory practices, according to which rules should be based on clear and objective information, and open dialogue with stakeholders, transparency and reduction of market distortions. We therefore invite the European Union to seek out and support solutions that would allow our agricultural producers to continue meeting the European demand for food, to the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures.~~

**2.1.4.42 European Union - Chlorothalonil (pesticide active substance),
G/TBT/N/EU/625, G/SPS/N/EU/394 (ID 579⁶)**

Paragraph 2.361 should read as follows:

~~1.2.~~ 2.361 The representative of Colombia provided the following statement. Colombia is aware of the importance of foods free from excess pesticide residues that comply with international safety recommendations. However, the ban on active substances such as mancozeb, clothianidin, thiamethoxam and chlorothalonil, and the subsequent non-renewal of the approval of these substances, are hitting our country's agricultural export sector hard. While our health authorities are going to great lengths with the productive sectors to explore alternatives to meet the requirements, the search for substances to replace those that have been banned or whose approval is being modified requires time and investment, especially when potential alternatives are also becoming scarcer owing to changes to phytosanitary regulations in the European Union. A typical example of this, but not the only one, is the limited availability of an alternative to mancozeb, on account of similar substances, such as chlorothalonil, being banned in the European market. In this context, it is vital that the non-renewal or modification of approval for active substances takes into account production processes and methods in countries that could be affected. Failing to do so would violate Article 2.2 of the TBT Agreement, which stipulates that technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective. Failing to do so also seems to violate Article 12.3 of the TBT Agreement, which states that account should be taken of the special financial and trade needs of developing countries, with a view to ensuring that regulations, standards and conformity assessment procedures do not create unnecessary obstacles to exports. In this regard, we agree with arguments presented in this Committee expressing the need for the European Union to bring maximum residue levels into line with the levels established within the framework of the Codex Alimentarius and to treat farmers in third countries no less favourably than it does European farmers. This being the case, and for the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures., we invite the EU to follow the recommendations for good regulatory practices, according to which rules should be based on clear and objective information, and open dialogue with stakeholders, transparency and reduction of market distortions. We therefore invite the European Union to seek out and support solutions that would allow our agricultural producers to continue meeting the European demand for food, to the benefit of not only developing countries but also the multilateral trading system, which has already been hit hard by this and other measures.

⁶ For previous statements follow the thread under ID [579](#).