

Session 3

PAPER FOR DISCUSSION:

The APEC Food Safety Cooperation Forum Action Plan

Wine Regulatory Forum

September 11-12, 2014

Beijing, China

**The APEC Food Safety Cooperation Forum Action Plan**

**Introduction**

This paper aims to update members of the APEC Food Safety Cooperation Forum on progress on the APEC MRLs Roadmap Project (MRLs Project), and to get members’ agreement on further proposed activities.

The MRLs Project’s goal is to support APEC economies to facilitate, where practical and appropriate, greater regulatory convergence of MRLs across the region, and to promote alignment to international standards.

**Background**

The APEC Food Safety Cooperation Forum (FSCF) was formally established under the APEC Sub-Committee for Standards and Conformance (SCSC) at the inaugural meeting in Australia in April 2007. At this meeting, APEC member economies agreed to work together to: strengthen food safety capacity building activities and improve information sharing; develop robust food safety systems; and improve the safety of food within and traded between APEC member economies. The FSCF is composed of food safety regulators from APEC member economies, as well as key international stakeholders. It is co-chaired by Australia (Food Standards Australia New Zealand) and China (Import and Export Food Safety Bureau, General Administration of Quality Supervision, Inspection and Quarantine).

At the 2011 APEC FSCF meeting (Big Sky, United States of America (USA)), it was agreed to work towards better aligning APEC member economies’ pesticide MRLs with international (eg Codex) standards, as a way towards achieving greater harmonisation. Pesticide MRLs were selected because they are used to monitor good agricultural practices in the use of agrichemicals and also for international trade in food. They also act to protect public health and safety by ensuring that agricultural chemical residues in food are at safe levels and do not pose a health risk to consumers.

The 2013 APEC FSCF meeting (Surabaya, Indonesia) was important in developing an Action Plan to implement the APEC Regulatory Cooperation Plan (the Plan). The Plan aims to promote alignment of standards within member economies to relevant international standards and test methods wherever possible and consistent with WTO obligations. As part of the Plan, two priority areas were chosen to pilot this work: i) Export Certificates; and ii) Pesticide Maximum Residue Levels (MRLs).

Activities relating to Export Certificates have been led by the USA in collaboration with member economies. The Pesticides MRLs work that has initially focussed on a pilot project for MRLs in wine grapes and wine has been led by Australia, with Food Standards Australia New Zealand (FSANZ) coordinating the work in collaboration with the APEC Wine Regulatory Forum.

**MRL Roadmap and proposed activities**

1. ***Progress of MRL work on wine grapes and wine***

The Plan that was developed by the FSCF in 2013 established a two-year timeframe in which to advance the work on the harmonisation of pesticide MRLs through priority pilot areas.

The areas identified for initial action were:

* Interpretation of the term ‘recognition’ within the APEC region for regulatory convergence of MRLs
* Case study on ‘import tolerance’
* Wine grapes and wine MRL pilot project.

The terms ‘recognition’ and ‘import tolerance’, as currently understood by member economies, are:

* **Unilateral ‘recognition’** – refers to an approach to MRL harmonisation that is possible in only a limited number of economies, as the domestic food safety legislation of most economies does not allow it. Such MRL harmonisation is agreed on a bilateral basis as, for example, those agreements that exist between Australia and New Zealand, and between the USA and Mexico. However, this approach is not a viable option for global trade in food.
* **Import tolerances - equivalent to MRLs –** refers to an approach for acceptance of another member economy’s MRL that can use a number of methods including:
  + Automatic recognition of Codex MRLs or a trading partners’ MRLs
  + Establishment of MRLs (import tolerances) from an importing member economy on a case-by-case basis supported by risk assessment processes.

To proceed with the MRL harmonisation work, a working group comprising Australia and China (Co-Leaders), the USA, Chinese Taipei and Thailand, with the Grocery Manufacturers Association and the Wine Regulators Forum as stakeholders, was established.

In June 2014, the FCSF Secretariat circulated the final MRLs Roadmap document which detailed the objective of the two year plan to facilitate harmonisation of pesticide MRLs between APEC member economies. The focus was on pesticide MRLs for wine grapes and wine. The document also proposed four broad principles for consideration by members, as the way forward to facilitate harmonisation of MRL Standards. There were no comments from members to vary any of the issues presented in the Roadmap and as a result, the broad principles will be discussed and considered for endorsement at the current meeting.

The bulk of the group’s work has been progressed out-of-session with a meeting held in May 2014 to advance the wine MRL case study (undertaken by the Technical Working Group of the Wine Regulatory Forum) and another meeting held in June 2014 to prioritise the work schedule for the APEC FSCF pilot project on MRLs for wine grapes and wine.

*Activities by the wine regulatory forum*

The overall objective of the first pilot project is to achieve harmonisation of pesticide MRLs for wine grapes and wine among APEC member economies where feasible and consistent with domestic law. In support of this objective, the APEC Wine Regulatory Forum Working Group has undertaken preliminary work in the areas of:

* Identifying agrichemicals where MRL policy has the potential to disrupt trade, including undertaking three case studies to develop options for resolving these issues
* Undertaking an exercise in enhanced risk controls that relate to laboratory capabilities and technical expertise
* Compiling a compendium of wine regulation databases
* Assessing the costs of differing MRLs for wine grapes and wine in the APEC region.

Detailed reports on these areas of MRL harmonisation work will be presented at different sessions of this forum.

1. ***Proposed actions to progress the MRL harmonisation plan***

**Agreement and endorsement of the proposed Broad Principles**

To facilitate the further progress of the MRLs harmonisation work, it is proposed that the following broad principles proposed in the Roadmap circulated to members in June 2014 be endorsed by members. These principles have the two-fold aim of being consistent with the contemporary international approaches of the Codex Alimentarius and providing a mechanism for regional harmonisation:

* Participation in development of Codex MRLs through involvement in the Codex Committee on Pesticide Residues (CCPR)
* Adoption of Codex MRLs in domestic legislation and in trade
* Exchange of data or work-share to support establishment of pesticide MRLs by member economies, particularly if there is no equivalent domestic MRL
* Development of unilateral ‘recognition’ or ‘import tolerance’ on a case-by-case basis, where practical and appropriate to domestic regulation, for specific pesticide/commodity MRLs of trading partners.

The general elements proposed in the Roadmap for the pilot program are:

* Recognition that pesticides are used differently among production member economies due to differences in product use patterns, pest/diseases and environmental factors.
* Adoption of Codex or an exporting member’s MRL by the importing economy, where there is no safety concerns relating to the diet of its population, and it is consistent with domestic law.
* Data exchange or work-share on future MRL developments among member economies to increase awareness and transparency.

**Further proposed activities**

Subject to the endorsement of the proposed broad principles for harmonisation of MRLs, the activities listed below are proposed to progress the pilot project on wine grapes and wine MRLs.

***Communication*** *- linkage to Codex MRL setting process*

* Initiate discussions between the SCSC and Trade Ministers regarding the agreed broad principles
* Establish a link with the Codex Committee on Pesticide Residues (CCPR) through member economies ensuring that they identify and liaise with their economy’s CCPR delegate and provide a list to the FSCF Secretariat.

*Anticipated outcome*:

* Enable closer liaison between member economies on wine MRL issues
* Ensure the FSCF Secretariat can liaise with appropriate representatives of all economies regarding the MRL plan.

***Data compilation*** *– linkage to data exchange/work share and import tolerance systems*

* Establish a register of economies that have developed a system to recognise import tolerances for wine grapes and wine MRLs established by Codex or a regulatory authority of an APEC member economy
* Consider as part of compiling available data on wine grapes and wine MRLs within the APEC region to identify the following:
* Highest MRLs for wine grapes and wine and their relationship to Codex values
* Processes established for setting wine grapes and wine MRLs
* Types of analysis undertaken to set the MRL values
* How each member economy deals with wine grapes and wine MRLs
* Possible use of a survey approach to collect the data required.

*Anticipated outcome:*

* Facilitate establishment of import tolerances on a case-by-case basis.
* Identify systems used by some member economies that could be adopted or adapted across all APEC member economies.

***Training and funding*** *– Linkage to all four broad principles and to the Training Network*

* Discuss the need for capacity building through training
* Identify available training options and models
* Identify funding possibilities for training purposes
* Address issues relating to funding for member economies to attend relevant meetings.

*Anticipated Outcome*:

* Provide opportunities for up-skilling and maintaining current wine MRL setting processes across the APEC region
* Ensure consistency in processes and approaches used by member economies
* Provide a platform for MRL harmonisation based on commonalities.

1. ***Proposed second MRL pilot project***

The FSCF discussed the possibility of a future second MRL pilot study on tropical fruits at the 4th APEC FSCF meeting held in April 2013 at Surabaya, Indonesia.

In June 2014, the FSCF Secretariat updated members on discussions that had progressed on the topic including the view of the MRL Working Group. It was suggested that since the Philippines was hosting the 2015 APEC FSCF, meeting it could consider nominating for the second pilot study. It was also suggested that other like-minded member economies could collaborate with the Philippines to undertake the project, if agreed.

A number of member economies supported the establishment of a second MRLs pilot study focussing on tropical fruit due to these commodities being widely produced in the APEC region. Some FSCF members noted that a case study on tropical fruits in general could be very complex and for this reason mangoes were suggested as a specific commodity for the second pilot study. It was also proposed that the selection of a single tropical fruit would offer the opportunity to study an unprocessed commodity in contrast with the wine MRL study, which was dealing with a processed product, wine. The Philippines together with the USA have subsequently progressed discussions of the project in consultation with the FSCF.

As the topic of a second MRL pilot has generally been discussed out-of-session and not yet formally agreed by FSCF members, it is proposed that the issue is considered at the current meeting. The economies could then nominate the specific tropical commodity to be used as a second MRL pilot study, or decide on another relevant commodity.

**Priority areas of action to progress MRL pilot project and suggested timelines**

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| **Work** | **Date** | **Comment** |
| Agreement and adoption of the *Broad Principles* for regulatory convergence of pesticide MRLs as per APEC FSCF Roadmap | September 2014 meeting | Held in Beijing, China |
| Agreement on the testing principles used for the Wine MRLs pilot and assessment of the relevance to other pilots. | September 2014 | Held in Beijing, China |
| Discussion between members of the APEC Sub-committee for Standards and Conformance and Trade Ministers regarding how the adopted broad principles could be implemented | September 2014 to April 2015 | Out-of –session activity by the economies involved |
| Development of a register of member economies with systems to recognise MRLs from Codex or other regulatory authorities in the APEC region | October 2014 | Out-of-session by members of the working group |
| Provision of list of member economies’ CCPR delegates to the FSCF Secretariat | October 2014 |  |
| Compilation of data on wine MRLs within the APEC region | November 2014 | Out-of-session work by WRF.  First progress report in February 2015. |
| Data sharing and information exchange processes | November 2014 | Out-of-session work. |
| Creation of a working group for the 2nd MRL pilot | November/December 2014 | Out-of-session work. Philippines and collaborating member economies |
| Philippines to prepare a draft roadmap for the agreed 2nd MRL pilot – tropical fruits, mango | April 2015 | Proposed FSCF Meeting in Philippines |
| Wine Regulatory Forum to report on progress:   * Priority MRLs * Cost of non-harmonised MRLs * World Wine Trade Group actions * Identify and assess the need for processing factors. * Status of MRL database | April 2015  September 2015 | Proposed FSCF Meeting in Philippines  Proposed WRF meeting in Australia |

**Recommendations**

*Communication*

* Consider approaches to engage Trade Ministers and CCPR delegates that are not involved with FSCF activities

*Data compilation*

* Establish a working group to commence work on data sharing and information exchange between member economies
* Provide terms of reference for the working group
* Identify approaches or processes that can be used, or activities to be undertaken by the working group
* Decide on how to start work on the compilation of data on wine MRLs in the APEC region
* Decide whether discussion on this topic should continue out-of-session, and set suitable timelines for the issues.

*Training and funding*

* Agree on the concept and approach to adopt.

*Second MRL pilot*

* Agree on the tropical commodity for the second MRLs pilot study
* Endorse the Philippines as the member economy to lead the second MRL pilot
* Agree on the Working Group for the second MRL pilot.