



May 7, 2013

David Weiner
Deputy Assistant USTR for Europe
Office of the US Trade Representative
Executive Office of the President
600 17th Street NW
Washington, DC 20508

Dear Mr. Weiner:

I am writing on behalf of California cherry shippers in response to the April 1 USTR *Federal Register* notice seeking comments on the upcoming Transatlantic Trade and Investment Partnership (TTIP).

The California Cherry Board represents all growers and packers of Bing, Van, Lambert, and Rainier cherry varieties in the state of California. Exports have become increasingly important to the California cherry industry. The value of the 2012 US sweet cherry export crop was close to \$500 million dollars. Exports to EU in 2012 reached \$18 million, making it the eighth largest export market for US cherries.

Given the importance of the EU market, the California cherry industry requests that USTR and USDA consider the following priorities during the TTIP negotiations.

Tariffs:

California cherries are exported from April until June. During that period, the EU charges a 12% tariff until May 19 on HS 0809.29, and then uses a complicated reference price system depending on the date and the entry price. Details of the EU cherry tariff schedule are included at the end of this letter. Such a system limits California cherry exports to the EU.

In the TTIP, the California cherry industry seeks the immediate elimination of all EU tariffs applied to US cherries.

Pesticide MRLs:

California cherry growers work hard to ensure that their product meets foreign regulatory standards. The industry has an active program to seek harmonized cherry MRLs throughout the world. In years past, the California cherry industry has been successful in seeking EU cherry MRLs when the EU was establishing a community-wide MRL list.

Unfortunately, numerous EU cherry MRLs have been withdrawn and are now set at the very restrictive limit of detection. This discrepancy is a trade barrier as growers are either prevented from using the approved crop protection material in question or must apply the product and hope the residue falls within EU standards.

The California cherry industry has explored options with the US Mission to the EU the option of seeking import tolerances in the EU for the compounds in question. Unfortunately, such actions typically require additional regulatory research beyond the existing US data to meet the EU requirements. This research typically can cost up to \$200,000. The California cherry industry simply does not have such research funds for each MRL need. Therefore, shippers are stuck with differing cherry MRLs and the risk of residue violations in the EU without an option of addressing the issue.

The California cherry industry recognizes that the EU has been adopting Codex MRLs in recent years when the EU has not raised objections to the proposed Codex standards. We welcome this development, but there are numerous other needs that have not yet been covered by this system.

Addressing US-EU MRL harmonization, harmonizing data requirements, and streamlining the EU system for granting import tolerances through the TTIP would go a long way to addressing this trade irritant. Please let me know if the California cherry industry can provide additional specifics regarding the MRL issue.

Thank you for the consideration of these requests. We look forward to working with you on the TTIP negotiations in the months ahead.

Sincerely,

/s/

Chris Zanobini

Specific EU duty on other cherries (HS 0809.29)

From August 11-May 20: 12%

From 21 to 31 May

With an entry price per 100 kg net weight of:

not less than 149.4 EUR - 0.00 EUR/100 kg net;	
not less than 146.4 EUR, but less than 149.4 EUR:	3 EUR/100 kg net;
not less than 143.4 EUR, but less than 146.4 EUR:	6 EUR/100 kg net;
not less than 140.4 EUR, but less than 143.4 EUR:	9 EUR/100 kg net;
not less than 137.4 EUR, but less than 140.4 EUR:	12 EUR/100 kg net;
less than 137.4 EUR:	27.4 EUR/100 kg net.

From 1 June-to 31 July

With an entry price per 100 kg net weight of:

not less than 125.4 EUR - 0.00 EUR/100 kg net;	
not less than 122.9 EUR, but less than 125.4 EUR:	2.5 EUR/100 kg net;
not less than 120.4 EUR, but less than 122.9 EUR:	5 EUR/100 kg net;
not less than 117.9 EUR, but less than 120.4 EUR:	7.5 EUR/100 kg net;
not less than 115.4 EUR, but less than 117.9 EUR:	10 EUR/100 kg net;
less than 115.4 EUR:	27.4 EUR/100 kg net.

From 1 August-to 10 August

With an entry price per 100 kg net weight of:

not less than 91.6 EUR/100 kg net - 0.00 EUR/100 kg net;	
not less than 89.8 EUR/100 kg net, but less than 91.6 EUR/100 kg net:	1.8 EUR/100 kg net;
not less than 87.9 EUR/100 kg net, but less than 89.8 EUR/100 kg net:	3.7 EUR/100 kg net;
not less than 86.1EUR/100 kg net, but less than 87.9 EUR/100 kg net:	5.5 EUR/100 kg net;
not less than 84.1EUR/100 kg net, but less than 86.1 EUR/100 kg net:	7.3 EUR/100 kg net;
less than 84 EUR/100 kg net:	27.4 EUR/100 kg net.