16TH GNLU INTERNATIONAL MOOT COURT COMPETITION, 2025

CLARIFICATIONS

1. **What was that one type of agricultural product on which scientific assessment was done by Industria? (according to Para 16 of the moot problem)**

   The scientific report places all neonicotinoids into a single risk profile based on tests carried out on a single type of agricultural product. For clarity, assume that the tested product is vanilla. Participants may develop their arguments accordingly.

2. **According to Annex B after the prohibition sales and import of neonicotinoid in industria's market, the domestic sales and imports of vanilla in Industria according to Annex C are still in place, so the clarification that I want to raise is does the production of vanilla after 2025 is done through using pesticide flupyradifurone instead of neonicotinoid?**

   It is reasonable to infer that flupyradifurone may be used as a substitute. Participants may develop arguments based on this inference.

3. **Provide us with Industria's Citon and Rose hips domestic market details separately.**

   Participants may presume the same numbers for Citron and Rose hips as provided for Vanilla in Annex C, read with the response to Question 27 below.

4. **Was IFSA's risk assessment primarily based only on peer-reviewed scientific studies?**

   Annex E provides that the basis of risk assessment is a combination of field study, literature review, submission of studies by stakeholders, and public surveys on the application of Clothianidin, Thiamethoxam, Imidacloprid, and Flupyradifurone on agricultural products. Participants are advised to develop arguments based on the relevant information provided in Paragraph 16 and Annex E of the Moot Problem.

5. **Do the OPPR's pesticide ban and MRL requirements apply equally to domestic and imported products, or is there any distinction?**

   Participants are advised to develop arguments based on the relevant information provided in Annex A of the Moot Problem.

6. **Does the neonicotinoid ban under OPPR consider the presence of naturally occurring neonicotinoids in products like citrus, rose hips, and vanilla? If so, how does this affect its scientific justification under Article 5.1 of the SPS Agreement?**

   Participants are advised to develop arguments based on the relevant information provided in Footnote 3 of the Moot Problem.

7. **Were any portions of IFSA's risk assessment based on non-peer-reviewed public surveys or stakeholder submissions?**

   Please see Paragraph 16 and Annex E of the Moot Problem.

8. **Were the acute and chronic toxicity findings regarding neonicotinoids submitted to any international or regional scientific body for review?**

   The risk assessments were based on secondary sources; therefore, Industria did not submit its risk assessment for further review.

9. **What scientific threshold was used to set MRLs for neonicotinoids and Flupyradifurone Codex values or new national studies?**

   The thresholds were derived from IFSA's national assessment based on local tests, literature reviews, expert opinion, and a country-wide survey. Please also refer to Annex-E and paragraph 16 of the moot problem.

10. **Were separate environmental impact assessments conducted for each pesticide listed in Appendix-I or Appendix-II?**

    The environmental impact assessments for each pesticide listed in Appendix I or Appendix II were conducted holistically, rather than individually.

11. **Did IFSA's risk assessment disaggregate between pollinator species or generalize results to all pollinators?**

    There is no segregated analysis available for each pollinator species. Although the risk assessments are primarily based on honeybees, as they are the most populous and widely distributed pollinators for most agricultural products, the results would be scientifically the same for other pollinators. As

a result, the risk analysis is generalised to represent all pollinators. [Please also see paragraph 5 of the Moot Problem.]

12. Was any ecological modelling done to determine the link between neonicotinoid residues and pollinator mortality?

Yes, IFSA undertook an ecological modelling exercise in January 2024, however, the exercise is still ongoing and has not been concluded, and therefore, it is not included in the final risk assessment summarised in Annex E.

13. Are foreign producers or exporters permitted to directly apply for IFSA approval of pesticide-treated products?

Approvals under Article 4 are to be obtained by importers in Industria. Accordingly, exporters shall provide their importers with all relevant information required under Article 4(a)(ii).

14. What specific tests or standards must be satisfied under the dossier requirement in Article 4(a)(ii)?

IFSA has developed the following dossier, taking into account prevailing international practices. The dossier shall mandatorily include:

(i) Residue trials on relevant crops (vanilla, citron, rose hips);
(ii) Acute and chronic toxicity studies on honeybees and other key pollinators; and
(iii) Environmental fate studies indicating clearly how the pesticide breaks down in soil and water.

It is further clarified that all studies submitted must be conducted in accordance with internationally accepted Good Laboratory Practices (GLP) Principles (for laboratory studies) and Good Experimental Practice (GEP) principles (for field studies), such as OECD, to ensure their quality and reliability.

15. Can exporters submit Codex-aligned or OECD GLP-certified data instead of IFSA-specific studies?

Please see the response to question 14 above.

16. How did IFSA evaluate the risk posed by naturally occurring neonicotinoids in Vanilla, Citron, and Rose Hips?

Participants are advised to develop their arguments based on Footnote 3 along with Annex E of the Moot Problem.

17. Will IFSA release guidelines on how requests for recognition of equivalence under Article 5 are evaluated?

Yes, IFSA recently released the following labelling and packaging guide:

GUIDANCE DOCUMENT: LABELLING AND PACKAGING REQUIREMENTS
(Article 5 of the Omnibus Pollinator Protection Regulation)

1. Purpose of This Guide
This document explains the rules for how agricultural products treated with pesticides must be labelled and packaged when sold in Industria. These rules are part of Industria's commitment to protecting our vital pollinator populations, ensuring food safety, and helping consumers make informed choices.

2. Scope
This guide applies to all pre-packaged agricultural products that have been treated with pesticides and are intended for consumption, sale, or distribution in Industria.

3. Definitions
'label' means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of the product;

'labelling' means any words, particulars, trademarks, brand name, pictorial matter or symbol relating to pesticide and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such product; and

'Field of vision' means all the surfaces of a package that can be read from a single viewing point.

4. Labelling Requirements

All labels on covered products must meet the following standards:

- *The "Happy Bee" Mark:*

Products must clearly show the "Happy Bee" certification mark. This mark tells consumers that the product meets Industria's pollinator-friendly and sustainability standards.

- *Mandatory Information:*

The label must include the following details, written in English:

1. *Name(s) of the pesticide(s) used.*
2. *Quantity of pesticide(s) used per 100g of the product.*
3. *A unique traceability code that links to the producer's certification.*
4. *A valid authorisation number for the product.*
5. *The Country of Origin of the product.*

- *Presentation of particulars:*

1. *Field of vision.*
2. *Font Size: The main text on the label must be at least 1.2 millimeters (mm) high (measured by the height of the lowercase 'x'). If the main display area of the package is very small (less than 80 square centimeters), the font size can be reduced to 0.9 mm.*
3. *Colour Contrast: The text colour must stand out clearly against the background colour of the label.*
4. *Placement: The "Happy Bee" label and all required information must be placed prominently on the main display panel of the product package.*

5. Weights and measurements:

All covered products must be packaged as follows:

1. *Standard Weights: Products must be sold in sealed, non-single-use packages of specific weights: 100g, 200g, 500g, 1kg, 2kg, or 5kg.*
2. *Sealed and Reusable: Packaging must be sealed to maintain product integrity and must be designed for non-single use to support sustainability goals.*

6. Traceability and Certification

1. *Proof of Compliance: Producers and importers must keep records that show their products meet these labelling and packaging rules. This includes the accredited agency's certification of the pesticide-treated products.*
2. *Verification: IFSA may conduct inspections or ask for these records at any time to ensure compliance.*

3. *Proper Use of "Happy Bee" Label: The "Happy Bee" label may only be used on products that fully meet all requirements outlined in this guide. Misleading use of the label is prohibited.*

7. Recognition of Equivalent Measures from Other Countries

Industria understands that other countries may have their own labelling and packaging rules. IFSA may recognise labelling and packaging rules from a product's country of origin as equivalent to Industria's, if those rules achieve the same high level of protection for pollinators and consumers. This recognition requires clear and enforceable commitments, possibly through trade agreements or other formal cooperation.

Evaluation Process: IFSA will review requests for equivalence in a timely and transparent way, and may also consult with relevant international or regional organisations during this process.

18. Were any emergency authorisations granted during the transition period to OPPR enforcement for domestic or foreign producers?

No emergency authorisations were granted.

19. Was Flupyradifurone granted any form of temporary exemption pending submission of further safety data?

No exemption was granted to covered pesticides pending the submission of further safety data.

20. Do Small Size Farmers exempt under Article 3(b)(iii) also enjoy exemption from labelling and packaging rules?

There are no exceptions provided in the regulation from the labelling and packaging requirements under Article 5.

21. Are domestic pesticide-treated products subject to the same MRLs, dossier requirements, and packaging standards as imports?

Participants are advised to develop arguments based on the relevant information provided in Annex A of the Moot Problem.

22. Is the Happy Bee label mandatory for domestic products or only for imported pesticide-treated products?

Participants are advised to develop arguments based on the relevant information provided in Annex A of the Moot Problem.

23. Can an exporter or foreign certification body independently apply for a Happy Bee label from IFSA?

Please refer to the response to Question 17 read with the Moot Problem.

24. What criteria are used to determine if a foreign packaging or labelling measure offers an equivalent level of protection?

Participants are advised to develop arguments based on the relevant information provided in Annex A (Article 5) of the Moot Problem, along with the response to Question 17 above.

25. If an Aspirian product has full traceability and safety certification, can it be presumed to meet Happy Bee equivalence?

Equivalence is subject to IFSA's evaluation (Annex A, Article 5), read with the response to Question 17 above.

26. Did the price decline in Aspirian Vanilla imports in Q1 2025 result primarily from OPPR enforcement or domestic factors?

Participants are advised to develop arguments based on the relevant information provided in the Moot Problem and clarification questions.

27. Have Industrian domestic producers experienced a decline in vanilla sales or output due to the OPPR pesticide ban?

The details pertaining to domestic sales of Vanilla are provided in Annex C of the Moot problem. ***This is to clarify that the data provided for 2021, 2022, and 2023 are the same in each quarter, and the data provided for those respective years is per quarter sales.*** Participants are advised to develop arguments based on the relevant information**.**

28. Are price increases from Marvina's vanilla exports due to exemption under Article 3(b)(ii), and was this considered in policy?

Participants are advised to develop arguments based on the relevant data provided in the Moot Problem.

29. **What justifies the continued use of Flupyradifurone under OPPR despite its noted impact on bee flight activity?**

    Participants are advised to develop arguments based on the information provided in Annex E of the Moot Problem.

30. **Did IFSA consider Flupyradifurone's lower acute toxicity sufficient to justify its continued use?**

    Participants are advised to develop arguments based on the information provided in Annex E of the Moot Problem.

31. **Was any comparison made between banning Flupyradifurone and its impact on Small Size Farmers' productivity?**

    There is no ban on Flupyradifurone. It is further clarified that IFSA has conducted research and concluded that most Small Size Farmers in Industria primarily use flupyradifurone, and that too in smaller quantities, as many of them follow more organic and traditional farming methods, with some villages avoiding pesticides altogether.

32. **Did IFSA or the Ministry of Agriculture respond to any formal comments submitted by foreign governments other than Aspiria?**

    Industria's Ministry of Agriculture put the draft OPPR up for consultation prior to enforcement, addressing private and government stakeholders, and claims that it responded to all clarification questions pertaining to the regulation received.

33. **Please clarify whether the OPPR imposes a full ban on Flupyradifurone-based products or only restricts them through MRL adjustments, as Para 24 of the Moot Proposition inconsistently refers to both a 'restriction' and a 'ban'.**

    It is clarified that the word 'ban' in the phrase "*They also point out that the IFSA had previously indicated it would consider additional scientific data if submitted by 22 February 2030, yet the*

*sudden **ban** disregards this commitment*" appearing at paragraph 24 of the Moot Problem may be read as "restriction".

34. Are all studies undertaken by IFSA non-peer reviewed, if no then which ones are referred to in claim 1?

Please refer to Annex E of the moot problem for all the research methods relied upon. Participants may develop their arguments accordingly.

35. If the date of adoption of oppr is feb 14 2025, how are the farmers of aspiria claiming reducing in industrial market in Q4 of 2024, by claiming.

The draft OPPR was released in September 2024. The regulation has also been all over the news since the elections in Industria. Participants are advised to analyse the various factors that may impact market share and develop their arguments accordingly, based on the facts provided in the moot problem.

36. Are the risk assessment methods of Aspiria comparable to lndustria?

Aspiria's risk assessments are based on national studies and FSSAA guidelines, which may differ in scope and methodology from IFSA's approach due to variations in climatic conditions, technical advancements, and available resources.

37. If there's no definitive study which examines the effects of naturally occurring neonicotinoids and neonicotiniod based pesticides, on what basis does footnote 3 specifies that effects of naturally occurring neonicotiniiods are the same as those of artificially added.

Footnote 3 reflects a regulatory presumption by Industria, in the absence of definitive studies, that the effects of naturally occurring and synthetic neonicotinoids are equivalent for the purposes of risk management.

38. In para 23, what type of conditions are being considered to be broadly similar, with respect to LDCs, Industria and Aspiria?

Paragraph 23 of the Moot Problem refers to two phrases - "Equivalent regulatory environment" and "broadly similar conditions".

"Equivalent regulatory environment" refers to a system of pesticide regulation and risk assessment that achieves a comparable level of pollinator protection as Industria's regulation in design, operation, and enforcement. The assessment may include several factors such as (i) the existence of a pesticide authority with risk assessment and enforcement capacity; (ii) publication of regulatory actions and data; and (iii) transparency in approval and withdrawal procedures.

The "broadly similar conditions" incorporate one or more of the above regulatory factors, in addition to conditions like the prevalence of pollinator-dependent agriculture, the types of pesticides used, the existence of regulatory authorities, and the general approach to pollinator risk management.

39. What was the duration of the stakeholder consultation period between the draft and final OPPR, and were any formal submissions received from non-Industrian stakeholders?

The draft OPPR was put up for open consultations for 60 days, with a 30-day extension. Many clarification questions in the form of written submissions were received, including four from non-Industrian stakeholders (comprising foreign industry associations, exporters, NGOs, and governments) and a few from domestic (Industrian) stakeholders, including farmer cooperatives, environmental groups, and pesticide manufacturers.

The foreign submissions raised concerns about the potential trade-restrictive effects, regulatory uncertainty regarding equivalence, and cost implications for exporters, while also acknowledging the legitimacy of pollinator protection as a public policy goal. The Industrian submissions reflected a mixed view: some supported the OPPR's environmental aims and transparency in setting MRLs, while others expressed apprehension about the administrative burden on small producers and the pace of implementation.

40. Has any distinction been made between naturally occurring and synthetically applied neonicotinoids when determining MRL thresholds?

Please see footnote 3 of the moot problem. The fixation of threshold was done uniformly during the setting of MRLs in Annex B, without accounting for the origin (natural or synthetic) of the residue detected.

41. Is there any procedural mechanism by which IFSA distinguishes between natural vs. synthetic residues when testing imports for compliance with MRLs?

As per Footnote 3 of the Moot Problem, IFSA has not, in the first place, distinguished between naturally occurring and synthetic pesticides. Therefore, there is no separate mechanism to distinguish between natural and synthetic residues. Additionally, IFSA laboratory tests have used scientific methods that do not differentiate based on origin to determine the presence and concentration of neonicotinoid compounds. The assessment focuses solely on the compound's identity and relative elements to MRLs, not its source.

42. What are the parameters used to assess whether a WTO Member has a substantially similar regulatory environment under Article 3(b)(ii) of the OPPR?

Please see response to Question 38.

43. Has IFSA conducted studies comparing the substitutability of Flupyradifurone and Neonicotinoids?

Participants may develop arguments assuming that IFSA conducted a study in 2024 comparing pest control efficacy and crop yield impacts, which demonstrated that flupyradifurone has a high degree of similarity but is not a complete substitute for neonicotinoids in certain crops, with some differences in effectiveness and application requirements.

44. The pesticide thiamethoxam is considered safe as per the table in Annexure E. Then why does the Recommendations in Annexure E mention thiamethoxam to be prohibited?

The Acute Reference Dose (ARfD) is the maximum single-day oral exposure which is anticipated to be without appreciable risk for the general human population. Apart from ARfD values, IFSA considered the environmental persistence and chronic toxicity to pollinators, and based on an overall evaluation, made its recommendations. The participants may accordingly develop their arguments on this point.

45. What kind of Risk Assessment has been conducted by Aspiria as per Paragraph 23 of the Moot Compromis?

Aspiria claims that their risk assessment involved a combination of limited in-field residue sampling from vanilla and rose hip farms in 2023 (scientific research) in Aspiria's national research centre and impact assessment studies by various Aspirian research institutes and think tanks. The assessment focused on acute and chronic toxicity to pollinators and human dietary exposure, but

the scope and frequency of field sampling were more limited than those conducted by IFSA in Industria. Aspiria also conducted a rigorous exercise of matching their values with the global safety standards and claiming their significant alignment.

46. What scientific evidence is Aspiria relying on to prove Neonicotinoid based pesticides are not harmful?

Please refer to the response to Question 45 above.

47. Did Industria's Food safety Authority's Risk Assessment rely on any study conducted by International Organization?

Participants may assume that the secondary literature referred to in Annex E includes studies conducted or working papers generated by international organizations such as the WHO, OECD, etc.

48. Was the risk assessment conducted by IFSA based on product specific data or country specific data?

Please refer to the response to Question 1 above.

49. Were there any discussions held within any forum pertaining to the OPPR between September 24, 2024, and February 25, 2025? If yes, what was the nature of such discussions?

Though the draft OPPR was notified to the SPS Committee in September 2024, no Specific Trade Concerns were raised between September 24, 2024, and February 25, 2025. However, a few Members, who are not parties to this dispute, shared communications at the WTO related to unilateral measures. These communications included attributions on risk assessment, indicating that a few other Members are tightening MRL values without incorporating any global safety standards, which may adversely impact international trade.

50. What are the specifications of increase in packaging as well as production costs for Aspiria as a result of OPPR guidelines?

According to estimates from Aspiria's Export Promotion Council, OPPR compliance has led to an average 10-15% increase in the current per-unit packaging and labelling costs, comprising: (i) 5-

10% % rise in testing and certification fees; (ii) 5–7% increase in packaging and traceability measures; and (iii) retooling and training costs for label adjustments.

51. What is the number of Small Size Farmers within Industria and within Aspiria?

According to the most recent agricultural census, Industria has approximately 18,000 small-sized farmers (15-20 % of all agricultural producers in Industria). Aspiria's latest agrarian survey (2022) records about 1.2 million small-sized farmers (55% of all agricultural producers in Aspiria), reflecting its status as a developing country with a large rural population.

52. Since IFSA's Risk Assessment only relates to safety of pollinators, does Industria have any material/scientific evidence to establish a causal link between pre-OPPR standards of trade and its effect on public health and safety?

Industria has not disclosed any information regarding a causal link between pre-OPPR trade standards and their effects on public health and safety. However, Industria asserts that sufficient scientific evidence exists to conclude that there is a risk to animals, plants, and human life or health, and that the measures it has taken are necessary to achieve its objectives. Industria is clear that OPPR affects animal, plant, and human life or health, further leading to food security and public health issues. Participants may develop arguments accordingly.

53. Did Industria have any welfare schemes, subsidies or other policies for domestic farmers and domestic producers? If yes, did such policies come into effect before or after the OPPR?

Yes, the Industrian Government implemented a National Action Plan for the Sustainable Use of Pesticides a decade ago, which includes various schemes and initiatives aimed at minimising the risks associated with pesticide use while ensuring food security. However, this plan is set to be fully phased out by 1st January 2026.

That said, several news reports from villages across Industria have highlighted concerns that these schemes have not been particularly beneficial for many farmers.

54. Whether Industria and Aspiria are LDCs?

No. Industria is a high-income country; Aspiria is a developing country. Neither is classified as a Least Developed Country (LDC).

55. **Para 23 Additionally, many Aspirian trade lawyers and policymakers viewed that the conditions in Least Developed Countries (LDCs) with equivalent regulatory environment, Industria, and Aspiria are broadly similar, casting doubt on Industria's true intent behind the OPPR.**

According to the problem drafters, no clarification is required.

56. **What does 'equivalent regulatory environment' imply?**

Please refer to the response to Question 38 above.

57. **Note for Participants: For scientific evidence, the participants may rely upon Annex E and shall not introduce any new evidence. They may, however, refer to illustrative reference materials for gaining a better understanding of risk assessment studies. (Kindly elaborate more on this.)**

Participants are expected to build arguments based solely on the factual and scientific content of Annex E of the moot problem and responses to clarification questions.

However, they may consult general reference materials for educational purposes to understand concepts like ARfD, systemicity, or persistence to explain or interpret risk assessment concepts and methodologies, but they should not cite or rely on specific new data or studies in their memorials or oral rounds.

58. **Para 17 Documentation and certification requirements are exempted for Small Size Farmers placing these products on the market. And (Annex A, article 3(b)) By way of derogation from paragraph (a), no authorization shall be required for placing on the market and use of pesticides for... (iii) Small Size Farmers.**

According to the problem drafters, no clarification is required.

59. **Does the Small Size Farmers exemption apply only to documentation and certification requirements, or does it broadly exempt them from all aspects of the OPPR, including pesticide prohibition, MRLs, and labeling/packaging requirements?**

The exemption applies only to documentation and certification. Small-sized farmers must still comply with pesticide prohibitions, MRLs, and labelling/packaging rules.

60. **Annex A, article 3(b) No authorization shall be required for placing on the market and use of pesticides for... (ii) imports from any country of origin that maintains a regulatory environment substantially similar in scope to the regulatory framework of Industria, or where risk assessments or scientific standards recognized by Industria. (What are the precise criteria, guidelines, or procedures Industria uses to determine if another country's regulatory environment is substantially similar or if its scientific standards are recognized? Is there a formal process for countries to apply for and obtain this recognition?)**

Please refer to the response to Question 38 above.

61. **What is the status of the Pesticide Management Bill in Aspiria, if such a bill has been passed would Aspiria's regulatory framework on pesticides be similar to that of Industria's under the OPPR?**

The Bill has been passed by the Parliament but is yet to receive the assent of the President for it to become an enacted legislation. Since the introduction of the Bill, the contents have undergone changes, including the incorporation of Codex-aligned MRLs. However, the Bill does not provide for the prohibition of pesticides similar to the OPPR.

62. **What is the proportion of small-size farmers in Aspiria, as it is classified as developing country largely reliant on agriculture as per the moot problem?**

Please refer to the response to Question 51 above.

63. **Did Aspiria and Industria have similar regulatory framework pre introduction of the OPPR?**

Since Aspiria had a less comprehensive and developed framework, it aligned with global standards. Industria had a fairly structured pesticide withdrawal and re-evaluation mechanism. While Industria aligned with global standards for some products, it also developed its own standards for others, which have now been further strengthened in the OPPR.

64. **The sentence the conditions in Least Developed Countries (LDCs) with equivalent regulatory environment, Industria and Aspiria are broadly similar from para 23, page 9- what conditions are they referring to in this particular sentence that are similar across LDCs, Industria & Aspiria?**

Please refer to the response to Question 38 above.

65. Any quantitative/qualitative results of Aspiria's risk assessments that proves that neonicotinoids are not harmful (para 23, page 9)?

Please refer to the response to Question 45 above.

66. As referred to in Para 16 of the Proposition, what type of agricultural products were tested? Does that type include Vanilla, Rosehips and Citron?

Please refer to the response to Question 1 above.

67. As mentioned in Para 16, the scientific report relied on a combination of quantitative assessments. However, there is no mention of the same in Annex E. Please clarify

Annex E is a summary of the final regulatory decisions and hazard classifications, not the full technical report. The quantitative data referenced in Para 16 were part of IFSA's internal technical report, which is informed but is not reproduced in Annex E.

68. Does the mention of other countries in Para. 16, includes Marvina?

No, Marvina was not among the countries whose pesticide regulatory practices and pollinator protection standards were considered during the literature review and equivalence evaluation.

69. Does the mention of scientific uncertainty in Para. 24 deem to include insufficient scientific evidence?

Yes, in this context, "scientific uncertainty" includes situations where the available scientific evidence is insufficient, inconclusive, or evolving.

70. In Para. 24, for the sake of clarity, does Flupyradifrone also occur naturally in the instant case?

No, Flupyradifurone does not occur naturally.

71. Has any other country/WTO member other than Marvina been granted an exemption from OPPR's authorisation or MRL requirements under Article 3(b)(ii)?

Any country that satisfies the requirements of Article 3(b)(ii) of the OPPR is eligible for exemptions, and Marvina is one such country.

72. Has Industria notified the final OPPR to the WTO within a reasonable period before its enforcement?

Participants are expected to build arguments based on the given information in the Moot Problem [page 9 of the Moot Problem].

73. Can it be said that due to the new MRLs and authorisation requirements under OPPR, no Aspirian agricultural products containing the listed neonicotinoids have been permitted entry into Industria since February 2025? Please clarify

Participants are expected to develop their arguments based on the information provided in the Moot Problem and responses to the clarification questions.

74. Do the packaging and labelling requirements as per OPPR apply equally to both domestic and imported agricultural products in Industria?

The packaging and labelling requirements under the OPPR apply equally to all agricultural products placed on the market in Industria.

75. Is the Happy Bee label a mandatory certification for products to be sold in Industria?

Participants are expected to develop arguments based on the facts provided in the Moot Problem.

76. Has Industria conducted or cited any scientific studies or environmental risk assessments to justify the choice of packaging sizes and the design of the Happy Bee label in achieving pollinator protection?

No. The Happy Bee label was developed as part of IFSA's public awareness and traceability initiative, drawing from best practices in sustainable consumption labelling used in other jurisdictions.

77. In Para. 23, do the differences in MRL Values relate to different agricultural products such as Vanilla, Rose Hips and Citron? Please clarify

Yes, the differences in MRL values relate to different products, including vanilla, rose hips, and citron, considering their specific characteristics and residue persistence.

78. Has Aspiria's Pesticide Management Bill, 2024, come into force after it was introduced in the Parliament in August 2024?

Please refer to the response to Question 61 above.

79. Does Industria have any sort of Bilateral Investment Treaty/ Free Trade Agreement/ Regional Trade Agreement involving Aspira or Marvina? And if so, are there any MFN or special exceptions clauses afforded to both or one of the countries?

Industria does not have any Bilateral Investment Treaty/ Free Trade Agreement (FTA)/ Regional Trade Agreement involving Aspira or Marvina.

80. Please clarify the term new evidence. Are participants allowed to refer to the real-life scientific evidence, case studies from other countries and their use/ ban on certain pesticides depending on their scientific conclusions?

Please refer to the response to Question 57.

81. In Para 2 of the Moot Problem, it is mentioned that lower MRL standards have been achieved for a few agricultural products. Are Vanilla, Rose Hips and Citron included in these agricultural products?

Yes, Vanilla, Rose Hips and Citron are included in "few agricultural products" under paragraph 2 of the moot problem.

82. What is the year of establishment of BioHarvest Solutions Inc.?

BioHarvest was established in the early 1981.

83. Did IFSA conduct a separate risk assessment on each of the agricultural products which has been banned following the OPPR?

Please refer to the response to Question 1 above.

84. The Maximum part of Avalon Forest lies in which Country? Does Marvina also share part of the Avalon Forest?

The largest part of Avalon Forest lies in Aspiria, followed by Industria. Please also see Footnote 6 of the Moot Problem.

85. What objective criteria were used to determine whether a country maintains a regulatory environment substantially similar to Industria?

Please refer to the response to Question 38.

86. What led to a drastic decline of 24% in pollinator population in Year 2024 in Industria compared to previous years?

Participants are expected to develop arguments based on the facts provided in the Moot Problem.

87. Are the packaging and labelling requirements applicable to both imported and domestically produced agricultural products in Industria?

Please refer to the response to Question 74 above.

88. In Para 11 of the Moot Problem, Diclofenac is mentioned. Was Diclofenac imported from other countries, especially from Aspiria, or was it manufactured within Industria?

It may be assumed that Diclofenac was manufactured within Industria as well as imported from other countries, including Aspiria, but excluding Marvina.

89. In which year was the IFSA report released?

The IFSA report was released in July 2024.

90. Has Aspiria's bill been passed and brought into force?

Please refer to the response to Question 61 above.

91. Whether measure under Issue 1 (SPS) means whole of OPPR?

Participants are expected to develop arguments based on the facts provided in the Moot Problem.

92. Whether IFSA approval in (a) (ii) is for pesticide or pesticide treated products

IFSA approval under Article 4 (a)(ii) of the OPPR is required for products treated with pesticides.

93. Appendix II list annex A- whether exhaustive of products in question?

Participants are expected to develop arguments based on the facts provided in the Moot Problem.

94. Annex B (i) why is entry for Marvina blank despite authorisation exemption under 3(b)(ii)?

Please note that the data is provided only up to Q4 2024. The mention of Q1 2025 is intended solely to indicate that the OPPR has come into force. However, participants can assume that Marvina's values are the same as Q4 2024.

95. What is the test population for Flupyradifurone?

The test population for Flupyradifurone is specifically for honeybees, to evaluate the acute and chronic toxicity of the pesticide.

96. Is ARfD values given for Humans or Bees (page 27)?

The ARfD values given on page 27 are for humans.

97. What are the standards referred to in 'Undermine global safety standards' (Pg 23)?

Aspiria believes that Industria Regulation No. 210/2025 undermines global safety standards by deviating from international norms, such as those set by Codex Alimentarius, without providing transparent scientific justification.

98. Is the usage of XI:2 allowed while framing arguments on Issue 3 given it is very much linked to the argument on XI:1?

It is up to the participants to decide which GATT Articles to invoke and to justify their relevance.

99. What does listed pesticide in page 14 article 5 label mean or include

"Listed pesticide" refers to any pesticide specifically named in the OPPR's appendices, particularly those in Appendix I and II.

100. How does Aspiria contend that the said regulation 'undermines' global safety standards as mentioned in line 5 of Annex D

Please refer to the response to Question 97.

101. Can it be clarified what factors are considered to determine whether a country has a 'substantially similar regulatory environment' for purposes of exemption under Article 3(b)(ii) of the OPPR?

A "similar regulatory environment" generally refers to measures that share common design, enforcement, and operational frameworks [for specific criteria, please refer to the response to Question 38]. It may also apply when countries have agreed to mutual recognition or exemptions under FTAs or formal cooperation frameworks.

102. What are the precise conditions and timeline under which IFSA evaluates whether labelling/packaging regulations of the exporting country (like Aspiria) may be treated as equivalent under Article 5 of OPPR?

IFSA requires exporting countries to submit a written request with documentation of their labelling/packaging rules, including pesticide disclosure, traceability measures, and consumer information standards. Submissions are reviewed on a case-by-case basis. Equivalence may be granted where the exporting country's regime achieves comparable objectives in protecting pollinators and ensuring informed consumer choice.

103. Why are MRLs applied on products treated with pesticides that are already banned by virtue of article 3 of OPPR?

MRLs for Annexure I pesticides are maintained to monitor and control any potential residues from legacy use or unintentional contamination, ensuring continued consumer safety. Industria will periodically review the need for further extension of MRL requirements for the said pesticides.

104. Did IFSA conduct independent field studies on all agricultural products listed in Appendix II, or are the MRLs based solely on studies of a single crop? If so, which crop was used?

Please refer to the response to question 1 above.

105. Has Industria collected data on all points (e-f) that it claims to have 'focused on' for its Risk Assessment?

Yes, Industria has conducted field study, literature review, submission of studies by stakeholders, and public surveys on all points including (e-f) as mentioned in Annex E (first paragraph).

106. How does Aspiria contend that the said regulation 'undermines' global safety standards as mentioned in line 5 of Annex D?

Please see the response to Question 97.

107. What scientific or environmental basis did Industria rely on to determine that a fixed 10-year timeline for the labelling and packaging requirement is necessary?

Industria has currently established a fixed term of 10 years; however, it may extend this term with updated guidelines based on the latest developments.

108. What criteria were used to grant LDCs like Marvina higher MRL tolerances?

The criteria were based on multiple considerations. Notably, LDCs were found to have: (i) limited capacity in - research and development, scientific testing, and long-term regulatory adaptation; and (ii) a high economic dependence on specific export crops with limited substitution options. While countries like Marvina were assessed as having an equivalent regulatory environment under current standards, they lacked the institutional and technical ability to further upgrade or sustain enhanced compliance in the foreseeable future. Accordingly, higher MRL tolerances were granted based on projected regulatory capacity and performance limitations unique to LDCs.

109. Have any studies been conducted or recognised by IFSA that differentiate between synthetic neonicotinoid residues and naturally occurring ones in agricultural products?

Participants are expected to develop arguments based on the facts provided in the moot problem. [Please also see response to Question 37]

110. Whether the prohibition under Article 3(a) of OPPR applies equally to domestically produced pesticide-treated products or only to imported ones?

The prohibition under Article 3(a) of the OPPR applies equally to both domestically produced pesticide-treated products and imports.

111. Whether Aspiria submitted any scientific data or risk assessment studies to IFSA during the public consultation period on the draft OPPR, and whether such submissions were acknowledged or considered?

Please refer to the response to question 39. Aspiria, as part of the stakeholder consultation, posed a few questions on OPPR; however, whether those questions were acknowledged or considered is undisclosed to the public.