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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 21-22 MARCH 2019

NOTE BY THE SECRETARIAT[1]

[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.

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 74th regular meeting on 21-22 March 2019. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/26).

2 INFORMATION SHARING

2.1 Information from Members on relevant activities

2.1.1 Japan - Update on the situation surrounding Japanese food after the Fukushima Daiichi nuclear power plant accident

2.1. Japan thanked Russia and Singapore for relaxing their import restrictions, and Oman for lifting all import restrictions. Japan also provided an update on the most recent data from its food monitoring programme, highlighting that Japanese standard limits had been set very conservatively, taking into consideration the accident and the food intake of Japanese citizens. Foods exceeding the limits were not allowed to enter the food supply chain. Their data showed that the situation regarding the safety of food, fishery and agricultural products continued to remain stable. All the test results of farm and fishery products, as well as harvests of wild plants and edible fungi (consumed in small quantities), had been within the Codex guideline levels for almost six years, except those of specific game meat, which still exceeded the level by very low rates. Notably, the annual effective dose of radioactive caesium in food products had been estimated to be far below the Codex intervention exemption level. Japan also recalled that FAO and IAEA had acknowledged that the Japanese food supply chain was controlled effectively by the relevant authorities. Japan reported that 30 out of the 54 countries and regions who had introduced import restrictions on Japanese foods had completely lifted these restrictions. Japan urged Members who maintained import measures to review whether these measures were sufficiently based on scientific principles, did not restrict trade more than required, and did not unjustifiably discriminate between Members.

2.1.2 Russian Federation – Update on food safety

2.2. The Russian Federation informed the Committee of ongoing work to improve the regulatory framework for healthy nutrition and the conduct of a full and detailed assessment of the state of food safety in its regions. The policy aimed to reduce health risks associated with the consumption of unsafe foods, including an information campaign on healthy nutrition to reduce levels of consumption of sugar, salt and fat. The Russian Federation recognised the importance of international standards, guidelines and principles for food products. In addition, the Russian Federation reported that members of the Eurasian Economic Union were in the process of amending their food safety technical regulations based on international requirements and scientific data.

2.1.3 Canada - Entry into force of the safe food for Canadians regulation

2.3. Canada announced that the Safe Food for Canadians Regulation had entered into force on 15 January 2019, following its publication on 13 June 2018. Some of its requirements required immediate compliance, while others were being phased in over 12 to 30 months based on food commodity, type of activity and business size. Canada reminded Members that it had been working since 2012 to modernize its food safety framework, and had kept Members updated through notifications G/SPS/N/CAN/700, G/SPS/N/CAN/700/Rev.1, G/SPS/N/CAN/700/Rev.1/Add.1, G/SPS/N/CAN/700/Rev.2, G/SPS/N/CAN/700/Rev.2/Add.1, and G/SPS/N/CAN/938. Canada noted that throughout this process it had consulted with domestic and foreign stakeholders, which included two information sessions on the margins of two SPS Committee meetings, in July 2014 and in March 2017. The new regulatory framework consolidated 14 existing regulations into a single, more outcome-based regulation, structured around three key food safety elements: licensing, traceability and preventative controls related to the preparation of food. These elements applied to all food products, whether imported, prepared for exports, or traded between Canadian provinces. Canada encouraged Members to visit http://www.inspection.gc.ca/safefood for more information.

2.1.4 Canada - Information on the global low-level presence initiative (G/SPS/GEN/1685)

2.4. Canada informed the Committee of the work led by the international group Global Low Level Presence Initiative (GLI), which had held six meetings among member and non-member countries and international organizations. In 2012, Canada hosted an international meeting which gave rise to the International Statement on Low Level Presence (LLP). Consistent with Codex Alimentarius Commission (CAC) guidance, the International Statement defines LLP as the unintentional presence in grain shipments, at low levels, of a genetically modified (GM) crop that had been approved for food use following CAC/GL 45-2003 guidelines in at least one country, but not yet in the importing country. The Statement further defined common strategic directions, objectives and intentions on LLP, had been endorsed by the 15 GLI members. The Statement had been circulated as document G/SPS/GEN/1685. Canada explained that LLP situations could occur where there was a time gap in the authorization of GM crops between the importing and exporting countries, or, less frequently, when developers did not seek authorizations in all importing countries. GLI members were of the view that LLP was an inevitable reality of the bulk grain handling and transportation systems and the adoption of GM crops. GLI members have identified reducing time gaps in approvals of GM crops as the most effective way to tackle LLP and is one of the long term objectives of the GLI. However, the GLI recognizes trade risk remains and is also committed to developing practical, science-based and trade-facilitating solutions for the management of LLP. Canada encouraged Members to contact the GLI secretariat if they wished to learn more about the work undertaken by the group.

2.5. Argentina, the United States and Brazil thanked Canada for bringing to the attention of the Committee the International Statement on LLP, which they supported together with the work of the GLI. Argentina highlighted the importance of the preventive work undertaken on low-level presence of genetically modified organisms (GMOs), which they considered to be a trade issue, and not a biosecurity one. Argentina stressed the need to find a solution to avoid the current trade disruptions that could compromise global food safety and was thus seeking solutions in different fora such as MERCOSUR, the free trade agreements they negotiated, and the Global Low Level Presence Initiative.

2.6. The United States recalled that LLP was a significant trade issue which affected exporting and importing countries, and that economic studies showed that the impacts from asynchronous approvals and LLP fell more heavily on the latter. According to the United States, Members could best address the risks through the development and implementation of practical approaches that were science-based, predictable and transparent, and the recognition that by definition a review of the products in question had been conducted in accordance with Codex guidelines in the country of export.

2.1.5 Ukraine - Update on import regulations for live animals and related products

2.7. Ukraine updated the Committee on the status of its new import regulation for live animals, reproductive material, food products of animal origin, feed, hay, straw, as well as by-products of animal origin and processed products, notified as G/SPS/N/UKR/111. The regulation was necessary to implement the State Control Law which had entered into force in April 2018. Ukraine explained the new requirements followed a risk-oriented approach based on international standards, and following the trade-facilitating principles of regionalization, compartmentalization and equivalence. The new regulation covered the relationship between food business operators, relevant regulatory authorities, exporting countries and state veterinary inspectors. Following adoption, the former import requirements would cease to apply and there would be a six-month transitional period after official publication for purposes of developing a unified template for import certificates. Ukraine added that its competent authorities would contact trading partners' counterparts during the transitional period regarding previously agreed bilateral certificates.

2.1.6 European Union - Implementation of the EU Animal Health Law (Regulation (EU) 2016/429 on transmissible animal diseases)

2.8. The European Union provided an update on the implementation of the new EU Animal Health Law, which would apply as of April 2021. Document G/SPS/GEN/1689 had been circulated on 6 March 2019. A set of regulatory acts would be adopted in the course of 2019, including on animal health requirements for imports into the European Union, with notification to be provided in due

course. The European Union invited all interested Members to attend the information session organised on the margins of the Committee meeting.

2.1.7 European Union - New phytosanitary rules for importing plants, plant products and other regulated objects – Implementation of the EU Plant Health Law (Regulation (EU) 2016/2031)

2.9. The European Union provided an update on the implementation of the new EU Plant Health Law, which had been notified to the Committee and would apply as of August 2019. An overview of the state of play had been circulated as document G/SPS/GEN/1690. The document also touched specifically on the issue of high-risk plants, as covered by the Commission Implementing Regulation (EU) 2018/2019 (notified to the Committee in September 2018 and adopted in December 2018). The European Union recalled that it had held an information session on the EU plant health import regime in September 2018 which had been well attended by Members. In addition, the European Food Safety Authority (EFSA) had adopted in October 2018 a technical report (notified as well) on the information to be provided in dossiers submitted for the import of high-risk plants into the European Union. Similarly, the details of the risk assessment procedures adopted under Regulation 2018/2019 had been notified to the Committee. Information had also been shared with Members on the webinar run by EFSA in February 2019. The European Union encouraged all Members to submit their dossiers as soon as possible so as to be in a position to comply with the Regulation by the end of 2019.

2.10. Senegal expressed its concern that the new EU Regulation might have an impact on market access for certain agricultural and horticultural products from African countries. Senegal enquired whether certain plant varieties such as radish, green bean and sweet potato could qualify for an exemption from phytosanitary certificates under annex 6 of Regulation (EU) 2016/2031, and asked the European Union if there was time left to consider the request in light of the increasing inspection and certification workload involved for those products. Senegal also referred to the draft Directive for implementation from October 2018 which would subject the authorization of mango imports into the European Union to a 100% conformity rate on the absence of non-European *Tephritidae*. Senegal asked the European Union which treatments and infrastructure could ensure such a level of compliance, and if the costs involved would be affordable for small-scale producers.

2.11. The European Union thanked Senegal for raising detailed concerns and committed to conveying them to its plant health experts, with a view to engage with Senegal on a bilateral basis. The European Union also recalled it had been transparent throughout the process and that consultations had been held in Brussels, during which Senegal's concerns had most likely been acknowledged.

2.1.8 European Union - Implementation of the new EU official controls regulation (Regulation (EU) 2017/625)

2.12. The European Union referred to document G/SPS/GEN/1692 which provided an update on the implementation of the new EU official controls regulation, which would apply from December 2019. The approach and basic principles of the previous regulation were maintained. As listed in the document, several regulatory acts would be adopted in the course of 2019 and all those relevant for trade would be duly notified. Further information was available on the European Commission's website.

2.1.9 Argentina - Ministerial Declaration of the Southern Agricultural Council (CAS) on gene editing techniques

2.13. Argentina informed Members of the Ministerial Declaration issued by the Agriculture Ministers of the Southern Agricultural Council (CAS) (comprising Argentina, Brazil, Chile, Paraguay and Uruguay) on gene editing techniques, dated September 2018 and circulated as G/SPS/GEN/1699. The Declaration highlighted the role of gene editing techniques in addressing challenges arising from the need to increase agricultural production in a sustainable manner. The non-binding text of the Declaration aimed at coordinating efforts to ensure that the regulatory approaches for these techniques were science-based and internationally harmonized; sought to prevent regulatory asymmetries and, in turn, potential trade disruptions; and highlighted the importance of these techniques for national agricultural research institutes.

2.14. Brazil, Canada, Colombia, Paraguay, the United States and Uruguay supported the Ministerial Declaration, noting that precision biotechnology including genome editing was critical to addressing agriculture's most difficult production and environmental challenges. They stressed the need to avoid arbitrary and unjustifiable regulatory discrimination between products developed through gene-editing techniques and others. They further encouraged Members to work together to establish transparent, adaptable and science- and risk-based regulatory approaches that would enable agricultural innovation and facilitate trade, while also protecting food safety and animal and plant health.

2.15. Brazil emphasized that harmonizing regulatory frameworks applicable to gene editing could foster research, development, innovation and a transfer of technologies to national agricultural research institutes and biotech SMEs.

2.16. Paraguay added that gene editing techniques could improve specific characteristics of cultivated species, namely resistance to certain diseases, adaptation to special environments and nutritional quality of food. Paraguay also recalled CAS Ministers had agreed to work together to seek opportunities for the harmonization of regional and international regulations.

2.17. The United States explained that the US Department of Agriculture (USDA) had provided in March 2018 greater clarity to stakeholders regarding its oversight of plants produced using plant-breeding innovations. Specifically, USDA did not regulate (nor had any plans to do so) plants that could otherwise have been developed through traditional breeding techniques. The United States viewed the Ministerial Declaration as directly aligned with the "International Statement on Agricultural Applications of Precision Biotechnology" presented by Argentina at the November 2018 Committee meeting, and supported the promotion of constructive dialogues with trading partners on the topic.

2.18. South Africa thanked CAS countries for their initiative to share information on the development of gene-edited products and the existing applicable regulatory frameworks. South Africa stated that its regulatory authorities had been, and would continue to, assess how to regulate gene editing techniques. South Africa recognised the potential role they could play, especially in contributing towards sustainable agricultural production, and had accordingly initiated a consultative process to determine which of them could fall within the scope of its existing legislation on genetic modifications. South Africa had undertaken to follow a science-based decision-making approach.

2.19. Honduras underscored the importance of open communication in order to share reliable data towards a better understanding of regulatory frameworks and product development. Honduras informed the Committee of a simple procedure they had created to approve applications related to gene editing.

2.20. Argentina appreciated the support, reiterated its commitment to keep Members updated and recalled its intervention in the Committee meeting in November 2018, on behalf of several Members, on the International Statement on Agricultural Applications of Precision Biotechnology (G/SPS/GEN/1658/Rev.3).

2.1.10 Peru - Recognition of Peru as a country free of foot and mouth disease without vaccination

2.21. Peru referred to document G/SPS/GEN/1698. In May 2005, the OIE had recognised ten regions as FMD-free without vaccination, which allowed exports of animals and animal products and by-products from the regions of Ica, Arequipa, Ayacucho, Huancavelica, Apurímac, Cuzco, Puno, Moquegua, Madre de Dios and Tacna. In May 2007, the OIE had recognized seven additional regions (Amazonas, Loreto, San Martín, Huánuco, Ucayali, Pasco and Junín) as FMD-free without vaccination. In 2008, the OIE had recognised Peru as an FMD-free country, over 97.6% of the territory without vaccination and 2.4% (Piura, Tumbes, San Ignacio province -Cajamarca- and Lima) with vaccination. In order to maintain this status, the National Agrarian Health Service (SENASA) had strengthened its quarantine and animal health surveillance systems and, through the Directorate for Animal Health and the National Food and Mouth Disease Programme, had established a sanitary protection area in Piura, Tumbes, San Ignacio province, and Cajamarca, where strategic vaccination was applied, among other measures. Following the recognition of the whole country as FMD-free without

vaccination by the OIE in May 2018, Peru had been saving USD 10 million per year in FMD-related costs.

2.1.11 China – Information on African Swine Fever

2.22. China emphasized its commitment to OIE standards and its efforts to manage epidemic animal diseases — such as low-pathogenic avian influenza, foot-and-mouth disease and bluetongue disease — in accordance with OIE criteria such as the regionalization principle. China underlined that African swine fever, in particular, was an infectious disease with many possible transmission routes, which severely threatened swine herds, and which was affecting an increasing number of countries. In the absence of an effective vaccine to date, it was difficult to prevent and control it. When the disease had surfaced in China for the first time in August 2018, the Ministry of Agriculture and Rural Affairs and the General Administration of Customs of China had carried out full-scale prevention and control procedures. The African swine fever epidemic in China was now under control, with the epidemic status of areas in 18 provinces having been lifted. China concluded by informing Members that in accordance with the SPS Agreement and its own level of protection, it had had to temporarily prohibit imports of pigs and related products from countries where African swine fever had been reported.

2.2 Information from Codex, IPPC and OIE on relevant activities

2.2.1 Codex

2.23. Codex provided an outline of its activities, as detailed in G/SPS/GEN/1677, highlighting meetings held since the last SPS Committee meeting. Codex reported on the recent meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS), which continued the discussion on the subject of food integrity and food authenticity. The full report was available on the Codex website. Codex also drew the Committee's attention to the 50th meeting of the Codex Committee on Food Hygiene, which was held in Panama in November 2018 and had concluded the work on alignment of the Code of Practice for Fish and Fishery products. The Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR) had also met recently and agreed to return the proposed revised draft Code of Practice to Minimize and Contain Antimicrobial Resistance (CXC 61-2005) for re-drafting. The Task Force had also decided to continue working on the development of the Guidelines on Integrated Surveillance of Antimicrobial Resistance.

2.24. Looking to forthcoming events, Codex highlighted the respective meetings of the Codex Committee on Food Additives in March 2019, the Codex Committee on Pesticides Residues in April 2019, and the Codex Committee on Contaminants in Food in April-May 2019. Codex also pointed to its participation at the International Forum on Food Safety and Trade, to be held at the WTO on 23-24 April. Codex finally shared with the Committee that the United Nations General Assembly had approved 7 June as the annual date for a Food Safety Day to be celebrated worldwide every year. Codex encouraged Members to engage in preparatory activities for this event.

2.2.2 IPPC

2.25. The IPPC reported on its activities, as detailed in document G/SPS/GEN/1693, highlighting preparations for its Commission meeting on April 1. The IPPC looked forward to the endorsement of the IPPC Strategic Framework for 2020-2030, before its official adoption at the Ministerial Commission meeting to be held in the 2020 International Year of Plant Health. The IPPC noted that some of the issues discussed at the Commission meeting would be of interest to the SPS Committee, namely emerging pests, projects for surveillance, how to deal with e-commerce, pest movement in sea containers, and issues related to e-Phyto. The IPPC also wished to draw Members' attention to the issue of third-party accreditation, which had just come up for consideration in one of the IPPC standards going through consultation with IPPC members. The IPPC reported that two new guides - on pest-free areas and on pest risk communication - were in the final stages of publication, and of an upcoming international symposium on pest-free areas in Japan. In addition, the IPPC continued its preparations for the 2020 International Year of Plant Health, devoting particular resources to the organization of national and regional events during that year.

2.26. The European Union expressed support for the organization of the 2020 International Year of Plant Health and pledged to engage in the activities associated with this year-long event, inviting Members to do likewise.

2.2.3 OIE

2.27. The OIE outlined its report, as detailed in G/SPS/GEN/1682. The OIE recalled that transparency regarding situations of animal disease around the world were at the core of its mandate, and that it had initiated in 2016 a 10-year process of modernization of its World Animal Health Information System (WAHIS). More specifically, WAHIS was being redesigned in a technologically advanced and user-friendly manner. The new system would include extended data analytics, customisable data queries and enhanced data mapping and visualisation capabilities. Its launch was scheduled for the second semester of 2019.

2.28. Regarding the standard-setting process, the OIE reported that its four specialist commissions had met in February 2019 to review existing international standards and develop new ones, and the agreed texts would be proposed for adoption at the OIE General Session in May 2019. More details were available in the February reports of the OIE's specialist commissions on the OIE website. The OIE also informed Members it was designing an Observatory to monitor the implementation of its standards, with the objective of collecting information at a global level in order to understand if standards were being used and if not, to understand why. The OECD was providing analytical support to the OIE. The OIE had also established a reference group to provide technological support to the project, composed of experts from six OIE member countries, three regional economic communities and six international organizations (including the WTO, Codex and the IPPC).

2.29. The OIE further reported that the second OIE Global Conference on Antimicrobial Resistance held in Morocco in October 2018 had been well attended, with more than 500 participants from 136 countries. In addition, the OIE had published in February 2019 its Third Annual Report on Antimicrobial Agents Intended for Use in Animals, available on its website. The OIE also wished to draw attention to two upcoming events: the first OIE Global Conference on Aquatic Animal Health on 2-4 April, and the 87th OIE General Session on 26-31 May; which would include specific points for discussion on African swine fever, and a presentation of the OIE Observatory Project in a side event.

3 SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.19)

3.1 New issues

3.1.1 EU restrictions on the use of chlorothalonil (pesticide active substance) (G/TBT/N/EU/625) – Concerns of Colombia

3.1. Colombia raised a concern regarding the non-renewal of the approval of the active substance chlorothalonil and the potential effects on the maximum residue limits (MRLs) of the pesticides containing chlorothalonil, notified by the European Union in document G/TBT/N/EU/625 on 4 December 2018. Colombia had previously circulated this information as G/SPS/GEN/1695 and had raised it in the TBT Committee on 6 March 2019. Colombia explained that chlorothalonil was used for the control of black sigatoka and that the non-renewal of chlorothalonil would especially affect banana exports. Colombia's total production amounted to 1.87 million tonnes, with exports worth USD 850 million, and 80% of exports going to the European Union. In the main producing regions of Urabá, Magdalena and Guajira, the banana industry accounted for 35,000 direct and 100,000 indirect jobs.

3.2. Colombia was of the view that the EU's measure was based on the precautionary principle and that no risk had been determined for the metabolites concerned, and invited the European Union to request further information and complete a risk assessment based on data, not uncertainty. Colombia also held that the classification decision should be taken by the European Chemicals Agency (ECHA) and that ECHA's opinion should be made available before member States were asked to take a decision on the renewal of the approval of chlorothalonil. Colombia questioned the measure's consistency with Article 2.2 of the SPS Agreement.

3.3. Colombia added that the regulatory change would also adversely impact other crops exported to the European Union (such as plantains, cape gooseberries and cocoa), which would have a major social and economic impact in the producing regions, and highlighted the wide biodiversity of pests, diseases and weeds in tropical agriculture. Colombia requested the European Union to maintain the registration of chlorothalonil and highlighted that their national banana industry required a period of at least six months to seek an alternative to this active ingredient, given the lack of equally effective alternative compounds.

3.4. Bolivia, Brazil, Chile, Costa Rica, Ecuador, Guatemala, Panama, Paraguay, Turkey and the United States echoed the concern of Colombia. Honduras expressed a commercial interest in the matter. Several of the supporting Members stressed that chlorothalonil was an effective tool for pest control, especially against black sigatoka in bananas, whose ban would constitute a challenge for farmers. Many asked the European Union to reconsider its course of action and undertake a full risk assessment, allowing for a transition period and providing alternatives to protect crops.

3.5. The United States recalled that an earlier instance of removal in 2014-2015 had already negatively impacted US cranberry production and exports to the European Union, without any apparent or measurable benefit to consumer health. The United States noted that EFSA had not completed a consumer risk assessment to inform future EU action on MRLs, and cited uncertainty around genotoxicity as the basis for the ban. Besides, the lack of clarity regarding the timing of future EU action on MRLs was already creating a burden for US growers, who were presently making crop protection decisions for their 2019 crops. Further, EU MRL transition policies were insufficient for producers of commodities with long shelf lives and distribution cycles. The United States invited the European Union to explain how its frequent changes in approval procedures had been limited to what was reasonable and necessary, and how it had sought to minimize negative trade impacts.

3.6. Paraguay reported that it had classified chlorothalonil as a low-risk pesticide used for rotation in corn, wheat, rice and soya. EFSA's carcinogenicity classification was based on inconclusive arguments, did not follow international standards, and would create unnecessary trade restrictions.

3.7. Costa Rica explained that it was the second largest banana exporter and half of its production was exported to the European Union. The industry generated 40,000 direct jobs and 100,000 indirect ones, mostly in less-developed rural areas. Following the application of good agricultural practices, the Analytical Laboratory for the Analysis of Agrochemical Residues of Costa Rica's State Phytosanitary Service had established the absence of chlorothalonil residues in banana production, thus confirming the absence of risk for public health and the environment. Costa Rica highlighted that the non-renewal and subsequent reduction of MRLs would create serious problems for its production sector, given the lack of alternative pesticides with a better environmental and toxicological profile. Costa Rica underscored that such public health debates should take place at the multilateral level, including within Codex.

3.8. Brazil agreed with Colombia that the concern had to be brought to the SPS Committee even though it had already been raised in the TBT Committee, since the draft EU regulation in question was based on a scientific opinion on risk to human, animal or plant life. Brazil was concerned that the non-renewal might only be the prelude to the establishment of new EU MRLs for chlorothalonil, which could be grounded in a hazard-based approach against scientific evidence presented by the relevant international organizations. A ban on chlorothalonil could lead to undesirable consequences such as an increase in food waste, a rise in the use of other substances, and unnecessary restrictions to trade.

3.9. Ecuador was not currently affected by the European Union's measures, but was nonetheless concerned that any subsequent steps aimed at modifying the MRLs could seriously affect its EU-bound banana exports. Ecuador was the world's largest banana exporter. The sector generated around two million jobs along the value chain in Ecuador and represented 35% of its agricultural GPD. Most exporters were small-scale producers. Many of the plantations had international certificates attesting to the quality of production. Under Andean legislation governing the registration and control of chemical pesticides for agricultural use, the criteria for approving pesticides in Ecuador had to be scientifically based and developed in accordance with international standards before being further evaluated by the relevant technical national authorities. Ecuador asked the European Union to take into account all available data and observations.

3.10. The European Union explained that the measure at issue had not led to trade disruption since it had not amended the MRLs for chlorothalonil, and provided a grace period for products containing the substance. The European Union also confirmed that transitional measures would be considered when proposing changes to existing MRLs, but this would not occur before the expiry of the grace periods. Any decision to reduce MRLs in the future would also be notified separately to the SPS Committee.

3.11. The European Union disagreed that it was following a hazard-based approach, stressing that it had conducted a risk assessment which had resulted in the conclusion that the EU level of protection could not be met, consistent with the SPS Agreement. Import tolerance requests nonetheless remained possible, although they would have to be supported by substantial new data addressing the concerns identified in the EFSA opinion; and would be assessed on a case-by-case basis.

3.1.2 EU transitional periods for MRLs and international consultations – Concerns of Colombia

3.12. Colombia raised a concern regarding EU transitional periods for MRLs and international consultations, addressed in document G/SPS/GEN/1697. As already raised in the TBT Committee on 6 March 2019, Colombia stated that, in practice, European regulations tended to include shorter transition periods for standards amending MRLs. Colombia explained that a six-month period was not enough to comply with new MRLs, given the harvesting periods and the stage at which agrochemicals were applied. For processed and/or frozen products, the situation could be even more problematic. Colombia explained that the development of a new phytosanitary pest-control product took 36 months on average and therefore transition periods should exceed the general rule of a reasonable interval of six months under Annex B.2 of the SPS Agreement and Ministerial Decision WT/MIN(01)/17. Colombia referred to Article 10.2 of the SPS Agreement, as it provided for longer time frames for the compliance with sanitary and phytosanitary measures for products of interest to developing country Members, with a view to maintaining trade opportunities for their exports. Colombia presented the example of the transition period for reducing MRLs for buprofezin to a minimum detection limit (0.01 mg/kg) (Commission Regulation (EU) 2019/91 of 18 January 2019, addressed in STC No. 448) and its effects on the marketing of bananas. Colombia insisted that the deferred implementation date did not allow time to find effective alternatives for pest control that met the high-quality standards required by the European market. Colombia suggested creating a forum at the WTO for technical discussions to prevent MRL changes from restricting trade more than necessary.

3.13. Brazil, Chile, China, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Paraguay, Peru, Turkey and the United States supported Colombia's concern, emphasizing that the EU transition periods granted to implement modified MRLs were insufficient to adapt to the new requirements and prepare dossiers for import tolerance requests.

3.14. Paraguay added that concerns and observations raised in international consultations did not seem to have been taken into account by EU authorities. An example of this was the non-renewal of picoxystrobin and the subsequent modification of the MRL by the European Union in January 2019 (notification G/SPS/N/EU/264/Add.1), despite prior concerns raised in the SPS and TBT Committees.

3.15. Turkey called on the European Union to take into consideration international standards on MRL levels in the type of circumstances at issue, as they were facing trade disruptions as a result of the ongoing situation. Turkey asked the European Union to implement longer transitional periods for products with a longer shelf life.

3.16. The United States recalled that many US growers had to make final crop decisions a year in advance of the final product reaching a foreign market's border, which meant that the inconsistent timing of EU MRL review and the short transition periods created significant challenges for them. The problem was particularly acute for commodities with longer storage and distribution cycles (e.g. dried fruits, dried nuts, canned products, frozen products, juices wines and spirits), which had been produced in accordance with the EU standards in effect at the time of production, but were no longer eligible for entry into the European Union upon shipment. In addition, the United States wished to know why EU domestic producers had been granted grace periods of up to 15 months to continue using the substances in question when products of other Members had not, and why the

European Union had determined that immediate action on MRLs was not needed until these domestic grace periods ended. Finally, the United States wished to remind the European Union of its obligations under the SPS Agreement to take into account the technical and economic feasibility for producers of complying with the timeframes provided in EU MRL measures, and to avoid arbitrarily or unjustifiably discriminating between the EU territory and that of other Members.

3.17. Ecuador felt the absence of alternative molecules meant the EU measures would in practice hinder access to its main export market. Ecuador lacked the resources required to support farmers wishing to submit to EU authorities scientific dossiers in support of import tolerances or molecule replacement requests. Ecuador supported Colombia's proposal to discuss within the Committee the establishment of a possible minimum transition period for exporting developing countries seeking to adapt to modification of EU MRLs.

3.18. Costa Rica explained that the six-month period was insufficient for agricultural production to adapt to MRL adjustments, because registration of new molecules in itself already required a longer evaluation process. On buprofezin specifically, Costa Rica requested the European Union to extend the deadline for compliance with the new tolerance level, given its effect on Costa Rica's EU-bound banana exports. In addition, Costa Rica urged the European Union to dialogue with countries exporting agricultural products that were affected by MRL amendments and singled out the CAC as the appropriate multilateral framework for these decisions.

3.19. China stated that the concern on MRL amendments should be directed at other Members beside the European Union. China considered that MRL transition measures had to go beyond the basic rules of the SPS Agreement, since different plants had different growth periods. Some plants for instance needed a year or more to reach the harvest stage, which meant that certain MRL transition periods were insufficiently long for farmers to adjust even if they had been enacted in compliance with the SPS Agreement. China therefore suggested that Members include actual data on plant growth periods when setting MRL transition measures in future.

3.20. Brazil recalled that it had on many occasions expressed its concerns on the European Union's hazard-based approach to approving pesticides, which it viewed as incompatible with Articles 2 and 5 of the SPS Agreement. Brazil also pointed to the draft EU amendments, which seemingly introduced the possibility that the cut-off date for compliance might be that of production for EU products but that of import for imported products; and requested clarification.

3.21. Peru announced it had submitted several alternatives, which were being discussed in Geneva and Brussels.

3.22. The European Union welcomed China's reference to the MRL measures of other Members in the discussion. The European Union stressed that it fulfilled all its obligations under both the TBT and SPS Agreements, in particular their transparency and notification provisions. Information and comments received in response to notifications were always taken into account before taking a final decision, while detailed replies were regularly sent to those trading partners that submitted comments. Regarding possible transitional periods, the European Union wished to inform the Committee about two key provisions. First, a deferred date of application was established after entry into force of an act lowering MRLs. In most cases, this deferred application date was set six months after entry into force, which allowed third countries and food business operators to make necessary arrangements to meet the new MRLs. Secondly, products produced or imported into the European Union before the application date could continue benefitting from the former MRL levels and thus remain on the market, provided that there was information showing that a high level of consumer protection was maintained.

3.23. Concerning Colombia's specific comment on buprofezin, the European Union responded that the Commission Regulation had been notified to the SPS Committee in July 2018 and would only enter into force in August 2019, hence more than a year after notification. The European Union also emphasized that it had conducted a risk assessment which had identified aniline as a carcinogen. The European Union also clarified that it was not the intention of its MRL measures to discriminate. Finally, the European Union wished to recall the constant dialogue taking place with Members in Brussels.

3.1.3 Indonesia's undue delay in authorization procedures for beef – Concerns of Brazil

3.24. Brazil raised its concern regarding undue delays in the approval process of Brazilian beef establishments for exports to Indonesia. Brazil had received in April 2018 an Indonesian technical mission to inspect ten Brazilian establishments, which represented a small sample of interested Brazilian beef exporters. Almost a year after the visit, the Indonesian authorities had yet to present a preliminary inspection report on the sanitary aspects of the mission, nor had they indicated any expected date for a response. This was despite numerous consultations held in Jakarta, Brasilia and on the margins of the SPS Committee. Brazil was further concerned that new steps which had not been mentioned during the Indonesian sanitary visit could eventually be added to the approval procedures for exports from Brazilian establishments. At Brazil's request for additional information, Indonesia had explained that they were conducting a risk analysis. In Brazil's view, there had been significant, unjustified and undue delays in the process of risk analysis, approval and inspection of exporting bovine meat establishments, resulting in a possible lack of compliance with Article 8 and Annex C of the SPS Agreement. Brazil wished to recall that there had already been a Panel established to review Indonesian restrictions (including approval procedures) on imports of poultry meat from Brazil, which had found against Indonesia on undue delays in approving veterinary health certificates for Brazilian poultry meat.

3.25. The Philippines thanked Brazil for raising the concern, as the Philippines was also facing undue delays in market access requests to Indonesia for meats and meat products.

3.26. Indonesia informed the Committee that it had conducted a risk analysis regarding imports of Brazilian beef, and that its sanitary authorities would share their overall results with Brazil.

3.1.4 Korea's import restrictions on poultry due to highly pathogenic avian influenza – Concerns of the European Union

3.27. The European Union raised a concern about country-wide bans maintained by Korea on poultry imports from certain EU member States due to avian influenza. The European Union reported that bans were only lifted following lengthy procedures, even though it notified the disease status of its member States to the OIE and published veterinary reports on the European Commission's website. Although Korean law recognized the principle of regionalization, it did not seem to be implemented, leading to unpredictability and a restrictive effect on trade in poultry products. The European Union highlighted that it had on numerous occasions provided information to Korea on its sanitary controls in place to demonstrate that the disease was under control in its territory and that disease-free areas were likely to remain as such. Furthermore, outbreaks of avian influenza were the result of movements of migratory birds rather than international trade in poultry products. The European Union also argued that Korean restrictions were discriminatory in nature, since Korean authorities applied the regionalization principle to their own market following local outbreaks of avian influenza. The European Union therefore requested Korea to detail the information its authorities required and to allow for a productive regulatory dialogue towards the recognition of regionalization measures.

3.28. The Russian Federation expressed support for the EU concern, since it also faced an issue of regionalization with Korea related to avian influenza.

3.29. Korea replied that it would continue consultations with EU member States. Korea's procedure was to conduct an import risk assessment to determine whether a country's animal health system (including surveillance and movement restrictions) was adequate. This process would be carried out for EU member States that had requested a regionalization decision from Korea, provided they supplied the necessary evidence to show that they maintained disease-free areas or areas of low disease prevalence.

3.2 Issues previously raised

3.30. Before the adoption of the agenda, Brazil withdrew a specific trade concern regarding Panama's restrictions on beef and poultry meat (STC No. 444); and Chinese Taipei withdrew a specific trade concern regarding Thailand's import restrictions on papaya seeds (STC No. 421). Both items had been included in the proposed agenda for the meeting, and were withdrawn because progress had been made in bilateral meetings held prior to the SPS Committee meeting.

3.2.1 EU MRLs for buprofezin, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, molinate, picoxystrobin and tepraloxydim (G/SPS/N/EU/264) – Concerns of Colombia, Costa Rica, India and the United States (No. 448)

3.31. The United States raised concerns about various EU MRL measures that appeared to be more trade-restrictive than necessary to protect against human health risks and for which scientific justifications were pending. The United States drew attention to the pesticide glufosinate, a critical herbicide, and imazalil, an important post-harvest protection tool for the US citrus industry. The United States was concerned that the European Union could lower its MRL for glufosinate to the default level of 0.01 mg/kg in view of the European Union's hazard-based cut-off criteria and the expiration of the gluconate authorisation in 2018. The United States stressed that the identification of hazard should not override the obligation to base measures on a risk assessment and asked the European Union to refrain from implementing modifications until this had been fulfilled. Regarding imazalil, EFSA had proposed removing MRLS without completing a risk assessment. This would result in closing the EU market to California citrus without sufficient scientific evidence. The United States recalled that the 2018 Joint FAO/WHO meeting on Pesticides Residues (JMPR) had reviewed and confirmed the safety of imazalil MRLs and had recommended increasing them.

3.32. The United States also drew attention to the European Union's finalized MRL regulations for buprofezin, picoxystrobin, diflubenzuron and iprodione, published in January 2019. The United States regretted that the European Union had finalized the regulations as originally proposed despite the concerns expressed by Members. Numerous scientific authorities and standard-setting bodies (including JMPR and the Codex Committee on Pesticides Residues (CCPR)) had reviewed the same substances and found there was enough acceptable scientific data available for purposes of establishing MRLs. In addition, the United States requested that import tolerance requests be addressed within a reasonable period of time, particularly in instances where the European Union had not maintained temporary MRLs during the period when dossiers were under evaluation. US fruit, nut and sweet potato producers were reporting increased crop damage and post-harvest losses due to the removal of MRLs.

3.33. Colombia expressed concern that amendments for buprofezin would affect the commercialization of bananas. The transition period for reducing the MRL for buprofezin to the minimum detection limit (0.01 mg/kg) was too short for producers to find alternatives. Colombia questioned the European Union's reasoning based on the potential presence of aniline (classified as a carcinogen in the European Union) in food products treated with buprofezin and subject to high temperatures during processing. Colombia argued that there was no conclusive evidence of the non-threshold carcinogenicity of aniline. Colombia therefore urged the European Union to conduct a risk assessment and either maintain the current MRL of 0.5 ppm for buprofezin or adopt the CAC reference value; and to postpone the entry into force of the new MRLs for buprofezin.

3.34. Colombia also expressed concerns regarding an amendment to the EU MRL for imazalil to the limit of quantification which would affect its trade of banana and citrus. Colombia noted that EFSA had found no scientific evidence demonstrating the genotoxicity of the three metabolites of imazalil. Colombia added that the EU measure would contradict the 2016 Codex MRLs, which were above the limit of quantification. Colombia stressed the importance of an appropriate risk analysis.

3.35. Costa Rica emphasised the urgency of the concern, since the reduction of the MRL for buprofezin to 0.01 mg/kg would apply as of 13 August 2019. The European Union's decision seemed to be based on the potential presence of aniline (which had been classified as a carcinogen by a 2004 ECHA report). Costa Rica wished to clarify that the chemical only occurred under specific circumstances, including very high processing temperatures and acidic conditions, not present in banana crops.

3.36. Costa Rica further argued that analyses were required to detect aniline residues in the pulp, protected by the non-edible skin. The WHO International Agency for Research on Cancer (IARC) had not classified the carcinogenicity of aniline and the US Environmental Protection Agency and the Scientific Committee on Occupational Exposure Limit (SCOEL) had not found conclusive evidence on the non-threshold carcinogenicity of aniline. Reducing the MRL for buprofezin would seriously impact banana exports from Costa Rica, where the substance was used to effectively control pests. There were currently no alternatives to control quarantine pests in the field that fulfilled EU requirements. The chemical characteristics of buprofezin allowed for its application in a safe manner for the user and the environment. Costa Rica did not think it possible to comply with the transition period

established by the European Union and the date of entry into force of the new tolerance level. Costa Rica therefore urged the European Union to extend the transition period by at least 24 months in order to adapt its banana production systems to the new EU requirements.

3.37. India had concerns that the EU measures, which particularly affected its rice and grape crops, were more trade-restrictive than necessary to protect human health. India requested that the measures be based on scientific evidence and realistic exposure scenarios rather than a presumption of hazard, taking the potential impact on trade into account as well. India further enquired on the rationale for deviating from international standards set by the CAC and from MRLs set by other countries. India stressed that EU measures did not provide adequate time for commodities trade to adjust, quoting buprofezin as a specific instance of this.

3.38. Brazil, Canada, Chile, Ecuador, Honduras, Japan, Nicaragua, Panama, Paraguay, Uruguay and Turkey shared the concern. Many called on the European Union to undertake an appropriate risk assessment, underlining that the evaluations that had been carried out by EU agencies themselves had not been conclusive about genotoxicity. Additionally, Members urged the European Union to avoid departing from international standards and criteria in setting its MRLs, and insisted on the need for feasible transitional periods for exporters.

3.39. Japan requested the European Union to defer the implementation of its MRLs, since Japanese manufacturers had submitted to Italy the results of new studies on the scientific rationale for establishing an import tolerance for buprofezin, in November 2018 and February 2019.

3.40. Panama echoed concerns with regards to EU MRLs for ethoxysulfuron, picoxystrobin, diflubenzuron and buprofezin, arguing they were more trade-restrictive than necessary and that the EU market was the main destination for Panamanian agricultural exports. Panama emphasized that there were geographical differences with the European Union, which was why the substances were key to protect Panamanian crops. Producers had estimated a loss of 40% of production. Buprofezin was used in banana plantations, the country's main agricultural export. The level of buprofezin present in banana production was controlled by national authorities in accordance with Codex standards and recommendations of 0.3 ppm, which was lower than current EU levels. The product was not sprayed directly on the fruit but on the bags covering the crops, and studies had shown that residues were located in the banana skin as opposed to the pulp. There was currently no alternative to buprofezin for pest control, and the substance aniline could only be detected at extreme temperatures.

3.41. Chile supported the concern regarding the proposed reduction of MRLs for citrus. Chile noted that EFSA had not released a categorical opinion in its recommendations to reduce the MRL, which meant additional studies were required. Chile also recalled that JMPR had issued an MRL recommendation for imazalil in September 2018.

3.42. Paraguay requested the United Kingdom to refrain from applying measures deviating from international standards before completion of a risk assessment.

3.43. Brazil regretted the European Union's hazard-based approach and its measures in contradiction with findings of the JMPR and the CCPR.

3.44. Ecuador shared the concern with regard to the MRL reduction for buprofezin from 0.5 ppm to 0.01 ppm, as it would affect its banana trade. Buprofezin was needed to control quarantine pests in bananas and was used through impregnated plastic bags to avoid damaging the fruit and reduce its exposure, unlike sprayed insecticides. Ecuador requested the European Union to maintain its current 0.5 ppm MLR for buprofezin or to adopt the Codex reference limit of 0.3 ppm.

3.45. Canada expressed concern with the European Union's decision to lower the MRL for picoxystrobin to the limit of analytical detection as from 13 August 2019, without conclusive evidence of the risk to human health. Canada queried on the EU process to obtain the information it considered necessary to complete a scientifically valid risk assessment on which to subsequently base its regulatory decision. Canada had itself conducted such a risk assessment for picoxystrobin, determining in the process that the active substance was not a danger to human health when used according to label directions. The product was registered and marketed in 65 countries. Finally,

Canada requested the European Union to only set import tolerances after a full risk assessment as per Regulation (EC) No 396/2005 in order to minimize the impact on international trade.

3.46. Honduras explained that its banana plantations commonly used buprofezin for pest control. The MRL reduction to the limit of detection (Article 18 (b) of Regulation (EC) No 396/2005), with shorter transition periods, posed a challenge for producers who had few alternatives to control pests and diseases. With the entry into force of the MRL in August 2019, Honduran exports to the European Union would be affected. Current banana exports exceeded 9,000 tonnes, generated 12 million dollars in revenue and created a high number of jobs. Honduras recalled that experts from JMPR and the CCPR — bodies in which the European Union took part — had evaluated buprofezin in 2013 (molecule N° 173 in the Codex list of pesticides) and recommended an MRL of 0.3 mg/kg in bananas. Honduras therefore urged the European Union to either follow this recommendation or maintain the current MLR of 0.5 ppm. Finally, based on Article 10 of the SPS Agreement, Honduras requested an extension of at least 36 months before the entry into force of the new MRL.

3.47. Uruguay expressed concerns on the MRL reduction for imazalil, which would affect its citrus production, a third of which was exported to the European Union. Imazalil was used to control *Penicillum digitatum* in packaging plants. Uruguay noted that JMPR reported no evidence of genotoxicity of imazalil metabolites R014821, FK-772 y FK-284 in *in vitro* tests, and that further data was needed before reaching decisions on MRLs. In the meantime, Uruguay called on the European Union to adhere to the current MLR of 5 kg/mg in citrus established by Codex.

3.48. Nicaragua shared the concern with regard to the MRL modification for buprofezin given the possible effects on its banana trade.

3.49. Turkey requested an update on the EU Codex initiative on buprofezin, which had been discussed during the previous Committee meeting.

3.50. The European Union referred Members to its detailed statement at the November 2018 Committee meeting. The European Union highlighted that its measures were based on science and had involved a risk assessment procedure, consistent with the SPS Agreement. EU scientific authorities had identified enough health concerns during the risk assessment to conclude that the use of the substances at issue did not meet the European Union's appropriate level of protection (ALOP). The European Union added that the burden of proof in a pre-market approval system did not necessarily fall on the country receiving import authorization requests. The European Union noted it had met its transparency obligations. All of its regulatory amendments had been duly notified and replies had been sent to all comments received. The European Union had also informed the Codex Committee of EFSA's evaluation to raise international awareness. Finally, the European Union informed the Committee that current and future import tolerance requests would be decided on the basis of a risk assessment, in line with the SPS Agreement.

3.2.2 EU legislation on endocrine disruptors – Concerns of China, India and the United States (No. 382)

3.51. The United States reiterated its concern on the EU pesticide regulation, arguing that it was hazard-based, and that the criteria to define endocrine disruptors were more stringent than those initially notified to the WTO. The United States considered that the level of protection sought by the European Union was not adequately articulated, and that the EU regulatory approach was already proving to be more trade restrictive than necessary. The United States requested the European Union to carry out a transparent, timely, and risk-based process for evaluating and setting MRLs and import tolerances. The United States referred to a lack of evidence of the use of the import tolerance process, and was concerned that import tolerances would only be granted on a case-by-case basis, factoring in "legitimate factors" and based on a precautionary principle.

3.52. The United States queried on the "legitimate factors", other than risk, that the European Union would consider when evaluating import tolerance requests and whether the list of factors would be available. Further, the United States asked the European Union to explain how these factors and the precautionary principle would achieve an appropriate level of protection. Lastly, the United States invited Members maintaining policies of national alignment or harmonization with EU legislation, including implementation of EU regulations, to notify all changes to their national measures on pesticide MRLs and import tolerances, as these might also have a significant impact on trade.

3.53. India echoed the concern and urged the European Union to consider the available scientific data and adopt existing Codex standards. India noted that the final notified criteria included several changes and sought clarification on how the relevance of data would be determined, among other issues.

3.54. China shared the concern and suggested that the European Union seek the establishment of standards for pesticides with endocrine disrupting properties in Codex. China also called on the European Union to adopt Codex MRLs as much as possible to minimize impacts on international trade, and to take into account available scientific evidence in the assessment of risks.

3.55. Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Kenya, Korea, Malaysia, Panama, Paraguay, Peru, Senegal, Chinese Taipei, Thailand and Uruguay shared the concern. They called on the European Union to amend its hazard-based regulation, which threatened to restrict trade unnecessarily, and reintroduce complete risk assessments based on scientific techniques developed by the relevant international organizations. Several Members also urged the European Union to follow Codex recommendations on MRLs, while others called for more clarity on relevant factors that the European Union would take into consideration when undertaking risk assessments for the establishment of import tolerances.

3.56. Colombia reiterated the need to consider scientific evidence, production processes and methods, international recommendations on MRLs by Codex and ecological and environmental conditions in countries that could be affected by the measure, to avoid unnecessarily restricting trade.

3.57. Canada noted that the European Union's approach could impact the use of internationally accepted pesticides, preventing producers from accessing important plant protection tools. Canada added that the EU process to allow for the consideration of import tolerances remained unclear and feared it would be lengthy and unpredictable. A case-by-case approach did not provide the certainty required for international trade. Canada insisted on the need for a transparent, predictable and commercially viable import tolerance process for plant protection products which had not been re-approved and requested the European Union to maintain, until such a process was implemented, the import tolerances for active substances at prior levels to allow trade to continue.

3.58. Thailand requested the European Union to expedite the drafting process of the criteria for derogations by determining the meaning and criteria of "neglectable risk" and to notify them for comments.

3.59. Panama and Guatemala recalled Ministerial Declaration WT/MIN(17)/50, signed by seventeen WTO Members to increase predictability and transparency on MRLs in the SPS Committee. Panama and Guatemala urged the European Union and other WTO Members to work towards global SPS standards instead of unilateral measures.

3.60. Brazil referred to its previous statements. Brazil highlighted that the use of plant protection products in agriculture in the tropical regions promoted technology, investment, innovation and research, important drivers for the development of resilient, stable and sustainable agricultural practices, which in turn promoted growth and trade in agricultural products.

3.61. Korea regretted the European Union's hazard-based criteria for categorization of compounds as endocrine disruptors that had been in place since November 2018 in spite of the concerns expressed by Members. Korea requested the European Union to consider maintaining import tolerances with MRLs above default levels, in accordance with Regulation (EC) 396/2005.

3.62. Kenya referred to its tropical location and to the consequences of the removal of currently used chemicals on food security for an ever-increasing population. While acknowledging that the European Union had been providing updates, Kenya asked that the length of the process required to authorize new molecules be taken into consideration, among other issues.

3.63. The European Union responded that it had kept the Committee regularly updated on relevant developments. In previous meetings, the European Union had provided information on the discussions about possible derogations where there was negligible risk of exposure, and, following the agreement on the criteria, about the possible adoption of that derogation. In November 2018,

the European Union had reported on the lack of internal agreement. The European Union now had to report that no further discussions would be held, since the qualified majority of EU member States to support such a clause could not be reached.

3.64. The European Union highlighted the following developments: First, on import tolerances, the procedures laid down in Regulation 396/2005 for the management of import tolerance requests would be applied also for active substances falling under the cut-off criteria. The procedure included a risk assessment by an evaluating EU member State and EFSA. Import tolerances would be granted in line with risk analysis principles on a case-by-case basis. For transparency purposes, the approach would be published on EU websites as part of the Guidance on the MRL Setting Procedures. In relation to the references to the precautionary principle and the legitimate factors, the European Union reminded Members that the standard clause had been in force since 2005.

3.65. Second, on transitional arrangements, Article 49 of Regulation (EC) No 396/2005 provided for the possibility of transitional measures for the implementation of certain MRLs, while ensuring a high level of consumer protection. As a general rule, transitional measures are consistently applied allowing products already on the EU market before the date of entry into force of a Regulation to remain on the market until the end of their shelf life. Nevertheless, when a health concern was identified, transition measures were not provided and the new MRLs applied usually six months after the entry into force of the Regulation. The European Union reiterated its commitment to fulfilling its transparency obligations and reminded Members that draft measures are regularly notified under the relevant WTO agreements.

3.2.3 New EU definition of the fungicide folpet – Concerns of China (No. 447)

3.66. China reiterated its concern about the new EU residue definition for the fungicide folpet. China explained that phthalimide was not only a metabolite of folpet, as it could also metabolize from phosmet or bentazone insecticides; and therefore, the presence of phthalimide could be irrelevant to folpet. China indicated that the EU residue definition for folpet did not comply with the Codex definition nor with China's definition. At the November 2018 Committee meeting, the European Union had referred to internal discussions on revising the residue definition for folpet. China queried about the progress of the revision process at EFSA, and requested that the EU residue definition for folpet be made consistent with Codex's so as to minimize the impact on trade.

3.67. The European Union confirmed that the residue definition of the fungicide folpet was currently under consideration as part of the on-going renewal procedure of the approval of this active substance. The European Union informed the Committee that EFSA was currently carrying out a peer review and committed to provide further updates.

3.2.4 EU review of legislation on veterinary medical products – Concerns of the United States (No. 446)

3.68. The United States reiterated its concern over Regulation (EU) 2019/6, in particular Article 118 requiring producers of animals and animal products intending to ship to the European Union to comply with EU production standards. The United States appreciated the continuous bilateral engagement with the European Union. The United States recalled that regulatory approaches needed to be appropriate to the circumstances. The United States referred to the EU statement in November 2018 indicating that its legislation was aimed at implementing the global consensus on addressing the global health risk of AMR by preventing the use of medically important antimicrobials for growth promotion purposes. The United States supported the international consensus on AMR, as reflected in the WHO Global Action Plan, the OIE Strategy on AMR and the Codex guidelines. According to the United States, the EU legislation ran contrary to the international consensus on the key point that countries had to adapt policies to their national priorities as well as to regional and local conditions. Further, the United States noted the successful implementation by FDA of the WHO Global Action Plan through a programme of voluntary label changes aiming to phase out the use of medically important antimicrobial drugs for growth promotion. The United States asked the European Union to explain how the adoption of EU standards by its trading partners was consistent with the global consensus and how its legislation would be implemented in the least trade-restrictive manner.

3.69. Australia, Brazil, Canada, Chile, Colombia and Paraguay shared the concern, reiterating their support for the joint work of WHO, OIE and FAO in setting international standards and guidelines for

AMR as well as the work of the Codex Task Force on Antimicrobial Resistance (TFAMR). They underlined that unilateral initiatives related to AMR trade policies outside the international standard-setting organizations had the potential to undermine collaborative global efforts and the integrity and relevance of these organizations. Canada, with the support of Paraguay and Chile, asked the European Union to share the list it was preparing of antimicrobials reserved for human use; and the basis and considerations being taken into account in the preparation of the list.

3.70. Canada thanked the European Union for the ongoing dialogue. Canada underlined the unnecessarily restrictive impact on international trade that the application of the EU veterinary medicinal products regulation could have. It also requested the European Union to notify the implementing and delegated acts supporting Regulation (EU) 2019/6, to provide Members an opportunity to submit comments.

3.71. Brazil noted that a safe, harmonized, and scientifically-based framework for trade in animal products was the best possible scenario for promoting food safety and food security. A unilateral ban of several veterinary drugs was not compatible with that goal, and could impose a burden on producers.

3.72. Australia wished to discourage regional and individual countries' efforts to introduce AMR-related risk management measures that were inconsistent with agreed standards and not supported by science, as they could distort trade. Australia emphasized its commitment to an effective and robust system for the prevention and containment of AMR and explained that it had adopted a very conservative approach to the use of antimicrobials in livestock production. However, Australia stressed that antimicrobials were important for animal health, welfare, biosecurity, and production. Australia underlined its low rate of AMR in food production animals due to its favourable animal health status, extensive farming systems, stringent border controls, efficient biosecurity measures to prevent the introduction of endemic and exotic diseases, and strong regulations governing the registration and use of antimicrobials. Finally, Australia expressed its concern that any measures to restrict access to the prophylactic use of antimicrobials in food animals would have significant adverse impact on exports of Australian and other animal products.

3.73. Chile asked the European Union whether its determination had followed a risk-based or a hazard-based approach.

3.74. Norway stated that AMR was a priority for its government and it actively supported work by FAO, WHO, OIE and UNEP. A One Health approach including cooperation of all relevant sectors (health, agriculture, aquaculture and environment) was required to combat AMR. Norway noted that trade might contribute to the spread of AMR. In Norway, the use of antibiotics in fish and animals was low compared to most countries, and Norway insisted that veterinary drugs should mainly be restricted to treatment of diseases affecting animal health and welfare. Routine prophylaxis and the use of antibiotics as growth promotors was not allowed in Norway. Norway underscored the goal to promote prudent and responsible use to minimize the spread of AMR and highlighted that important antibiotics should be reserved for human use and not be allowed for animals.

3.75. The European Union referred to its statements made in the Committee meetings in July and November 2018 explaining the rationale and background of Regulation (EU) 2019/6, as accurately reflected in the respective summary reports. The European Union explained that its regulation was a tool to fight AMR rather than a barrier to it. The regulation imposed stricter rules on operators within the European Union concerning prophylaxis and metaphylaxis. Implementing measures would be based on scientific evidence, would take into account international standards and recommendations, and would be consistent with international obligations. Regulation (EU) 2019/6 had been adopted on 11 December 2018, published on 7 January 2019, and would start to apply on 28 January 2022. While the proposal had initially been notified under the TBT Agreement only, the final Regulation had been notified under the SPS Agreement (G/SPS/N/EU/312). The European Union had held bilateral and plurilateral meetings with trade partners. Concerning deadlines, the implementing measures would be prepared and discussed within the European Union first. The Regulation specified timelines for adoption of criteria to designate antimicrobials reserved in the European Union for human use (by 28 September 2021) and the list of antimicrobials concerned by import rules (by 28 January 2022). All relevant implementing measures would be notified under the SPS Agreement. Finally, the European Union agreed on the importance of international cooperation, signalling its commitment to continue working as a driving force in the global fight against AMR. It would keep engaging with trading partners and WTO Members within multilateral organizations

and through bilateral channels to promote and support effective strategies to prevent and contain the global threat of AMR.

3.2.5 Viet Nam's import restrictions in the draft Law of Animal Production – Concerns of the United States (No. 450)

3.76. The United States thanked Viet Nam for their bilateral meetings. The United States reiterated its concern raised in October 2018 about Viet Nam's Livestock Production Law and its potential adverse impact on trade. In particular, the United States drew attention to article 12.7 of the Livestock Production Law, which would ban the import of livestock products produced using chemicals prohibited for domestic production in Viet Nam, despite assurances from Viet Nam that it would harmonize its MRLs for imported goods to Codex standards. The United States sought information on when Viet Nam intended to notify a draft of the new implementing regulations of the Livestock Production Law to the WTO. The United States looked forward to continued engagement with Viet Nam on this issue.

3.77. Canada shared the concern regarding the final version of the Law of Animal Production, passed by the Viet Nam National Assembly on 20 November 2018. Canada was particularly concerned by article 12.7 (Strictly Prohibited Acts) which banned imports of products containing residues of veterinary drugs prohibited domestically in Viet Nam. Canada noted that this provision was essentially the same proposed ban that the Vietnamese Ministry of Health had notified in September 2016. On 4 November 2016, Canada had submitted detailed comments to that proposed ban, including a request that Viet Nam maintain MRLs for ractopamine and other veterinary drugs based on Codex MRLs and provide the rationale and scientific justification for taking a zero-tolerance approach. To date Viet Nam had not responded to Canada's comments. Canada regretted the passing of the law, but noted that Viet Nam had assured Members that they would have an opportunity to provide comments when Viet Nam proceeds with drafting implementing regulations. Canada requested an update on when Viet Nam intended to notify the Law's implementing regulations and looked forward to its bilateral meeting with Viet Nam.

3.78. Australia shared the concern, noting that the period for comments on the Law of Animal Production , as notified, was still open; which could indicate that the comments had not been taken into account. Australia encouraged Viet Nam to notify Members in a timely manner so that comments and concerns could be adequately addressed before the laws were adopted. Australia would provide complete comments when an SPS notification was made.

3.79. Viet Nam recalled that the Draft Livestock Law had been notified in G/SPS/N/VNM/95 on 12 March 2018, and the 6th Draft had been notified as G/SPS/N/VNM/95/Add.2 on 30 October 2018. Viet Nam welcomed comments and feedback of Members. At the end of 2018, Viet Nam's National Assembly had passed the Livestock Production Law, with effect from 1 January 2020; replacing the 2004 Law. The Ministry of Agricultural and Rural Development highlighted the adoption of the Law on Livestock Production as one of the outstanding agricultural events of 2018, with the ambition of fostering the development of Viet Nam's livestock industry. Viet Nam explained that it planned to amend the current list of prohibited substances and maintain Codex MRLs for several agrochemicals used in imported products. A number of legislative acts would guide the implementation of the Livestock Law. The Ministry of Agricultural and Rural Development was working closely with the Ministry of Health on the establishment of MRLs for agricultural chemicals in food so as to ensure that the regulation of residues of veterinary drugs in Viet Nam would be in line with international standards and practices for food safety. Viet Nam would notify the WTO of any updates and changes in the status of the Law and welcomed comments from WTO Members. Viet Nam reiterated that its regulations were based on guidelines from international standard setting organizations.

3.2.6 The Russian Federation's bluetongue-related import restriction on ruminants – Concerns of the European Union (No. 449)

3.80. The European Union briefly referred to STC No. 411, which had not been raised at the current meeting, to acknowledge the Russian Federation's consideration of EU concerns on import restrictions targeting certain animal products from Germany. The European Union thanked the Russian Federation for its cooperation on that matter and announced that it would report formally on the resolution of that STC at the following Committee meeting. With regards to STC No 449, the European Union referred to its previous statement and reported a lack of progress. The European

Union argued that the measures taken were inconsistent with OIE standards and with the export certificates agreed between the European Union and the Russian Federation. The European Union regretted that, in February, the Russian Federation had notified further restrictions affecting three Federal States in Germany. The European Union called upon the Russian Federation to bring the measures on bluetongue in line with international standards and resume the trade of safe animals and genetic material.

3.81. The Russian Federation explained that bluetongue was an emerging transboundary viral disease of small ruminants and cattle in Europe that could cause significant losses among ruminants. Bluetongue had become established in Western Europe and five Mediterranean countries had declared themselves as endemic. The disease had been reported in Germany in late 2018, when no bluetongue vectors were active, and that the three Federal States in Germany had been affected. The territory of the Russian Federation had remained free from bluetongue due to a combination of strict control measures and a risk-oriented approach, helping to maintain trade in livestock at a rather high level with the European Union while protecting the Russian territory from an outbreak of the disease. The Russian Federation acknowledged the differences between its current legislation and international standards, which a new draft Order by the Ministry of Agriculture was intended to address. The Russian Federation reported on the status of the draft Order and the new veterinary rules, and on the time required to complete internal legislative processes.

3.2.7 EU Commission Decision 2002/994/EC on animal products – Concerns of China (No. 442)

3.82. China reiterated its concerns over EU Commission Decisions 2002/994/EC, 2004/621/EC and 2008/463/EC, which required that each consignment of poultry meat, casings, aquaculture fishery products and crayfish be tested for chloramphenicol, nitrofuran, malachite green, crystal violet and their metabolites before being exported from China to the EU market. China stated that it had been implementing strict inspection and quarantine procedures for animal products exported to the EU market for more than 17 years, and that the European Union had recognized China's food safety and residue regulatory systems when revising Directive 2002/994/EC. China further explained that the European Union had committed to expediting the cancellation of the additional certificate for the food of animal origin exported from China to Europe. In this context, an EU report on China's food safety and residue regulatory systems had been submitted to the European Union for comments, and China had provided feedback to the European Union in January 2019. China urged the European Union to apply the principle of equivalence and remove additional testing requirements for the products at issue.

3.83. The European Union referred to previous statements explaining the reasons for the measures and provided an update. The European Union was currently examining the response of the Chinese authorities to the audit carried out in 2018, and it would be discussed on a bilateral basis. The European Union was pleased with the progress achieved and looked forward to a prompt resolution of the concern.

3.2.8 Viet Nam's market access requirements for ''white'' offals and other products – Concerns of the United States (No. 438)

3.84. The United States appreciated the bilateral engagement with Viet Nam on its concerns regarding its Decree No. 15, but nonetheless regretted that they had not been fully addressed. The United States noted Viet Nam's addendum dated 16 May 2018 notifying the invalidation of Circular No. 25 of 2010, and the entry into force on 2 February 2018 of Decree No. 15 of 2018 regulating imports of food products derived from animals. The United States was concerned that Viet Nam had not notified Decree No. 15 — which overhauled previous import rules, including Circular No. 25 — and allowed Members to provide comments before setting the new requirements. The United States requested Viet Nam to issue guidance on the implementation of the requirements of Decree No. 15; to clarify the definition of processed products, registration and certification requirements for those seeking to export animal food products to Viet Nam; and to issue a frequently asked questions guide for the registration of facilities. The United States requested clarification on Viet Nam's intention to issue such guidance and the expected timeframe.

3.85. Australia shared the concern and referred to the total trade ban for "white" offals implemented by Viet Nam a few years ago. Australia asked Viet Nam to elaborate on its SPS concerns with regard

to the importation of these products, and to outline the process that Members needed to follow to restart trade, with a focus on the registration of export facilities.

3.86. Viet Nam explained that Decree No. 15 had been notified as G/SPS/N/VNM/86 in 2016. The Decree had been issued after introducing changes and modifications in response to comments received from trading partners. The Ministry of Agriculture and Rural Development had also organized an information session on the implementation of Decree No. 15 for all relevant parties to attend and present comments. It had also invited countries with concerns to send comments to Viet Nam's SPS Office. Viet Nam reported on the bilateral meeting held with the United States and referred to the inspection mission carried out by a Vietnamese technical team in the United States in 2015. Viet Nam noted that cases of non-compliance in some US establishments had been detected, resulting in the temporary suspension of new import registrations. Viet Nam indicated that its Department of Animal Health was currently completing a revision of the information provided by the US Food Safety and Inspection Service (FSIS) regarding the organization of an on-site visit later in 2019. Viet Nam concluded by expressing its willingness to work closely with trading partners.

3.2.9 EU restrictions on poultry meat due to *Salmonella* detection – Concerns of Brazil (No. 432)

3.87. Brazil reiterated its concern regarding reinforced EU controls on Brazilian poultry meat shipments due to the alleged detection of several *Salmonella* serotypes. Brazil regretted that the European Union had maintained intensified microbiological inspection procedures. In 2002, Brazil had been granted the right to export salted poultry meat, classified as meat preparation, which had the same microbiological characteristics as fresh poultry meat. Brazil explained that Regulation (EU) 1086/2011 only required testing for two serotypes of *Salmonella* — *S. enteritidis* and *S. typhimurium* — as the least trade restrictive measure available to ensure the EU ALOP was met. However, Brazil regretted that the EU legislation did not apply the same reasoning to fresh poultry meat with added 1.2% salt, which had to be tested for all serotypes of *Salmonella*. Brazil recalled that data had been submitted at the July 2018 Committee meeting on samples that had been collected and analyzed by the European Union at the EU border for the detection of *Salmonella* since the reinforced controls of March 2017. Brazil argued that the EU measures lacked evidence and were more trade-restrictive than necessary.

3.88. The European Union referred to previous statements made at the July 2018 Committee meeting and to the criteria on *Salmonella* contained in the April 2003 Opinion of the Scientific Committee on Veterinary Measures relating to Public Health on Salmonellae in Foodstuffs, which took into account consumption patterns and behaviour as well as cross-contamination risks. The criteria, which applied to both domestic and imported products, had initially been adopted in 2005, before being revised in 2011 for fresh poultry meat. Concerning the level of testing, a reinforced testing regime had been in place since March 2017, consisting of 20% of microbiological tests in addition to the pre-export certification system. The European Union further reported that an audit was planned for 2019, and that it remained open to continuing bilateral discussions.

3.2.10 South Africa's import restrictions on poultry due to highly pathogenic avian influenza – Concerns of the European Union (No. 431)

3.89. The European Union regretted that South Africa maintained country-wide bans on poultry products from six EU member States due to HPAI, even though all affected EU members had been free from avian influenza for many months. Explanations on control measures and the EU regionalization system had been provided to South African authorities. In addition, a joint seminar and a study visit from South Africa had taken place in January 2019, while three EU member States had been inspected and had held bilateral discussions. The European Union remained ready to further engage with South Africa.

3.90. South Africa restated its concerns regarding avian influenza controls in the European Union. Some parts of the EU legislation that governed HPAI situations in the European Union did not seem to provide equivalence with OIE guidelines, which South African authorities relied on to ensure smooth trade while protecting the population. South Africa would nonetheless continue to engage constructively on this issue.

3.2.11 China's import restrictions due to highly pathogenic avian influenza – Concerns of the European Union (No. 406)

3.91. The European Union reiterated its concern that China maintained country-wide bans on six EU member States due to outbreaks of avian influenza that had occurred in 2015. The European Union had requested China to lift the restrictions and enact more targeted measures in line with the regionalization principle. However, only Poland had seen a lifting of restrictions.

3.92. China explained that the measures it had taken to manage and control the animal epidemics were based on the relevant principles of the SPS Agreement and OIE standards. The OIE principles of regional management in avian influenza control measures had been applied in the regions where such technical standards were applicable, including for LPAI, Newcastle disease and FMD. China added that HPAI was mainly carried by wild birds, which made the prevention and control work more difficult. China was positively communicating with exporting Members who complied with the relevant OIE standards, namely those who had been recognised free of HPAI presence for 12 consecutive months and complied with other relevant technical OIE requirements. In the previous year, HPAI-related bans had been lifted for Germany, Hungary, Ukraine and Chile, while evaluations for the United Kingdom, Netherlands and France were ongoing.

3.2.12 The Russian Federation's import restrictions on processed fishery products from Estonia – Concerns of the European Union (No. 390)

3.93. The European Union reiterated its concern, given that only one fishery plant from Estonia had been authorized to export to the Russian Federation. The European Union argued that this was inconsistent with several provisions of the SPS Agreement and with the Russian Federation's WTO accession commitments. The European Union regretted that the ban remained in place despite the intent expressed by the Russian Federation to solve the matter. A date for a third round of audits had nonetheless been agreed.

3.94. The Russian Federation updated Members on the progress achieved regarding the temporary restrictions on fishery products from Estonia's processing plants, which had been put in place after inspections by Russian authorities in 2016. In July 2018, the Estonian veterinary service had agreed to re-inspection visits in late April 2019, to determine whether corrective measures had been taken and that SPS requirements were being fully implemented and fulfilled.

3.2.13 General import restrictions due to BSE – Concerns of the European Union (No. 193)

3.95. The European Union reiterated its concern on the unjustified approval delays its beef exports faced due to BSE concerns. The European Union considered that those restrictions did not take into account existing science and were inconsistent with Article 8 and Annex C of the SPS Agreement. The European Union welcomed positive developments in Japan and hoped that remaining applications could be finalized shortly. Meanwhile, it reported slow progress with Chinese Taipei and Korea. The European Union urged Members to lift remaining restrictions on all EU member States and apply international standards for the trade in beef products, as contained in the OIE Code.

3.2.14 Guatemala's restrictions on egg products – Concerns of Mexico (No. 413)

3.96. Mexico reiterated its concern over Guatemala's restrictions on thermally processed egg products. Mexico recalled that it had been requesting the lifting of the measure since 2007, arguing its inconsistency with the SPS Agreement and the Free Trade Agreement between Mexico and Central America, as it did not provide a technical and scientific justification based on international standards nor a risk assessment. Mexico referred to the recommendations contained in article 10.4.15 of the OIE's Terrestrial Code to ensure the elimination of the avian influenza virus in imports of processed egg products, regardless of the country of origin's avian influenza status. Mexico added that Guatemala's restrictions were also in contradiction with its own legislation, which confirmed compliance with OIE guidelines and recommendations and the fundamental principles of the SPS Agreement. Mexico regretted the lack of progress, despite proving the existence of HPAI-free zones and compartments. Mexico highlighted the impact of Guatemala's total ban on its egg products.

3.97. Guatemala provided information on the technical meetings held and the written responses to Mexico's request, the latest dated 12 February 2019. Based on OIE information, Mexico had reported

outbreaks of HPAI H7N3 in February 2018 and of Newcastle disease in January and February 2019, including outbreaks in Mexican States bordering Guatemala. Guatemalan national legislation did not allow trade in poultry, poultry products and by-products with countries affected by HPAI (Ministerial Agreements No. 105-2012 and No. 228-2013) or the highly virulent form of Newcastle disease (Ministerial Agreement No. 1029-99). Guatemala concluded that those viruses threatened its poultry farming, which remained free of these diseases as scientifically established by the National Poultry Health Programme of the Ministry of Agriculture, Livestock and Food.

3.98. Mexico responded to Guatemala explaining that the velogenic Newcastle disease outbreaks had been duly notified to OIE but that they did not pose a risk in the case of exports of thermally processed egg products. Mexico asked Guatemala to take into account the recommendations in articles 10.9.11 and 10.9.20 of the OIE's Terrestrial Code.

3.99. Guatemala reiterated that its sanitary measures for trade of poultry and poultry products from countries affected by HPAI and the highly virulent form of Newcastle disease were based on OIE standards. Guatemala detailed the outbreaks notified by Mexico to the OIE since 2014, as well as the affected types of poultry and the States concerned; and reporting on non-conformity cases encountered by Guatemalan authorities in July 2016. Following a lack of corrective measures, and in light of the sanitary risks, Guatemala could not resume trade. Guatemala further added that its Ministerial Agreements No. 105-2012 and No. 1029-99 were based on the OIE Terrestrial Code.

3.2.15 US import restrictions on apples and pears - Concerns of the European Union (No. 439)

3.100. The European Union reiterated its concern regarding US import restrictions on apples and pears under the systems approach. The European Union explained that technical work had been finalized several years ago in a mutually satisfactory manner, but the administrative step of publication of the final rule had been pending for over two years.

3.101. The United States updated the Committee on the work of APHIS with the European Commission and member States authorities to implement the regulatory changes in the proposed rule. The United States hoped it would soon be in a position to complete the publication of the final rule. It reiterated its commitment to transparency and would thus continue to share relevant information through bilateral channels. The United States noted that the European Union had been exporting apples and pears to the United States since 2013.

3.2.16 New Zealand's draft import health standard for vehicles, machinery and equipment - Concerns of Japan (No. 440)

3.102. Japan reiterated its concern on New Zealand's import health standard for vehicles, machinery and equipment. In May 2018, New Zealand had notified new measures against brown marmorated stink bug (BMSB), which applied to used and new vehicles. Japan argued that a complete pest risk analysis was necessary to identify the pathway of BMSB and to prioritize SPS measures. Japan explained that its auto industry suffered from New Zealand's measures requiring a pre-approval on the transportation route of brand-new cars and heat treatment or fumigation for used cars, in advance of their export. Japan appreciated the bilateral consultations with New Zealand since the refusal of entry of vessels carrying Japanese cars in February 2018, and reiterated its request for New Zealand to review its measure. Japan queried the scientific basis of its measure and the detection of BMSB, and sought clarification on the conditions for the potential establishment and spread of BMSB.

3.103. New Zealand underlined the cooperative exchange with Japan on this issue and further noted that their trade was mutually beneficial. New Zealand highlighted that the BMSB was a significant regulated pest that would result in substantial negative effects if it was established in New Zealand. New Zealand had provided Japan with the scientific references on the ability and likelihood of survival of BMSB under the temperate environmental conditions in New Zealand. BMSB had been found on multiple types of new and used vehicle consignments, which were not segregated in the hold. New Zealand would notify a revised import health standard by early April for consultation, which it anticipated would be finalized in July and come into effect in early September 2019.

3.2.17 Indonesia's approval procedures for animal products – Concerns of the European Union (No. 441)

3.104. The European Union thanked Indonesia for its feedback on market access applications from EU member States during a bilateral meeting in Brussels in early 2019. However, some EU member States were still awaiting specific comments, such as guidelines for audits or the type of additional information required. Some exports applications submitted in 2013 were awaiting feedback. The European Union further regretted that inspections expected in 2018 had not taken place and that submitted applications had been lost. In the EU view, Indonesian import approval procedures and standard processing periods were inconsistent with Article 8 and Annex C of the SPS Agreement since they remained unknown.

3.105. The European Union nonetheless appreciated the recent discussion with Indonesia and its commitment to share information on EU member States' market access applications.

3.106. Indonesia updated the Committee on its bilateral engagement with the European Union, including responses to questions on market access applications. Indonesia highlighted its efforts to finalize the approval for imports of animal products submitted by EU member States and referred to the legal basis for the implementation of its import policy for animal products, explained in previous SPS Committee meetings. There were cases where EU member States were awaiting responses from Indonesian authorities and cases where Indonesian authorities were awaiting responses from EU member States. Indonesia had also explained to the European Union the details of the recognition mechanisms in place, including the related technical and fee-related mechanisms.

3.2.18 Indonesia's food safety measures affecting horticultural products and animal products – Concerns of the Philippines (No. 414)

3.107. The Philippines reiterated its concern on Indonesia's SPS-related requirements on horticultural products, which had led to the disruption of Philippine exports since 2013 and regretted the lack of progress on this issue, which had been previously raised in 2016. The Philippines updated the Committee on the Minister of Agriculture Decree No. 2315 issued by Indonesia in late 2018, which only recognized a limited number of testing laboratories for horticultural products. Further import requirements had followed, including MRLs for bananas and shallots, and a new requirement that fresh bananas had to be sourced from a recognized pest-free area in the Philippines. Although Indonesia had identified and recognized pest-free production areas and accredited laboratories in the Philippines, there was a lack of clarity on the resumption of imports of bananas, pineapples and shallots. While appreciating progress made, the Philippines remained concerned about Indonesia's measures and referred to undue delays in their applications, unpredictable timeframes and other requirements which had led to the disruption of Philippine exports to Indonesia without scientific justification, with a decline of almost 70% since 2013, reaching zero exports in 2016.

3.108. Regarding Indonesia's approval measures for imported meat and meat products, the Philippines were also concerned with its undue delays, lack of transparency, and piecemeal and unpredictable approach in its handling of market access requests. The Philippines appreciated Indonesia's decision to begin processing their request for a processed meat product but regretted the prescription of standards higher than the OIE without a scientific risk assessment.

3.109. Indonesia responded that the Ministerial Decree concerning pest free area for bananas and shallots was still under internal procedures; this was Ministerial Decree No. 2315 of 2018, concerning the registration of food safety laboratories for fresh food of plant origin. Regarding animal products, Indonesia required the importation of meat and meat products be based on the 2016 Ministerial Decree concerning the importation of carcass, meat, edible offal and its products, including that the origin country should be free from FMD, Rift Valley Fever, contagious bovine pleuropneumonia and BSE.

3.3 Information on resolution of issues in G/SPS/GEN/204/Rev.19

3.110. Senegal informed the Committee that, with regards to STC No. 427 on India's fumigation requirement for cashew nuts, the technical consultations on alternatives to methyl bromide for post-harvest treatment had allowed agricultural product exports to the Indian market to continue without restrictions. Senegal and India envisaged a protocol to avoid non-compliance with phytosanitary

requirements due to deficiencies in the procedures for quarantine treatments. Senegal highlighted that compliance with all provisions in pre-fumigation and fumigation of containers, using phosphine could be an alternative to methyl bromide.

3.111. The Secretariat drew Members' attention to the 19th revision of the annual compilation of STCs (G/SPS/GEN/204/Rev.19), generated through the SPS IMS and issued on 14 March 2019. Since the 12th revision, the structure of the compilation had been modified to reduce its size. Section 2 of the document contained information only on issues raised in the Committee in 2018 (including new and previously-raised issues). Table 2.3 included STCs reported as resolved, partially resolved or where substantive action on the issue occurred in another WTO body during 2018. In 2018, a total of 41 STCs had been discussed in the Committee of which 18 were new issues, and 23 were previously raised and discussed again. Section 1 of the report included a general overview of STCs raised in the Committee since 1995. A total of 452 STCs had been raised between 1995 and 2018. Section 1 also contained a summary of statistics and graphs on the number of new issues raised per year, the distribution of the issues by subject, and the participation of Members according to their level of development. The 452 STCs were listed in table 1.1. The Secretariat recalled that information on issues discussed before 2018 was available in the former revisions of G/SPS/GEN/204. All STCs discussed in 2010 and before were included in the 11th revision and addenda 1 to 3.

4 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

4.1 Equivalence

4.1. No Member provided any information under this agenda item. The Chairperson recalled that the topic was under discussion as part of the Fifth Review and recalled the Thematic Session held at the beginning of the week. It would be discussed as part of the agenda item on the Fifth Review (section 4.6).

4.2 Pest-and disease-free areas (Regionalization)

4.2.1 Information from Members

4.2.1.1 Mexico – Declaration of areas free from pink bollworm (*Pectinophora gossypiella*) (G/SPS/GEN/1662, G/SPS/GEN/1662/Corr.1 and G/SPS/GEN/1673)

4.2. Mexico brought to the attention of the Committee the declaration that the territories of Chihuahua, Sonora, Baja California and the municipality of Sierra Mojada in Coahuila, as well as the federative entities of Coahuila de Zaragoza and Durango, were free from pink bollworm (*Pectinophora gossypiella*), as explained in documents G/SPS/GEN/1662 and G/SPS/GEN/1673, respectively. This was consistent with the procedures established in Mexican Official Standard NOM-026-SAG/FITO-2014. The Decision would remain in force for 24 months.

4.2.1.2 Mexico – Declaration of an area free from boll weevil (*Anthonomus grandis* Boheman) (G/SPS/GEN/1672)

4.3. Mexico informed the Committee of the Decision declaring of the State of Chihuahua as an area free from boll weevil (*Anthonomus grandis* Boheman), as described in document G/SPS/GEN/1672, in accordance with the procedures established in Mexican Official Standards NOM-026-SAG/FITO-2014 and NOM-069-FITO-1995. The Decision had entered into force on 21 December 2018 and would remain in force for 24 months.

4.2.1.3 Mexico – Declaration of areas free from large avocado seed weevils, small avocado seed weevils and avocado seed moths (G/SPS/GEN/1674)

4.4. Mexico brought to the attention of the Committee its Decision declaring the municipalities of Jala and Santa María del Oro in the state of Nayarit as free from large avocado seed weevils (*Heilipus lauri*), small avocado seed weevils (*Conotrachelus aguacatae* and *C. perseae*) and avocado seed moths (*Stenoma catenifer*), as described in document G/SPS/GEN/1674. The Decision was consistent with the procedures established in Mexican Official Standards NOM-066-FITO-2002 and NOM-069-FITO-1995. The Decision had entered into force on 21 December 2018 and would remain in force for 24 months.

4.2.1.4 Mexico – Self-declaration as a country historically free from rabbit haemorrhagic disease (G/SPS/GEN/1669)

4.5. Mexico informed the Committee of its self-declaration as historically free from rabbit haemorrhagic disease, as explained in document G/SPS/GEN/1669.

4.2.1.5 Mexico – Declaration of areas free from fruit flies of the quarantine-significant genus *Anastrepha* (G/SPS/GEN/1686)

4.6. Mexico brought to the attention of the Committee its Decision declaring certain areas free from fruit flies of the quarantine-significant genus *Anastrepha*, as described in document G/SPS/GEN/1686. The Decision had entered into force on 6 October 2018 and would remain in force for 24 months.

4.2.1.6 South Africa – Update on avian influenza and FMD

4.7. South Africa recalled that in November 2017 it had shared with the Committee that the first outbreak of HPAI H5N8 had been reported in chickens in the country in June 2017. A total of 203 outbreaks had been reported to the OIE, of which 98 had now been closed. No new cases had been reported since July 2018. On FMD outbreaks in the Limpopo province, South Africa informed that it periodically experienced outbreaks in its protection zone. A case had been reported in May 2018 and control measures had been implemented; a further six cases had been reported between May and November 2018 and possible cases in January 2019. As a result of the immediate reporting of the outbreaks to the OIE, South Africa had lost its FMD-free zone without vaccination status.

4.3 Operation of transparency provisions

4.8. The Secretariat provided an update on the Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points, which was a revision of the 2011 Procedural Step-by-Step Manual for SPS NNAs and SPS NEPs. The Practical Manual was available in English, French and Spanish through the SPS gateway of the WTO website. The Practical Manual would be useful for WTO Members, and specially for developing countries and LDCs, as well as for acceding countries and countries establishing NNAs and NEPs. The Secretariat invited Members provide updates on any changes in the contact information of NNAs and NEPs to keep the SPS IMS information updated.

4.9. The Chairperson reported that the draft programme for the July Workshop on Transparency and SPS Coordination Mechanisms in document G/SPS/GEN/1694 had been briefly introduced during the informal Committee meeting. Brazil had submitted inputs for the programme of the workshop, circulated as document G/SPS/W/312.

4.10. The Secretariat reminded Members that the deadline for providing comments on the draft programme and for suggesting speakers was 3 May 2019. The draft programme suggested a three-day workshop on SPS and TBT notifications, based on proposals by Brazil, and on coordination mechanisms, as proposed by several African countries and the United States. The first day of the workshop would be mainly dedicated to transparency, while the second would focus on coordination aspects. The third day was tentatively included to allow experts in transparency to have a hands-on training on available tools. The programme was still subject to approval for funding by the WTO's Institute for Training and Technical Cooperation (ITTC).

4.4 Special and Differential Treatment

4.11. No Member provided any information under this agenda item.

4.5 Monitoring of the use of International Standards

4.5.1 New issues

4.12. No new issues were raised under this agenda item.

4.5.2 Issues previously raised

4.5.2.1 European Union – ASF restrictions not consistent with the OIE international standard

4.13. The European Union highlighted inconsistencies in the application of the OIE international standard for African swine fever (ASF). The OIE Terrestrial Code contained clear ASF guidelines for surveillance, designation of containment zones, and for identification, treatment and certification of tradable products. The European Union was concerned that some Members ignored the OIE Terrestrial Code's recommendations, which had been adopted within the OIE with the support of those same Members. The European Union explained that ASF remained a very serious disease, but that experiences in the European Union showed that it could be efficiently managed to make sure that trade in accordance with international standards did not cause any outbreaks. The European Union highlighted its policies and tools to maintain trade safe, as well as its transparent approach to disease control. The European Union requested WTO Members to evaluate EU member States' import requests in line with the SPS Agreement and international standards. The European Union stressed that country-wide bans were scientifically unjustified.

4.5.2.2 European Union and the United States – HPAI restrictions not consistent with the OIE international standard

4.14. The European Union reiterated its concerns regarding inconsistencies in the use of OIE standards on regionalization in relation to HPAI outbreaks. The European Union regretted that some Members applied country-wide bans whenever there was an HPAI outbreak, without a scientific basis, contrary to OIE standards. The European Union acknowledged that many WTO Members recognized the EU regionalization measures and trusted its effective and transparent system, while other Members did not comply with international standards and obligations under Article 6 and Annex C of the SPS Agreement. The European Union reiterated its call for Members to respect their regionalization obligations and to lift all existing unjustified bans, as well as to refrain from imposing trade restrictions in cases of HPAI detected in wild birds and of low pathogenic avian influenza (LPAI).

4.15. The United States emphasised the contribution of OIE guidelines on HPAI to facilitating safe trade in live poultry and poultry products, and added that the OIE provided Members with incentives to implement an effective stamping out policy and to conduct robust surveillance to provide clear evidence and guarantees of eradication of HPAI. The United States expressed concern that restrictions on poultry meat or products subjected to treatment mitigating the HPAI virus appeared to lack scientific justification. The United States, based on Articles 2 and 3 of the SPS Agreement, urged Members to lift HPAI-related restrictions on US poultry exports immediately, given the US HPAI-free status since August 2017 as per OIE guidelines.

4.5.2.3 United States – BSE restrictions not consistent with the OIE international standard

4.16. The United States indicated that measures restricting ruminant meat and meat products from BSE-free countries were inconsistent with OIE guidelines. The OIE chapter on BSE provided for age- and product scope-related restrictions limited to specified risk materials, not on meat and meat products. Competent authorities were responsible for conducting the appropriate risk communication. The United States urged Members to base regulatory actions relative to BSE on sound scientific risk-based principles, balancing public health and Members' WTO obligations.

4.6 Fifth Review

4.6.1 Report on the Thematic Session on Equivalence (Part 2)

4.17. The Chairperson reported on the second part of the Thematic Session on Equivalence, held on 18 March 2019, dedicated to Members' experiences in the implementation of equivalence. The WTO Global Trust Fund had provided funding for several speakers to help ensure a balance of views.

4.18. The first session had focused on Members' experiences in the implementation of equivalence to specific SPS measures or groups of SPS measures. The United States and China had shared their approaches to equivalence in the area of food safety; Canada had outlined how it applied equivalence

to plant health; and Peru had explained how equivalence was reflected in its free trade agreements. The second session had focused on systems-based equivalence, with presentations by New Zealand on how it applied equivalence in trade; by Canada on its approach to food safety equivalence; and by Australia more generally on the challenges and benefits of equivalence recognition on a systems-wide basis. The third and final session had explored other approaches to equivalence, with speakers from COMESA, Imperial College London and Peru. The latter had explained how equivalence had been addressed in APEC and in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

4.19. The Chairperson highlighted a few points from the discussions. First, Members had agreed that equivalence was an important trade-facilitating tool, given the prominent role of food and agricultural trade in today's world. A mix of perspectives on equivalence from both the import and export angles had been presented. Also, information had been provided on how equivalence was applied at different levels, to individual measures, groups of measures, or entire control systems for particular commodities. Second, there were differences in the implementation of equivalence. Some speakers had highlighted that the principle of equivalence implied reaching a similar or comparable end-result, without requiring sameness of methods or procedures. The role of the appropriate level of protection had been highlighted several times as the relevant benchmark against which the health outcome of alternative processes or methods should be assessed. Third, many Members had stressed that their processes for the recognition of equivalence followed the legal obligation of Article 4 of the SPS Agreement, and the relevant guidance from the three standard-setting organizations, especially IPPC and Codex. Fourth, the Chairperson highlighted the insights on how Members proceeded with equivalence determinations in practice: while there was a variety of approaches taken, sufficiently robust domestic regulatory frameworks had to be in place for equivalence recognitions to take place. During the session, the principles of transparency, true engagement and mutual trust had been highlighted as prerequisites for effective implementation of equivalence. The Chairperson concluded that equivalence was part of a continuum, not to be applied independently from the other requirements of the SPS Agreement and thus, all the measures considered had to be risk-based and applied only to the extent necessary. The Members that had submitted proposals on equivalence had indicated that they intended to reflect on the outcomes of the session and consider possible next steps.

4.6.2 Report on the Thematic Session on Fall Armyworm

4.20. The Chairperson reported on the Thematic Session on Fall Armyworm (FAW) held on 19 March 2019, as had been agreed by the SPS Committee in November 2018. The Chairperson recalled that the thematic session had been the subject of a joint proposal submitted by Brazil, Kenya, Madagascar, Paraguay, the United States of America and Uruguay, in document G/SPS/W/305. The purpose of the thematic session had been to discuss the role of the WTO SPS Agreement in enabling access to tools and technologies and facilitating international trade, using fall armyworm as a case study. The session had aimed to provide information on the nature and the impact of the spread of fall armyworm across the globe, the challenges for smallholders, and the tools and technologies available. Global, regional and domestic approaches to enable regulatory frameworks to facilitate access to safe and effective tools and technologies had been presented. Members had also shared their experiences in dealing with fall armyworm, highlighting their successes and challenges. The programme for the thematic session had been circulated in document G/SPS/GEN/1676/Rev.1, based on the structure suggested by the co-sponsors of the proposal in document G/SPS/W/309. The WTO Global Trust Fund and the United States had provided funding for several speakers, which helped ensure a balance of views.

4.21. The Chairperson reported that the in the first session, the Secretariat had provided an overview of the provisions of the SPS Agreement and jurisprudence relevant to regulatory approaches that enabled access to safe tools and technologies. The presentation had emphasized the importance of scientific evidence and risk assessment, as well as non-discrimination, harmonization, transparency, Annex C provisions, technical assistance and special and differential treatment, among some of the basic provisions of the SPS Agreement relevant to the topic. Examples of panel and Appellate Body reports had been presented to illustrate some of the provisions. The second session had provided comprehensive information on the problem of FAW and on the tools and technologies available. Experts from USAID, the Centre for Agriculture and Bioscience International (CABI) and the International Maize and Wheat Improvement Center (CIMMYT) had provided thorough information on the biology, history and spread of the pest, and had emphasized the importance of integrated pest management as a key framework to approach

FAW. Estimates of the economic impact had been provided and several managing options, including natural methods and biotechnology, had been presented; and detailed information on available transgenic lines had been explained. Questions had been raised about differences in strains according to preferred host plants, recommended pesticides for Asia and spraying protocols according to the type of pesticide used, among other topics.

4.22. The third session had dealt with global, regional and domestic approaches. Global partnerships and development assistance efforts at different levels had been presented, providing a wide variety of perspectives of actions being taken to enable regulatory frameworks that facilitated access to safe and effective tools and technologies. Information had been presented by ECOWAS on the coordination role for phytosanitary issues played by the Inter-African Phytosanitary Council, as well as on regional approaches in West Africa; and by the East African Community in East Africa. USAID had presented on the use of principles of development to create a policy-enabling environment. The European Union had presented on some of their programmes and initiatives on technical assistance, as well as measures in place to avoid the introduction of fall armyworm. Chinese Taipei had presented a case study in controlling a related pest. In the subsequent discussion, China had presented the actions taken since the recent detection of FAW. Exchanges had addressed the need for cooperation to improve infrastructures, the importance of the link between internal monitoring systems and farmers and the efficacy trials on some of the technologies mentioned.

4.23. In the fourth and last session, Members had shared their experiences in dealing with fall armyworm. Approaches presented had ranged from strategies for biological control presented by Brazil to sustainable technologies adopted by small producers in Paraguay. South Africa and Kenya had presented on their experiences, successes and challenges in supporting decision making, disseminating information and raising awareness. Australia, not currently affected by FAW, had presented on the regulation of genetically modified organisms as well as on the use of shared food safety assessments with Canada. In the subsequent discussion, Members had expressed interest in information sharing, cooperation and technical assistance. Suggestions had been made to build on the exchanges during the thematic session as a contribution to IPPC's 2020 International Year of Plant Health. The Chairperson concluded highlighting that the thematic session had provided a useful opportunity to increase Members' understanding of the fall armyworm problem, as well as the existing tools and technologies that are available to address FAW.

4.24. The IPPC asked countries to share with the IPPC secretariat cases of interventions of FAW in trade. The IPPC noted that FAO was involved in ways to address the FAW problem, while the IPPC in ways to prevent it. For countries without FAW, the IPPC recommended to continue surveillance, take regulatory action to make FAW a quarantine pest, carry out pest reporting to neighbours and trading partners and, if the pest was found, manage the outbreak and undergo eradication programmes following IPPC standards. The IPPC informed the Committee that a paper on how to deal with emerging pests would be presented at the CPM meeting.

4.25. The African Union emphasised its coordinating role in managing this pest in Africa through a common strategy.

4.26. The Chairperson invited Members to comment on the first open-ended meeting of the Working Group of FAW, which had been held after the informal meeting. Brazil proposed as possible next steps regarding sections 5 and 6 of document G/SPS/W/305, that the Working Group discuss examples of the effective use of the principles of the SPS Agreement to fight FAW, and to collect and compile information and experiences resulting from collaboration towards a safer and more sustainable agriculture. Brazil suggested that the co-sponsors of the proposal for the thematic session could circulate examples building on the discussions that took place in the thematic session and in the informal meeting of the SPS Committee.

4.6.3 Report of the Informal Meeting

4.27. The Chairperson drew the Committee's attention to the draft report of the informal meeting held on 20 March 2019.[2] The Chairperson invited Members to make comments on the draft report during the meeting, or to send them to the Secretariat by 3 April 2019.

[2] Subsequently circulated as JOB/SPS/2/Rev.2.

4.28. The Chairperson recalled the deadlines in the context of the Fifth Review:

- **Wednesday, 3 April 2019** for submitting of comments on the proposed structure for the draft report of the Fifth Review;
- **Friday, 3 May 2019** for submitting comments on the draft programme for the Workshop on Transparency and Coordination and on the draft programme and speakers for the Thematic Session on Approval Procedures;
- **Friday 10 May 2019** for submitting comments on the questions raised in the latest regionalization proposal, G/SPS/W/311.

5 CROSS-CUTTING ISSUES

5.1. No issue was raised under this agenda item.

6 TECHNICAL ASSISTANCE AND COOPERATION

6.1 Information from the Secretariat

6.1.1 WTO SPS technical assistance activities (G/SPS/GEN/997/Rev.9, G/SPS/GEN/521/Rev.14)

6.1. The Secretariat drew the Committee's attention to G/SPS/GEN/521/Rev.14, which provided an overview of all SPS-specific technical assistance activities undertaken by the WTO Secretariat from 1 September 1994 to 31 December 2018. This document presented information on the number and type of activities delivered each year, including information such as the regions covered, languages used, participation of the international standard-setting bodies and much more. The document reported that since 1994 there had been 403 SPS-specific TA activities, with an overall participation of more than 15,411 persons, 682 persons only in 2018. In 2018, 17 SPS-related training activities had been undertaken: three regional or subregional workshops; 10 national seminars; an Advanced SPS Course; a Thematic Workshop on Transparency; and two courses organized by other organizations.

6.2. The Secretariat also drew attention to document G/SPS/GEN/997/Rev.9, which provided information on the planned TA activities for 2019. The activities included the Advanced Course on the SPS Agreement (to be held in English) in October; an SPS Thematic Workshop, focused on transparency and coordination, to be held on the margins of the July SPS Committee meeting; and a Regional SPS Workshop for Central and Eastern Europe, Central Asia and the Caucasus, to be held at the Joint Vienna Institute. The Secretariat reminded Members that funding was available for officials from developing and least-developed Members and observers, as well as speakers, to participate in the Thematic Workshop. The deadline for applications for funding to participate in these activities was 5 April 2019 for the Thematic Workshop and 3 June 2019 for the Advanced Course and for the Regional SPS Workshop. Additional details on the dates of these planned activities, eligibility criteria, pre-requisites and application processes could be found in the document.

6.3. The Secretariat also reminded Members of its approach to deliver more effective and demand-driven regional workshops, which entailed working collaboratively with regional organizations to address SPS-related training needs identified within regions. On this basis, one regional SPS workshop had been scheduled for Central and Eastern Europe, Central Asia and the Caucasus. This workshop would be co-organized with the Joint Vienna Institute and would be held in Vienna, during the week of 16 September 2019.

6.4. The Secretariat provided an overview of the activities held since the last SPS Committee meeting in November 2018. These activities included five national seminars held in Chile, Costa Rica, Côte d'Ivoire, Saint Kitts and Nevis and Chinese Taipei. More general training had also been provided: one WTO Advanced and one WTO Regional Trade Policy Course; a Trade Facilitation Border Agency Co-operation Workshop; an Agricultural Market Information System (AMIS) Seminar; a Workshop on Trade and Public Health; and a UNIDO Study Tour. Requests for national activities had been received from China, Jamaica, Paraguay and Peru. The E-Learning Course on the SPS Agreement was available all year long, in the three official languages of the WTO, and work was ongoing to update the Course. Further information on SPS technical assistance activities could be found on the WTO website or by contacting the Secretariat.

6.5. Costa Rica, Chile, Côte d'Ivoire and Chinese Taipei expressed their appreciation to the Secretariat for organizing the various technical assistance activities.

6.1.2 STDF (G/SPS/GEN/1683)

6.6. The STDF Secretariat provided a brief overview of its most recent activities, as detailed in document G/SPS/GEN/1683. The STDF recalled its role in helping developing countries meet international standards and facilitate trade. The STDF highlighted its work as a knowledge platform, a coordination mechanism and a funding mechanism. In its coordinating role, the STDF identified and disseminated good practices in a number of thematic areas, and lessons learnt were captured in short briefing notes. Some recent examples of its thematic work focused on how to implement SPS controls so that they facilitated trade and minimized transaction costs. Some activities had focused on projects around SPS electronic certification (together with IPPC and OIE), the organization of regional border agency collaboration workshops, and a dialogue in the STDF Working Group about the need for further guidance on risk management at the border.

6.7. Public-private partnerships and the use of third-party assurance programmes in official regulatory systems were other areas of continued focus. The STDF had also commissioned an on-going study on good regulatory practices to improve the quality and effectiveness of SPS measures. The STDF would also participate in the Global Aid for Trade Review (3-5 July 2019) and was hoping to launch a new short film to illustrate why it was important for governments to invest in SPS capacity. The film would mainly be addressed to higher-level decision makers in developing countries, but it could also be used as a training tool.

6.8. As a funding mechanism, the STDF provided funding for the development and implementation of innovative, collaborative and often regional SPS projects. So far, the STDF had funded about 200 projects. Detailed information on all the projects was available on the STDF website. The STDF had organized an information session earlier that week on the results of an STDF project implemented by FAO in Cameroon on the control of certain transboundary animal diseases. Document G/SPS/GEN/1683 listed the steps to be followed by developing countries wishing to benefit from STDF support.

6.9. The STDF partnership was being evaluated, and partners and other members were also developing a new strategy for STDF from 2020 onwards. More information would be provided at the following SPS Committee meeting.

6.2 Information from Members

6.2.1 Senegal – Technical assistance and cooperation

6.10. Senegal reiterated its request to the European Union and interested partners for technical assistance regarding the new EU phytosanitary legislation (Regulation (EU) 2016/2031 and its implementing texts). Senegal also informed the Committee of the successful completion of a phytosanitary protocol for the access of certain Senegalese agricultural products to the Malaysian market. The recognition of equivalence had been notified on 8 March 2019. Finally, Senegal expressed its appreciation to the African Union Inter-African Bureau for Animal Resources (AU-IBAR), the Inter-African Phytosanitary Council (IAPSC), ECOWAS and other partners, for their support of Senegal's regular participation in the SPS Committee and towards managing invasive alien species and other transboundary pests in Africa.

6.11. The European Union took note of Senegal's request and reminded Members that the most effective way to ask for technical assistance from the European Union was through the EU delegations present in Members' respective capitals, where tools, knowledge and expertise were available to handle and process those requests.

7 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

7.1. No Member took the floor under this agenda item.

8 OBSERVERS

8.1 Information from observer organizations

8.1.1 ECOWAS

8.1. ECOWAS reported on the recent activities of its member States, as detailed in document G/SPS/GEN/1678. ECOWAS expressed its appreciation to the United States for supporting its participation in the SPS Committee meeting. ECOWAS had participated in the Thematic Session on Fall Armyworm held on 19 March 2019. ECOWAS also informed the Committee that it was a joint organizer of the Second West Africa National Plant Protection Organizations (NPPO) and Partners Taskforce meeting, to be held on 1-5 April 2019 aimed at addressing regional priorities and review IPPC instruments. In preparation, ECOWAS had organized on 18-20 February 2019 a gathering in Cotonou, Benin, for pre-preparation, functioning and harmonization of regional priorities. A follow-up meeting was scheduled for the second week of April to consolidate its position.

8.2. ECOWAS also referred to the Third States Consultation Meeting for The Establishment and Animation of the West African Pesticide Registration Committee (WAPRC), held on 19-24 November 2018 in Bamako, Mali. Its objective had been to develop a single pesticide registration system for the West African region. Finally, ECOWAS informed Members of a project for aflatoxin reduction in maize and maize products in Burkina Faso that would be supported by STDF (STDF/PG/566). The project had been approved in the October 2018 STDF meeting, with a total budget of US$ 845,862, and an STDF contribution of US$ 544,402. ECOWAS thanked the regional partners and technical agencies that supported SPS activities in the ECOWAS region.

8.1.2 OIRSA

8.3. OIRSA submitted a report on its main activities in document G/SPS/GEN/1679.

8.1.3 OECD

8.4. OECD submitted a report on its main activities in document G/SPS/GEN/1680.

8.1.4 IGAD

8.5. IGAD reported on technical support provided since October 2018, as contained in document G/SPS/GEN/1681. IGAD had provided support in enhancing cross-border coordination in animal health and trade between IGAD member States, namely between Ethiopia and Djibouti, Sudan and South Sudan and Ethiopia and Somalia. IGAD had also provided support to enhance harmonized animal disease surveillance, vaccination and disease reporting. In addition, IGAD had organized training of trainers (ToT) on transboundary emergency management, contingency planning and simulation exercises. Finally, IGAD had assisted Djibouti and Somalia in developing national SPS strategies. IGAD thanked the support it had received for the implementation of its activities.

8.1.5 COMESA

8.6. COMESA informed Members that it had signed a Trade and Investment Framework Agreement with the United States, under which it had been receiving support to further consolidate the COMESA free trade area and harmonize national policies in key sectors. The United States had also supported the training of instructors on the new Food Safety Modernization Act, who then supported exporters from Madagascar and Kenya. COMESA also expressed its appreciation to the European Union and the World Bank Office for their significant support of private sector development and SPS-focused trade facilitation projects. COMESA also thanked the STDF for its support in piloting evidence-based and risk-based approaches which had looked at the key trade corridors of certain commodities. Finally, COMESA thanked the FAO for their technical support in institutionalizing risk-based approaches in their national food control systems.

8.1.6 IICA

8.7. ICCA reported on its recent activities aimed at the implementation of the SPS Agreement, as detailed in document G/SPS/GEN/1684. IICA had promoted the participation of CCLAC countries in

several Codex meetings, through the Programme to Promote Participation in Codex Alimentarius Meetings, financed by USDA. On OIE standards, a strategic session would be hosted at IICA's headquarters the following month, with USDA funding, for the analysis of several proposals for the OIE Terrestrial Code to be submitted for adoption in the OIE's World Assembly in May. IICA also continued to support its member States in the development of integrated antimicrobial resistance surveillance plans, with ongoing processes in countries such as Belize, the Dominican Republic, Ecuador and Paraguay. On new developments, IICA also referred to the first-round table meeting on SPS market access negotiations, aimed at discussing the development of a tool to support countries in the process of establishing their priorities for negotiations on SPS market access. IICA, in partnership with Bayer, was training producers on good agricultural practices and was promoting horizontal cooperation through an exchange of experiences between Costa Rica and Trinidad and Tobago. On food safety, IICA and Canada had held an explanatory webinar on the Safe Food for Canadians Act. IICA also announced a large-scale training on the FSMA Produce Safety Regulation, scheduled for the summer of 2019 in San José (Costa Rica) with USFDA funding. IICA finally informed the Committee of the upcoming edition of the SPS Leaders Programme for Latin American and Caribbean countries to be held in August 2019, funded by USDA Foreign Agricultural Service. IICA expressed gratitude to all those who supported the development of its activities.

8.1.7 African Union Commission

8.8. The African Union Commission reported on the first Inter-African Trade Fair, held in Egypt, Cairo, in December 2018, with the objective of enabling engagement with stakeholders in the African Continental Free Trade Area. The AU Commission had established the Continental SPS Committee to promote the mainstreaming of SPS issues, with their implementation led by the Comprehensive Africa Agriculture Development Programme (CAADP).

8.9. The First FAO/WHO/AU International Food Safety Conference had been hosted by the African Union in Addis Ababa, Ethiopia, in 12-13 February 2019. It had aimed to identify key actions and strategies to address current and future challenges to food safety globally, and strengthen political commitment to food safety issues in the 2030 Agenda for Sustainable Development.

8.10. The African Union had launched in November 2018 its Animal Health Strategy for Africa aimed at a more coordinated regional approach. The African Union also updated the Committee on other workshops and meetings organised in the SPS area. In addition, the African Union had been working with its member States to coordinate common positions on draft chapters of the OIE Terrestrial and Aquatic Codes and on food hygiene and antimicrobial resistance for the relevant Codex sessions. Finally, the AU highlighted its efforts to support the management of FAW outbreaks in Africa with other developing partners.

8.1.8 ACP Group

8.11. The ACP Group provided an update on the additional support by the European Union to strengthen national ACP SPS capacities The ACP mentioned that Regulation (EU) 1107/2009 was leading to the loss of authorized plant protection products, challenging ACP growers and exporters and resulting in a higher number of non-compliances of pesticide residues. The ACP also referred to the technical assistance programmes funded by the European Union, including the Pesticides Initiative Programme (PIP) to support the ACP food and vegetable industry to maintain market access and competitiveness faced with EU regulatory changes; followed by the "Fit For Market" programme and its complement to strengthen sanitary and phytosanitary systems of the ACP horticultural sector.

8.12. The ACP explained that despite the progress, new SPS rules were putting pressure on ACP public authorities. Following on the comments by Senegal, ACP informed that support was available to address new EU plant health rules.

8.1.9 ITC

8.13. ITC provided an update on SPS-related activities, as detailed in document G/SPS/GEN/1688. ITC had developed projects in Myanmar with EU funding, as well as an STDF-funded project. ITC also referred to an STDF-funded project to conduct a feasibility study for value addition in the fruit and vegetable sector in Sri Lanka; the Sudan WTO accession project, where ITC was helping with

the operationalization of the designated NNA and NEP; and the EU-funded Burundi Market Access Upgrade Programme.

8.14. ITC had been supporting Afghanistan through the Advancing Afghan Trade - project, funded by the European Union, to strengthen SPS and TBT NEPs and NNAs, and was working on improving Afghanistan's food safety control capacity, in partnership with Food Safety and Standards Authority of India (FSSAI). ITC also highlighted another STDF-funded project for enabling market access for agricultural products through improved food safety systems in Tajikistan. Finally, ITC had started implementing the new EU-funded Systematic Mechanism for Safer Trade.

8.2 Requests for observer status (G/SPS/W/78/Rev.14)

8.2.1 New requests

8.15. There were no new requests for observer status.

8.2.2 Outstanding requests

8.16. The Chairperson recalled that, in 2012, the Committee had agreed that if for any one-year period an ad hoc observer organization did not attend any meetings of the SPS Committee, the Committee might consider that its observer status had lapsed, but only after the Secretariat had advised the observer organization and received confirmation that it was no longer interested in maintaining its observer status. At the November meeting, the Committee had asked the Secretariat to verify if there were any ad hoc observer organizations that had not attended any meetings of the SPS Committee during 2018, and to contact these organizations and seek information regarding their continuing interest to participate as observers in this Committee.

8.17. The Secretariat reported that it had contacted the ad hoc observer organizations that, according to the Secretariat records, had not attend any meetings of the SPS Committee during 2018, to request confirmation of their continuing interest to participate as ad hoc observer in the meetings of the SPS Committee. The Secretariat noted the difficulty of that process. The six contacted observers confirmed their interest in maintaining their ad hoc observer status, and therefore the Secretariat suggested that the current list of organizations benefitting from ad hoc observer status in the Committee remain unchanged.

8.18. The Secretariat added that this procedure had been followed since 2012, but all observers always indicated an interest in keeping their observer status. The Secretariat invited the Committee to reflect on whether this procedure should be less frequent, applied only when the need arose.

8.19. The Chairperson noted that there was still no consensus on the six outstanding requests for observer status from the Convention on Biological Diversity (CBD); CABI International; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Organisation Internationale de la Vigne et du Vin (OIV); the Asian and Pacific Coconut Community (APCC); and the International Cocoa Organization (ICCO).

8.20. The Chairperson thanked the representatives of observer organizations for their contributions to the work of the Committee and for their assistance to Members. The Chairperson further encouraged observer organizations to provide written reports on their relevant activities in advance of the July 2019 meeting.

9 ELECTION OF THE CHAIRPERSON

9.1. The Chairperson informed the Committee that the Chairperson of the Council for Trade in Goods had not concluded consultations on chairpersons for the subsidiary bodies of the Council for Trade in Goods, in accordance with the established Guidelines for Appointment of Officers to WTO Bodies. The Committee agreed with the Chairperson's proposal to postpone the election of the Chairperson of the Committee until the following Committee meeting in July 2019.

10 OTHER BUSINESS

10.1. No Member took the floor under this agenda item.

11 DATE AND AGENDA FOR NEXT MEETINGS

11.1. The Chairperson informed Members that the next SPS Committee meeting was tentatively scheduled for the week of 15 July 2019, with a workshop on transparency and coordination on 15-16 July and an informal meeting on 17 July, and the regular meeting on 18-19 July. The Chairperson informed Members that a provisional agenda for the regular meeting would be circulated via e-mail. The Chairperson also noted that the Codex Commission would meet in Geneva the week prior to the meeting to help delegates wishing to attend both meetings.

11.2. The Secretariat would circulate the following deadlines via e-mail:

- For comments on the Chairperson's draft report on the informal meeting: **Wednesday, 3 April 2019**;
- For identifying new issues for consideration under the monitoring procedure and for requesting that items be included in the agenda: **Thursday, 20 June 2019**;
- For distribution of the Airgram: **Friday, 21 June 2019**.[3]

11.3. In the context of the Fifth Review, Members were asked to take note of the following deadlines:

- For submission of comments on the proposed structure for the Draft Report of the Fifth Review: **Wednesday, 3 April 2019**;
- Circulation by the Secretariat of the draft report of the Fifth Review: **Late April/Early May 2019**;
- For submitting comments on the draft programme and speakers for the Workshop on Transparency and Coordination; and submitting comments on the draft programme for the Thematic Session on Approval Procedures: **Friday, 3 May 2019**;
- For submitting comments on the questions raised in the latest regionalization proposal, G/SPS/W/311: **Friday, 10 May 2019**;
- For submission of written comments by Members on the draft report of the Fifth Review: **Tuesday, 11 June 2019**;
- Circulation by the Secretariat of a compilation of comments submitted by Members on the draft report of the Fifth Review: **Tuesday, 18 June 2019**.

11.4. All other deadlines related to the Fifth Review could be found in document G/SPS/W/296/Rev.1.

[3] Please note that according to airgram WTO/AIR/SPS/27, the deadline for submission of agenda items was modified to 27 June 2019, with the convening airgram being issued on 28 June 2019.