



Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 7-8 NOVEMBER 2019

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<sup>1</sup> 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.

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## **1 ADOPTION OF THE AGENDA**

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 76<sup>th</sup> regular meeting on 7-8 November 2019. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/30).

## **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 station accident**

2.1. Japan thanked the United Arab Emirates; the United States; Macau, China; the European Union; and Singapore for relaxing their import measures; and Brunei Darussalam for lifting them. Japan provided an update on the most recent data and status of its food safety control measures, as well as on its water management at the nuclear power station and the marine environmental impact. Japan highlighted that on September 2019, the Joint FAO-IAEA Division stated that its measures to monitor and respond to issues regarding radionuclide contamination of food were appropriate, and that the food supply chain was controlled effectively by the relevant authorities. Japan reassured the Members that it had a strict control system in place to ensure safety of food products. Japan reported that 32 out of the 54 countries and regions which had introduced import restrictive measures on Japanese food products had completely lifted them. Japan urged the Members maintaining these measures to remove them based on scientific principles. It referred to a website referenced in communication G/SPS/GEN/1233/Rev.1 where Members could obtain further information on the matter.

2.2. Canada thanked Japan for the update and recalled its statement from the meeting held in July 2019. Canada noted that its inspections and testing on food imports supported Japan's statement that the evidence showed that Japan's food products had been safe for the public for many years.

#### **2.1.2 Argentina – Actions undertaken with respect to antimicrobial resistance**

2.3. Argentina informed the Members about its National Programme for Antimicrobial Resistance (AMR) Surveillance in animals for human consumption and referred to document G/SPS/GEN/1742, containing detailed information of the current initiatives carried out by its National Agriculture and Food Quality and Health Service (SENASA) for the surveillance and control of AMR in relation to animal health.

#### **2.1.3 Russian Federation – Information on the International Conference on Food Safety Risk Analysis and Antimicrobial Resistance, to be held in Moscow on 17-18 December 2019**

2.4. The Russian Federation announced that it would be jointly organizing with FAO, an international conference on "Food Safety Risk Analysis and Antimicrobial Resistance" in Moscow on 17-18 December 2019, to enhance multinational cooperation on food safety. The conference would be a follow-up of the conference on food safety risk analysis, which had been organized in the Russian Federation in May 2017 and would also be based on the First FAO/WHO/African Union International Food Safety Conference, held in Ethiopia in February 2019. The upcoming conference would be aimed at gathering representatives in animal health, public health and food safety sectors to facilitate exchange in experiences and best practices relating to reduction of AMR, assess multifaceted food safety risks, enhance multilateral dialogue and promote partnerships between different stakeholders. The Russian Federation invited all Members and Observers to participate in the event.

#### **2.1.4 Australia – APEC import MRL guideline for pesticides: A guideline on possible approaches to achieve alignment of international MRLs**

2.5. Australia drew attention to the APEC Import MRL Guidelines, intended to facilitate a greater degree of clarity and alignment around the application of assessment methodologies involved in

considering import MRL requests, from the perspective of consumer protection, across the APEC region. Australia highlighted that the guideline was meant to be used on a voluntary basis, as an aid for APEC economies when considering the alignment of domestic pesticide MRLs of plant protection products, with relevant international or regional standards or with an exporting country's MRLs. The overall objective was to provide a coherent framework within which APEC economies could identify the minimum dataset, to the extent necessary, upon which to assess a request for pesticide import MRLs where health-based guidance values, authorised use patterns and MRLs had been established, either internationally or in the exporting economy. Australia has submitted more information in document G/SPS/GEN/1746.

2.6. The United States thanked Australia for bringing the APEC Import MRL Guideline to the Committee's attention. The US statement is contained in document G/SPS/GEN/1747.

2.7. Canada thanked Australia and the United States for providing the background information and welcomed the APEC Import MRL guidance document, which encouraged greater alignment around the application of assessment methodologies for import MRLs, greater regulatory convergence of MRLs, and improved alignment with international standards, while considering human health, reducing regulatory burdens and facilitating global trade.

#### **2.1.5 Senegal – Ongoing initiatives for the implementation of EU Directive 2019/523 in the mango and pepper sectors, and the monitoring and management system for notifications of non-conformity**

2.8. Senegal provided information on the ongoing initiatives to bring its mango and pepper sectors, especially in the post-harvest phase, into conformity with the new SPS regulation of the European Union. Senegal noted that, out of the four options in EU Directive 2019/523 on the control of fruit flies, only the option focusing on a systemic approach for phytosanitary risk management was applicable to its condition. This was notified to DG Health and Food Safety of the European Union in August 2019. Senegal informed that the production and post-harvest mandatory good practices of the National Plant Protection Organization were now part of the approval criteria for exporters and that the monitoring and control mechanism had been reinforced through operative procedures, such as registration, categorization, traceability and notification tracking. Regarding the Directive's requirement of additional post-harvest quarantine treatments, hot water treatment was the most suitable due to costs and adaptability, but it required suitable installations that were not available for all operators; rigorous monitoring of the activities, in line with ISMP 14 and 35, would be performed instead. Senegal indicated that the notification system of pest interceptions (ISPM 13) had resulted in higher compliance levels of mangoes.

2.9. Senegal highlighted that the mango industry represented more than 55% of its annual production of fruits, employed more than 35,000 persons and had an important impact on poverty reduction. Exports of fresh mangos represented more than 20 million FCFA, of which an important part was distributed to the rural households that owned the orchards providing the fruit to exporters.

2.10. The European Union thanked Senegal for the information provided and congratulated it for its efforts. The European Union noted that technical assistance was being provided under the Fit for Market Programme and that hopefully it was helping the authorities in Senegal to achieve their objectives. Finally, the European Union indicated that its delegation in Dakar was available to determine if there were other ways to assist Senegal.

#### **2.1.6 Mexico – Update on the regulatory framework**

2.11. Mexico referred to the information provided in its communication G/SPS/GEN/1737, concerning the modification to the animal health export certificate, which had entered into force on 1 November 2019. Mexico noted that the Ministry of Agriculture and Rural Development (SADER), through the National Agriculture and Food Health, Safety and Quality Service (SENASICA), was the entity in-charge of its implementation. Mexico also referred to the information on the transition process for the implementation of the Mexican Digital Window for Foreign Trade.

### **2.1.7 Belize – Simulation for *Fusarium oxysporum f. sp. cubense***

2.12. Belize provided information on the simulation for *Fusarium oxysporum f. sp. cubense* tropical race 4, the strain that causes fusarium wilt or Panama disease in Cavendish cultivars. This simulation would be conducted by the Plant Health Department of the Belize Agricultural Health Authority (BAHA), with the Regional International Organisation for Agricultural Health (OIRSA), the Ministry of Agriculture, the Banana Industry and other relevant stakeholders later in 2019. The simulation would respond to OIRSA countries' efforts to exclude the disease from the region, to prepare contingency measures in case the disease was detected, as a follow-up to the regional pest risk analysis conducted in 2018. Belize mentioned other ongoing efforts to prevent the entry of the disease, such as screening of incoming passengers at the points of entry, public awareness efforts, and appropriate phytosanitary measures for the importation of potential pathways. Belize underlined that the disease had spread to most banana-producing countries in Asia, had been reported in Africa, and reached South America in 2019. Estimated losses amounted to USD 121 million in Indonesia, USD 253.3 million in Taiwan and USD 14.1 million in Malaysia. Belize indicated that the banana industry was an association of 22 farms that grew and exported fresh quality bananas and comprised of 6500 acres (or 2630.5 ha), contributing approximately USD 40 million in turnover and 20% of total agricultural exports, employing over 35,000 people.

## **2.2 Information from Codex, IPPC and OIE on relevant activities**

### **2.2.1 Codex**

2.13. Codex provided a summary of its activities, as detailed in [G/SPS/GEN/1734](#). Codex reported that the Codex Alimentarius Commission had adopted several standards and other texts, including MRLs for 32 different pesticides in various foods and feeds and 154 food additives provisions in the General Standard for Food Additives. Codex also indicated that the Codex Committee on Food Hygiene would proceed with its work on revision of the General Principles of Food Hygiene and its HACCP Annex. The Ad Hoc Intergovernmental Task Force on Antimicrobial Resistance would discuss the revision of the Code of Good Practice to Minimize and Contain Antimicrobial Resistance and on development of guidelines on integrated surveillance of antimicrobial resistance.

2.14. Codex highlighted that the Codex Strategic Plan 2020-2025, adopted by the Codex Alimentarius Commission, included an additional goal to increase impact through recognition and use of Codex standards. An implementation work plan was under development and there would be outreach to both Members and Observers requesting input to the work plan before CAC43. The Codex Secretariat had recently developed a paper on the history and implications of the Statements of Principle, following concerns of some Members regarding their application. To address these concerns, work was now underway to develop guidance on the operationalization of these standards.

### **2.2.2 IPPC**

2.15. The IPPC highlighted several points from its report, contained in document [G/SPS/GEN/1741](#). The IPPC highlighted the eight development agenda items on which it would be concentrating over the next ten years, which included harmonization of electronic data exchange and strengthening pest outbreak alert and response systems. The IPPC Strategic Framework (2020-2030) had been endorsed at the 14<sup>th</sup> Commission on Phytosanitary Measures (CPM-14), held in 2019. The IPPC secretariat had developed a Theory of Change to help contracting parties understand their contributions to the Strategic Objectives in the Strategic Framework, the FAO Strategic Objectives and the UN's Sustainable Development Goals. The IPPC also referred to its work on the Phytosanitary Capacity Evaluation tool, and updated Members on the completion of its work on ePhyto, with STDF support.

2.16. The IPPC reported that its e-commerce action plan would include establishment of an inter-agency network and development of a joint inter-agency toolkit for regulation and screening of e-commerce. The IPPC reiterated that 2020 is the International Year of Plant Health (IYPH). In preparation, IPPC, in collaboration with the IYPH Steering Committee, would be organizing events in Rome and New York City, at FAO and UN Headquarters respectively, during the month of December. The IPPC also highlighted that the third meeting of the IPPC Sea Containers Task Force had taken place in the United States in September 2019, where an IPPC best practice guideline on

measures to minimize pest contamination had been developed and would be soon made available to the stakeholders.

### 2.2.3 OIE

2.17. The OIE outlined its report, contained in document [G/SPS/GEN/1735](#). It highlighted the discussions of the four specialized commissions which had met in September 2019. The revised draft BSE Chapter of the OIE Terrestrial Code updated the provisions on official BSE risk category, reflecting the latest scientific evidence. The revision of the avian influenza chapter considered the differences between Members when responding to HPAI and LPAI outbreaks. The Code Commission had also developed a new Chapter on "Official Control of Listed Diseases and Emerging Diseases", which would be proposed for adoption at the OIE General Session in May 2020. The OIE also shared information on the World Animal Health Information System (WAHIS). Since 2016, the OIE had initiated a ten-year process of modernization of WAHIS, which will incorporate transdisciplinary and holistic data collection, not only aimed at animal diseases, but also public health, and would progressively add environmental data. The OIE also highlighted the process for evaluating Performance of Veterinary Services (PVS) to achieve sustainable improvements of national veterinary services. In 2018, a reflection forum had been convened wherein new commitment options for the PVS process had been designed to increase country ownership, positive impacts and sustainable change. Finally, the OIE shared information on regional seminars which had been organized in 2018-2019, aimed at providing participants with an understanding of OIE standards and their association with the WTO framework.

## 3 SPECIFIC TRADE CONCERNS ([G/SPS/GEN/204/Rev.19](#))

### 3.1 New issues

3.1. Before the adoption of the agenda, Peru withdrew a specific trade concern regarding Colombia's restrictions on coffee imports.

#### 3.1.1 Thailand's approval procedures for imports of pork and other animal products – Concerns of Brazil and the European Union

3.2. Brazil raised a concern regarding Thailand's approval procedures for imports of pork and other animal products. Brazil had tried to access the Thai markets for pork and live cattle and genetic material since 2016. Brazil explained that usually, exporting countries had to provide answers to a questionnaire to initiate the risk analysis procedures, but Brazil had not received the questions because, according to Thai authorities, the questionnaires were under review. Brazil acknowledged the right of importing countries to update their questionnaires but stated that this procedure had to be undertaken and completed without undue delay.

3.3. The European Union expressed its concern that the approval procedures for imports of pork in Thailand were performed with unjustified delays, leading to 11 EU member States with pending applications, some since 2011. The European Union explained that Thailand's approval procedures had been repeatedly revised and re-organized over the past years and that the agreed timelines for intermediate steps in the were not respected, which delayed the final approval. Each application was analysed separately. In the EU view, the overall approval process could be accelerated if the applications were bundled, because all the EU member States produced pork under fully harmonized rules of animal health and process hygiene. The European Union urged Thailand to comply with its obligations under the SPS Agreement, apply transparent and swift approval procedures, and to grant market access for EU pork.

3.4. Thailand referred to notification G/SPS/N/THA/243 and G/SPS/N/THA/244, whereby it circulated the drafts of the approval procedures for import of live animals and animal products and the procedure for import of animal feed derived from animals. Thailand mentioned that the procedures entered into force on 5 November 2018 and 28 January 2019, after the drafts were circulated to the Members, a 60-day comment period was allowed, and response to the comments was given [and noted that its market access procedure was based on a risk analysis, as required].

3.5. Thailand explained that it received many requests for importation of livestock products from several countries and that there were currently at least 23 countries and more than 20 livestock

products undergoing market access processes. Thailand indicated that livestock products such as pork and swine offal, beef and bovine offal, breeding swine and their genetics, breeding bovines and their genetics, day-old-chick and hatching eggs, and processed animal proteins derived from swine, bovines and poultry, as well as blood meals and plasma powder from several countries, including EU member States, had been approved for importation. Thailand also reported that it had completed the inspection of beef establishments in Brazil and had provided the questionnaire for the evaluation of importation of day-old chicks and hatching eggs and was waiting for the requested information.

### **3.1.2 The Philippines' trade restrictions on imports of meat – Concerns of the European Union**

3.6. The European Union raised a concern regarding the Philippines' country-wide bans on imports of meat products from nine EU member States on grounds of ASF, which were not based on OIE standards or on regionalization principles. The European Union remarked that one of the EU member State affected by the ban, Germany, had never had an outbreak of ASF on its territory, and another, the Czech Republic, had been free from ASF since more than a year and a half. The Philippine's suspension of import of all meat products from Germany was a disproportionate and unjustified reaction; and bans of imports of pork meat from the other EU member States lacked scientific justification and went against the principle of regionalization. Hence, the measures were inconsistent with Article 2.2 as well as Article 6 of the SPS Agreement. The European Union regretted that the said measures imposing bans continued despite the transparency of regionalization measures put in place by EU member States, in compliance with OIE recommendations, and provision of all necessary evidence to the Philippines to demonstrate that the EU measures would guarantee continuation of safe trade.

3.7. The Philippines replied that its measures were based on OIE guidelines for regionalization. The Philippines explained that the measure to restrict imports of meat from countries with ASF outbreaks was a provisional precautionary measure based on available pertinent information, consistent with Article 5.7 of the SPS Agreement. The Philippines had been receptive to technical information provided by the European Union and had continuously been seeking to obtain additional information that was necessary to review the provisional measure. In determining areas free of the disease, as stipulated under Article 6.1 of the SPS Agreement, it considered the effectiveness of controls. The effectiveness of the interventions must be supported by convincing evidence of disease contraction or elimination, which would build the confidence of the Philippines in EU control measures. However, the validated reports from the European Union showed alarming dispersion. In 2018-2019, four of nine inspection missions relevant to approval procedures had been for EU member States. Comparing the January-September period for 2018-2019, Philippine meat imports had decreased slightly. Finally, the Philippines welcomed continued consultations with the European Union to further discuss the matter.

### **3.1.3 EU sanitary requirement for importation of hoof and horn – Concerns of Indonesia<sup>2</sup>**

3.8. Indonesia expressed its concern regarding sanitary requirements of Germany for importation of hoof and horn. Indonesia highlighted that processed hoof and horn from Indonesia had secured a credible trading partner in Germany. Indonesia explained that it had requested market access by submitting a communication through the Directorate General of Health and Food Safety of the Federal Ministry of Food and Agriculture of Germany. Indonesia had also followed up the said request in a bilateral meeting in March 2019, during a previous SPS Committee meeting. Indonesia called upon the relevant authorities to clarify the sanitary requirements for imports of processed hoof and horn and expressed willingness to work closely on this issue with the European Union and with Germany.

3.9. The European Union began by clarifying that the requirements in question were harmonized within the European Union. Import requirements were the same across all EU member States. The European Union drew Members' attention to specific Regulation 1069/2009 which laid down the requirements and conditions of production of animal by-products. The requirements stated that the exporting country had to be included on a list of authorized countries, the establishments of origin had to be approved by competent authorities and the product must be accompanied by a health

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<sup>2</sup> The title of this STC as reflected in the airgram was "Germany's sanitary requirement for Importation of hood and horn". However, the European Union clarified that the requirements in question were contained in an EU regulation, as explained below.



certificate. The authorisation requests received in this regard were processed by the EU institutions, not by individual EU member States. Indonesia's request for authorization to export hoof and horn to the European Union was under examination and the internal consultation process had yet not been completed. The outcome of the assessment would be shared at the earliest. The European Union looked forward to bilateral discussions to reach a solution.

### **3.1.4 The Russian Federation's maximum limit of 3-monochloropropanediol (3MCPD) and glycidyl ester (GE) in palm oil products – Concerns of Indonesia**

3.10. Indonesia expressed its concern regarding the maximum limit of 3MCPD in isolates, concentrates, hydrolysates, and texturates of vegetable protein; food meal and flour with different fat content from seeds of legumes, oil seeds, and non-traditional crops; and of GE in oils from vegetables, including palm oil. Indonesia referred to document G/SPS/N/RUS/152, containing the notification of the Russian Federation of the decision of the Eurasian Economic Commission (EEC) Collegium on amendments to the common sanitary, epidemiological and hygienic requirements for products subject to sanitary and epidemiological supervision, introducing an MRL in food products for 3MCPD, glycidol, and glycidol esters.

3.11. Indonesia explained that the MRL of 3MCPD was set at 0.02 mg/kg for several products; whereas the MRL for GE varied for food products for infants and was set to 1mg/kg for vegetable oils. Indonesia noted that Codex had not set any standard for 3MCPD and GE and it was not clear whether the measures were in line with the FAO/WHO evaluation. Indonesia invited the Russian Federation to provide its reasoning and scientific justification.

3.12. Malaysia and Colombia thanked Indonesia for raising the concern and expressed their interest to continue monitoring the development of the issue. They thanked the Russian Federation for the information it could provide on the said matter.

3.13. The Russian Federation highlighted that harmonizing its SPS measures with international standards, guidelines, and recommendations was one of its legislative priorities, shared by the Eurasian Economic Commission. The Russian announced that it had not applied new regulatory measures for vegetable oils. It explained that the issue under discussion at the Eurasian Economic Commission concerned vegetable oils for human consumption and food raw materials. This decision to set MRLs for some products was based on the FAO/WHO Expert Committee on Food Additives and other scientific evidence. The Russian Federation announced that these amendments had not entered into force, pending consecutive amendments to the MRLs for GE and 3MCPD. Once the draft amendments to the technical regulation were finalized, it would provide transitional periods to allow stakeholders to conform with the new requirements and would be available to Members for comments.

### **3.1.5 EU Regulation on high risk plants (Regulation (EU) 2016/2031) – Concerns of Israel**

3.14. Israel raised a concern regarding EU Regulation 2016/2031 notified in G/SPS/N/EU/272, dealing with importation of high-risk plants, which would enter into force on 14 December 2019. The European Union had sent a clarification letter to all IPPC contact points in May 2019, which stated that introduction of plants listed as high-risk plants from non-EU countries would be allowed only if (1) that country had submitted a demand for the importation together with the technical dossier; (2) the dossier had been assessed; and (3) the European Union had decided whether and under which conditions the prohibition would be lifted.

3.15. Israel remarked that listing of the specific plant genera lacked scientific justification and imposition of the ban was disproportionate to actual risk, rendering the EU measure inconsistent with Articles 2.2, 5.4 and 5.8 of the SPS Agreement. Israel further regretted that the European Union was unable to carry out the risk analysis in an expedient manner. EFSA's information requirements increased the burden and necessitated multiple additional submissions of information, some of which did not appear relevant to assessment of risk emanating from Israel, in contradiction with Annex C(1)(c) of the SPS Agreement. Israel was exporting 12 of the plants on the high-risk plant list to the European Union, and information dossiers on five plant genera had been submitted, but the assessment had not been completed on any of the dossiers. The uncertainty imposed by the prospective ban had severely affected Israel's producers and disrupted ongoing trade. Israel urged

the European Union to reconsider the letter sent to IPPC contact points and perform risk assessments on plants while continuing ongoing trade.

3.16. Canada expressed its concern about the approaching deadline of 14 December, when the EU Regulation would come into force. Canada had been working with the European Union to seek clarification on the process of continuing trade beyond the deadline, as well as information required by the European Union for development of a comprehensive dossier. Canada called for additional time to be allotted for further bilateral consultations with other Members before any trade-restrictive measures would be put into place. Canada suggested that the 14 December deadline be maintained only for submission of information; then a transition period of at least six months should allow for trade to continue, during which the European Union would undertake comprehensive dossier reviews, complete risk assessments and a collaborative consultation process.

3.17. The United States shared the concern. The US statement is contained in G/SPS/GEN/1748.

3.18. Kenya also invited the European Union to consider granting a longer transition period to complete pest risk analyses under the said EU measure, particularly in the case of developing countries.

3.19. The European Union remarked that Regulation 2016/2031 was necessary to ensure the appropriate level of protection in the European Union. The measure had been adopted after a preliminary assessment had revealed that some plant species posed high risks. The European Union highlighted the efforts made to disseminate information on the new plant health regime and minimize trade disruption. EFSA had published guidance in October 2018 and organised two webinars in 2019 to assist national authorities in preparation of dossiers. In response to Israel, the European Union clarified that the first two dossiers that had been submitted, in relation to *Albizia julibrissin* and *Robinia pseudoacacia*, were still under review.

## **3.2 Issues previously raised**

3.20. Before the adoption of the agenda, Peru withdrew STC 430 regarding the EU's maximum level of cadmium in foodstuffs, and China withdrew STC 442 regarding EU Commission decision 2002/994/EC on animal products.

### **3.2.1 EU MRLs for buprofezin, chlorothalonil, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, molinate, picoxystrobin and tepraloxymid – Concerns of Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Guatemala, India, Panama and Paraguay (No. 448, see also related STCs Nos. 453, 454, 457)**

3.21. Colombia referred to document G/SPS/GEN/1740/Rev.1 which contained questions by Colombia, Costa Rica, Côte d'Ivoire, Ecuador, and Guatemala in relation to the EU MRLs and, specifically, to imazalil. Colombia requested the European Union to provide written responses to those questions, if possible. Costa Rica reiterated its concern on the EU measures. Regarding chlorothalonil, Costa Rica underscored its use for the control of black sigatoka in bananas and the acknowledgement by the European Union of the lack of conclusive evidence on dietary dosage, MRLs in plants, and exposure in animals. Costa Rica again invited the European Union to apply Codex MRLs or to provide conclusive scientific evidence to support lower levels; to perform a substance- and product-specific risk assessment, based on the provisions of the SPS Agreement, to identify less trade restrictive measures; and to grant a minimum transition period of 24 months.

3.22. Côte d'Ivoire reiterated its statement from the last Committee meeting, emphasizing the socioeconomic impact of the measure due to the importance of the banana industry and its exports to the European Union. Côte d'Ivoire called the European Union to abide by the principles of the SPS Agreement, and requested a change in the transition period, taking into consideration the interests of the developing countries, as there was no product that could replace imazalil.

3.23. Ecuador reiterated its concern, particularly for substances used in Ecuador: buprofezin, chlorothalonil, and imazalil. Ecuador highlighted that, due to its tropical climate, the spread of pests and diseases followed different patterns from those in European countries. Ecuador also referred to document G/SPS/GEN/1740/Rev.1 and requested that the European Union provide written answers. Ecuador emphasized that the SPS Agreement required that Members' measures not restrict trade

more than necessary to achieve the appropriate level of protection, considering technical and economic viability. The European Union was adopting a policy of suspension of approvals of several active substances and the reduction of the MRLs to the minimum detection level, without sound scientific evidence. The European Union was departing from Codex standards. Ecuador invited the European Union to keep its MRLs only on a provisional basis until it had the necessary information to establish safe, science-based MRLs that offered adequate protection and avoided unnecessary barriers to trade.

3.24. Guatemala shared the concern, underscoring that these measures could have a negative impact on exports of agricultural products, affecting food safety and rural development; key cooperation topics with the European Union. Guatemala requested the European Union to grant an implementation period of at least 24 months to allow studies to identify alternative substances, which would be less trade restrictive. The current 6-month transition period was not enough to adapt production and comply with existing exportation contracts. Guatemala also referred to document G/SPS/GEN/1740/Rev.1 and added two questions. First, whether there was enough scientific evidence to characterize imazalil as a carcinogen and, if so, if the information could be shared. Second, whether there were clinical trials that demonstrated the carcinogenic potential of imazalil.

3.25. India reiterated its concern and considered that regulations must be grounded in sound science and based on determinations of actual risk that considered realistic exposure scenarios, rather than the presumption of hazard. India noted that, in addition to setting MRLs at trade restrictive default levels, the EU measures did not provide adequate transition times.

3.26. Panama emphasized that the European Union was its main export market for bananas and pineapples, and that the main producers were vulnerable populations. Panama noted that these measures would affect their socio-economic welfare, as several substances, such as buprofezin, chlorothalonil, diflubenzuron, and picoxystrobin, were key to protect their crops. Panama requested that all Members abide by international standards to ensure rules-based, safe, and fair trade and called on the European Union to provide the risk analysis underlying the measures, as well as to consider the climatic and environmental differences between the regions.

3.27. Paraguay reiterated its concern, particularly on diflubenzuron, chlorothalonil, glufosinate, and picoxystrobin, used to produce key export products such as corn, sesame, soy, and wheat. Paraguay requested that the European Union provide sound scientific evidence justifying the measures and abide by the international standards set by Codex, to ensure that trade was not restricted more than necessary.

3.28. Argentina, Brazil, Canada, the Dominican Republic, El Salvador, Honduras, Peru, the United States and Uruguay also shared this concern. Several Members highlighted the need for sound scientific evidence and the importance of basing the measures on risk assessments, as opposed to the use of a hazard-based or precautionary approach. They called upon the European Union to abide by the international standards set by Codex to ensure public health and avoid unnecessary barriers to trade. Several Members also referred to the transitional periods and requested that the European Union notify the SPS Committee well in advance about changes in its measures, to allow for comments from other Members and to consider the need of exporters to adapt their products and methods of production to the requirements.

3.29. The United States statement can be found in document G/SPS/GEN/1749.

3.30. The Dominican Republic reiterated the intervention made during the last Committee meeting and mentioned that the EU measures would affect its exports, particularly of bananas, mangos, and avocados, that represent around 20% of the total annual exportations of food products, whose main market is the European Union.

3.31. Canada recognized that Members have the right to apply food safety measures necessary to protect human health while not unjustifiably restricting international trade. Canada invited the European Union to ensure that the requirements did not unjustifiably discriminate between domestic producers and foreign exporters.

3.32. Uruguay referred to the recent adoption, during the 20<sup>th</sup> Ordinary Meeting of the Inter-American Board of Agriculture held in Costa Rica, of a resolution emphasizing the need to promote

agricultural regulations based on science and risk analysis to facilitate international trade in safe food and agricultural products. The objective was to avoid the proliferation of non-tariff barriers such as MRLs that lacked scientific and technical justification and generated a negative impact on production, productivity, and trade. Uruguay urged the European Union to reflect on the concerns expressed by an important number of Members and to reconsider its regulatory approach to avoid serious socioeconomical consequences this entailed for other Members, particularly for developing countries and LDCs.

3.33. Brazil thanked the United States for the update on JMPR activities. Brazil explained that some of the substances were commonly used in a variety of crops; for instance, buprofezin was used in the integrated pest management control of the white fly in soybean crops and of the Asian citrus psyllid in citrus. Brazil highlighted that the evaluations by EMA and EFSA were not conclusive regarding the genotoxic and carcinogenic qualities of buprofezin and related it to the production of aniline, a substance present naturally in plant products in higher concentrations. Brazil referred to the EU procedures adopted to establish the measures and, specifically, to the notification of Commission Implementing Regulation (EU) 2017/360, with the objective of protecting human and animal health, characterized by the attention provided to "operators' and workers' safety" and the "risk to aquatic organisms", submitted to the TBT Committee.

3.34. The European Union recalled its previous statements, highlighting that its decisions were based on a thorough risk assessment and followed rigorous procedures, as stated in publicly available EU legislation. The European Union noted that, despite its high levels of protection, it was one of the largest importers of agri-food products, with increasing import volumes from several Members since 2008, when the systematic review process of MRLs had started. Regarding specific substances, the European Union referred to its statements in previous meetings. The European Union indicated that the longest possible transition periods had already been provided, without compromising on its level of protection, since health concerns prevailed over other considerations. Finally, the European Union announced its intention to notify the approval or non-renewal of substances under the TBT and the SPS Agreements in parallel, to further improve transparency and predictability.<sup>3</sup>

### **3.2.2 EU legislation on endocrine disruptors – Concerns of Ecuador, Guatemala, Panama, Paraguay and the United States (No. 382)**

3.35. Ecuador reiterated its concern and requested that the European Union base its measures on the SPS Agreement, without disguised restrictions on trade. Ecuador considered that the classification criteria for endocrine disruptors could be a good starting point to characterize the toxicity of a chemical substance, especially for pesticides, but that it was important to consider in vivo, in vitro and in silico trials. Ecuador noted that these criteria would also need to consider scientific evidence based on animal testing and epidemiological analyses of exposed populations to avoid assuming the existence of adverse effects. The EU Regulation did not consider the definition of MRLs to ensure minimum risk under specific exposure conditions and whereby appropriate levels of protection were established. Ecuador highlighted the importance of using the three pillars of risk analysis - namely risk assessment, management, and communication -for decision-making. Finally, Ecuador invited the European Union to revise its criteria using the risk analysis principle, and to develop a methodological tool that allowed to determine the actual adverse effects on human health based on real scenarios.

3.36. Guatemala expressed the concern that the EU measure was hazard-based as opposed to risk-based. Guatemala invited the European Union to adopt a risk assessment approach to determine and regulate endocrine disruptors, applying criteria supported by adequate scientific data, according to its commitments under the SPS Agreement.

3.37. Panama recalled that this concern had been on the agenda for more than two years and that, the measures could carry serious consequences, especially for the farmers, who were the most vulnerable populations in developing countries. Panama invited the European Union to provide conclusive risk analyses and not to take hazard-based decisions.

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<sup>3</sup> The European Union subsequently submitted written responses to the questions raised in G/SPS/GEN/1740/Rev.1 regarding STC 448. These responses are contained in document G/SPS/GEN/1753.

3.38. Paraguay reiterated its concern that the EU measure could affect a high volume of its exports, with the economic implications that this entailed for a developing country. Panama requested that the European Union adopt levels of protection that did not restrict trade more than necessary, to adopt the Codex standards and, where this was not possible, to provide conclusive scientific evidence, as well as to ensure tolerance to importations. Paraguay urged the European Union to send its full statements and answers in written to the Committee.

3.39. The United States reiterated its concern on this matter. The statement can be found in document G/SPS/GEN/1750.

3.40. Argentina, Australia, Brazil, Canada, Chinese Taipei, Colombia, Costa Rica, Honduras, Malaysia, Uruguay, and Peru also supported this STC and called upon the European Union to set criteria based on risk assessments and sound scientific evidence, and to reconsider its hazard-based approach to regulating active substances in plant protection products. Some Members requested that the European Union harmonize its MRLs with Codex standards, as required by the SPS Agreement, and to avoid the removal of plant protection chemicals from the market, despite their previously established safety, which could lead to future trade concerns. They invited the European Union to take Members' concerns and comments into consideration and avoid imposing trade-restrictive measures when setting import tolerances.

3.41. Canada reiterated its concern with the trade implications of the EU approach to the regulation of active substances in plant protection products, and, specifically, to setting import tolerances. The current case-by-case approach did not provide clarity or predictability to producers and did not address timing and transition measures. Canada emphasized that the European Union should clarify its approach and urged it to consider both hazards and risks for all active substances in its regulatory decision-making. Finally, Canada welcomed the EU offer to hold seminars to address concerns and answer questions on the hazard-based approach and hoped that they would provide detailed information on the process to set an import tolerance for an active substance falling under the cut-off criteria.

3.42. Chinese Taipei supported enhancing public health and environmental protection by properly regulating endocrine disrupting substances but emphasized that the precautionary principle could cause trade uncertainty.

3.43. Australia highlighted that the EU legislation for plant protection products provided that active substances which were endocrine disruptors should not be approved unless there was negligible exposure, in which case they could be approved under restricted conditions.

3.44. Argentina noted that the EU's hazard-based approach did not consider essential elements in hazard characterization, such as potential, severity, and reversibility of the effects. Argentina recalled the existence of less trade restrictive options in the original EU proposal, which granted the same level of protection as the criteria finally adopted.

3.45. Uruguay reiterated its commercial and systemic concern and evoked the statement of India during the past Codex committee on pesticides residues regarding the need to implement a risk-based approach to allow the use of pesticides whose withdrawal could affect sustainable agricultural production, food safety and international trade of food products. Uruguay supported the work of Codex for the development of a harmonized risk-based approach.

3.46. Brazil reiterated its concern and mentioned that an analysis carried out in a precautionary manner could result in the identification of endocrine active compounds of no relevance to health. Although Members had the right to establish a higher level of protection Brazil was of the view that a Member deviating from a well-established international standard had to gather the necessary information when studies were inconclusive. Brazil was also concerned that the European Union reaffirmed its position and announced more restrictive measures in the future.

3.47. The European Union explained that there had been no significant changes since the last meeting. The European Union recognized that endocrine disruptors were one category of the cut off criteria substances it had identified and that there was no detailed guidance for related requests, as there was not a single instance where MRLs were reduced due to cut off criteria. The European Union further noted that the current criteria for endocrine disruptors had been in place for a long time,

were based on WHO criteria, and that there was no plan to revisit them. Regarding the hazard-based approach, the European Union noted that it was limited to a few categories of hazards. Substances for which the regulators decided that it was not possible to establish safe levels of exposure could not be approved. The European Union reminded Members that import tolerance requests underwent the risk assessment process established in its regulation on residues.

3.48. Regarding the precautionary principle, the European Union explained that the level of tolerance to risk from residues of pesticides in the EU was low and, therefore, its levels of protection were high. Regarding "other factors", the European Union stated that relevant legislation referred to legitimate factors, although they had not been codified. The European Union reiterated its intention to remain transparent. All decisions had been and would be in the public domain, with an opportunity to comment. In response to Brazil's comments, the European Union noted that, in the context of a pre-market approval system, the applicant needed to demonstrate that it reached the importer's level of protection, even when the latter had set a higher one. The European Union reiterated that it would continue engaging in discussions with Members. Finally, the European Union announced an international conference on pesticides, where its policies would be discussed. The relevant information would be circulated once the date had been set.

### **3.2.3 New EU MRLs for lambda-cyhalothrin – Concerns of China (No. 459)**

3.49. China reiterated its concern that the amended EU MRLs were not based on risk assessments, but rather on the lack of relevant data, which was not in compliance with the SPS Agreement. China again requested that the European Union provide a transition period of at least one year for tea producers.

3.50. Paraguay was concerned that the EU MRLs had been lowered to 0.01 mg/kg for this and other substances, even though Codex had established appropriate levels, and invited the European Union to follow international standards to avoid unnecessary restrictions to trade. Paraguay noted that this substance was used in corn and wheat production, two key export products.

3.51. The European Union recalled its previous statements on this topic and mentioned that although the Codex MRLs were considered, the European Union had concluded that there were no safe levels for these commodities, which was why the limit of quantification was applied. Transitional measures had been applied until January 2019. The European Union invited China and Paraguay to request import tolerances and to submit information to revise the MRLs, if deemed appropriate.

### **3.2.4 New EU definition of the fungicide folpet – Concerns of China (No. 447)**

3.52. China reiterated its concern on the new EU definition for the fungicide folpet and invited the European Union to align its measures with the Codex residue definition of folpet.

3.53. The European Union replied that there was not much progress to be reported on this issue. The residue definition was still under consideration and the peer review was still in process. The European Union assured China that it would report on any developments in due course.

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

3.54. The European Union reiterated its ongoing concern with South Africa's approach to regulating HPAI. The European Union regretted that South Africa maintained country-wide bans on poultry products from six EU member States, even though these States had been free from HPAI for many months. The European Union had been in discussions with South Africa to explain its regionalization system, which was implemented in line with the OIE standards. South Africa had also carried out inspections in three EU member States. The European Union called for South Africa to respect its obligations and allow trade of all safe poultry products from the disease-free EU member States and expressed its willingness to engage in further discussions to minimize disruptions in case of future outbreaks.

3.55. South Africa responded that it had previously expressed concerns in the SPS Committee about control of HPAI within the European Union, specifically, on application of regionalization as per the OIE guidelines. In a bilateral meeting with the European Union on 28 October 2019, South Africa

had discussed the issue of regionalization and provided feedback on the progress with the evaluation of information provided by EU member States. South Africa remarked that both parties had agreed to continue to engage constructively on this matter.

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

3.56. The European Union raised its continued concern with China's imposition, since 2015, of country-wide bans on several EU member States on account of HPAI. The European Union welcomed recent progress that had been made towards resolution of this issue, as some EU member States such as Poland, Spain and the Slovak Republic had regained disease-free status. The European Union urged China to recognize the principles of regionalization and reiterated its interest in constructively engaging with China in dealing with this issue.

3.57. China reiterated that China has a large animal husbandry sector with the largest poultry population in the world. Poultry meat is the main source of protein for consumers. Once a major poultry disease is introduced, it will not only have a significant impact on the relevant poultry raising industry, but also affect the food supply. Some major animal epidemic diseases are hard to prevent and control, such as highly pathogenic avian influenza, which is an acute infectious disease and is mainly transmitted by wild birds. Consumers and the industry are highly concerned about such diseases, and the Chinese government maintains a highly cautious attitude toward them.

3.58. China expressed its willingness to adopt technological means such as regionalization or bio-safety compartmentalization to solve the avian influenza problem in accordance with the relevant OIE standards China had completed avian influenza assessments for the United Kingdom, Spain and Slovakia, and was negotiating technical standards or bio-safety compartmentalization for regionalization with the United Kingdom and the Netherlands. Additionally, China had signed memorandums of cooperation with Russia and the United Kingdom on avian influenza regionalization or bio-safety compartmentalization. China called for bi-directional application of technical standards for avian influenza regionalization or bio-safety compartmentalization with the aim to solve both Members' safety concerns in relation to avian influenza and to realize two-way trade.

### **3.2.7 Turkey's FMD-related import restrictions on live cattle – Concerns of Argentina (No. 461)**

3.59. Argentina reiterated its concern regarding the FMD-related restrictions maintained despite the technical information sent to Turkey. Argentina reported that the private sectors of both countries had had some exchanges with the competent authorities, but that there had been no positive result so far. Argentina urged Turkey to abide by the provisions in the SPS Agreement.

3.60. Turkey mentioned that its legislation on the matter was still in force. Turkey referred to its EU membership negotiation process and the alignment to EU regulations and restated that the details of the new legislation had been given in the previous Committee meeting.

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

3.61. The European Union reiterated its concern about unjustified and prolonged delays in approving imports of beef by several WTO Members on account of concerns in relation to BSE. Such unjustified delays in approval procedures were in contradiction of Article 8 and Annex C of the SPS Agreement. The European Union welcomed the progress made by Japan and the Republic of Korea in approving imports from several EU member States and hoped that the remaining applications would also be finalized shortly. The European Union urged WTO Members to lift remaining restrictions on for all EU member States, in furtherance of international standards and obligations under the SPS Agreement.

### **3.2.9 Ukraine's restrictions on swine products – Concerns of Brazil (No. 463)**

3.62. Brazil expressed its concern about Ukraine's continued embargo on Brazilian pork and other swine products. Brazil explained that it had a zone free from Classical Swine Fever (CSF), which had been recognized by the OIE in 2015. This free zone concentrated over 95% of swine production and 100% of exports of pigs and pig products. Brazil had notified an occurrence of CSF to the OIE in

2018, which had occurred 500 kilometres away from the border of its disease-free zone. These outbreaks did not alter the international recognition granted to the disease-free zone. Brazil had been providing all technical clarifications that had been requested by Ukraine and had also held a bilateral meeting in March 2019.

3.63. Brazil underscored that the notification of the CSF outbreak had been submitted to the OIE in due observance of the OIE Guidelines on Immediate Notification of a Disease, within 24 hours of receiving confirmation via laboratory analysis. Brazil followed strict surveillance and risk-mitigation procedures to prevent introduction of the disease into the disease-free zone. Brazil remarked that Ukraine was the only Member to impose restrictions on importation and transit of Brazilian swine products. This was in non-compliance with Resolution No. 29 of 25 May 2018 containing the model health certificate that was bilaterally agreed, and Decree No. 71 of the Cabinet of Ministers of Ukraine of 2004, which specified that Brazil should be divided into regions with respect to trade restrictions imposed due to incidence of CSF. Brazil, therefore, called upon Ukraine to recognize the principles of regionalization and reconsider its restrictive measures.

3.64. Ukraine thanked Brazil for its cooperation on the raised concern by submitting enough information to undertake an evaluation of the situation. Ukraine appreciated the various control measures undertaken by Brazil to prevent introduction of the disease agent in neighbouring zones and welcomed Brazil's engagement in continued consultations to find an appropriate solution based on international standards.

### **3.2.10 Indonesia's approval procedures for animal and plant products – Concerns of the European Union (No. 441)**

3.65. The European Union regretted that it had not received the requested clarification from Indonesia on market access approval procedures for agri-food products, including the timeframes for completing such procedures. The European Union expressed concern in view of the lack of progress on its export application for beef, dairy, poultry and pork products, which had been submitted six years ago in some cases. Specifically, in relation to dairy products, the European Union was facing certain difficulties due to delays in approval procedures, postponement of audits and restrictions on issuance of import license approvals for already approved EU member States and establishments. This constituted a violation of Article 8 and Annex C(1)(a) and (b) of the SPS Agreement. The European Union called upon Indonesia to respect its obligations by ensuring transparency in approval procedures and finalization of pending market access applications without further delays. It further urged Indonesia to issue import licenses for dairy products which had already been approved for export to Indonesia. The European Union looked forward to receiving the requested information on import procedures and to engaging in continued dialogue on this issue.

3.66. Indonesia stressed that it had provided information on the legal basis for its import policy for animals and plant products and appreciated the European Union's willingness to engage in bilateral consultations to make progress. Indonesia shared its advancements in harmonization of its internal regulations, namely, Regulation No. 42 of 2019 concerning importation of carcasses, meat and edible offal; and Regulation No. 39 of 2019 concerning import recommendations for horticulture products. These regulations spelt out the timelines for the auditing process, the mechanism of approval procedures for registration of animal products processing plants as well as the mechanism for receiving import recommendations for horticulture products. They also aimed to address the concerns of the European Union over the amount of fees to be paid by EU exporters.

### **3.2.11 US import restrictions on apples and pears – Concerns of the European Union (No. 439)**

3.67. The European Union regretted that although the United States had concluded the necessary risk assessment for the importation of apples and pears from the European Union several years ago, trade had not been allowed to resume. The final administrative step of publishing the relevant rule had been blocked. The European Union acknowledged that imports of apples and pears were permitted from some EU member States using the pre-clearance approach. However, trade statistics demonstrated that only very small quantities were being exported due to high costs and complex procedures. The European Union thanked the United States for the exchanges that had clarified that there was no scientific or technical reason for not permitting imports of apples and pears under the systems approach. Finally, the European Union called upon the United States to explain the basis



for delaying the publication of the final notice allowing for import of apples and pears from EU member States.

3.68. The United States thanked the European Union for its continued interest in this issue and for the recent bilateral engagements in Brussels in October 2019. The United States clarified that the final step in the process was the publication of a final notice by the USDA Animal and Plant Health Inspection Service (APHIS).

### **3.2.12 Mexico's measures on imports of hibiscus flowers – Concerns of Senegal (No. 386)**

3.69. Senegal raised concerns regarding the provisional suspension of hibiscus flowers due to quarantine measures taken after the detection of live larvae of *Trogoderma granarium* in some shipments during 2018. Senegal reported that, after investigating relevant actors, a report with corrective measures had been elaborated and sent to the phytosanitary authorities of Mexico. Senegal highlighted that, since then, a completely new cleaning and fumigation protocol for the exportation of hibiscus to Mexico was required. Senegal referred to the proposal made earlier this year to receive a Mexican mission in Senegal, in view of reaching a bilateral agreement, but indicated that so far there had been no developments. Senegal invited Mexico to explain how progress could be made in this matter. Finally, Senegal announced that it was in the process of consolidating the phytosanitary framework in the hibiscus industry.

3.70. Burkina Faso expressed shared the concern and reported that a note requesting information on the measures for importation of hibiscus flower had been sent to Mexico, but that it had received no response.

3.71. Mexico explained that, since Senegal had been notified of this measure, both governments had engaged in discussions regarding the corrective measures that the later would take based on the investigations performed, but that there was not enough information to establish a working plan that ensured the control of the pest in exports to Mexico. Mexico reiterated its willingness to continue working with Senegal to address its concern, while at the same time ensuring that the appropriate level of protection was met. Regarding the concern of Burkina Faso, Mexico stated that it could not give a detailed response and invited Burkina Faso to forward its communication to its Permanent Mission in Geneva.

## **3.3 Information on resolution of issues in [G/SPS/GEN/204/Rev.19](#)**

### **3.3.1 Thailand's import restriction on papaya seeds – Concerns of Chinese Taipei (No. 421)**

3.72. Chinese Taipei reported that STC No. 421 had been resolved through cooperation among both sides and appreciated Thailand's efforts to restore market access for its papaya seeds, based on scientific evidence, for the benefit of papaya producers, consumers, and exporters in both Members.

3.73. Thailand thanked Chinese Taipei for its report and hoped to maintain a good working relationship in the future.

## **3.4 Report on the e-Agenda Project**

3.74. The Secretariat reported on a presentation to Members on 6 November 2019, giving an update on the e-Agenda platform currently under development. Members would be able to use the collaborative agenda to add interventions under any agenda item and to access the whole agenda. The objective of the platform would be to simplify the submission by Members of agenda items, including STCs, for inclusion in the convening airgram or the annotated draft agenda. The Secretariat highlighted that access to the e-Agenda system would be restricted and would be opened in advance of a Committee meeting. For STCs, Members would be able to raise, support or leave an STC for the forthcoming meeting. The Secretariat also highlighted that it was planning pilot testing of the e-Agenda portal for the March 2020 Committee meeting and invited Members to contact the Secretariat by 29 November 2019 if they were interested in participating in the pilot test.

3.75. The Secretariat underlined that the e-Agenda system could produce the agenda for the Committee, which could either be in the form of an airgram or an annotated agenda and proposed that the e-Agenda platform could be used to prepare an annotated agenda, replacing the traditionally

used convening airgram. The Secretariat invited Members' comments on the proposal to produce an annotated agenda instead of a convening airgram in the future. No Member raised any concerns.

## **4 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT**

### **4.1 Equivalence**

#### **4.1.1 Senegal – Malaysia's inspection and control system for agricultural products (peanuts)**

4.1. Senegal informed Members that its bilateral consultations with Malaysian Phytosanitary Authorities, initiated in June 2018, had resulted in the signature of a bilateral phytosanitary agreement granting authorization for groundnut access. Senegal highlighted seven procedures which had been reviewed by Malaysian authorities, namely, (1) the organizational framework for producers and management of phytosanitary problems in the groundnut industry, (2) the approach taken by control services to supervise groundnut exports, such as registration, inspection and monitoring of operations, (3) post-harvest quarantine inspection and quarantine techniques, (4) fumigation company approval procedures and laboratory accreditation for SPS analysis, (5) sampling procedures, (6) conditions for issuing a phytosanitary certificate along with additional declarations, such as inspection sheets, and (7) results of the PRA in the same sector carried out in Senegal by other partner countries such as China. Senegal remarked that this agreement was a good example of recognition of their sanitary and phytosanitary inspection system by a trading partner.

4.2. Malaysia remarked that the agreement demonstrated Malaysia's observance of international standards such as ISPM No. 2 (Framework for pest risk analysis) and ISPM No. 11 (Pest risk analysis for quarantine pests, including pest risk analysis for living modified organisms, given that the pest risk analysis was carried out prior to the establishment of the requirements. Malaysia was happy to inform Senegal that Malaysia's required level of protection had been met and Senegal had been granted market access.

### **4.2 Pest-and disease-free areas (Regionalization)**

#### **4.2.1 Information from Members**

##### **4.2.1.1 Mexico – OIE recognized self-declarations**

4.3. Mexico provided information on recent communications circulated to Members, including G/SPS/GEN/1721 in relation to the Self-declaration by Mexico as a pullorum disease- and fowl typhoid-free country in poultry; G/SPS/GEN/1723 regarding the Self-declaration by Mexico as a country historically free from glanders; G/SPS/GEN/1724 on the Self-declaration by Mexico as a country historically free from dourine; and G/SPS/GEN/1725, concerning the Self-declaration by Mexico as a country historically free from myiasis caused by new world screwworm (*Cochliomyia hominivorax*) and old-world screwworm (*Chrysomya bezziana*). Mexico indicated that the Ministry of Agriculture and Rural Development (SADER) through the National Agriculture and Food Health, Safety and Quality Service (SENASICA) was the entity in charge of the afore mentioned self-declarations.

### **4.3 Operation of transparency provisions**

#### **4.3.1 Annual report on Transparency ([G/SPS/GEN/804/Rev.12](#))**

4.4. The Secretariat drew Members' attention to its annual report on transparency (G/SPS/GEN/804/Rev.12). In preparing this document, the Secretariat had largely relied on the SPS Information Management System (SPS IMS). The report provided information on Members' notifications under the SPS Agreement and included general remarks on the information tools, as well other issues such as the Workshop on Transparency and Coordination organized in the context of the Fifth Review and the STDF-financed projects on transparency.

4.5. The Secretariat noted that, although the data from previous years was maintained, the content and structure had changed. It also highlighted the significant modifications in the graphs and the inclusion of more detailed temporary analyses, pointing to a few examples. From these new graphics,

it was evident that, since 2008, developing countries submitted a higher share of notifications than developed countries. Regarding the objective of the notifications circulated between 1 January and 15 September 2019, the Secretariat observed that the objective cited most often in ordinary notifications was food safety, while for emergency measures, it was animal health.

4.6. The Secretariat also presented a new brochure<sup>4</sup> on the SPS transparency tools, including the SPS IMS, ePing, Documents Online, e-subscription, and the SPS NSS, explaining their use and where to find the information. The information had been extracted from the "Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points".<sup>5</sup> The Secretariat hoped this resource would aid Members understand the relationship between the different tools and promote their use.

#### **4.4 Special and Differential Treatment**

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

#### **4.5 Monitoring of the use of International Standards**

##### **4.5.1 New issues**

##### **4.5.1.1 United States – Codex task force on antimicrobial resistance**

4.8. The United States expressed its commitment to addressing AMR through sound science and collaboration in Codex. The US statement has been circulated as document G/SPS/GEN/1751.

4.9. Argentina highlighted its interest in this topic and referred to its intervention in item 2(a) of the agenda of the present meeting. Argentina shared the concerns related to the developments in the Codex task force on antimicrobial resistance, since the impact of antimicrobials on the environment was not clear, and more research on the topic was necessary. Argentina also agreed with the United States on the need to have a national risk surveillance and mitigation system for human, animal, and plant life and health. No action should be taken before enough scientific evidence was available.

4.10. Australia supported the joint work of WHO, the OIE, and FAO in setting international standards for AMR. Australia highlighted the need of retaining access to effective antimicrobials to protect animal health and of basing measures to prevent and reduce AMR on international standards supported by scientific data, since doing the opposite could distort trade. Australia reiterated its commitment to an effective and robust system for the prevention and containment of AMR, evident in its adoption of one of the most conservative approaches to the use of antimicrobials in livestock production in the world. Nevertheless, Australia recognized the importance for its livestock sector of retaining access to antimicrobials to treat, prevent and control diseases because of their significance for animal health and welfare, biosecurity and production. Australia was concerned that any measures to restrict access to the prophylactic use of antimicrobials in food animals would have significant adverse impacts on exports of livestock animal products. Australia encouraged Members to adhere to their international obligations, since unilateral procedures had the potential to undermine collaborative global efforts. Finally, Australia confirmed its participation in the seventh meeting of the intergovernmental task force on AMR to discuss, and potentially finalize, the revised Codex Code of Practice to Minimise and Contain AMR and draft Guidelines on Integrated Monitoring and Surveillance of Foodborne AMR.

4.11. Codex recalled its prior intervention regarding the circulation of the Guidelines on Surveillance and the Code of Practice for comments from Codex members and observers and underscored their importance for progress in the upcoming session.

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[http://workingserver/english/tratop\\_e/sps\\_e/sps\\_practical\\_manual\\_for\\_sps\\_national\\_notification\\_flyer\\_bat.pdf](http://workingserver/english/tratop_e/sps_e/sps_practical_manual_for_sps_national_notification_flyer_bat.pdf)  
(currently available in English).

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[http://workingserver/english/tratop\\_e/sps\\_e/practical\\_manual\\_for\\_sps\\_national\\_notification\\_authorities\\_and\\_sps\\_national\\_enquiry\\_points\\_7531\\_18\\_e.pdf](http://workingserver/english/tratop_e/sps_e/practical_manual_for_sps_national_notification_authorities_and_sps_national_enquiry_points_7531_18_e.pdf).

4.12. The European Union expressed concerns regarding the discussion of the work of the Codex task force in the Committee and questioned the relationship of this issue with the current item of the agenda, the monitoring of the use of international standards. The European Union recalled talks on the lack of a hierarchical relationship between the Committee and ISSBs.

4.13. The United States called Members' attention to the Committee's mandate in Article 12.4 of the SPS Agreement, as well as the direction given in G/SPS/11/Rev.1, that the Committee should help identify, for the benefit of relevant international organizations, where standards, guidelines or recommendations were needed, or where existing ones were not appropriate. The United States welcomed further engagement about the potential trade impact of Codex standards and guidelines under development and considered that the Committee's mandate was clear.

#### **4.5.2 Issues previously raised**

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

4.14. The European Union drew Members' attention to inconsistencies in the application of OIE international standards, in this case regarding ASF. The European Union noted that several WTO Members did not follow the OIE Terrestrial Code recommendations that had been developed and adopted with the support of those same Members. The European Union had demonstrated through its regionalization policy, that the disease had not been transmitted via commercial trade. In addition, the European Union was transparent on its disease control measures and provided information through the websites of the EU Commission, of the EU member States and of the OIE, and through bilateral contacts with trade partners. The European Union strongly urged WTO Members to align their import measures with the SPS Agreement and with international standards and stood ready to work with Members to remove country-wide bans.

##### **4.5.2.2 European Union – Highly Pathogenic Avian Influenza (HPAI) restrictions not consistent with the OIE international standard**

4.15. The European Union praised those Members that had recognized EU regionalization measures, trusting the European Union's effective and transparent system of control and eradication of animal diseases such as AI. Regarding regionalization for HPAI, the European Union highlighted the inconsistency in some WTO Members' application of the OIE international standards and their obligations under the SPS Agreement's Article 6 and Annex C. Country-wide bans after a disease outbreak were not scientifically justified, and there was no justification to wait one year or more to restore the disease-free status, instead of the three months defined by the OIE Code. The veterinary services of all EU member States worked in a transparent manner and the trading partners of the European Union could be assured that they would be fully aware of the animal health situation in all EU member States. The European Union reiterated its call to all Members to respect their regionalization obligations; allow trade of all safe products from non-affected zones; lift all bans after regaining freedom three months after the application of stamping-out, cleaning and disinfecting affected premises; refrain from imposing trade restriction in case of HPAI in wild birds; and refrain from imposing trade restrictions in case of detected LPAI.

4.16. The United States underscored the importance of OIE guidelines related to HPAI and of Members respecting the application of regionalization in case of HPAI and reaffirmed its strong cooperation with the European Union in this area.

##### **4.5.2.3 United States – Codex MRLs for glyphosate**

4.17. The United States raised concern over actions by Members to restrict the use of glyphosate or withdraw glyphosate MRLs without clear scientific justification. The US statement has been circulated in document G/SPS/GEN/1752.

4.18. Brazil noted that plant protection products were essential technological tools in agriculture for the maintenance of a sustainable level of production, contributing to food safety, food security and environmental sustainability, although there were concerns about the use of chemicals in food. Brazil considered that some decisions lacked a scientific basis and were implemented with a hazard-based approach. Brazil emphasized the importance of harmonization and of basing phytosanitary policies

and measures on Codex work. When Codex standards were not compatible with Members' levels of protection, they should define MRLs based on scientific evidence and appropriate risk assessment. Brazil underscored that no evidence justifying the non-authorization of glyphosate or lower MRLs than those suggested by Codex had been identified. Therefore, Brazil was concerned about Thailand's decision to ban the use of glyphosate and the potential impact on 95% of Brazil's exports to Thailand. Brazil explained that this tool enabled sustainable agricultural production, such as no-tillage agriculture, prevented soil erosion, reduced water loss by evaporation, increased the level of organic matter in the soil, reduced the use of fossil fuels, reduced the cost of production, allowed better microbiological balance in soils, decreased greenhouse gas emissions, and enabled better pest and disease control. There was no relationship between banning glyphosate and increasing sustainability or production safety.

4.19. Australia, Canada, Paraguay, and Uruguay reiterated their statements from the previous meeting. Paraguay also stressed that Codex standards enabled developing countries that lacked resources to carry out their own risk analysis to meet safety requirements. Uruguay supported the work of JMPR and Codex and their commitment to providing scientific evidence derived from adequate risk assessments.

4.20. Argentina underscored the importance of respecting the principles of the SPS Agreement that required basing measures on a risk analysis and scientific evidence. Argentina referred to the risk analysis undertaken by Codex to ensure safe MRLs for glyphosate in different crops.

4.21. Canada expressed its concern that several Members were proposing or considering bans on glyphosate seemingly without a scientific basis, inconsistent with the established Codex MRLs. Canada noted that the work undertaken by the Codex Committee on Pesticide Residues (CCPR) and JMPR provided scientifically sound guidance to support national regulatory measures.

#### **[4.6 Fifth Review of the operation and implementation of the SPS Agreement \(G/SPS/W/313/Rev.1\)](#)**

##### **[4.6.1 Report on the thematic session on approval procedures \(G/SPS/GEN/1704/Rev.1\)](#)**

4.22. The Chairperson reported on the thematic session on approval procedures held on 5 November 2019, as agreed by the SPS Committee in March 2019. The programme had circulated in document G/SPS/GEN/1704/Rev.1, based on the proposal submitted by Canada in document G/SPS/W/310.

4.23. Building upon the July 2018 Workshop on Control, Inspection and Approval Procedures, the purpose of the thematic session was to explore concepts within Article 8 and Annex C of the SPS Agreement, as they related to approval procedures, including undue delays, transparency and information requirements. The session had focussed on a broad array of themes, including pre-market approvals, approval of biotech products, domestic regulations and work of international standard-setting bodies. Various perspectives from Members, international standard-setting bodies and the private-sector had been presented and possible opportunities for cooperation amongst these players had been explored.

4.24. In Session 1, the Secretariat had provided a comprehensive overview of Article 8 and Annex C and relevant WTO disputes, underlining the importance of approval procedures by looking at an estimated number of related STCs and examples of discussions in the SPS Committee.

4.25. In Session 2, Codex had presented on relevant guidance on import and export requirements including safety assessments of food derived from biotechnology, mainly discussed in the Codex Committee on Food Import and Export Inspection and Certification Systems. Codex' mandate included establishment of standards on pesticide maximum residue levels, but not recommendations on how to establish legal frameworks for authorization or registration. Codex had established horizontal guidance and principles relating to food control systems, and approval procedures.

4.26. In Session 3 several speakers had shared experiences of importing and exporting Members in relation to approval procedures. From the importing side, one speaker had proposed that approval procedures should be risk-based, timely, and non-discriminatory, and had called for increased regulatory cooperation amongst trading partners. Another speaker had also underscored the

importance of mutual trust and equivalence by placing greater reliance on inspections conducted by exporting Members, and the requirements of third-country listing to grant imports authorizations. From an export perspective, speakers had called for greater cooperation among Members, and increased participation and reliance on international standards, among others.

4.27. The last part of Session 3 had involved discussions on costs and challenges related to asynchronous global approval processes. Especially in case of biotech approvals, the long period of time elapsed between submission of application and granting of approval in various countries resulted in economic and societal costs, including forgone productivity gains, delayed innovation and trade disruptions. It had also been noted that transparency was key to ensure predictability, and that applicants were responsible for providing all required information in a timely manner.

4.28. Session 4 had begun with an interesting insight into the inter-relation of the WTO Trade Facilitation Agreement and the disciplines on approval procedures. Recent implementation of trade facilitating measures, including risk-based inspections, had resulted in more effective and efficient inspections. Some key takeaways included the need for increased cooperation and capacity building for strengthening the implementation of cost-effective approval procedures.

4.29. Session 4 had proceeded with discussions of the private-sector perspective, with presentations by the International Grain Trade Coalition and MAIZALL. There had been a pronounced call for synchronization of biotech approvals, highlighting the possible contribution of least trade restrictive approval procedures towards transfer of food and agricultural technologies amongst Members.

4.30. Session 5 had been a roundtable discussion, which had concluded the thematic session by posing overarching questions to stimulate an exchange of ideas on possible ways to address some of the challenges identified and explore possible future work. Interventions had also been taken from the floor, and overall, participants had recognized the need to avoid duplication, implement procedures consistent with the WTO Trade Facilitation and SPS Agreements, and the benefits of mutual trust and reliance on international standards in facilitating efficient and faster approval procedures. There had also been a discussion on the balance between regulatory harmonization and heterogeneity, highlighting the importance of preserving Member's right to determine their appropriate level of protection. In closing the roundtable, several Members had indicated their interest in further reflecting on possible next steps.

4.31. In concluding, the Chairperson remarked that the thematic session had proven to be informative and interesting, and that it had provided a useful opportunity to increase Members' understanding of the governing disciplines and challenges relating to approval procedures. Presentations from all sessions of the thematic session as well as the videos would be made available on the SPS Gateway.<sup>6</sup>

#### **4.6.2 Report on the Informal Meeting**

4.32. The Chairman drew the Committee's attention to the draft report of the informal meeting held on 6 November 2019 and invited Members comment on the draft report during the meeting, or to send them to the Secretariat by 15 November 2019.<sup>7</sup>

4.33. The Secretariat highlighted the changes that had been made in the fourth revision of the report of the informal meeting. The order of the topics had been changed to align them with the draft report of the Fifth Review and topics now appeared in alphabetical order. The most recent round of discussions appeared at the end of each topic. There was also an addition of a section at the end of the report to reflect the discussion on various proposals for the thematic session and workshop in 2020.

4.34. Paraguay took the floor to indicate that it would share its comments with the Secretariat by e-mail.

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<sup>6</sup> [https://www.wto.org/english/tratop\\_e/sps\\_e/workshop05112019\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/workshop05112019_e.htm).

<sup>7</sup> The final report of the informal meeting was subsequently circulated as JOB/SPS/2/Rev.4.

4.35. India thanked the Secretariat for the draft report. It highlighted that the latest discussion on FAW was not indicated in the draft report and indicated that it would submit its comments to the Secretariat in writing.

## **5 CROSS-CUTTING ISSUES**

### **5.1 Brazil's proposal on the functioning of the SPS Committee ([G/SPS/W/319/Rev.1](#))**

5.1. The Chairperson reported on the relevant parts of the informal meeting. At the informal meeting on 6 November, Members had had an active discussion on Brazil's proposal. Brazil had explained the background of the proposal. Brazil had coordinated the joint efforts of Members, initiated in the context of the Ottawa Group, to work on the deliberative function of the SPS Committee. Brazil had thanked Members for their participation in the discussions and for their comments; which had been considered in preparing the revised proposal. Brazil had emphasized that improving communication among Members when addressing STCs could avoid recourse to the dispute settlement mechanism.

5.2. Many Members had welcomed the initiative of discussing ways in which the work of the Committee could be improved to make it more efficient and transparent.

5.3. One Member had proposed an addition, to make it possible to share comments on draft notified measures and receive replies through an online system that would be publicly available. This would encourage transparency and better coordination. Several Members had supported this suggestion.

5.4. A few Members had highlighted similarities and differences with the General Council proposal circulated by the European Union and others (WT/GC/W/777/Rev.4). Although this proposal had a more general scope beyond the SPS Committee, it shared similar objectives. Some Members had suggested that the proponents should attempt to find common ground, and Brazil and the European Union had both indicated that they were open to discussions in this regard.

5.5. Several Members had emphasized that the proposed changes should not affect the interactive nature of the discussions in the Committee or make it more difficult to raise STCs. Other Members had questioned whether the proposed changes needed to be agreed in a formal decision. They wished to allow the Committee to try new mechanisms and procedures without losing flexibility to make further changes in the future. They were concerned that implementing certain provisions could impose additional burdens on constrained delegations.

5.6. Finally, Brazil had mentioned that the consultative process was still ongoing. Brazil had indicated that it welcomed further comments and would reflect them in the proposal. In concluding the report on discussions at the informal meeting, the Chairperson noted that Brazil had said that, if others considered it necessary or relevant, Brazil was willing to chair further open-ended consultations.

5.7. At the formal meeting, Brazil reiterated that consultations were ongoing and that it was open to receiving comments and suggestions. Brazil proposed a deadline for the second round of comments for 24 January 2020. Brazil indicated that it might take advantage of a possible informal meeting in February to seek more clarity and consensus on how to push this work forward.

5.8. Chinese Taipei referred to the discussion of the proposal during the informal meeting and asked whether it would be reflected in the report of the informal meeting on the Fifth Review. The Secretariat explained Chinese Taipei that the Chairperson's report would be included as part of the summary report of the meeting.

5.9. China appreciated Brazil's efforts and noted that the SPS Committee was one of the best-performing committees in the WTO, but that there was always room for improvement. China posed some questions to Brazil regarding its proposal, on the difference between the "deliberative" and "consultative" functions of the SPS Committee, and on meaning of the term "fully address" used in the proposal.

5.10. Brazil replied that deliberation and consultation were, indeed, different processes. Brazil explained that at the Ottawa Group discussions where this work had been initiated, some Members

had volunteered to coordinate work on three pillars: negotiation, dispute settlement, and the deliberative function of the WTO. However, Brazil noted that, although the initial name of the proposal had emerged in that context, the proposals were on the consultative functions of the committee. On the second question, regarding the term "fully address", Brazil explained that it would be a requirement to have a substantive answer and not merely an interlocutory one.

5.11. The United States asked whether the Chairperson's report would also be circulated for comments prior to finalization, like the report on the informal discussions on the Fifth Review. The Chairperson confirmed that all documents would be circulated, and that Members would be invited to comment in writing.

5.12. The Secretariat invited the Members to consider decision G/TBT/43 of the TBT Committee, adopted in June 2019, on procedures for the inclusion of specific trade concerns in the annotated draft agenda. The Secretariat noted the difference between the deadlines in that document and those under discussion in the framework of the Brazilian proposal, inviting Members to reflect on the advantages of harmonizing the deadlines for submission of STCs.

5.13. The Chairperson reminded Members of the deadline of 24 January 2020 to submit comments on Brazil's proposal.

## **6 TECHNICAL ASSISTANCE AND COOPERATION**

### **6.1 Information from the Secretariat**

#### **6.1.1 WTO SPS activities**

6.1. The Secretariat provided Members with an overview of the technical assistance activities held since the last SPS Committee meeting in July. These activities included national seminars held in Guatemala in August and in China in September, and the thematic session on Approval Procedures held on 5 November. More general training was provided in the context of the WTO Regional Trade Policy Course; two Regional Trade Policy Courses held for Latin America and Central and Eastern Europe, Central Asia and the Caucasus; two Training Sessions for India and Paraguay; and at the IPPC Symposium on Pest Free Areas and Surveillance.

6.2. The Secretariat also announced that national seminars would be held in Peru in November and Nepal and Angola in December, and that general training would be provided in the upcoming WTO Regional Trade Policy Courses to be held in January 2020 in Geneva for the Arab and Middle Eastern Region and in February 2020 in Abidjan for French-speaking Africa.

6.3. The Secretariat announced that the Regional SPS Workshop for Central and Eastern Europe, Central Asia and the Caucasus had been postponed to the week of 27 April 2020 and that the online application link was still open. The Secretariat planned to send more information to the relevant Missions.

6.4. The Secretariat thanked the delegates who had attended an information session for new delegates on the procedures and work of the SPS Committee, held in September.

6.5. The Secretariat drew Members' attention on the Advanced Course on the SPS Agreement that had started on 29 October and would finish on 15 November 2019 and whose participants were present in the room. After a rigorous selection process based on candidates' qualifications and working experience and with consideration to those from Members that had not been represented in prior editions, 24 government officials from developing and least developed Members and acceding countries had been selected to attend the course in Geneva.

6.6. The Course had the objective to enhance the level of understanding of the rights and obligations arising from the SPS Agreement and the functioning of the SPS Committee, as well as identifying actions to address specific implementation challenges and opportunities at the national level. The Secretariat further explained that during the course, each participant would develop an action plan, which would address implementation problems identified in their countries. Three coaches were assisting participants in developing their action plans. Participants would return after nine months to present on their experiences in implementing their action plans.



6.7. The Secretariat mentioned that this year the course had benefitted from reinforced support of the STDF, which had been collaborating regularly with the course. The Secretariat also thanked the WTO Director General, the Chair of the Committee, and the delegates that participated in the course as speakers and shared their experience with participants; Codex; IPPC; OIE; the Advisory Centre on WTO Law; ITC and UNIDO.

6.8. The Secretariat highlighted that the Course, currently held in English, celebrated its 15<sup>th</sup> anniversary and, to mark the occasion, the WTO Director General had recorded a video. This video was shown to the Committee and a flyer reflecting the Course's main achievements was available in the room. The Secretariat thanked the Information and External Relations Division, and the Graphic and Event Design, Print and Distribution Section from the Languages, Documentation, and Information Management Division for their work.

6.9. The Secretariat reminded Members that the e-learning course on the SPS Agreement was available throughout the year in the three official languages of the WTO, and that it was working on a new, more interactive version of the electronic course, which should be online in 2020. Finally, more information on SPS-related technical assistance activities could be found on the WTO website (under trade-related technical assistance or in the section dedicated to the SPS Agreement).

6.10. Paraguay thanked the Secretariat for the technical assistance provided through videoconference and their flexibility to organize a national workshop, which they expected to hold in 2020.

6.11. China thanked the Secretariat for the national workshop on the TBT and SPS Agreements held in September and noted that the comprehensive and detailed lectures had been successful, which was reflected in the positive feedback provided by the participants from different Ministries, associations, research centres, and other organizations.

### **6.1.2 STDF**

6.12. The STDF secretariat provided a brief overview of its most recent activities, as detailed in document [G/SPS/GEN/1733](#). The fourth evaluation of the STDF had concluded in July, with a focus on the impact and results achieved by the STDF during the period 2014-2018. The evaluation had been positive and underlined the continued relevance of SPS-related capacity building. It also set out recommendations for the future direction of the STDF, to meet emerging challenges. The STDF secretariat also referred to the thematic session organized on 4 July 2019 at the WTO/OECD Aid for Trade Global Review 2019 entitled "Investing in SPS capacity for safe trade and sustainable development", which had brought together public and private sector experts from the cinnamon sector in Sri Lanka, the flower industry in Uganda and the shrimp sector in Guatemala. The importance of communicating the need to invest in SPS capacity with high-level decision makers and the value of these investments for the domestic agenda, were discussed. On 7 November 2019, the STDF had organized a session to present the findings and recommendations of an independent evaluation of three STDF projects in ASEAN (STDF/PG/337), Africa (STDF/PG/359) and Latin America (STDF/PG/436), in which government authorities had partnered with multinational pesticide manufacturers, industry associations, farmers and international partners to carry out coordinated pesticide residue studies. The STDF also shared information on grants for projects that identify, develop and disseminate good practice in SPS-related technical cooperation, including the development and application of innovative and replicable approaches. A total of 93 projects had been approved for STDF funding since its inception, of which 49% had gone to Africa, 24% to Asia-Pacific, 15% to Latin America-Caribbean, and 2% to other regions (Middle East and Europe). Finally, the STDF invited applications from Members to receive funding, to be submitted by 10 January 2020.

## **6.2 Information from Members**

### **6.2.1 Australia – Technical assistance to developing countries**

6.13. Australia drew Members' attention to document G/SPS/GEN/717/ADD.6, which detailed Australia's SPS-related technical assistance from 1 July 2015 to 30 June 2017, in accordance with Article 9 of the SPS Agreement. This assistance aimed at helping developing countries to adjust to, and comply with, SPS measures based on science and international standards. For the reporting period, assistance was provided through 78 projects and given to a total of 58 individual Members,

Observers and non-Member countries, mainly in the Asia-Pacific region, but also in Africa and the Middle East. Some of the assistance was also directed to groups of countries or regional organizations such as the Pacific Island Forum countries, the APEC forum and ASEAN. The aggregate value of the technical assistance in the period amounted to 46 million Australian dollars, and in many cases, Australia also provided substantial in-kind contributions.

### **6.2.2 Senegal – Support for the implementation of EU phytosanitary regulation (2016/2031) for post harvest activities**

6.14. Senegal thanked the assistance of the European Union to implement the post-harvest infrastructure to comply with the new regulation, recalling Article 9.2 of the SPS Agreement on technical assistance for developing Members. Senegal highlighted that these activities have improved its ability to manage phytosanitary risks. Senegal expressed its belief that these efforts would help control the risks of entry of pests through trade.

6.15. The European Union recalled its statement under a previous agenda item, regarding its suggestion to contact the EU delegation in Dakar to determine whether additional assistance could be provided, and regarding ongoing technical assistance. The European Union highlighted that the objective was to provide support to Senegal to meet the requirements of the new regulations. The European Union had taken good note of Senegal's comments.

### **6.2.3 Senegal – Authorization of access for agricultural products into the Malaysian market on the basis of a pest risk assessment (phytosanitary protocol)**

6.16. Senegal referred to its statement under the agenda item on equivalence. Senegal's agreement with Malaysia was already effective. Senegal thanked several entities that had provided capacity building activities, such as ECOWAS, the African Union, and the African Office on Animal Resources. Senegal also thanked the STDF for the successful implementation of the project on pesticides residues and highlighted its relevance to generate data for food safety. Finally, it thanked the Secretariat and all its trading partners.

### **6.2.4 Canada – Technical assistance to developing countries**

6.17. Canada updated the Committee on its SPS-related technical assistance to developing countries during 2018. Canada reported that it had delivered or initiated a total of 19 SPS-related technical assistance projects supporting Members including Peru, Chinese Taipei, Philippines, Costa Rica, Guatemala, India, Mexico, Kenya, Niger, Senegal, Argentina, Benin, Burkina Faso, Morocco, Ukraine, and, on a regional basis, in Sub-Saharan Africa. Canada referred to document G/SPS/GEN/206 and highlighted that its assistance addressed three of the four broad categories identified therein (information, training, and "soft" infrastructure development) and that it covered most of the "typical areas of competence" listed under food safety, animal health, and plant protection in the annex. Finally, Canada noted that it had committed approximately USD 10.6 million and that additional information on these activities could be found in G/SPS/GEN/1738.

### **6.2.5. Burkina Faso – Technical assistance received and certain SPS activities in Burkina Faso**

6.18. Burkina Faso reported that it had launched the Codex Trust Fund 2 project whose general objective was sensitization of political authorities in charge of food safety and restructuring of the National Codex Committee. A regional workshop on "Capacity Building on Sanitary and Phytosanitary Measures for Francophone Member Countries of ECOWAS" was organized on 17-20 September 2019 in Burkina Faso. The objectives of this training workshop were to, (1) improve the understanding of SPS measures and the relationship between the three sisters (2) improve and share knowledge on the standard development process of the three sisters (3) undertake a consultative discussion among stakeholders on the sustainability of activities undertaken by the three sisters at the national level; and (4) share experiences among countries and create a network among focal points to improve the performance of SPS activities.

6.19. Burkina Faso congratulated the Inter-African Bureau of Animal Resources of the African Union for the technical and financial assistance provided to African countries towards their participation in the SPS Committee meetings. Burkina Faso thanked the STDF for implementing project activities

that reduce contamination of maize and maize by-products with aflatoxins in Burkina Faso; the Codex Alimentarius; ECOWAS for its consistent support in SPS activities; and the European Union through the Europe-Africa-Caribbean-Pacific Liaison Committee in developing the mango dossier following the new EU Regulation 2016/2031.

## **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 recent activities, as detailed in document [G/SPS/GEN/1728](#). ECOWAS had provided training workshops on key tools and steps for development, implementation and management of ePhyto in West Africa; which capacitated NPPOs with the tools for ePhyto and allowed them to initiate processes leading to its application. It also held a regional conference on sustainable management of FAW in the Sahel and West Africa in September in Ouagadougou, Burkina Faso. ECOWAS also participated in the 2019 IPPC regional workshop in Nairobi, Kenya, as well as in the 23rd meeting of the Codex Coordinating Committee for Africa, both held in September 2019. ECOWAS thanked donors and technical partners for their continuing support.

#### **8.1.2 IICA**

8.2. IICA provided Members an overview of its main activities, as detailed in document G/SPS/GEN/1743. IICA had hosted a Private Sector Virtual Codex colloquium on 18 October 2019, with participation from the private sector, to improve understanding of issues to be discussed at the Codex Committee on Food Hygiene (CCFH) in Australia. IICA also reported that it would provide support to Caribbean and Latin American countries through a competitive fund to facilitate participation in the meetings of the Codex Committees on Food Hygiene, Nutrition and Foods for Special Dietary Uses, and the meeting of the Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance. In Costa Rica, IICA hosted a workshop on scientific justification issues arising from the application of the SPS Agreement. Representatives of nearly 20 countries had attended the event and had explored practical examples of the application of the SPS Agreement for the proper definition of MRLs of pesticides. IICA also shared its plan to host the 4<sup>th</sup> edition of its Strategy Session in San Jose, from 13-14 November 2019, organized in partnership with and sponsored by the USDA. All IICA member countries were invited to send representatives to the session.

#### **8.1.3 COMESA**

8.3. COMESA informed Members about its main activities, as detailed in document (G/SPS/GEN/1741). COMESA had launched, with [some of its partners/donors/the STDF and TradeMark East Africa], regional initiatives to strengthen the management of standards and the phytosanitary measures in the region through the programme "Prioritizing SPS Investments for Market Access". COMESA had conducted a plant health capacity evaluation using the IPPC's phytosanitary capacity evaluation tool in Kenya and Zambia. The national plant health inspection service of Eswatini had received capacity building to implement a new strategy that was developed for its operations, including the development of standard operating procedures to improve diagnostic service at its ports of entry. In Rwanda, several training activities on risk assessment and risk management, responsible use of veterinary products by farmers, and the implementation of national residue monitoring plants were conducted. COMESA had also identified, and mapped, enterprises involved in live animal and meat trade in major exporting and importing countries to create trade linkages. Finally, COMESA thanked the assistance provided by several institutions for the development of its activities.

8.4. The Chairman drew attention to the reports submitted by IGAD, ([G/SPS/GEN/1730](#)), ITC ([G/SPS/GEN/1731](#)), OIRSA ([G/SPS/GEN/1732](#)), CAHFA ([G/SPS/GEN/1736](#)), and SADC ([G/SPS/GEN/1739](#)).

## **8.2 Requests for observer status**

### **8.2.1 New requests**

#### **8.2.1.1 Request from UNIDO ([G/SPS/GEN/121/Add.18](#))**

8.5. The Chairperson drew attention to a new request for ad hoc observer status, from the United Nations Industrial Development Organization (UNIDO). The information received from UNIDO was presented in document G/SPS/GEN/121/Add.18. Since some delegations has requested more time to consider this request, the Committee agreed to return to it at its next Committee meeting.

### **8.2.2 Outstanding requests**

8.6. 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).

8.7. The Committee agreed to invite the organizations with ad hoc observer status to participate in all its meetings in 2020, except for any closed meeting, and unless any Member raised an objection to the participation of any of these observers in advance of a meeting.

8.8. The Chairperson reminded Members that the Committee had agreed, in 2012, that if for any one-year period an ad hoc observer organization did not attend any meetings of the SPS Committee, the Committee would consider that its observer status has lapsed, but only after the Secretariat had contacted the observer organization and received confirmation that it was no longer interested in maintaining its observer status. The Chairperson indicated that normally, she would have requested the Secretariat to verify if there were any ad hoc observer organizations that had not attended a single meeting of the SPS Committee during 2019, and to contact them to confirm their continued interest in maintaining their observer status.

8.9. The Chairperson recalled that at the March 2019 SPS Committee meeting, the Secretariat had highlighted the inconvenience of this verification procedure, and that all contacted observers had always indicated an interest in keeping their observer status. The Committee had been invited to reflect on whether the verification procedure should be less frequent or applied only when the need arose. The Chairperson proposed applying the procedure less frequently in the future.

8.10. The Committee agreed that the verification procedure for observers who have not attended any meetings in one year should not be undertaken every year, but as the need arises, for example if it became apparent that an observer organization was no longer participating in the meetings.

8.11. 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 March 2020 meeting.

## **9 OTHER BUSINESS**

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

## **10 DATE AND AGENDA FOR NEXT MEETING**

10.1. The Chairman recalled that the next regular meeting of the Committee was scheduled for 18-19 March 2020, preceded by a Thematic Session on Voluntary Third-Party Assurance Programmes on 16 March, and an informal meeting on 17 March.

10.2. The WTO Secretariat reminded Members of the following deadlines:

- For submitting comments on the Chairperson's draft report to the Council for Trade in Goods: **Friday, 8 November 2019;**
- For submitting comments on the draft report of the informal meeting ([JOB/SPS/2/Rev.4](#)): **Friday, 15 November 2019;**
- For submitting comments on the draft programme and the proposal of speakers for the Thematic Session on Voluntary Third-Party Assurance Programmes to be held on 16 March 2020: **Friday, 29 November 2019;**
- For submitting suggestions on the topics and scheduling of the June 2020 Committee workshop, and a possible thematic session for November 2020: **Friday, 29 November 2019;**
- For indicating interest to pilot test the e-Agenda system: **Friday, 29 November 2019;**
- For submitting comments on Brazil's revised proposal ([G/SPS/W/319/Rev.1](#)): **Friday, 24 January 2020;**
- For submitting agenda items for the March SPS Committee meeting, including STCs and items under the procedure to monitor the use of international standards: **Thursday, 27 February 2020;**
- For the distribution of the annotated agenda: **Tuesday, 3 March 2020.**

10.3. The Secretariat informed Members that it would compile Members' comments on the revised draft report of the Fifth Review, including the recommendations ([G/SPS/W/313/Rev.1](#)) and would circulate them in December 2019. Instead of an airgram convening the March SPS Committee meeting, the Secretariat would circulate an annotated agenda containing all the agenda items raised by Members, similar to the annotated agenda for the present meeting circulated in [JOB/SPS/3](#). The deadlines would also be circulated to Members by email.

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