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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 14-16 JULY 2021

NOTE BY THE SECRETARIAT[1]

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 80th regular meeting on 14-16 July 2021. The proposed agenda for the meeting (JOB/SPS/15) was adopted with amendments. In light of the COVID-19 pandemic, in-person attendance at the meeting was restricted and delegates were invited to participate via a virtual platform.

1.2. Members were able to submit agenda items, support specific trade concerns (STCs), and upload statements through eAgenda. Members could support items through eAgenda until they were discussed in the meeting, and upload statements for STCs and other agenda items that had been raised by other Members before the distribution of the annotated draft agenda until Friday, 16 July. Only oral interventions by Members that took the floor during the meeting were reflected in the present report. Some Members also circulated their interventions as GEN documents.

2 ELECTION OF THE CHAIRPERSON

2.1. The Chairperson reminded the Committee that, according to the Rules of Procedure, the term of office of the Chairperson of the SPS Committee finished with the conclusion of the first meeting of each year. The Chairperson of the Council for Trade in Goods (CTG) had not yet concluded consultations[2] on chairpersons for the subsidiary bodies of the CTG. The Committee was invited to postpone the election of the Chairperson of the Committee until the next Committee meeting in November 2021.[3]

3 INFORMATION SHARING

3.1 Information from Members on relevant activities

3.1.1 Japan - Update on the situation surrounding Japanese food after the TEPCO Fukushima Daiichi nuclear power station accident (G/SPS/GEN/1233/Rev.3)

3.1. Japan thanked Singapore for lifting its import measures on Japanese food and called upon Members to remove the remaining measures, given the lack of reports of non-compliance of radionuclide contamination from destination countries. In April 2021, the Joint FAO/IAEA Centre of Nuclear Techniques in Food and Agriculture had assessed the appropriateness of measures to monitor and respond to issues regarding radionuclide contamination of food. Japan informed that preparatory work for discharging the Advanced Liquid Processing System (ALPS) treated water into the sea had started, although the actual discharge would only start approximately two years later, subject to the approval of National Regulation Authority, and in accordance with international regulatory standards. Japan would remain transparent and publish results of the IAEA's revision of the safety of ALPS treated water discharge and marine monitoring. Further information was provided in document G/SPS/GEN/1233/Rev.3.

3.2. Korea reiterated its concerns over the disposition of contaminated water from the Fukushima power plant and urged Japan to adopt a more transparent decision-making process. The Japanese decision to release into the sea contaminated water stored at the plant site had led to concerns over the safety of fishery and food products. Korea opposed Japan's decision, which would damage sea water and sediment and affect the marine biota, becoming a grave issue for all countries bordering the Pacific Ocean. Korea urged Japan to halt its steps toward the implementation of this decision.

3.3. China stated that measures announced by Japan could lead to food safety problems due to environmental pollution. China regretted that Japan had not published data on the actual situation of direct discharge of nuclear contaminated water into the sea or predicted data on the pollution of the Pacific. Japan had also not provided a long-term risk analysis report on the discharge of nuclear contaminated water into the sea. Invoking the principle of transparency, China invited Japan to

[2] In accordance with the established Guidelines for Appointment of Officers to WTO bodies (contained in document WT/L/31).

[3] On 28 July 2021, the General Council adopted the slate of names of chairpersons for the subsidiary bodies of the CTG for the period 2021-2022. Pursuant to the approved slate of names, Mr Juteau Deadjufo Tousse (Cameroon) was nominated to chair the SPS Committee. Absent any objection received in writing by the Secretariat by 29 July 2021, the SPS Committee elected Mr Juteau Deadjufo Tousse as its new chairperson as of that date.

provide data on nuclear contaminated water discharge, on nuclear radioactive elements in the Fukushima area and on variations of nuclear radioactive elements in marine organisms in the Fukushima area over the years, as well as environmental and biological safety reports of the discharge of nuclear contaminated water. Given the potential effect of discharges on global trade security of fish, seafood and related products, China suggested that international organizations and Members be invited to conduct jointly technical research and consultations on this issue.

3.4. In response, Japan clarified that data on the discharge of the ALPS treated water into the sea had been published and emphasized its continued transparent approach. Japan insisted that the discharge of treated water would only be implemented when TEPCO complies with regulatory standards that are based on international standards. Japan would strengthen the monitoring for radionuclides in marine environment and the biota, that in its view could not be a reason to impose import measures on Japanese food. The IAEA would conduct reviews and monitoring missions on the safety of the ALPS treated water, under the advice of a group of internationally recognized experts. Japan referred Members to communications made in previous Committee meetings and its one-stop reference site (https://www.maff.go.jp/e/export/reference.html).

3.1.2 United States - Self-paced virtual SPS courses (G/SPS/GEN/1914)

3.5. The United States informed of its virtual SPS side event, "Improved SPS Capacity Through Distance Learning", to be held on the margins of the Committee meeting. The aim of the event was to introduce the 16 new online SPS courses developed by the United States Food Safety Network (FSN), in partnership with Texas A&M University. These free courses covered a wide variety of SPS topics and can be a useful tool for various stakeholders in the development and enhancement of modern plant health, animal health, and food safety systems. The courses, available in multiple languages, were accessible at http://www.spscourses.com/. More information was provided in document G/SPS/GEN/1914.

3.6. Pakistan commended the United States for the development of the SPS courses, which it considered an innovative idea to provide an easily accessible solution to learning. Pakistan appreciated the initial collaboration with the United States in the development of a programme on plant health capacity building in Pakistan in 2012, which had inspired the development of these courses. The courses had been translated to Urdu and were publicly available at http://www.spstraining.pk. Pakistan looked forward to continued collaboration with the United States.

3.1.3 European Union - European Commission study on the status of new genomic techniques in the European Union (G/SPS/GEN/1931)

3.7. The European Union introduced a Commission study on the status of New Genomic Techniques (NGTs), i.e. the techniques of genetic modification that emerged or were developed since the adoption in 2001 of the EU legislation on genetically modified organisms (GMOs). The study noted the rapid development of these tools and the new applications being developed mostly outside the European Union. While NGT products had the potential to contribute to the objectives of the European Green Deal and the Farm to Fork Strategy of innovation and sustainability of food systems, as well as to a more competitive economy, the European Union mentioned concerns related to possible safety and environmental impacts of NGTs. The European Food Safety Authority (EFSA) had concluded that plant products with similar risk profiles could be obtained with conventional breeding techniques, targeted mutagenesis and cisgenesis. Scientific knowledge was still limited for other NGTs or for applications in animals and microorganisms, especially on safety aspects.

3.8. According to the study, the current GMO legislation had to be adapted to scientific and technological progress and was not fit for purpose for certain NGTs and their products. For plants derived from targeted mutagenesis and cisgenesis, sufficient scientific evidence was available to initiate a targeted policy action. The Commission intended to continue to build up the required scientific knowledge for animals and microorganisms and other new genomic techniques. An impact assessment would be carried out in 2022 to examine potential policy options. Considerations related to the use of NGTs in medicinal products would be addressed in the context of the Commission's Pharmaceutical Strategy. More information was provided in document G/SPS/GEN/1931.

3.9. Argentina highlighted the conclusions of the study that there was no justification for applying different restrictions to products with the same level of risk; regulatory systems must adapt to technological progress; there was enough scientific evidence available to develop a new regulatory policy for NGTs and their products, different to the current European regulation for GMOs; and different regulatory approaches could create barriers to trade. Argentina noted that products obtained from NGTs could contribute to the Sustainable Development Goals (SDGs) and the 2030 Agenda. Argentina insisted on the need to base regulations on scientific evidence to be applied in agreement with the multilateral regulations. Argentina was of the view that there was an open door to continue discussions and highlighted the need to increase cooperation between regulatory agencies.

3.10. Paraguay noted that, as recognized in the study, the EU regulatory approach could create barriers to trade. Paraguay also pointed to the mention that the same mutations could occur through natural gene editing, as had been put forward by several delegations in G/SPS/GEN/1658/Rev.4. Nonetheless, Paraguay expressed concerns with certain observations made in the study. Paraguay noted the Commission's announcement that it would start a limited revision for products of biotechnology and cisgenesis. Paraguay concluded that regulatory approaches necessary to protect life and health must be appropriate, science and risk-based to avoid generating unnecessary trade barriers and protectionism.

3.1.4 European Union - Global transition towards sustainable food systems (G/SPS/GEN/1934)

3.11. The European Union drew Members' attention to several international meetings to foster change in food production and consumption, including the UN Food Systems Summit (FSS) in September 2021. The European Union encouraged the Committee to be a forum for discussion on this topic with a view to support the process and reflect on setting up a work programme to address issues related to the transition to sustainable food systems in relation with international trade. In the EU view, the SPS Committee, as well as other relevant committees, should serve as a forum to discuss issues related to the transition to sustainable food systems with a view to support the process, while – at the same time – preventing any disguised restrictions on international trade and contributing to an even economic development, especially in LDCs. Based on the outcome of the FSS, the Committee could reflect on setting up, possibly with other relevant committees, a work programme to address issues related to this transition in relation with international trade. A starting point for discussion could be to identify a list of policy objectives that can be legitimately pursued, considering the need to mainstream sustainability aspects in all relevant fora. Key findings and actions could be reported on to MC13, with recommendations, as appropriate. More information was provided in document G/SPS/GEN/1934.

3.12. Georgia agreed that sustainable food systems were essential to address climate change, biodiversity crisis and ecosystem degradation, and to deliver on SDGs. Georgia concurred that the Committee should become a forum to discuss issues of transition to sustainable food systems.

3.13. Canada underscored its active participation in the discussions towards the UN Food Systems Summit and its commitment to improving the environmental, economic and social sustainability of food systems. Canada emphasized that SPS measures must be based on science and not serve as trade barriers, in order to support global efforts towards change in food systems and the delivery on the SDGs. Hoping the Summit would be an opportunity for Members to enhance their responses to the emerging global food security crisis, Canada agreed that the Committee should be prepared to respond to global challenges that fit within its mandate. In that context, the work programme of the SPS Declaration for the Twelfth Ministerial Conference (MC12), Responding to Modern SPS Challenges, was an ideal approach to position the Committee. Canada welcomed further discussions on these matters.

3.14. The United States agreed that the provisions of the SPS Agreement were still relevant to safeguard Member's rights to take measures necessary to protect human, animal or plant life or health. The United States further agreed that the Committee should continue to be a relevant forum to discuss SPS agricultural trade issues related to sustainable food systems, and a work programme could help the Committee manage these concerns. The United States noted that the SPS Declaration for MC12 (G/SPS/GEN/1758/Rev.7), cosponsored by 29 Members, had been developed with these goals in mind. The United States looked forward to further work with all Members to ensure the Declaration was a deliverable for MC12.

3.15. Norway shared the view that international trade and trade policy should reinforce the global multilateral efforts towards achieving sustainable development. For Norway, it was important that policies complied with WTO and other international rules, and that the WTO trade regime took climate change and environmental considerations into account. Norway had launched an action plan on sustainable food systems, and supported the EU proposal to investigate how the SPS Committee and the WTO could support Members in achieving their international commitments regarding environmental sustainability, in relation to trade.

3.16. Switzerland shared the view that the SPS Committee, as well as other relevant WTO committees, should play an important role in supporting sustainability objectives in relation to trade in agricultural products, in all three dimension of sustainability. Switzerland expressed its readiness to contribute to drafting a possible work programme and supported the EU suggestion to report on key findings and actions to MC13 with recommendations.

3.17. Paraguay agreed that food supply chains played an essential role in human health and in the resilience and sustainability of food systems, and highlighted the key role of producers. While there was no dichotomy between agricultural productivity and environmental conservation, there was not a single solution to all challenges, and transformation of food systems should be done in a consistent manner, in agreement with national contexts and capabilities. Noting several strategies adopted by Paraguay and other MERCOSUR to promote sustainability of food systems, Paraguay insisted that governments should establish regulatory frameworks based on scientific and empirical data to guide activities of public and private sectors in this respect. International cooperation was also key to ensuring that these policies take into account different national realities and development needs.

3.18. Paraguay concurred that sustainability went beyond SPS issues and welcomed the EU comment that other WTO committees should be part of the discussions on transition to sustainable food systems. Production- and trade-distorting subsidies, and para-tariff barriers, negatively impacted on consumers and producers. It was essential to move agricultural reform forward at the WTO, given the important role of open trade in ensuring global food security and compliance with SDGs. Paraguay and 19 other Members had called on the WTO membership to cap and reduce the sum of current global agricultural trade- and production-distorting domestic support entitlements by at least half by 2030, through a proposal in the Committee on Agriculture in Special Session. Agricultural market access should also be part of these discussions. Paraguay invited Members to join the SPS Declaration for MC12.

3.19. Brazil underlined the major importance of sustainability, climate change and biodiversity in its domestic and foreign policies. Underscoring that the provisions of SPS Agreement were still relevant in supporting Members to develop and implement measures that protect and improve human, animal and plant life and health, Brazil strongly supported the SPS Declaration for MC12 as a way forward to help farmers face 21st century challenges.

3.20. Noting the upcoming international meetings, Uruguay was of the view that environmental, economic and social sustainability should be taken into account when considering transition to sustainable food systems, including the needs of developing countries. There was not a single model of production and sustainable development, and different conditions and realities, as well as trade-distorting policies, should be taken into account. As a co-sponsor of the SPS Declaration for MC12, Uruguay invited Members to join the work to achieve positive results in the upcoming Ministerial Conference.

3.21. Colombia echoed Paraguay's and Uruguay's statements, underlining the environmental, social and economic pillars of the concept of sustainability. These should all be reflected in the global transition to sustainable food systems, taking into account the productive situations of certain Members. The resulting increased burden of the economic pillar for producers in countries that were especially vulnerable should also be taken into account.

3.22. Argentina welcomed the EU mention of the role of the SPS Agreement and Committee in achieving sustainability, and invited the European Union to reconsider its support to the SPS Declaration for MC12. Argentina insisted that science-based measures were the best approach to face environmental challenges. Emphasizing that more than one path was possible, Argentina referred the existence of different sustainable production models and to the exploration of new technologies that would foster progress in this sense. It was Argentina's understanding that

the link established by the European Union between the SPS Agreement and the Convention on Biological Diversity implied the renewal of its obligations under paragraphs 2 and 4 of article 20 of the Convention, and the recognition that the main obstacle to the implementation of sustainable food systems was the existence of excessive domestic support programmes.

3.23. Costa Rica agreed both with the need to have more sustainable systems and to have a granular approach to this transition. For these reasons, and given the strong synergies and similarities with the EU proposal, Costa Rica invited the European Union to contribute and join the SPS Declaration for MC12.

3.2 Information from Codex, IPPC and OIE on relevant activities

3.2.1 Codex (G/SPS/GEN/1920)

3.24. The Chairperson drew the Committee's attention to the report presented by Codex on its relevant activities, contained in document G/SPS/GEN/1920.

3.2.2 IPPC (G/SPS/GEN/1921)

3.25. The IPPC presented its report on relevant activities in document G/SPS/GEN/1921. CPM-15 had been held virtually, seeing the adoption of the IPPC Strategic Framework 2020-2030, eleven international standards for phytosanitary measures (ISPMs) and one CPM recommendation. Three CPM Focus Groups were also established. The IPPC secretariat had launched the call for topics; the deadline to submit proposals was 15 September. Standards had been sent for consultation and six draft specifications had been approved. The IPPC was also active in establishing an Implementation and Capacity Development Committee team on *Fusarium oxysporum* f. sp. *cubense* Tropical Race 4 (TR4). This, as well as *Spodoptera frugiperda,* was considered a big challenge for the future. The International Year of Plant Health had come to an end, and 20 May had been proclaimed as the International Day of Plant Health. Phytosanitary capacity evaluations at the national level were continuing.

3.2.3 OIE (G/SPS/GEN/1923)

3.26. The OIE highlighted the main points of its report contained in document G/SPS/GEN/1923, referring to the virtual Annual General Session of the World Assembly of Delegates held in May. Administrative and technical resolutions had been adopted and members of the governing bodies of the OIE and of the four OIE Specialist Commissions had been elected. Dr Monique Eloit had been re-elected as the Director General of the OIE. Chapter 10.4. of the Terrestrial Code had been adopted and retitled "Infection with high pathogenicity avian influenza viruses". The Terrestrial Manual chapter on avian influenza had also been updated. Infection of dromedary camels with Middle East Respiratory Syndrome Coronavirus (MERS-CoV) had been added to the OIE list of diseases and a corresponding new chapter in the Terrestrial Manual on MERS-CoV adopted. Section 3 of the Terrestrial, on Quality of veterinary services, had also been revised to reflect the responsibilities of the veterinary services. Chapter 4.4, Zoning and compartmentalisation, had been revised to address the concept of 'protection zone'. Regarding the Aquatic Code and Manual, a new chapter on biosecurity for aquaculture establishments had been adopted to provide guidance on biosecurity. Infection with decapod iridescent virus 1 had also been adopted as a listed disease of crustaceans. A new chapter on Infection with *Batrachochytrium salamandrivorans* had been adopted for inclusion in the Aquatic Manual. The OIE drew attention to a technical item 'Lessons learned prior to and during the pandemic: How the OIE can support veterinary services to achieve One Health resilience', and to the adoption of the corresponding Resolution 31. Finally, the OIE noted that the first Aquatic Animal Health Strategy (2021-2025) had been launched at the 88th General Session to improve aquatic animal health and welfare worldwide.

4 SPECIFIC TRADE CONCERNS

4.1 New issues

4.1.1 EU regulation on alpha-cypermethrin - Concerns of Paraguay

4.1. Paraguay expressed concerns on the non-renewal of alpha-cypermethrin, as had been notified in G/TBT/N/EU/770. The substance was registered by the National Plant and Seed Quality and Health Service (SENAVE) as a systemic insecticide to control pests that attack crops of great economic importance. It was essential to have authorized substances that fulfilled the scientific and technical needs, that had proven to be effective to control these pests and that were necessary to ensure the rotation of active ingredients and avoid resistance within an integrated pest management. Assuming that maximum residue limits (MRLs) would subsequently be reduced, the non-renewal of alpha-cypermethrin by the European Union would limit the substances and technologies available for producers, affecting national economy. While recognizing Members' right to determine their appropriate level or protection, Paraguay reiterated the importance of a risk-based scientific approach to regulate phytosanitary products. In its view, the EU criteria restricted trade more than necessary and violated the obligations under the SPS and TBT Agreements.

4.2. Ecuador indicated that alpha-cypermethrin was registered in Ecuador for use in pest control in various products, as well as in flowers. Ecuador requested the European Union to take into account possible consequences and undertake the appropriate analysis before notifying changes in MRLs. Ecuador also requested the establishment of reasonable transition periods of at least 36 months to allow for the development of new phytosanitary products.

4.3. Colombia recalled that alpha-cypermethrin was an insecticide used to control quarantine pests, mainly in coffee. The substance was not phytotoxic due to its quick degradation through hydrolysis. Colombia recalled that MRLs should be established in accordance with the principles of the SPS Agreement, including a risk assessment based on scientific evidence, showing that measures were necessary to achieve the appropriate level of consumer protection and did not restrict trade more than necessary. Colombia emphasized that exceptional conditions granted to local products should also be granted to imported products.

4.4. Brazil expressed its concern on notification G/SPS/EU/N/460 regarding the Draft Commission Implementing Regulation withdrawing the approval of the active substance alpha-cypermethrin. Alpha-cypermethrin was registered in Brazil as an insecticide against important pests that damaged a variety of crops, including products exported to the European Union, for which the national health agency had approved MRLs. The withdrawal of the substance and the reduction of MRLs by the European Union would significantly affect the income of Brazilian farmers, especially citrus producers. Alpha-cypermethrin was also important for integrated pest management, and its use was compatible with good agricultural practices (GAP). In Brazil's view, the European Union was in violation of the principle of international harmonization. Should the registration of alpha-cypermethrin be withdrawn, Brazil invited the European Union to simultaneously adopt MRLs for imported products in accordance with the limits set by Codex.

4.5. The Russian Federation noted the lack of information on the toxicological profile of alpha-cypermethrin and urged the European Union to clarify the data on the substance.

4.6. India expressed its support to this concern.

4.7. Kenya indicated that alpha-cypermethrin was widely used in Kenya for various crops to contain various exotic tropical pests.

4.8. The European Union drew the Committee's attention to notification G/TBT/N/EU/770 on the Draft Commission Implementing Regulation withdrawing the approval of the active substance alpha-cypermethrin, in accordance with Regulation (EC) No 1107/2009. Commission Implementing Regulation (EU) 2019/1690 renewed the approval of alpha-cypermethrin as candidate for substitutions, under the condition that applicant submitted confirmatory information on the toxicological profile of certain metabolites. No information had been received, and the approval had thus been withdrawn in accordance with article 21.3 of Regulation (EC) No 1107/2009. Commission Implementation Regulation (EU) 2021/795 withdrawing the approval of the active

substance alpha-cypermethrin had been adopted in May 2021. EU member States must withdraw existing authorizations of plant protection products containing this substance by 7 December 2021, and grace periods would expire by 7 December 2022. Separate actions on MRLs were likely to follow and would be notified under the SPS Agreement. The outcomes of the forthcoming MRL review of group of cypermethrins by EFSA, planned to be launched in 2021 in accordance with article 12 of Regulation (EC) No 396/2005, would determine potential changes on currently established MRLs. The European Union reiterated its availability to continue working bilaterally with Members.

4.1.2 EU classification of 'anthraquinone' as a pesticide and the MRL for imported tea - Concerns of India[4]

4.9. India informed the Committee that, through Commission Regulation (EU) No 1146/2014, the European Union had classified anthraquinone as a pesticide and had set a MRL of 0.02 mg/kg for tea due to the detection of anthraquinone in tea. In India, anthraquinone was not a registered pesticide, no pesticide formulation was available, no standards existed as per the Food Safety and Standards (Contaminants Toxins and Residues) Regulation, and neither was there a Codex limit for anthraquinone in tea. Tests by various EU tea importers established that anthraquinone was a naturally occurring pollutant/hydrocarbon, and not a pesticide. The MRL of 0.02 mg/kg was considered to be too low and had greatly affected Indian tea exports to the European Union. India referred to the definitions in Annex A and the requirements in Article 2.2 of the SPS Agreement. India requested the European Union to share the scientific basis for setting the MRLs at 0.02 mg/kg in tea, to explain how classification of anthraquinone was necessary to protect human, animal or plant life, and to provide information on EU sampling and testing methodology for tea and international standards on which it was based.

4.10. The European Union recalled that anthraquinone had been a non-approved active substance in the European Union since January 2009 and that no Codex standard had been established. MRLs were established at the level of quantification (LOQ) for all food products in Regulation (EC) 396/2005, since anthraquinone was no longer authorized in the European Union and no import tolerance had been requested or notified. During the revision of anthraquinone MRLs in 2014, the EU reference labs for residues of pesticides were consulted on the appropriate LOQ. The European Union pointed out that provisions concerning this substance were harmonized in the 27 EU member States. The European Union remained open to further discussions with India.

4.1.3 EU regulatory approach to maximum levels for contaminants - Concerns of Canada

4.11. Canada stated that the EU implementation of hazard-based regulatory decision-making requirements under Regulation (EC) 1881/2006 was leading to the lowering of maximum levels (MLs) for contaminants in many food products. In Canada's view, the EU approach did not take into account consumption patterns and levels of dietary risk. Canada was particularly concerned with the negative trade implications of the lowering of MLs of cadmium in cereals and pulses and oilseeds, of ergot and ergot alkaloids in cereals, and of hydrocyanic acid in linseed (flax), and looked forward to responses to its letters addressed to the European Union. Recalling that these substances were naturally occurring and difficult to control, Canada underlined the importance of providing significant advance notice between the adoption of regulations and their entry into force, to give industries sufficient time to adapt.

4.12. Firstly, the EU proposed MLs for cadmium did not align with MLs set by Codex, and would negatively affect exports of cereals, pulses, flaxseed, mustard seed and canola. The uncertainty for major grain suppliers and exporters created by the immediate implementation of the lower MLs could affect market availability, and potential mitigation measures could raise the cost of grains. Canada requested the extension of the transition period until June 2022. Secondly, Canada noted that some of the EU proposed MLs for ergot were half of the MLs established by Codex. The immediate implementation of MLs for ergot and ergot alkaloids could affected market availability and prices of barley, wheat, rye and oats. Since Codex had yet not set MLs for ergot alkaloids, Canada encouraged the European Union to delay the adoption of MLs for ergot alkaloids until the release of the full report of the 91st meeting of Joint FAO/WHO Expert Committee on Food Additives (JECFA). Canada also requested information on the scientific basis of the EU proposed MLs for ergot and ergot alkaloid and on how the European Union intended to apply a sampling scheme.

[4] The title of the concern was modified to identify the European Union, instead of Germany, as a responding Member.

Required mitigation measures would raise the cost of grains destined for the European Union. Canada requested the extension of the transition period until September 2023. Finally, Canada requested information on EU deliberations on proposed MLs for hydrocyanic acid, and urged the European Union to take into account dietary risks and consumption patterns of flaxseed. Canada also hoped the European Union would take into account the risks associated with hydrocyanic acid released from linseed.

4.13. The European Union indicated that it would shortly respond to Canada's comments on notification G/SPS/N/EU/479. The European confirmed that the new ML established for ergot sclerotia in wheat and durum wheat (0.2 g/kg, established on safety considerations) was lower than the one established in CXS 199/1995 (0.5 g/kg, established as a quality factor). Taking into account EFSA's scientific opinion and JECFA's assessment in its 91st meeting, it was necessary to establish MLs for ergot alkaloids in cereals and cereal products to ensure a high level of human health protection. According to the European Union, the established level was readily achievable by applying good practices. The European Union further confirmed that the proposed ML for ergot alkaloids did not apply to bulk raw grain and that detailed sampling provisions would be elaborated and adopted before the MLs would apply. Sampling provisions were identical to those applicable for the control of other mycotoxins in cereal and cereal products, as laid down in Regulation (EC) 401/2006. Concerning the ongoing discussion on possible MLs for hydrocyanic acid in certain foods, including linseed, Canada's comments were being considered, and the outcome of the technical discussions would be notified as a draft for the Members to comment.

4.1.4 European Commission Regulation on plastic materials and articles intended to come into contact with food - Concerns of China

4.14. China highlighted the large impact on its exporters of a proposal to amend the Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food, notified as G/SPS/N/EU/372. Firstly, China argued that the preliminary research on the four rare earth elements (lanthanum, europium, gadolinium and terbium) restricted in annex II of the Regulation had not reported serious harm to the human body, and questioned the basis for setting a total limit of 0.05 mg/kg for these elements. China also asked about the basis for setting a limit of primary aromatic amines that are listed in the REACH Regulation at 0.002 mg/kg, or for setting the total migration of ones at a maximum of 0.01 mg/kg.

4.15. Secondly, China queried about the basis of verifying compliance of migration from repeated use articles or materials in annex V according to the stability of the material or article from the first to the third migration test, and whether it was suggested to take materials or articles with fluctuant migration test results into consideration and set allowable fluctuation range. Finally, China complained that the amendment of numerous items had led to large expenses due to updating and testing of products, ultimately borne by consumers. Numerous companies, especially MSMEs, were having operational difficulties due to COVID-19. China hoped that the European Union would provide a scientific and reasonable response to the above-mentioned comments and suggested that the European Union extend the transitional period of this regulation.

4.16. The European Union indicated that it had notified the Draft Commission Regulation amending and correcting Commission Regulation (EU) No 10/2011 in March 2020 as G/SPS/N/EU/372, and no comments had been received during the 60-day comment period provided. The adoption of measures as Commission Regulation (EU) 2020/1245 of 2 September 2020 amending and correcting Regulation (EU) No 10/2011 had also been notified as G/SPS/N/EU/372/Add.1. Some of the changes made to correct Regulation (EU) No 10/2011 were to address persistent issues with the composition of plastic materials and articles. The European Union would provide written answers in a timely manner to the points in the statement uploaded by China in eAgenda. The European Union remained open to discuss technical issues bilaterally.

4.1.5 Chinese Taipei's import restrictions on poultry - Concerns of Brazil

4.17. Brazil brought to the Committee's attention the restrictions faced by its poultry exports to Chinese Taipei which, in its view, constituted a violation of Article 5 and Annex C of the SPS Agreement. Brazil considered that there had been undue delays in Chinese Taipei's risk analysis for Brazilian poultry exports and noted that sanitary negotiations had been ongoing for many years. Despite answers provided by Brazil on several occasions, Chinese Taipei continued to ask questions

about animal health of food safety, which affected predictability and transparency. Brazil requested Chinese Taipei to present a short timeframe for the next step. Brazil regretted that bilateral engagement had failed to accelerate negotiations and the lack of predictability as to when this first stage of the negotiations would be concluded.

4.18. Chinese Taipei explained that its current regulation required that the competent authority, the Council of Agriculture, recognized exporting countries as free from highly pathogenic avian influenza (HPAI) and Newcastle disease (ND). Brazil was recognized as free from HPAI, but not ND. Chinese Taipei indicated that active surveillance and relevant measures in accordance with OIE guidelines, as well as the submission of supplementary information according to an official response provided to Brazil in 2019, would be required to resume Brazil's application for ND-free status approval.

4.1.6 South Africa's import restrictions on bovine meat, pet food and other by-products of animal origin - Concerns of Brazil

4.19. Brazil informed the Committee of the import restrictions imposed by South Africa on several products. Concerning bovine meat with bone and offal, no response had been received after Brazil had provided information requested by South Africa to perform a risk assessment on foot-and-mouth disease (FMD). Concerning by-products of animal origin and pet food, Brazil was still waiting for a response to the models of international sanitary certificate that it had proposed in 2017 and 2019, respectively. In Brazil's view, South Africa's unresponsiveness was in violation of Articles 2, 5, 8 and Annex C of the SPS Agreement.

4.20. South Africa referred to difficulties in assessing Brazil's control measures, given the different FMD zones across the country. Information on control measures in different zones and movement controls across zones provided by Brazil was under review. Although South Africa was already importing poultry and beef from Brazil, the significant number of notifications of consignments that failed to meet the sanitary requirements required extra caution. South Africa was awaiting feedback to the proposal for a health certificate for pet food imports submitted to Brazil. Finally, regarding other by-products, South Africa asked Brazil to submit a more specific follow-up request.

4.1.7 Nigeria's import restrictions on meat, pork, poultry, milk and dairy products, genetic material and live cattle - Concerns of Brazil

4.21. Brazil referred to import restrictions imposed by Nigeria on several products and regretted the lack of response to its proposals of sanitary certifications for live bubaline and bovine; genetic material for bovine and bubaline; beef, pork and poultry; hatching eggs and day-old poultry; milk and dairy products; and dried bovine skin. In Brazil's view, Nigeria's unresponsiveness was in violation of Articles 2, 5 and 8 and Annex C of the SPS Agreement.

4.22. Nigeria took the view that import restrictions of several products from Brazil were not SPS related and, therefore, the Committee might not be the appropriate forum for discussion. Nigeria's enquiry point was reviewing the model certificates provided and would contact Brazil in due course. Import restrictions were temporary measures applied to address Nigeria's economic and national security difficulties and development challenges. Nigeria did not intend to restrict market access, discriminate between locally produced and imported products, or protect its industry in a manner that would be inconsistent with WTO obligations. Nigeria would provide responses to concerns raised in the Committee on Agriculture or in the CTG.

4.23. Brazil clarified that this STC related to the negotiation of sanitary certificates and the undue delays in approval procedures, which was an SPS issue.

4.24. Nigeria indicated that it was under no obligation to enter into bilateral negotiations on sanitary certificates. Nigeria reiterated that the proposals were being considered in capital, and Nigeria would get back to Brazil.

4.1.8 Transparency, delays and due process associated with China's import requirements for agricultural goods - Concerns of Australia

4.25. Australia stated that China's arrangements to undertake import checks at the border, including inspection and border clearance procedures, should be risk-based, not more trade-restrictive than necessary, transparent and allow a reasonable interval between their publication and entry into force. Australia complained about the increased amount of import clearance interventions targeted at Australian agricultural products, without prior notification. China had not provided detailed information on detections of non-compliances in Australian products and had not considered proposed valid alternative approaches to ensure compliance. Australia presented several examples of increased requirements and lack of responses by China that had led to delays and losses. Australia asked China to respond to its requests for information and implement changes to inspection and testing requirements in a timely, transparent, non-discriminatory and predictable manner. Australia said that it would welcome bilateral engagement on these matters.

4.26. The Russian Federation noted that China was applying certain SPS measures in a non-transparent manner, without providing a scientific justification or a risk assessment, and was applying certain measures in a discriminatory manner, thus creating unjustified trade barriers.

4.27. China invited the Russian Federation to contact China bilaterally on specific issues. Concerning Australia's concerns, China noted numerous food safety incidents involving Australian products. China had tightened the registration procedures of Australian enterprises to protect consumers health. China invited Australia to follow the provisions of their bilateral cooperation documents.

4.1.9 The Russian Federation's classification of tea as "fruits and vegetables" - Concerns of India

4.28. India expressed its concern regarding the Russian Federation's classification of tea as fruits and vegetables, which had resulted in requirements of higher levels of mould parameters (103 KOE per gram). India considered this measure to be inconsistent with international standards, as these did not apply mould parameters to bulk tea and tea products. India recalled the provisions of Articles 3.3 and 5.6 of the SPS Agreement and highlighted the need for a scientific justification or a risk assessment for SPS measures deviating from international standards. India requested the Russian Federation to provide the scientific justification for the classification of tea as fruits and vegetables, and the risk assessment done to define higher standards of mould parameters. India considered the measure to be more trade-restrictive than necessary to achieve the appropriate level of protection (ALOP).

4.29. The Russian Federation referred to its statement uploaded on eAgenda. The Russian Federation clarified that its National Standardisation Body did not classify tea as fruits and vegetables. The safety requirements for food products, including tea, were set out in the technical regulations of the Eurasian Economic Union (EAEU) with the ML of mould in tea set at 1,000 colony forming units per gram as defined in Section 1.5, Appendix 2 of Regulation 021/2011. The Russian Federation highlighted that these measures were taken to protect human health from potential risks and were based on science.

4.30. India looked forward to engaging further with the Russian Federation on this matter.

4.2 Issues previously raised

4.2.1 EU MRLs for buprofezin, chlorothalonil, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, mancozeb, molinate, picoxystrobin and tepraloxydim (ID 448) - Concerns of Colombia, Costa Rica, Ecuador, Paraguay and the United States

4.31. Colombia expressed concerns regarding existing EU exception mechanisms, which allowed producers to continue using certain products and substances. In Colombia's view, emergency authorizations granted by the European Union were reserved for domestic producers and were easily obtained, while import tolerances exceptions were reserved for countries exporting to the European Union and required more difficult procedures. Colombia noted that since 2017, European producers had benefited from 1,934 emergency authorizations, while only 61 import

tolerances had been granted. Colombia recalled that WTO rules did not allow for a less favourable treatment of imported products than those of domestic origin. Colombia drew attention to the constraints faced by developing countries in their adaptation processes regarding the reduction of MRLs in active substances, and insisted on the need to establish a structured and comprehensive mechanism for plurilateral dialogue to seek constructive and substantial solutions.

4.32. Paraguay requested the European Union to provide written answers to the questions contained in document G/SPS/GEN/1926, raised together with Colombia, Ecuador and Guatemala. Paraguay expressed its concern regarding the granting of emergency authorizations from EU member States for the same substances subject to this and other STCs, while import tolerances required long processes and had no guarantee of approval. Paraguay hoped that this issue could continue to be addressed in a constructive manner.

4.33. Costa Rica reiterated its concern regarding the impact on its production systems of the reduction by the European Union of MRLs to the minimum level of detection for several of the substances at issue. In previous meetings, Costa Rica had expressed its concern regarding the lack of scientific evidence and the divergence with findings of other international institutions such as Codex. Costa Rica supported the questions contained in document G/SPS/GEN/1926, with particular interest in the questions related to emergency authorizations by the European Union. Costa Rica urged the European Union to reconsider its regulatory approach, establish an effective dialogue with affected Members, and consider measures to limit the impact that these new regulations would have globally.

4.34. Ecuador reiterated its concern regarding the reduction by the European Union of an increasing number of MRLs for several substances, such as chlorothalonil, mancozeb and metiram, which were crucial to manage pests in tropical climates. Ecuador highlighted the economic and social impact of these measures in the banana sector which accounted for 2% of its Gross Domestic Product (GDP) and 35% of its agricultural GDP. Ecuador reiterated its request for the suspension of the entry into force of the reduction of MRLs considering the efforts made by the productive sectors for the economic recovery following the COVID-19 crisis. Ecuador urged the European Union to take into account available scientific information, such as information provided by Codex, and provide at least 36 months for producers in developing countries to adapt when reducing MRLs. Ecuador thanked the European Union for the continued dialogue and recalled the concerns contained in document G/SPS/GEN/1926 regarding the granting of emergency authorizations by the European Union.

4.35. The United States reiterated its concern that the European Union continued to lower many MRLs to trade-restrictive levels without clear scientific justification or measurable benefit to human health. The United States also reiterated its concerns regarding the EU hazard-based approach to pesticide regulation and the implementation of its precautionary principle, which the United States stated creates trade barriers that threatened global food security. The United States called on the European Union to apply MRLs at the point of production for imported products, extend the transition period for all MRLs to limit trade disruptions, and continue to facilitate dialogues with third countries on this matter. The United States submitted its statement in document G/SPS/GEN/1944.

4.36. Guatemala reiterated its concern regarding the reduction by the European Union of MRLs for several substances such as buprofezin, chlorothalonil, imazalil and diflubenzuron, which were crucial for pest control in Guatemala. Stressing that there were currently no effective substitutes for these substances, Guatemala indicated that it had requested an extension on the application of this measure. Guatemala urged the European Union to share the relevant scientific information on the harmful effects to human health by the consumption of agricultural products from third countries, as well as to apply an environmental policy that considered climatic differences between countries.

4.37. Guatemala also supported this concern on behalf of Honduras.

4.38. Panama supported this concern regarding the non-renewal of the substances at issue, in particular mancozeb. Panama stated that there were currently no alternative active ingredients to replace mancozeb, which posed serious challenges for Panama's exports to the European Union. Panama considered these measures to be more trade-restrictive than necessary and urged the European Union to comply with WTO obligations and those established in the SPS Agreement. Panama called on the European Union to be open to a plurilateral dialogue on this matter.

4.39. The Russian Federation supported this concern regarding EU measures on pesticide MRLs. The Russian Federation referred to the information contained in document G/SPS/GEN/1926 and considered these measures might restrict exports from countries that do not apply GAP. In addition, the Russian Federation considered that EU measures differed from international standards and lacked scientific justification. The Russian Federation urged the European Union to adopt measures not more trade-restrictive than necessary to achieve its ALOP.

4.40. Brazil supported this concern regarding EU measures on pesticide MRLs and recalled its previous comments in the SPS and TBT Committees. Brazil thanked Colombia, Ecuador, Guatemala and Paraguay for the questions contained in document G/SPS/GEN/1926. Brazil considered certain MRLs to be more trade-restrictive than necessary and to lack scientific justification. In Brazil, mancozeb was used against plant diseases damaging several crops exported to the European Union. Substances of similar use as mancozeb, such as chlorothalonil, had also been banned in the EU market, limiting the availability of alternative substances in the short to medium term. Brazil noted that the establishment of low MRLs for this substance would have major consequences on international trade.

4.41. Argentina supported this concern and reiterated the need to ensure that Members applied risk-based SPS measures taking into account the risk assessment techniques developed by the relevant international organizations. Argentina urged the European Union to use a risk-based approach and determine the different aspects that could affect human health and the environment on the basis of conclusive scientific studies. Argentina thanked Colombia and Paraguay for the analysis carried out on emergency authorizations.

4.42. Uruguay reiterated its concern about the EU approach to reduce MRLs for an increasing number of active substances without a complete risk assessment. Uruguay thanked Colombia, Ecuador, Guatemala and Paraguay for the questions contained in document G/SPS/GEN/1926. Uruguay stressed that emergency authorizations granted by the European Union to domestic producers deserved further attention. Uruguay recalled that SPS measures must be based on science and international standards, and should not constitute an unjustified barrier to trade. An adequate transition period of no less than two years should be provided for producers to adapt to new requirements. Uruguay called upon the European Union to take into consideration the concerns expressed by Members, respond to the questions raised and reconsider its regulatory approach to avoid unnecessary barriers to trade.

4.43. Reiterating its support, Peru expressed its concern regarding the EU hazard-based approach, which Peru considered to be inconsistent with the SPS Agreement and to result in unnecessary barriers to trade.

4.44. Canada supported this concern and reiterated the need to base decision-making processes on risk assessment techniques developed by relevant international organizations. Canada expressed its concern regarding the trade implications of the EU approach on setting import tolerances and on the transition periods provided for MRLs. Canada questioned the European Union on its emergency authorizations provisions and requested the European Union to maintain MRLs for substances that did not pose unacceptable dietary risks, to avoid the need for import tolerance requests. Canada urged the European Union to notify the Committee of any anticipated changes in its MRLs while taking Members' comments into account. In addition, Canada requested the European Union to allow for transition periods for producers to adapt to new requirements, and to avoid discrimination between domestic producers and foreign exporters.

4.45. Chile supported this concern and urged the European Union to apply Codex international standards and guidelines on MRLs or base its measures on a risk analysis. Chile referred to the products listed in its statement uploaded to eAgenda.

4.46. The European Union reminded that most questions had previously been answered and referred to document G/SPS/GEN/1896. The European Union reiterated that MRLs should be set at the lowest achievable level consistent with GAP to protect vulnerable groups. The European Union drew Members' attention to the information contained in document G/SPS/GEN/1494/Rev.2 regarding the ongoing review of MRLs of pesticides. The European Union announced that it would provide written responses to the questions contained in document G/SPS/GEN/1926.

4.2.2 EU legislation on endocrine disruptors (ID 382) - Concerns of Paraguay

4.47. Paraguay thanked the European Union for recent bilateral meetings. Paraguay had received confirmation from the European Union that import tolerances would be subject to risk assessment and would consider GAP of trading partners. Paraguay reiterated its concern regarding the case-by-case approach, the consideration of undefined legitimate factors and the evaluation of environmental factors by the European Union. Paraguay hoped to continue to address this issue in a collaborative manner.

4.48. Uruguay reiterated its trade and systemic concern relating to the EU adoption and implementation of a hazard-based approach in its regulatory determinations concerning products with endocrine-disrupting properties. Uruguay insisted on the need to base such determinations on conclusive scientific evidence to avoid some of these important components of pest management systems being withdrawn despite their safe use. Uruguay stressed that a hazard-based approach could have negative and disproportionate impact on sustainable agricultural production, food security and international trade in food products. Uruguay supported the multilateral work undertaken by Codex to develop a harmonized, risk-based approach, and requested the European Union to reconsider its regulatory approach to avoid unjustified barriers to international trade and their socio-economic consequences.

4.49. Brazil supported this concern and recalled that the criteria for the determination of endocrine-disrupting substances needed to be established in accordance with Article 5 of the SPS Agreement to avoid unnecessary trade restrictions. Brazil urged the European Union to consider Members' concerns regarding the scientific criteria for the determination of endocrine-disrupting properties. Brazil requested the European Union to provide more clarity on the implementation of the cut-off criteria set out in Regulation (EU) 528/2012 and annex II to Regulation (EC) No 1107/2009 for the establishment of effective and science-based import tolerances, as well as on transition periods.

4.50. Peru supported the concern and considered that the EU hazard-based regulations were inconsistent with Article 5 of the SPS Agreement, leading to measures that were more trade-restrictive than necessary.

4.51. Costa Rica reiterated its concern regarding the EU approach for the implementation of Regulation (EC) No 1107/2009. Costa Rica urged the European Union to ensure that the regulation of endocrine disruptors was based on risk assessments, using criteria supported by sufficient scientific evidence, in line with the SPS Agreement.

4.52. Canada reiterated its request for the European Union to amend its hazard-based approach and consider both hazards and risks in its regulatory decision-making. Canada asked the European Union to explain how it would establish the restrictions to be applied in exporting countries with respect to environmental impacts. Canada encouraged the European Union to notify quickly all proposed regulations arising from the Farm to Fork Strategy to allow sufficient time for comments. Canada also expected that regulatory amendments be made in a transparent and coherent manner.

4.53. Colombia reiterated that a hazard-based approach was inconsistent with WTO rules, and stressed the need to conduct risk assessments, using criteria supported by scientific evidence, in line with the SPS Agreement. Colombia urged the European Union to reconsider its regulatory approach to avoid unnecessary barriers to trade.

4.54. The Russian Federation supported this concern. The Russian Federation considered that the EU measures on endocrine disruptors lacked scientific evidence and recalled that measures should not be more trade-restrictive than necessary to meet the ALOP.

4.55. Kenya supported this concern and requested the European Union to reconsider its hazard-based approach and apply internationally agreed risk assessment approaches to avoid trade disruptions.

4.56. The European Union affirmed that the scientific criteria in place in the European Union to identify endocrine disruptors were based on the WHO definition. The criteria to identify pesticides had been applicable since November 2018. The criteria also applied to ongoing procedures for the

approval or renewal of approval of active substances. The European Union reiterated that, to date, there had been no cases of non-approval of a substance solely based on endocrine disruptor criteria that had been followed by the lowering of MRLs. For all substances for which MRLs had been lowered following the non-approval under Regulation (EC) No 1107/2009, other intake concerns, in addition to their classification as endocrine disruptors, had been identified.

4.57. The European Union confirmed that it would follow the procedure in Regulation (EC) No 396/2005 for import tolerance requests concerning active substances falling under the cut-off criteria. The procedure included a risk assessment by an evaluating EU member State. The European Union referred to article 49 of Regulation (EC) No 396/2005 regarding transitional measures. The European Union reiterated its commitment to keep Members informed of further developments.

4.2.3 EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) N° 488/2014 of 12 May 2014 amending Regulation (EC) N° 1881/2006 as regards maximum levels of cadmium in foodstuff (ID 503)- Concerns of Peru

4.58. Peru raised concerns regarding Commission Regulation (EU) No 488/2014, establishing MLs for cadmium in chocolate and other cocoa products that, in practice, had a negative impact on trade in cocoa beans and cocoa. Peru highlighted the trade performance and the social importance of the cocoa production chain, and was of the view that the EU regulation violated Article 2 of the SPS Agreement and created unnecessary barriers to trade. Peru called upon the European Union to rescind Commission Regulation (EU) No 488/2014, with respect to chocolate and other cocoa products. Peru submitted its statement in document G/SPS/GEN/1935.

4.59. Colombia supported this concern. Colombia noted that, in practice, Commission Regulation (EU) No 488/2014 had a negative impact on trade in producing countries. Colombia highlighted the importance of cocoa for the substitution of illicit crops, and urged the European Union to revise it Regulation, taking into account the JECFA recommendations.

4.60. The European Union recalled that the measure was necessary to protect the health of consumers and was based on a risk assessment, which took into account the tolerable weekly intake (TWI) established by EFSA and the EU consumption patterns. The European Union stressed that the exceedance of the TWI for EU consumers for cadmium was a sufficient justification to set limits for chocolate and cocoa products and other commodities. On the basis of the most recent updated JECFA assessment, issued on 5 March 2021, stating that cocoa products with high cadmium concentrations can contribute up to 9.4% of the exposure of European children of 3-9 years old and for Europeans consuming only cocoa products from the Latin America and Caribbean region, cocoa products can even be the main contributors to the cadmium exposure (39.4% of the cadmium exposure), the European Union confirmed the need to maintain the existing MLs to limit the exposure of consumers to cadmium from cocoa products.

4.61. The European Union noted the additional 4-year transitional period granted for chocolate and chocolate products since the entry into force of the regulation on 1 January 2015 to take into account concerns of producing countries. The EU ML for chocolate over 50% total dry cocoa solids was in line with the recently agreed Codex levels, and stricter limits had only been introduced to the extent necessary to protect human health, i.e. only for milk chocolate typically consumed by children. MLs had been set for final products, not for cocoa beans, to avoid unnecessary trade restrictions. While the European Union was aware that some private operators applied strict limits for cadmium in imported cocoa beans instead of finished products, it did not have jurisdiction over contractual arrangements between private parties.

4.62. The European Union was providing targeted technical assistance in Peru and neighbouring countries within the framework of a Standard and Trade Development Facility (STDF) project, through the development of a regional strategy and a proposal to establish mitigation and remediation measures for cadmium contamination in cocoa beans in Latin America and the Caribbean region; and in the context of a specific development programme under the Development Smart Innovation through Research in Agriculture Initiative (DeSIRA) to put more science in development with a view to foster innovation for increased impact. The European Union reiterated its commitment to work constructively with Members to address outstanding issues.

4.2.4 EU review of legislation on veterinary medicinal products (ID 446) - Concerns of the United States

4.63. The United States reiterated its concern regarding the implementation of EU legislation on veterinary medicinal products (Regulation (EU) 2019/06). The United States noted that the European Union had not yet published the implementing acts on the list and rules for imports for the EU proposals associated with the prohibition of certain uses of antimicrobials, which it understood needed to be adopted no later than 28 January 2022. The United States referred to notifications G/SPS/N/EU/464 and G/SPS/N/EU/478 regarding official controls on animals and products of animal origin exported from third countries, and the delegated regulation to establish the criteria for the designation of antimicrobials reserved for human use. The United States expressed its concern regarding the transition period between the finalization of the list of antimicrobials reserved for human use and the application of measures to imported products. The United States urged the European Union to maintain the use of antimicrobials for growth promotion not medically important for humans, to base its regulations on science, to avoid trade disruptions, and to issue relevant implementing regulations in a timely manner to allow sufficient time for review and implementation in respective SPS systems. The United States provided its statement in document G/SPS/GEN/1942.

4.64. Australia reiterated its support for the joint work of the WHO, OIE and FAO as well as the Codex Taskforce on Antimicrobial Resistance in setting international standards for antimicrobial resistance (AMR). Australia considered that AMR mitigation should be based on international standards. Australia requested the European Union to consider the conditions, availability of antimicrobials and disease prevalence in third countries before releasing its list of antimicrobials reserved for the treatment of human infections. Australia highlighted that this list should be based on science, and encouraged the European Union to hold early consultations with third countries. Australia urged the European Union to consider approaches to recognize third countries' AMR management programmes and to provide appropriate transition periods.

4.65. Canada expressed its support for the coordinated efforts undertaken by several international bodies to promote the prudent use of antimicrobials in animal and public health. In Canada's view, the European Union should take into account global disease prevalence, the One Health approach and antimicrobial usage in different countries while developing its legislation. Canada looked forward to the response of the European Union to its letters of 5 May 2021 and 25 June 2021 concerning the criteria for the designation of antimicrobials to be reserved for human use, and the implementation timeline and transitional period. Canada urged the European Union to provide trading partners with sufficient transitional periods of five years or more, and to notify its list of antimicrobials reserved for human use to the Committee.

4.66. Paraguay requested the European Union to provide an update on the status of the legislation, given that it was foreseen for the beginning of 2022. Paraguay reiterated its concern regarding the criteria for the designation of antimicrobials reserved for human use.

4.67. Japan supported this concern and requested the European Union to provide information on the scope and procedures to be applied under the regulation, as well as the relevant scientific justification. Japan urged the European Union to (i) announce the delegated acts stipulated under article 118 concerning imported products; (ii) notify the measures through to the Committee; (iii) provide sufficient time for Members to submit comments; and (iv) set a sufficient transitional period for Members to meet the requirements.

4.68. Brazil noted that the EU regulation had the potential to impose a heavy burden on producers by limiting the use of currently available veterinary drugs and introducing sanitary requirements that were more trade-restrictive than necessary. Brazil expressed its support to the work of the international organizations recognized in the SPS Agreement in developing multilateral harmonized guidelines on AMR. Brazil considered that the unilateral ban on the use of several veterinary drugs and the prohibition of imports from countries where their use was authorized was inconsistent with the provisions of the SPS Agreement. Brazil urged the European Union to consider the ongoing global efforts undertaken by the WHO, OIE, FAO in setting international standards and guidelines for AMR, as well as the work of the Codex Taskforce on Antimicrobial Resistance.

4.69. Argentina reiterated its concern regarding the final list of antimicrobials reserved for human use and the implementation by the European Union of article 118 of Regulation (EU) 2019/06, following which third countries would have to demonstrate the non-use of those antimicrobials. Argentina urged the European Union to base its regulations on science, establish transitional periods, and avoid unnecessary barriers to trade.

4.70. Uruguay expressed its concern regarding the approach and implementation of the EU regulation on veterinary medicinal products. Uruguay recalled that SPS measures must be based on international standards or scientific evidence. The conditions, AMR regulatory frameworks and disease prevalence in third countries should also be considered. Uruguay stressed the need to allow sufficient time for third countries to review the proposed regulation and to provide adequate transitional periods for implementation.

4.71. Chile expressed interest in the topic and requested notifications to be made to the Committee when appropriate.

4.72. The European Union reiterated that Regulation (EU) 2019/6 would strengthen EU action to fight AMR. The new regulation laid down a wide range of measures following the One Health approach, internationally recognized as the most effective to tackle AMR. The European Union indicated that the legislation had entered into force in January 2019 and would apply as of 28 January 2022. The European Union stressed that the new EU regulation would impose stricter rules on operators in the European Union than on those of non-EU countries, and should therefore not be seen as a trade barrier. The European Union indicated that the state-of-play had not changed since the previous Committee meeting and provided information on the adoption timeline for its legislations: (i) the delegated act establishing the criteria to designate the antimicrobials to be reserved for human use was to be adopted by 27 September 2021; (ii) the implementing act establishing the list of antimicrobials reserved for human use was to be adopted by 27 January 2022; and (iii) the delegated act detailing the rules for the importation for animals and products of animal origin was to be adopted by 27 January 2022.

4.73. Referring to the delegated act establishing criteria to designate the antimicrobials to be reserved for human use, the European Union stated that following discussion with EU member States, public consultation and notification to the Committee for comments, the Commission had adopted the delegated act on 26 May 2021. The scrutiny period of the European Parliament for the delegated act is due to end on 26 September 2021. Concerning the implementing act establishing the list of antimicrobials reserved for human use, the European Union noted that the European Medicines Agency had set up an expert group in 2019 to prepare the scientific advice, which would be finalized once sufficient certainty on the criteria to designate antimicrobials reserved for human use would be available. Regarding the last delegated act detailing the rules on imports from third countries, the European Union indicated that information on the current discussions concerning its preparation had been provided to third countries in December 2020, and that the EU Commission had adopted on 9 March 2021 a proposal to amend the Official Controls Regulation to allow the official control system for imports of animals and products of animal origin to apply to verification of compliance with article 118(1) of Regulation (EU) 2019/6. The European Union stressed that it would keep Members informed of future developments in a timely manner and reiterated its commitment to fight AMR and engage with Members.

4.2.5 India's new requirements for animal feed in the Food Safety and Standards Act, 2006 (dated 27 January 2020) (ID 479) - Concerns of the United States

4.74. The United States reiterated its concern regarding India's new directive on animal feed, which omitted certain commonly used feed ingredients. The United States requested India to provide the written process outlining the methodology for adding new feed ingredients to the list, and to delay the implementation of the measure until said documentation was notified. The United States submitted its statement in document G/SPS/GEN/1941.

4.75. India indicated that it had taken note of the concern raised by the United States and that no updated information was available at the time.

4.2.6 Korea's mandatory HACCP certification for imported kimchi (ID 513) - Concerns of China

4.76. China reiterated its concern regarding Korea's mandatory Hazard Analysis and Critical Control Point (HACCP) certification for imported kimchi, the implementation of which would negatively impact Chinese kimchi exports. China noted that the Chinese National Accreditation Service for Conformity Assessment (CNAS) employed the standards and guidelines issued by the "International Accreditation Forum", of which Korea was a member. China considered the certification obtained by CNAS to be equivalent to the certification recognized by Korea. China urged Korea to recognize China's conformity assessment, adopt the list of companies recommended by China or recognize the certificate issued by China's certification bodies.

4.77. Korea appreciated China's bilateral cooperation. As a traditional Korean food, Korea noted kimchi required strict safety controls in its manufacturing process. Korea indicated that it had adopted a mandatory HACCP certification for domestically manufactured kimchi and planned to apply the same measure to imported kimchi to ensure the same level of food safety. In Korea's view, it was critical to have detailed measures for each step of the manufacturing process. Korea highlighted its consultation meetings with China since 2019, as well as a proposed pilot programme for Chinese kimchi manufacturers to enhance understanding of HACCP certification.

4.2.7 China's actions related to COVID-19 that affect trade in food and agricultural products (ID 487) - Concerns of Australia, Canada, India and the United States

4.78. Australia commented on China's provisional measures notified in G/SPS/N/CHN/1173 to prevent the risk of introduction of COVID-19 through imported food. Australia requested China to provide an update on the steps taken to obtain additional information for a more objective assessment of risk. China had implemented additional measures which had not been notified to the WTO, including widespread testing and disinfection of imported products; mandatory commercial declarations or variations to commercial contracts; requirement of virtual audits to maintain or regain market access; and requests for overseas food manufacturing establishments to voluntarily suspend exports following the detection of SARS-CoV-2 in onsite workers. Regarding the voluntary suspension of export establishments, Australia highlighted that certain establishments had been subject to unjustified suspension periods. Australia recalled the provisions of Annex C of the SPS Agreement and requested China to provide an update on the reinstatement of suspended establishments.

4.79. The United States reiterated its concerns regarding COVID-19 related measures imposed by China. Several Members had requested China to withdraw these restrictions, which, according to G/SPS/N/CHN/1173, had been implemented on an emergency basis. The United States had underscored the lack of evidence of viral transmission through food or food packaging, and noted that China had still not provided science-based justification or testing results in support of its measures. The risk for transmission of SARS-CoV-2 to humans via food and food packaging was low, based on available information from global scientific bodies. The United States stressed that unjustified trade restrictions threatened global food supply chains, slowed global recovery efforts, and challenged global food security. The United States encouraged China to withdraw its measures and work to support the guidance of international organizations by building the body of scientific evidence on COVID-19. The US statement is contained in document G/SPS/GEN/1943.

4.80. Canada emphasized the need for cooperation to meet the challenges that COVID-19 posed to health and economies, avoid unnecessary barriers to trade, and contribute to food security. Canada emphasized the importance of basing COVID-19 related measures on sound scientific principles and risk assessments. Canada sought information from China regarding the scientific basis for its measures relating to COVID-19, notified in G/SPS/N/CHN/1173. Canada continued to base its COVID-19 related SPS measures on the FAO/WHO document "COVID-19 and Food Safety: Guidance for Food Businesses". Referring to the International Commission on Microbiological Specifications for Foods opinion on SARS-CoV-2 of 3 September 2020, Canada noted that food, food packaging and food handling were not transmission routes, and requested China to share the scientific evidence it had. Canada expressed concern regarding the lack of clarity of China's reinstatement process for suspended establishments, and requested China to reinstate the suspended establishments without undue delays. Canada encouraged China to maintain the ongoing technical dialogue to resolve the concerns at issue.

4.81. India expressed its concern regarding the suspension of export approvals citing the detection of COVID-19 nucleic acid on seafood packaging. China had not provided reports or procedures adopted to test for the presence of COVID-19 nucleic acid. India considered China's measures to be inconsistent with Articles 2.2 and 5.1 of the SPS Agreement. Referring to the FAO/WHO document "COVID-19 and Food Safety: Guidance for Food Businesses", India highlighted the lack of evidence of COVID-19 transmission via food or food packaging. India requested China to share the test reports for the consignment on which COVID-19 nucleic material had been found, and to establish how the measure at issue was necessary to protect human, animal or plant life or health.

4.82. The European Union supported this concern regarding the control measures imposed by China against COVID-19. The European Union indicated that, according to national and international bodies, there was no evidence of transmission of COVID-19 through food. The European Union considered that China's import policies caused uncertainty, delays and increased costs. The European Union invited China to share its risk assessment, scientific evidence and valid data which justified its measures and to explain why these measures were considered necessary and proportionate. The European Union stressed that unnecessary verification measures were harmful to food security, food prices and global trade.

4.83. The Russian Federation expressed its concern regarding China's emergency measures on imported frozen foods to prevent the risk of introduction of COVID-19, which, in its view, were not transparent. The Russian Federation referred to the restrictions imposed on its fish exports on the basis of several cases of COVID-19 detected on product packaging. The Russian competent authorities had informed China about the measures taken to prevent the spread of the virus, and had not received any scientific justification confirming the risk of cross-border spread of COVID-19. The Russian Federation urged China to withdraw its COVID-19 measures and expressed its readiness to cooperate with China to ensure food safety and resume previous trade volumes.

4.84. The United Kingdom referred to the International Commission on Microbiological Specifications for Foods and to its own risk assessment published by the Food Standard Agency, which had concluded that the risk of food and food contact materials as a transmission route for COVID-19 was very low. The United Kingdom highlighted the importance of cooperation among Members to avoid unnecessary barriers to trade, and encouraged Members to introduce COVID-19 related measures only when necessary to protect human health. The United Kingdom requested China to share the relevant evidence to support that food is a significant source for the transmission of SARS-CoV-2.

4.85. Japan supported this concern and stressed that SPS measures, including those related to COVID-19, should be based on sufficient scientific evidence.

4.86. Switzerland supported this concern and noted that China had not shared the risk assessment or scientific proof for the additional requirements on imported food products linked to COVID-19. Switzerland highlighted that Members should respect the rules-based multilateral trading system.

4.87. While recognizing Members' right to set their ALOP and adopt emergency measures to protect against entry and establishment of COVID-19, New Zealand requested greater transparency and a timely and consistent process for the re-listing of an establishment once the causes for suspension were deemed resolved by the exporting country.

4.88. Kenya stated it had implemented various guidelines, including the FAO/WHO document "COVID-19 and Food Safety: Guidance for Food Businesses", to ensure its food products met the requirements and protocols related to COVID-19. Kenya recalled that, based on information provided by the WHO, there were no COVID-19 food safety risks associated with trading food commodities. Kenya expressed its concern regarding China's measures on food imports, and requested China not to maintain such measures without scientific evidence.

4.89. China responded that it had detected COVID-19 virus in food imports from India, the United States and Canada following a nucleic acid tests on imported food and packaging. As of 22 June 2021, China customs had detected 26 positive COVID-19 virus samples from products exported by a Member. China hoped Members would strengthen their prevention and control measures to ensure food safety in exported food, and encouraged companies with employee infections to voluntarily suspend exports to China. China considered its measures to be in line with

the SPS Agreement and the FAO/WHO document "COVID-19 and Food Safety: Guidance for Food Businesses".

4.90. The United States requested China to engage in a robust discussion if the item was included in the agenda of the November 2021 Committee meeting.

4.2.8 China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019) (ID 485) - Concerns of Australia, Canada, the European Union and the United States

4.91. Australia reiterated that some aspects of China's Regulation on Registration and Administration of Overseas Manufacturers of Imported Food, promulgated as Decree 248, might restrict trade more than necessary and be inconsistent with the SPS Agreement. Australia regretted that China's responses to Australia's comments to notification G/TBT/N/CHN/1522 did not provide clear answers. Australia reiterated its request for China to provide the risk analysis, scientific data and technical information, and to notify the measures to the Committee. Australia believed that China's requirement to register all overseas food manufacturers with the food safety authority, following the assessment and approval as equivalent of the food safety management system of the country where they were located by China, was inconsistent with Codex standards and would restrict trade. In Australia's view, the proposed Regulation would discriminate between local and imported foods. Understanding that the Regulation would come into effect on 1 January 2022, Australia requested guidance for the registration of overseas manufacturers of food categories, and requested that establishments that had already completed the existing registration process be exempted from having to re-register. Australia sought timely and transparent feedback in order to continue the successful history of trade in food products with China.

4.92. The European Union regretted the publication of Decrees 248 and 249 by China customs without reactions to comments provided to the draft texts notified in G/TBT/N/CHN/1522 and G/SPS/N/CHN/1191. Taking into account the high volumes of products and beverages traded between China and the European Union, and in order to minimize disruptions to economic relationships, the European Union urged China customs to develop guidelines, implementing rules and template forms and notify them through the WTO for comments; indicate the HS codes of product categories codes that must be registered under the 'registration with recommendation' procedure under article 7 of Decree 248; define the types of operations that must be registered; and provide for implementation and transition periods.

4.93. Noting the publication of Decrees 248 and 249 (notified in G/SPS/N/CHN/1191 and G/TBT/CHN/1522, respectively), the United States feared that the food facility registration requirements established would create major trade disruptions by mandating documentation and procedures beyond what is currently required for higher-risk products. The United States requested China to identify the specific food safety risks it was attempting to address with these measures. Given the complexity and significant effect on international trade of the proposed measures, the United States asked China to postpone the proposed implementation date of 1 January 2022 and continue engaging with trading partners. The US statement is contained in document G/SPS/GEN/1939.

4.94. Canada regretted that comments provided to notifications G/SPS/N/CHN/1191 and G/TBT/N/CHN/1522 had not been sufficiently taken into account by China customs before publication of Decrees 248 and 249. Noting the many successful bilateral arrangements between both countries, Canada was concerned that China's administrative measures were overly burdensome, went beyond the extent necessary to protect against food safety risks, would create confusion for competent authorities and industry due to the lack of details and transparency regarding its implementation, and would create serious barriers to trade, including significant financial impacts. Acknowledging the numerous requests for bilateral meetings to discuss these measures, Canada requested China to provide further clarity on these measures, specifically on the scope of the products impacted and the need of all imported food and food products to be registered with China. Canada asked for an explanation on the relation between these measures with Decree 177 on the import and export of grain. Finally, Canada urged China to delay for 18 months the implementation of Decrees 248 and 249.

4.95. Korea was concerned with the economic, time and administrative burden that China's measures would impose on foreign facilities and exporting countries. Korea requested China to provide the scientific evidence or risk analysis used to include a wide range of food products, and the requirement for foreign competent authorities to conduct a preliminary examination or inspection and a recommendation review. Korea asked China to delay the implementation of the measures beyond January 2022.

4.96. The United Kingdom argued that introducing changes that applied to all foods regardless of the risk would negatively impact food trade more than necessary. The United Kingdom requested China to provide further clarity on these measures including risk assessments and scientific evidence.

4.97. Japan was disappointed with the lack of response to comments provided on G/TBT/N/CHN/1522 prior to the publication of Decree 248. Japan was concerned with the burden that the measures would impose on foreign competent authorities and private facilities that manufacture, process and store food items exported to China. Specifically, Japan was concerned with the ambiguity of the regulation's scope regarding food items and companies to be registered, the duration of the registration, and the specific procedures and timeline of the registration of business operators. To avoid negative impacts on trade, Japan requested China to take into consideration the comments and concerns from WTO Members and reconsider the implementation date of the measures.

4.98. Switzerland regretted that the measures included all food categories irrespective of their risk-profile, and referred to previous statements for more detailed comments. Switzerland encouraged China to consider alternative ways to ensure the importation of safe food products. Switzerland sought further clarification regarding to product categories (by HS codes) and the types of operations that would need to be registered. Likewise, Switzerland invited China to review the implementation and transition periods and share detailed guidelines well in advance of the date of implementation.

4.99. The Philippines shared the concern that China's measures would impact trade in food products, regardless of risk levels. The several layers of regulatory and administrative requirements imposed by the measures would add cost to trade and regulatory burden to competent authorities, and cause undue delays in the registration or approval process. The Philippines called on China to reconsider the measures, in light of the obligations in the SPS Agreement on harmonizing, minimizing of negative trade effects, avoiding undue delay and discrimination, and requiring information limited to what was necessary. The Philippines asked China to refer to the statement and the questions provided in the June 2021 TBT Committee meeting.

4.100. China recalled that the Administrative Measures for Registration of Overseas Manufacturers of Import Foods had been notified in 2011 as G/SPS/N/CHN/472. Given increasing food imports, new requirements had been put forward for food safety management, and the administrative measures had been updated in order to implement China's Food Safety Law. Taking into account Members' comments, China had established an eight-month transition period following publication of Decree 248 in April 2021. China clarified that that this Decree would not affect the implementation of relevant agreements previously signed.

4.2.9 China's delay in approving requests for new listing and reinstatement of export establishments (ID 516) - Concerns of Australia and Canada

4.101. Australia was concerned with the long delays and lack of transparency in China's approval and administrative update process, as well as with the lack of risk and/or evidence basis of China's approach. Noting longstanding requests for approval of food export establishments, Australia requested China to avoid discrimination of Australian products, in accordance with Article 2.3 of the SPS Agreement. China was requested to apply SPS measures that were science-based, proportionate to the risk and not more trade-restrictive than necessary. Australia was waiting for China to approve establishment registrations and update administrative listings changes, and to accept and publish the product listing requests and requests for renewal of registrations prior to expiry. Australia reminded China of the obligations established in Annex C of the SPS Agreement and urged China to apply consistent criteria and transparent timeframes on a non-discriminatory basis for approval procedures.

4.102. Canada was disappointed at the undue delays in China's approval procedures for the import of food products and of foreign establishments. These delays and the lack of transparency and of a rationale of approval procedures for foreign export establishments resulted in uncertainty and trade disruptions. Recalling the obligations established under Annex C of the SPS Agreement, Canada urged China: to finalize and publish the lists of Canadian products await registration; to provide timelines for acceptance; to transmit the result of the approval procedures; to explain the undue delays; to provide the reason why Canadian products or establishments had not been approved; to limit information requirements to what was necessary; and to ensure transparent and predictable approval procedures.

4.103. The United Kingdom shared the concerns on China's undue delays and lack of transparency, and asked China to ensure the application of SPS measures in a non-discriminatory and predictable manner, in accordance with Annexes B and C of the SPS Agreement.

4.104. The European Union called for transparent, predictable and swift approval procedures and the listing or re-listing of establishments in line with agreed international standards.

4.105. Highlighting its strict implementation of the products' access and enterprise registration management, China noted the recurring incidents involving Australian and Canadian products, including detection of the COVID-19 virus in Canadian aquatic products. China undertook risk assessments of the agricultural and food product quarantine access applications to prevent the introduction of the pandemic and to ensure the facilitation and sustainability of trade under controllable risks.

4.106. In response to China, Canada emphasized the adherence of all Canadian federally licensed establishments to internationally accepted standards and food safety. Both countries shared a long history of safe trade. While Canada had provided all the detailed information required, China had not responded to approve and publish the eligibility for exporting establishments.

4.107. Australia responded to China by underscoring the high standards of its food system and the quality of its agricultural products. Australia regretted that China had not honoured commitments made during bilateral negotiations, that no progress had been made on market access requests, and that no response had been received to the requests for engagement. Noting that other trading partners had also raised concerns on delays and lack of transparency, Australia believed that China's actions were inconsistent with WTO obligations.

4.2.10 Panama's authorization of Federal Inspection Type establishments (ID 515) - Concerns of Mexico

4.108. Mexico reiterated its concerns on the undue delays by Panamanian Food Safety Authority (AUPSA) in the renewal of authorization of Mexican establishments exporting products and by-products of bovine animals. Despite Mexico's repeated requests for renewals, AUPSA had indicated the need to develop a procedure for the eligibility of countries exporting to Panama and an assessment of Mexico's veterinary services, even though trade was ongoing and Mexico maintained the same sanitary status. Mexico recalled that SPS measures had to be based on science and appropriate to the circumstances, as well as the obligations under Annex C of the SPS Agreement. Reiterating its willingness to cooperate with Panama, Mexico hoped to reach an agreement in the bilateral meeting of the SPS committee of the Free Trade Agreement to be held later in July.

4.109. Costa Rica considered that Panama's measures were not based on scientific evidence or a risk assessment, resulting in trade restrictions to the Panamanian market of a wide variety of agricultural products. Costa Rica urged Panama to take into account its concerns and respect the obligations under the SPS Agreement.

4.110. In Peru's view, Panama's measures were in violation of Articles 2, 5 and 8 and Annex C of the SPS Agreement. Peru requested Panama to avoid unnecessary and unjustified barriers to trade.

4.111. Reiterating its willingness to cooperate with Mexico, Panama confirmed that this concern was included in the agenda of a bilateral meeting of the SPS committee of the Free Trade Agreement to be held later in July.

4.2.11 Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments (ID 486) - Concerns of Brazil

4.112. Brazil drew Members' attention to the tariff and non-tariff measures imposed by Saudi Arabia restricting market access of poultry without scientific evidence. In 2020, Brazil became aware through Letter No. 19672/E that the Saudi Food and Drug Authority (SFDA) had temporarily suspended imports of products manufactured in two establishments, without providing technical reasons. Later on, another 11 plants were suspended without the possibility to provide technical clarifications. Brazil considered such restrictions to violate Articles 2, 5 and 8 and Annex C of the SPS Agreement and urged Saudi Arabia to reconsider its restrictive measures as soon as possible.

4.113. Ukraine also indicated its concerns with some regulatory changes regarding shelf-life periods for frozen chicken and table eggs. Ukraine believed that the adoption of the proposed requirements would impact the ability to export these products and negatively affect mutual trade. Ukraine looked forward to receiving responses to the comments submitted to notification G/SPS/N/SAU/435, G/SPS/N/SAU/435/Add.1 and G/SPS/N/SAU/435/Add.2.

4.114. Saudi Arabia replied that it had provided Brazil with the required procedures to resolve the issues affecting the two poultry meat establishments. In May 2021, Saudi Arabia had suspended imports from certain Brazilian poultry establishments due to certain products exceeding the microbiological limits and standards set forth in the Technical Regulation of Microbiological Criteria for Foodstuffs No. (SFDA.FD/GSO 1016:2015), notified as G/SPS/N/SAU/137. Saudi Arabia's measures were intended to ensure food safety and the protection of human health, in light of Article 2.1 of the SPS Agreement, and were subject to review in light of any new information. Saudi Arabia reaffirmed its commitment to facilitating international trade, and welcomed the current dialogue with Brazil to resolve this issue bilaterally.

4.2.12 General import restrictions due to BSE (ID 193) - Concerns of the European Union

4.115. The European Union reiterated its concerns regarding unjustified and long delays in approving imports of beef from the European Union in light of bovine spongiform encephalopathy (BSE) concerns of certain Members. The European Union took the view that the delays in the approval procedures of some Members, in particular Argentina, Australia, Brazil, China, Colombia, Egypt, Japan, Jordan, Korea, Malaysia, South Africa, Chinese Taipei, and the United States of America, were inconsistent with Article 8 and Annex C of the SPS Agreement. The European Union urged all Members to comply with their obligations under the WTO agreements, apply international standards, lift remaining BSE-related restrictions for all EU member States and finalize the remaining pending approval procedures without further delay. The European Union remained open to continue to work constructively with all trading partners.

4.2.13 China's restrictions on bovine meat imports (ID 510) - Concerns of India

4.116. India reiterated its concerns on import restrictions imposed by China based on India's FMD status, despite the STC raised, the bilateral Memorandum of Understanding (MoU) signed in 2013, the clearing by China in 2017 of 14 centres for the export of bovine meat from India, and the similar FMD conditions prevailing in China and India. Recalling the guidance provided by the OIE in its Terrestrial Code, India noted its ongoing exports of meat to FMD-free countries with no instances of FMD transmission. India pointed out that it had a recognized official FMD control programme similar to other countries from which China allowed bovine meat imports. India considered China's measures were inconsistent with Articles 2.2, 2.3, 3.3 and 5.1 of the SPS Agreement, and requested China to share its scientific justification and the risk assessment undertaken to impose a higher standard of disease-free status than that required by the OIE.

4.117. China explained that the ban on imports of Indian beef and its products was established in accordance with the principles of regional management of FMD and with OIE standards, in light of the outbreaks of this disease in India in recent years. In case India had effectively controlled the FMD, China invited India to provide the corresponding information so that the relevant procedures for lifting the ban could be initiated.

4.2.14 China's import restrictions due to African swine fever (ID 392) - Concerns of the European Union

4.118. The European Union again raised concerns over China's African swine fever (ASF)-related country-wide import bans on pork products, encompassing EU member States that had successfully eradicated the disease in livestock and wildlife and had regained a disease-free status in accordance with OIE rules. The European Union recalled that the issue had first been raised in July 2015 and regretted that China had since then expanded the bans, despite having the same sanitary profile as the European Union. The European Union requested China to respect its obligations under the SPS Agreement and OIE standards and to allow trade from disease-free areas. The European Union was ready to work with China towards finding a solution.

4.119. China noted the success of the strict measures adopted to prevent and control ASF since the disease was introduced in 2018. According to OIE data, ASF had been reported in Latvia, Romania, Germany and other EU member States in 2021. China pointed out that trade of products was ongoing on the basis of risk assessment from ASF-free EU member States.

4.2.15 Korea's import restrictions due to African swine fever (ID 393) - Concerns of the European Union

4.120. The European Union reiterated its concern regarding Korea's ASF-related ban on pork and pork products from several EU member States since February 2014, which did not take into account EU regionalization measures. The European Union considered the measure to be more trade-restrictive than necessary. In addition, the European Union indicated that Korea had continued to receive detailed information on all outbreaks in full transparency and had received all necessary evidence demonstrating the effectiveness of the EU regionalization measures. The European Union urged Korea to lift the bans and to recognize the EU harmonized regionalization measures. The European Union welcomed recent positive exchanges with Korea and remained open to further cooperation.

4.121. The Russian Federation requested Korea to approve a pending application for market access of Russian pig products. The Russian Federation regretted that Korea's position remained unchanged, despite having received all necessary data on ASF control measures implemented by Russia and the guidelines in the OIE Terrestrial Code. The Russian Federation requested Korea to comply with its obligations under Articles 3 and 6 of the SPS Agreement.

4.122. Korea pointed out that the import ban on pork products from the ASF-affected countries was in accordance with the import health requirements agreed by the two parties. Consultations for the evaluation of the regionalization of ASF for other EU member States were ongoing, and imports of pork meat from Belgium had been resumed following the recent recovery of the country's ASF-free status. Concerning the Russian Federation, Korea had delivered its concern about the ASF outbreak situations within the country. Korea remained open to holding consultations on this issue.

4.2.16 Mexico's import restrictions on pork (ID 489) - Concerns of Brazil

4.123. Brazil noted that, in April 2019, its authorities had been informed of the negative result of the risk analysis concerning market access to Mexico of Brazilian pork produced in the state of Santa Catarina. Despite the OIE recognition of the state of Santa Catarina as free from FMD without vaccination, Mexico had continued to question the efficiency of its risk mitigation strategies. Brazil considered this position to be inconsistent with Article 6 and Annex C of the SPS Agreement, and recalled the provisions of article 1.3.2.2 of the OIE Terrestrial Code. Brazil reiterated that pork meat exported to Mexico presented no risk as it came from a zone free from classic swine fever (CSF) and FMD, as recognized by the OIE, and that pork imports were to be processed by Mexico's food industry. In July 2019, Brazil had proposed an international sanitary certificate model for pork meat for industrial processing, and was waiting for Mexico's response. Brazil considered Mexico's measures to be discriminatory and to lack scientific basis.

4.124. Mexico highlighted that its SPS measures systematically recognized the principles of the SPS Agreement, and expressed its concern on the guarantees offered by the Brazilian authorities to demonstrate export safety as it refers to regionalization. Mexico considered the two Brazilian normative instruments for the mobilization of animals to be conflicting, and noted that, in addition

to the review of the technical information provided on the control of FMD in the state of Santa Catarina, a legal analysis of these normative instruments was being carried out in accordance with the SPS Agreement and the relevant international standards. Mexico reiterated its willingness to continue working with Brazilian authorities and encouraged a continued technical dialogue to deal with this concern.

4.2.17 China's import restrictions due to highly pathogenic avian influenza (ID 406) - Concerns of the European Union

4.125. The European Union raised its concern regarding China's imposition, since 2015, of country-wide bans on several EU member States on account of HPAI. The European Union had repeatedly requested China to recognize the principle of regionalization, lift country-wide import restrictions, and take more targeted measures. The European Union regretted that there was not much progress to report on the resolution of this issue. The European Union considered that China continued to disrespect the concept of regionalization and the OIE Terrestrial Code. The European Union reiterated its continued interest to work constructively with China on this issue.

4.126. China highlighted that HPAI was a serious infectious disease affecting the poultry industry. China noted there had been several outbreaks in EU member States with the ongoing one being the most serious outbreak in recent years. China indicated it had suspended imports of live poultry from the European Union to protect the safety of its poultry industry, and expressed its willingness to conduct technical exchanges on the management of HPAI with the European Union.

4.2.18 Korea's import restrictions on poultry due to highly pathogenic avian influenza (ID 456) - Concerns of the European Union

4.127. The European Union reiterated its concern regarding Korea's country-wide bans on poultry imports from certain EU member States due to HPAI. The European Union had, on numerous occasions, provided information on the sanitary control systems in place to demonstrate that avian influenza was reliably controlled, and disease-free areas were likely to remain free. The European Union referred to the OIE's updated waiting period to regain freedom, which had been reduced from three months to 28 days. The European Union urged Korea to lift the country-wide bans and recognize its harmonized regionalization measures. The European Union welcomed the recent exchanges with Korea and expressed its willingness to find a solution.

4.128. The Russian Federation supported the concern. The Russian Federation stated that, according to Korea, market access for Russian poultry would only be granted when the entire territory of the Russian Federation was recognized as HPAI-free. In this regard, the Russian Federation recalled that the OIE Terrestrial Code allowed imports of poultry products from HPAI-affected countries under certain conditions. The Russian Federation urged Korea to comply with Articles 3 and 6 of the SPS Agreement.

4.129. Korea indicated that it had imposed import bans on HPAI-affected countries according to the import health requirements mutually agreed upon by the two sides. Korea highlighted that, based on OIE standards, if HPAI-free status was recovered in an exporting country, it would immediately lift the import ban. Korea had informed the European Union and Russia that it would proceed with an evaluation of regionalization, provided there was a specified disease-free area and a stable HPAI situation in the exporting country. Korea expressed its willingness to resolve the issue through technical consultations.

4.2.19 South Africa's import restrictions on poultry due to highly pathogenic avian influenza (ID 431) - Concerns of the European Union

4.130. The European Union regretted that South Africa maintained country-wide bans on poultry products from six EU member States and did not apply the regionalization principle. The European Union considered the measure to be at odds with Article 6 of the SPS Agreement. The European Union noted that South Africa had carried out inspections in certain EU member States and was aware of the structure and capacity of EU veterinary services. The European Union called for South Africa to respect its obligations and reiterated its interest to resolve the issue in a constructive and mutually satisfactory manner.

4.131. South Africa clarified that several EU member States were eligible to export cooked poultry meat to South Africa. South Africa highlighted that it was a priority for the country to address the issue and reminded the European Union that it had not received requests from EU member States for the evaluation and recognition of compartments free from HPAI despite several bilateral negotiations attempts.

4.2.20 Non-publication of US final rule on importation of sheep, goats and certain other ruminants (ID 493) - Concerns of the European Union

4.132. The European Union reiterated its concerns about the unjustified and long delay in the publication of the US final rule on importation of sheep, goats and certain other ruminants. The European Union noted that this would be only the starting point for EU member States and other WTO Members to start the relevant procedure to get approval for exports of small ruminant meat. It would also complete the protracted process of aligning US animal health rules with international standards for BSE and transmissible spongiform encephalopathies (TSE). The European Union highlighted existing links between this STC and STC 193 and recalled the need to take into account international standards and science when establishing SPS measures. Considering that necessary technical and administrative work had been completed in 2017, the European Union considered the accumulated delays to constitute a violation of Article 8 and Annex C of the SPS Agreement. The European Union urged the United States to comply with its WTO obligations and apply international standards to lift remaining TSE related restrictions for all EU member States and not to delay further the publication of the final rule. The European Union noted that no substantial developments had emerged from the discussion in the March 2021 EU-US Animal Health Technical Working Group, and remained open to continue to work constructively with the United Stated.

4.133. The United States appreciated the interest of the European Union in the status of the final rule to change BSE-related restrictions for non-bovine ruminant species and most sheep and goat products. The United Stated indicated that it continued to work through its administrative procedure to process this request. The United States noted the bilateral engagement on this matter, including the March 2021 US-EU Animal Health Technical Working Group meeting and looked forward to continuing cooperation with the European Union.

4.2.21 The Philippines' trade restrictions on imports of meat (ID 466) - Concerns of the European Union and the Russian Federation

4.134. The European Union reiterated that the Philippines did not adhere to OIE international standards, did not apply the regionalization principle, and maintained a policy of imposing scientifically unjustified country-wide bans on imports of meat and meat products from EU member States on grounds of ASF or HPAI. The European Union recalled that nine EU member States were subject to country-wide import bans imposed by the Philippines on pork meat or poultry meat and relevant products. To the European Union, the Philippines' measures lacked scientific justification, were against the principle of regionalization, and were inconsistent with the SPS Agreement. The European Union indicated that it remained ready to engage further with the Philippines with the objective to minimize the disruption of trade, calling on the Philippines to respect its international obligations and to allow trade of pork and poultry from disease-free EU member States and zones.

4.135. The Russian Federation raised its concern regarding the Philippines' restrictions on imports of Russian beef and pork. The Russian Federation had been informed that exports of pork and beef to the Philippines would only be allowed after receiving the FMD, ASF and lumpy skin disease-free status, as well as the BSE low risk status by the OIE. The Russian Federation indicated it had submitted information on the domestic epizootic situation to the Philippines for the diseases at issue, and that it had not yet received a response from the Philippines. The Russian Federation urged the Philippines to comply with the obligations under Articles 6 and 8, and Annex C of the SPS Agreement, and to provide responses to its requests.

4.136. The Philippines reiterated that it adhered to international standards and was mindful of the obligations under the SPS Agreement. The Philippines noted that it had imposed country-wide import restrictions on four EU member States based on evidence of the rapid spread of HPAI. Import restrictions had been regionalized for Hungary, Belgium and Ireland. The Philippines considered that the technical information available was not sufficient to ease its import restrictions, and explained that the measures were reviewed and updated on the basis of verifiable scientific

information. Regarding ASF, the Philippines shed light on its efforts to prevent and control the disease in the affected areas. The Philippines considered it had been clear in its response to the requests of the Russian Federation. The Philippines had not granted beef and pork export accreditation to the Russian Federation following an assessment procedure from 2018 to 2019. The Philippines maintained this decision due to current outbreaks of ASF in domestic and wild pigs and detections of lumpy skin disease. The Philippines concluded that it would welcome further discussion with the European Union and the Russian Federation.

4.2.22 India's approval procedures for animal products (ID 484) - Concerns of the Russian Federation

4.137. The Russian Federation acknowledged progress in the cooperation with India regarding the approval procedures for imports of Russian feed and non-food raw materials of animal origin. The Russian Federation nonetheless reiterated that, thus far, it had not had an opportunity to supply any food products of animal origin to the Indian market. In addition, India had not shared its view regarding the issue of regionalization for avian influenza and access of safe Russian poultry products to the Indian market. The Russian Federation further considered India to unreasonably delay the approval of veterinary certificates for poultry meat and poultry products (offal) and veterinary certificates for fish products. The Russian Federation urged India to comply with Article 8 and Annex C of the SPS Agreement and requested India to undertake and complete its approval procedures properly and without undue delay.

4.138. India indicated that it was in consultation with the Russian Federation. After consultations in January, answers had been provided to the Russian Federation and India was waiting for a response and a detailed examination. India reiterated its statement at the March 2021 Committee meeting.

4.2.23 Delays in Malaysia's approval procedures for meat and dairy imports (ID 491) - Concerns of the Russian Federation

4.139. The Russian Federation acknowledged progress on the resolution of the issue and thanked Malaysia for making information on the import requirements for dairy products available. In May 2021 the Russian Federation provided answers to Malaysia's question on its veterinary supervision system for beef production. The Russian Federation reiterated its concern about unmotivated delays in Malaysia's approval procedures for meat and dairy imports. The Russian Federation had been waiting, since October 2019, for veterinary certificate approvals for products of animal origin (pork, poultry, beef, and dairy products). The Russian Federation urged Malaysia to comply with Article 8 and Annex C of the SPS Agreement, and to accelerate the provision of responses to its requests.

4.140. Malaysia indicated it maintained active communication with the Russian Federation on this issue. The Russian Federation had been requested to provide additional information and documentation on one of its applications and had yet to respond to Malaysia's request dated 23 June 2021. Disagreeing with the point made by the Russian Federation regarding unmotivated delays, Malaysia reiterated its compliance with Article 8 and Annex C of the SPS Agreement. Malaysia expressed its willingness to continue technical discussions with the Russian Federation.

4.2.24 Panama's undue delays in the renewal of authorizations for plants of Peruvian fishery and livestock enterprises (ID 509) - Concerns of Peru

4.141. Peru expressed its concern regarding Panama's undue delays in the renewal of authorizations for plants of fishery and livestock enterprises. Peru considered Panama's actions to be inconsistent with Articles 2.2, 5.1 and 8, and Annex C.1(a)-(c) of the SPS Agreement, as no response had been provided by Panama concerning the pending request for authorization. Peru emphasized that Panama had failed to communicate the foreseen processing period, and that the timeframe that would be given to Peruvian enterprises in case of renewal of authorizations was uncertain. Peru requested Panama to renew the authorizations for Peruvian export plants, provide new authorizations and avoid undue delays. Peru submitted its statement in document G/SPS/GEN/1936.

4.142. Costa Rica supported this concern regarding the practices implemented by Panama which restricted trade. Costa Rica called upon Panama to address Members' concerns, which were

indicative of an inadequate application of SPS measures and a non-observance of the obligations in the SPS Agreement.

4.143. Panama took note of the concerns and referred to its previous comments indicating that STCs were being addressed through a bilateral technical commission. Panama hoped to move forward in the search of solutions in this matter.

4.2.25 Mexico's resumption of frozen shrimp imports (ID 507) - Concerns of China

4.144. China expressed its concern regarding Mexico's suspension of imports of shrimp products from China on the grounds of preventing the introduction of the Acute Hepatopancreatic Necrosis disease (AHPND). In May 2021 China had received Mexico's sanitary requirements for imported frozen shrimp. China appreciated Mexico's cooperation and bilateral engagement in this regard. Nonetheless, China considered that Articles 3, 4 and 5 of Mexico's sanitary requirements set an excessively high level of protection for the control of the disease, and contradicted the OIE Aquatic Code. In addition, China considered Mexico's measure to be inconsistent with the SPS Agreement and the GATT 1994. China hoped that Mexico would comply with the relevant standards, scientifically formulate its import requirements for Chinese frozen shrimps and resume importing frozen shrimp from China as soon as possible.

4.145. Mexico reiterated its willingness to work with China and indicated that it had recently requested a bilateral meeting. Mexico highlighted that its SPS measures systematically recognized the principles in the SPS Agreement. In April, Mexico had proposed a risk mitigation strategy to facilitate trade in shrimp from China. The proposed strategy would allow frozen, peeled, deveined and headless shrimp for human consumption, prepared and packaged for direct retail sale in line with the provisions of article 5.4.2 of the OIE Aquatic Code. To determine equivalence, Mexico highlighted that it was necessary to carry on with the evaluation of Chinese veterinary services. Mexico expressed its willingness to continue the dialogue with China at a technical level.

4.2.26 China's proposed new health certificate format for shrimp imports (ID 506) - Concerns of India

4.146. India raised its concerning regarding China's proposed new health certificate format, that would make most of India's shrimp consignments unfit for export to China. The health certificate format required that shrimp consignment be tested for OIE-listed pathogens, including the white spot syndrome and the infectious hypodermal and hematopoietic necrosis viruses, which were also prevalent in China and did not pose a threat to human health. In India's views, the responses provided by China in the March 2021 Committee meeting did not address its concerns. India requested China to provide a risk assessment or indicate the less trade-restrictive measures it had taken into consideration.

4.147. China argued that preventive and control measures against shrimp-related diseases had been adopted for many years. In order to prevent risks, China had adopted temporary emergency preventive protective measures to suspend the import of related products, which was in line with the SPS Agreement and the OIE standards. China added that other Members had also put forward strict disease quarantine requirements on imported shrimp products and that their measures were science-based, reasonable and did not impose excessive protection requirements.

4.2.27 The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia (ID 390) - Concerns of the European Union

4.148. The European Union reiterated its concerns regarding import restrictions on fishery products from Estonia, recalling that these measures were inconsistent with several provisions of the SPS Agreement. Estonia had held several bilateral discussions with the Russian Federation, without satisfactory progress regarding the lifting of trade restrictions. The European Union regretted that no fishery plants were authorized to export to the Russian Federation despite a third audit conducted in 2019. The European Union hoped that Estonian fishery establishments, compliant with the requirements of the Russian Federation, would regain access to the Russian market in the near future. The European Union called on the Russian Federation to repeal its disproportionate measures and to respect its WTO obligations.

4.149. The Russian Federation recalled that the temporary restrictions imposed on imports of fish products from Latvia and Estonia were due to violations in the fish product safety control system, as confirmed by experts' inspections in 2015 and 2016. The Russian Federation indicated that inspections had been carried out in Latvia and Estonia in 2016 and 2019 respectively, and certain restrictions had been lifted as a result. No additional requests to lift the restrictions had been received from Latvia and Estonia.

4.2.28 Russian Federation - Procedures for authorizing units eligible for export of fish and fish products to Eurasian Customs Union (ID 508) - Concerns of India

4.150. India complained that the Russian Federation had not updated its register of approved enterprises and newly approved enterprises had not been able to export to the Eurasian Customs Union, despite the list of approved processing establishments provided by India in accordance with a bilateral MoU. In India's view, this was in violation of the MoU and Articles 2.3, 4 and 5 of the SPS Agreement. India requested the Russian Federation to share its risk assessment in support of insisting on inspections by Russian authorities. India considered that the responses provided by the Russian Federation did not address its concerns and reiterated the request that the risk assessment be shared.

4.151. Following detections of residues of harmful and prohibited substances in Indian products, the Russian Federation had temporarily imposed restrictions on certain enterprises, and was not adding new enterprises to the Register of Exporters. The Eurasian Economic Commission Council Decision No. 94 established the inspection of foreign enterprises as a possible requirement prior to the authorization of fish and fish products exports. The Russian Federation argued that India had not responded to its proposal to conduct inspections of fish processing enterprises. The Russian Federation was not able to update the Register of Enterprises of third countries as India had failed to update the existing lists. The Russian Federation expressed its readiness to include new Indian enterprises after the implementation of existing requirements and agreements.

4.2.29 Guatemala's restrictions on egg products (ID 413) - Concerns of Mexico

4.152. Mexico reiterated its concern regarding the import restrictions imposed by Guatemala on thermally processed egg products, which could be a violation of fundamental principles of the SPS Agreement and of the FTA between Mexico and Central America. This concern had also been raised in several bilateral fora. The National Health, Food Safety and Agrifood Quality Service (SENASICA) had repeatedly requested the procedure and requirements to export thermally processed liquid and dried egg products, and had provided technical information on these products to Guatemala. In its response, Guatemala had referred to Ministerial Agreements No. 105-2012 and No. 228-2013, which stated that import restrictions would be based on OIE guidelines. However, Mexico believed that import restrictions imposed on thermally processed poultry and poultry products that did not pose a health risk restricted trade without scientific evidence. Guatemala did not allow imports of these products, despite the objective evidence provided by Mexico of the existence of HPAI-free zones and compartments. Mexico asked Guatemala to provide import requirements for thermally processed egg products in accordance with OIE guidelines and to lift restrictions on the importation of egg products. Mexico remained open to dialogue and looked forward to Guatemala's comments.

4.153. Guatemala confirmed that the information submitted by SENASICA was under evaluation by Guatemala's health authority and requested that the discussions be continued in bilateral fora.

4.2.30 Indonesia's approval procedures for animal and plant products (ID 441) - Concerns of the European Union

4.154. The European Union reiterated its concerns about the lack of transparency of and undue delays in Indonesia's approval procedures for imports of plant and animal products. The European Union regretted the limited feedback received from Indonesia following a request for information on its market access approval procedures for agri-food products from EU member States pending export applications. Specifically, the European Union expressed concerns about the lack of progress on export applications for beef, dairy, poultry, pork, and plant products, which in some instances had been submitted more than seven years ago. The European Union requested Indonesia

to be transparent about its approval procedures and finalize pending market access applications without undue delay, in line with the SPS Agreement.

4.155. Indonesia noted that the concern had been addressed in the CTG. Indonesia stated that provisions for the importation of animals and animal products were considered based on a risk assessment, according to Article 5 of the SPS Agreement. Likewise, harmonization was being carried out with issuance of Minister of Agriculture Regulation No. 42 of 2019 and Minister of Agriculture Regulation No. 39 of 2019, which had been revised to Minister of Agriculture No. 02, of 2020. Indonesia acknowledged some delays in the approval procedure for the entry of imported goods due to COVID-19, which had been bilaterally communicated to the EU member States. Indonesia suggested that each EU member State report the status of progress of the import approval procedure to the EU representative in Geneva.

4.2.31 US import restrictions on apples and pears (ID 439) - Concerns of the European Union

4.156. The European Union regretted that the United States continued to refuse imports of apples and pears from the European Union under a systems approach, instead of the existing preclearance approach. The European Union recalled that the United States had concluded, several years ago, that imports of apples and pears could take place under a systems approach, but had not undertaken the final administrative step of publishing a final notice to allow trade to start. To the European Union, there was no justification on scientific grounds to continue to block imports into the United States of apples and pears from the European Union under the agreed systems approach. The European Union indicated that it continued to work constructively with the United States, but also urged the United States to solve this matter without any further delay.

4.157. The United States responded that it continues to work through its administrative procedures to process this request. While noting that the European Union was able to export apples and pears under the existing preclearance programme and appeared to misrepresent these aspects of the issue, the United States expressed its appreciation for the bilateral engagement.

4.2.32 Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab (ID 470) - Concerns of Japan

4.158. Japan expressed its appreciation for the bilateral meeting held after the March 2021 Committee meeting. Recalling the chronology of the concern since the introduction by Thailand of a 5-step procedure for packinghouse handling in 2018, Japan explained that Thailand had not conducted the proper risk assessment based on the ISPM. Japan argued that, although Thailand had referred to the probability of entry of sweet orange scab, in its view the result of Thailand's risk assessment was in fact a general statement of possibility, rather than an actual assessment of the probability. Japan considered that the probability of entry was negligible when applying an alternative measure that Japan had proposed and that had not been accepted by Thailand. Japan reiterated its request for Thailand to conduct a proper risk assessment based on the ISPM and to accept the proposed alternative phytosanitary measure.

4.159. Thailand underscored the bilateral cooperation on the risk analysis process for the importation of citrus fruit since the detection in 2014 of sweet orange scab in citrus fruits. Thailand informed the Committee that Japan had requested a transition period after the measure was applied in 2019, which had been provided, and had also confirmed and agreed on the import protocol, as referred in a confirmation letter from the Ministry of Agriculture, Forestry and Fisheries (MAFF). Thailand was waiting for the additional scientific information that had been requested to Japan, which was necessary to conduct the risk analysis and to consider the acceptance of the proposed alternative measure. Thailand suggested that the ongoing technical consultations continue bilaterally.

4.2.33 Ecuador's import restrictions on grapes and onions (ID 498) - Concerns of Peru

4.160. Recognizing Ecuador's legitimate objective of protecting health established in Article 5 of the SPS Agreement, Peru was of the view that Ecuador's actions constituted a violation of the legislation in place in Ecuador, of Articles 2.2, 5.1, 5.4, 7 and 8, as well as Annexes B and C of the SPS Agreement, and of Codex Guidelines for the Exchange of Information Between Countries on

Rejections of Imported Food (CAC/GL 25-1997). The closure of Ecuador's markets could not be technically justified by the Code of Ethics for International Trade in Food including Concessional and Food Aid Transactions (CAC/RCP/20-1979). While the Technical Resolution DAJ 20133EC-0201.0096 had been notified in document G/SPS/N/ECU/132, Resolution 0064, from 2017, had not been notified and Members had not been able to submit comments, despite the impact of the regulation on trade. Despite the exchanges held since 2014, Peru had not received a reply on its actions implemented to reach a technical solution and on the action plan proposed. Peru considered Ecuador's actions as discriminatory and regretted that restrictions were still in place despite having fulfilled all requests by Ecuador. Noting the concern raised in G/SPS/GEN/1907, Peru requested Ecuador to avoid proposing measures that violate the provisions of the SPS Agreement and the basic principles of the WTO; to ensure that it does not disregard the technical agreements previously established; to notify its measure and give the other WTO Members the opportunity to submit comments; and to reopen access to the Ecuadorian market for grapes and onions from Peru. More information is available in document G/SPS/GEN/1937.

4.161. Reiterating the necessity of the imposed measures to protect consumers' health, Ecuador hoped that the upcoming bilateral technical meeting would lead to a mutually acceptable solution. Ecuador reaffirmed its commitment to comply with the SPS Agreement and the Codex standards, as well as with the agreements reached in Presidential meetings between both countries.

4.2.34 Panama's restrictions regarding the procedure to regain access for Peruvian potatoes and onions (ID 512) - Concerns of Peru

4.162. Peru raised concerns about Panama's restrictions and undue delays in granting access to Peruvian potatoes and onions. In Peru's view, Panama's measures were in violation of Articles 2.2, 5, 5.4 and 8 and Annex C of the SPS Agreement. Peru indicated that Panama had suspended the importation of onions in 2016 on the basis of an updated pest risk analysis (PRA). Trade in potatoes had been suspended in 2009 following the interception of a pest in a consignment at destination; Peru regretted the lack of response at the phytosanitary protocol for the exportation proposed in 2010. Panama's market was kept closed for potatoes and onions, and no response was provided to Peru's information and communications, including G/SPS/GEN/1905. Peru requested Panama to reopen the market to Peruvian potato and onion exports and to avoid unnecessary and unjustified barriers to trade. More information is available in document G/SPS/GEN/1938.

4.163. Costa Rica reiterated its concerns on Panama's practice of implementation of SPS measures which, in some cases, led to total restrictions of trade namely of a wide range agricultural products. Costa Rica asked Panama to take into account Members' concerns, which noted an inappropriate implementation of SPS measures and a non-compliance of the obligations established in the Agreement.

4.164. Panama took note of Peru's comments and recalled that a technical commission was addressing the concerns bilaterally.

4.2.35 India's import requirements for pulses (ID 497) - Concerns of Canada

4.165. Canada reiterated its concern regarding India's trade-restrictive measures on pulses, including mandatory fumigation requirements and measures on weed seeds. Canada recalled that India had committed to continue engaging on the issue of alternatives to India's fumigation requirements. However, there had been a lack of engagement since then and India had not yet responded to Canada's overtures of fall 2020. Turning to India's measures on weed seeds, Canada noted that India had added 26 new weed seeds species to its List of Quarantine Weed Seeds in October 2019. In Canada's view, these actions were inconsistent with the principles of transparent and predicable international rules-based trade. Canada urged India to continue engage with the aim of finding an early resolution of these issues.

4.166. Recalling the continuous engagement with Canada in this issue, India had requested information on several issues following a visit to Canada to review its systems and approaches. India was still waiting for Canada's response about India's review of PRA on pulses imported from Canada, following interception of quarantine pests in pulses consignment in 2019. India reaffirmed its commitment to finding a mutually acceptable solution in this matter.

4.167. In response to India, Canada clarified that it had provided India with all requested information on both fumigation and weed seeds and that nothing was outstanding on its side. Canada looked forward to clarifying these matters.

4.2.36 US non-recognition of the pest free status in the European Union for Asian longhorn beetle and citrus longhorn beetle (ID 471) - Concerns of the European Union

4.168. The European Union reiterated its concern regarding unjustified and long delays in the United States' recognition of the pest free status in the European Union for Asian longhorn beetle and citrus longhorn beetle. The European Union regretted the absence of progress on this topic, indicating that the United States had satisfactorily finalized its scientific assessment several years ago on the country pest freedom recognition of the EU member States concerned, but had yet to publish a final Federal Order in this respect. The European Union added that there was no scientific basis for the United States to block this last administrative step and that the United States was therefore not complying with the SPS Agreement. Having expressed its openness to continue working with the United States, the European Union urged the United States to publish without further delay the notice at issue and accept the EU pest free areas.

4.169. The United States assured the European Union that it was working through its administrative procedures to process this request. The United States noted the bilateral technical engagement on the matter and looked forward to continued cooperation.

4.2.37 Proposed new EU rules on composite products (ID 504) - Concerns of Australia and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu

4.170. Australia was still concerned about the new EU rules for shelf-stable composite products under Regulations (EU) 2019/625 and (EU) 2020/2235. For Australia, these new rules were not commensurate with risk and had already restricted trade in shelf-stable composite products. The requirement that animal origin ingredients be sourced from EU-listed establishments for all composite products was unjustified. Australia considered that the private attestation requirement, which added transaction costs and brought no food safety benefits, could be eliminated without any impact on food safety. Australia invited the European Union to consider this request.

4.171. Thanking the European Union for the updated information provided on DG SANTE's website, Chinese Taipei regretted the lack of a clear correlation between the requirements for ingredients of animal origin to be produced by EU-approved establishments, and shelf-stability, food safety and risks to public or animal health. Chinese Taipei considered there was no reasoning for requiring ingredients of processed products of animal origin used in trace amounts to be produced by EU-approved establishments when alternative approaches existed to achieve the same health protection level. Chinese Taipei urged the European Union to review the requirement, that was subject to Article 5 of the SPS Agreement, and to set a threshold level of ingredients of animal origin to be sourced from EU-approved establishments based on their risks to avoid unnecessary barriers to trade.

4.172. The United States expressed concerns on the negative impact of the proposed model certificates notified under G/SPS/N/EU/401, G/SPS/N/EU/402 and G/SPS/N/EU/403 in supply chains and trade. Noting the work left to avoid unnecessary trade restrictions, the United States reiterated the request jointly submitted with several Members for the European Union to delay the implementation of the animal health certificates after 21 August 2021. More information was provided in document G/SPS/GEN/1945.

4.173. Supporting the establishment of risk-based import SPS measures, New Zealand reiterated that low risk foods should not be subject to increased requirements more appropriate for high risk food commodities.

4.174. Japan appreciated the extension by the European Union of the grace period for trading partners to notify stakeholders. However, Japan regretted that stakeholders did not have the time to prepare to comply with these complex provisions affecting a broad range of products. Japan requested the European Union to conduct flexible operation at the border, to provide with opportunities to consult the operations of the rules when troubles occur at the border clearance or official control, and to respond to inquiries in a timely manner.

4.175. The Russian Federation agreed that the EU requirements restricted trade more than necessary, as the new measures covered a wider range of composite products since April 2021. Russian confectioneries exporters, as well as other international companies, could not comply with the EU requirements for composite products. The Russian Federation was unclear on when audits on such Russian enterprises could take place.

4.176. Malaysia complained that the new requirements had already negatively affected trade of shelf-stable non-meat, highly processed, composite products entering the European Union. Malaysia was of view that the control imposed were disproportionate with the low risk of the highly processed composite products which had low amount of animal origin raw material and had undergone sufficient heat treatment. Malaysia urged the European Union to remove the requirements on shelf-stable non-meat category or to expand the exemption list to include more low risk shelf-stable composite products. Malaysia looked forward to the EU response and would welcome a bilateral meeting with the European Union.

4.177. The European Union indicated that the import conditions laid down in the new composite product legislation were all risk-based. While most of the rules remained unchanged, some of the changes introduced referred to the three-tier approach to categorizing composite products depending on their level of risk. The European Union highlighted that more flexibility was now offered, making it easier to source ingredients from other countries, with a longer list of composite products being exempted from controls at the border due to their lower risk, and through the replacement of official certificates by a private attestation for certain categories of shelf-stable meatless composite products. Additional information explaining the new rules on composite products had been submitted in documents G/SPS/GEN/1763 and G/SPS/GEN/1786, all draft measure had been notified and all comments had been answered. The European Union had set up a special website to provide up-to date on the import conditions of composite products (https://ec.europa.eu/food/safety/international_affairs/trade/special-eu-import-conditions-composite-products_en).

4.178. The European Union noted that Commission Implementing Regulation (EU) 2020/2235 provided for transitional provisions for the use of certificates issued in accordance with Regulation (EU) No 28/2012 for consignments of composite products. Animal health requirements for the entry into the Union of shelf-stable composite products were laid down in Delegated Regulation (EU) 2020/692, which had been duly notified to the Committee in 2019. The European Commission might propose slight modifications to certain requirements after the assessment of comments received. The European Union remained open to continue the dialogue with interested Members.

4.2.38 India's requirement for certificate for non-GM origin and GM-free status (ID 501) - Concerns of China and the United States

4.179. Sharing India's concerns on food safety, China explained that unapproved genetically modified (GM) varieties could not be imported into China or distributed domestically and, as such, India's order would affect trade and increase the cost of Chinese exports of kidney beans and other agricultural products to India. China invited India to publish the risk assessment and decision basis for the selection of the 24 food crops listed in annex 1 to the Order. China suggested India not to include non-GM products in the scope of this measure and to provide alternative measures to Members who had not approved the release of GM crops into the environment.

4.180. The United States reiterated the concerns about India's measures, notified under G/TBT/N/IND/168, contained in documents G/SPS/GEN/1865 and G/SPS/GEN/1901. The measure had disrupted US apple exports and could further lead to shortages and price increases of products. The United States asked India for the scientific justification and the risk assessment for the measures, or the relevant international standards, in the absence of which the United States requested India to withdraw the measure. Likewise, the United States requested India to consider alternative approaches that could be implemented in a non-discriminatory manner and were not more trade-restrictive than necessary. The United States looked forward to the Food Safety and Standards Authority of India's (FSSAI) response to the proposed technical cooperation to develop alternatives to the non-GM origin and GM-free certificate. The full intervention is available in document G/SPS/GEN/1940.

4.181. Australia appreciated India's ongoing cooperation on this issue, namely the responses provided to queries raised in the SPS and TBT Committee meetings. Australia reiterated the importance of implementing measures in a non-discriminatory manner, so that they did not restrict trade more than necessary and did not place an unnecessary regulatory burden on exporters or Indian importers. Australia looked forward to further engagement with India.

4.182. Uruguay noted the international consensus on the equivalence between GM products approved by exporting countries based on Codex recommendations and their equivalent conventional counterparts. As such, Uruguay considered that there was no technical justification for India's measure to achieve the legitimate objective of food safety, and that the Order should be notified to the Committee. Reiterating the need for science-based measures, Uruguay looked forward to India's response to the concerns submitted, including through a joint communication by several Members in January 2021.

4.183. Reiterating the concerns stated at the TBT Committee, Brazil was not aware of the publication by India of any technical document presenting the link between the regulation and its pursued objectives. This lack of scientific information raised concerns about transparency in India's regulatory process. Brazil detailed that the measures would be particularly harmful for its exporters of apples, cowpea beans, tobacco and corn, as they would add unnecessary costs and regulatory burden to food value chains.

4.184. Turkey echoed the view that the measures created unnecessary trade barriers, additional workload and time loss on trade procedures. Turkey sought information on the scientific justification of the measure and requested India to consider the need for a non-GM certificate from exporting countries where production of GM crops was prohibited, such as Turkey.

4.185. Paraguay was waiting for India's response to the joint communication. Paraguay referred to the concerns it had raised in previous Committee meetings and hoped that India would review the measure in light of those concerns. Paraguay emphasized that there was no scientific justification for a differentiated treatment between GMOs and their conventional counterparts.

4.186. Japan agreed that India's measure would create unnecessary trade barriers and negatively impact agricultural trade. Japan regretted the entry into effect of the Order without taking Members' comments into account. Japan controlled import, distribution and cultivation, ensuring the safety of GM food and, requested India to waive the certification requirement for Members managing GM food appropriately.

4.187. Canada looked forward to the responses to comments submitted to TBT enquiry point and invited India to notify the measure to the SPS Committee. It was still unclear how the non-GM certification requirement would contribute to the stated objective of ensuring the health and safety of its population. Canada recalled that GM food products were only authorized for commercialization once they had received appropriate safety approvals under the science-based regulatory frameworks developed in numerous countries. Canada reiterated its request that India suspend the implementation of this measure and to consider the scientific and technical information in its approach to support a transparent, predictable, risk- and science-based trading environment, without impacting the ability of GM-producing countries to export to India and unnecessarily restricting international trade. Canada was available to pursue discussions bilaterally to consider an alternative, less trade-restrictive approach that would meet India's objectives.

4.188. Argentina asked India to provide the scientific evidence underpinning the measure.

4.189. New Zealand considered that India's requirements unnecessarily increased costs of existing trade and asked for a scientific and risk-based justification for this measure that also applied to countries free of the specified GMOs, such as New Zealand. New Zealand requested India to consider less trade-restrictive options based on risk to consumers, as relevant to the trade between the two countries concerned. The solution proposed by New Zealand to accept a country-wide assurance as an alternative to consignment-to-consignment certification for a specified period of time would reduce the burden and costs without reducing any level of protection.

4.190. The Russian Federation asked India to explain the process of determining the products to be certified. The Russian Federation also supported references by other Members on measures to Members who had not approved the release of GM crops into the environment.

4.191. India clarified that the Genetic Engineering Appraisal Committee had not approved any of the crop varieties of GM or genetically engineered (GE) origin listed in the Order. Therefore, the FSSAI was seeking a certificate from exporting countries to ascertain the GM-free status of listed crops, and had clarified the non-applicability of this requirement for the import of processed food.

4.3 Information on resolution of issues (G/SPS/GEN/204/Rev.21 and G/SPS/GEN/204/Rev.21/Corr.1)

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

5 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

5.1 Equivalence

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

5.2 Pest- and disease-free areas (regionalization)

5.2.1 Annual report in accordance with the Guidelines to Further the Practical Implementation of Article 6 in G/SPS/48 (G/SPS/GEN/1908)

5.2. The annual report covering the period from 1 April 2020 until 31 March 2021 was circulated as document G/SPS/GEN/1908. The Secretariat explained that the annual report summarized information on Members' requests for recognition of pest or disease-free areas or areas of low pest or disease prevalence, their determinations on whether to recognize such areas, and Members' experiences in the implementation of Article 6, based on information provided in notifications and at Committee meetings under this and other agenda items.

5.2.2 Information from Members

5.2.2.1 Canada - Official OIE recognition of Canada as negligible risk for BSE

5.3. Canada informed Members of its official recognition by the OIE as having a negligible risk for BSE, in accordance with the OIE Terrestrial Code and based on documentation submitted by Canada. This recognition proved that OIE member countries continued to endorse the provisions established in the BSE chapter of the Terrestrial Code and the outcomes of the OIE BSE risk categorization process. It further demonstrated that many WTO Members were basing their decisions on OIE standards. Canada looked forward to working with Members toward removing remaining BSE-related restrictions on Canadian cattle, beef, and beef products.

5.2.2.2 Brazil - OIE recognition of six Brazilian States as free from foot-and-mouth disease without vaccination (G/SPS/GEN/1932)

5.4. Brazil informed the Committee that six Brazilian States had been recognized as free from FMD without vaccination by the OIE through Resolution 13/2021. Brazil's FDM-free zone without vaccination represented almost 1 million km^2 and more than 44 million animals. The last case of FMD had occurred 5 years prior and, since 2018, the entire country was considered free from FMD. The Brazilian Ministry of Agriculture, Livestock and Supply and the private sector had been developing programmes to eradicate FMD for 50 years: the National Strategic Plan for the Eradication and Prevention of FMD had been launched in 2017 and would be fully executed in 2026. Brazil urged Members to comply with the provisions of Article 6 of SPS Agreement on regionalization, and encouraged Members to continue to support the work and apply the standards of the international standard setting bodies. Brazil provided further information in document G/SPS/GEN/1932.

5.2.2.3 Colombia – OIE recognition of foot-and-mouth disease and classical swine fever status in Colombia (G/SPS/GEN/1929 and G/SPS/GEN/1930/Rev.1)[5]

5.5. Colombia informed the Committee of the OIE recognition of Colombia as free of FMD with vaccination and free of classical swine fever (G/SPS/GEN/1929 and G/SPS/GEN/1930/Rev.1). Colombia invited WTO Members to inform their health authorities of this new health status to lift restrictions imposed by certain countries and facilitate ongoing processes to ensure market access for beef and pork meat from Colombia. Enquiries regarding the measures implemented by the Colombian Agricultural Institute (ICA) could be addressed to asuntos.internacionales@ica.gov.co.

5.6. Chile appreciated the efforts on regionalization and congratulated Members achieving recognition by following the guidelines of the international organizations. Noting the increased information shared on the efforts to achieve recognition of pest- or disease-free areas, which was one of the objectives of the guidelines contained in G/SPS/48, Chile regretted that the other objective of providing information on achieved recognitions was still missing. Chile informed that it had recognized Colombia as free of FMD with vaccination and, in the past, had also informed of other recognitions made.

5.3 Operation of transparency provisions

5.7. The Secretariat provided an update on the Trade Concern Database (TCD) project, presented in beta version on the margins of the Committee meeting. The TCD had been developed to enhance and streamline SPS and TBT tools, and was the first stage of a broader project to update and integrate the WTO's current tools, including the ePing system. The TCD aimed at improving access to information on STCs currently available through two separate systems: the SPS and TBT Information Management Systems. The TCD brought together SPS and TBT STCs in one place. Additionally, the search functions for STCs had been improved and data could be explored in the three official WTO languages in a more targeted and comprehensive way. The platform had been developed in a flexible manner, so that other areas of WTO work could be integrated in the future. The database, still in beta version, was accessible at https://tradeconcerns.wto.org/en. Members were invited to provide feedback and guidance. The Secretariat thanked the TBT and IT teams for the collaboration on the development of this database.

5.8. The Secretariat also drew the Committee's attention to the "SPS 10 Key Results from 2020" booklet, a new publication based on the 2020 annual reports on transparency and specific trade concerns circulated in March 2021 (G/SPS/GEN/804/Rev.13 and G/SPS/GEN/204/Rev.21, issued together to cover the same reporting period and facilitate analyses and comparisons, and including new graphics and statistics). The booklet would be available in the SPS gateway and advertised through social media.[6] The Secretariat congratulated Uruguay for using the SPS Notification Submission System (SPS NSS) for the first time to submit online SPS notifications. A total of 51 Members were now using the SPS NSS, which helped streamline the notification process and make documents accessible to the membership more quickly. The Secretariat also thanked Members who had recently updated their National Notification Authorities and National Enquiry Points contact information. The Secretariat invited Members to visit the newly revamped Transparency Members' Toolkit webpage, available from the SPS gateway, and to follow #WTOsps on social media.

5.9. Finally, the Secretariat recalled that the ePing system (www.epingalert.org) was targeted at the public and private sectors and allowed users to receive email alerts on SPS and TBT notifications, using individual criteria on market and products of interest. It also included a communication platform to exchange comments on notifications at the domestic and international level, among others. The TBT team had carried out a survey among registered ePing users. The survey report had been circulated as G/SPS/GEN/1933; G/TBT/GEN/317.

5.10. Acknowledging the efficient work of the Committee, Turkey thanked the Secretariat for the efforts and believed that the improvement of the tools would further benefit Members. As a user of the systems, Turkey looked forward to working with the Secretariat on this.

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[5] Revised documents G/SPS/GEN/1929/Rev.1 and G/SPS/GEN/1930/Rev.2 were circulated on 13 August 2021.

[6] The publication can be downloaded from the following link: https://www.wto.org/english/res_e/booksp_e/sps10key2020_e.pdf.

5.11. The Secretariat's Language and Documentation Services Division (LDSD) made a brief presentation on the WTO e-Subscription service.[7]

5.12. Uruguay thanked the Secretariat for the information provided and the work undertaken to improve the online SPS tools. Uruguay considered the SPS NSS to increase efficiency and invited all Members to use this system.

5.4 Control, inspection and approval procedures

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

5.4.1 Working Group on Approval Procedures (G/SPS/W/328/Rev.1)

5.4.1.1 Report of the Working Group

5.1. The Chairperson drew the Committee's attention to the last meeting of the Working Group on Approval Procedures held on 7 July 2021. A draft report on the work on the Working Group had been circulated with an opportunity to provide comments by Wednesday, 21 July 2021. The final version of the report is included in Annex A.

5.5 Special and differential treatment

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

5.6 Monitoring the use of international standards

5.6.1 New issues

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

5.6.2 Issues previously raised

5.6.2.1 European Union - ASF restrictions not consistent with the OIE international standard

5.4. The European Union drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for the identification, treatment and certification of tradable products. The European Union highlighted that it had, as well as other Members, demonstrated that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting many EU and non-EU countries. The European Union invited Members to work on the removal of country-wide and scientifically unjustified trade bans.

5.6.2.2 European Union - HPAI restrictions not consistent with the OIE international standard

5.5. The European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88th OIE General Session of May 2021, the European Union asked Members to lift trade restrictions 28 days after eradication and disinfection of HPAI and re-instate trade conditions applicable to disease-free countries; refrain from trade restrictions after reported cases of HPAI in wild birds; refrain from trade restriction after reported cases of low pathogenicity avian influenza (LPAI); respect their obligations on

[7] The WTO e-Subscription service can be accessed here by logging-in to WTO individual accounts: https://www.wto.org/english/forums_e/personalization_e/xpersonalization_e/e_subscription_e.htm.

regionalization under the WTO SPS Agreement; follow the recommendations of international standard setting bodies; and allow trade from non-affected zones.

5.6.3 New Zealand – Procedure to monitor the process of international harmonization (G/SPS/GEN/1851, G/SPS/GEN/1877 and G/SPS/GEN/1915)

5.6. The Chairperson reminded the Committee that Members had had an opportunity to discuss New Zealand's submissions in G/SPS/GEN/1851, G/SPS/GEN/1877 and G/SPS/GEN/1915 regarding the procedure to monitor the process of international harmonization at the informal meeting of the Committee of 14 July 2021. The Chairperson drew the Committee's attention to the summary of these discussions in his draft report on the informal meeting, which had been shared with Members with an opportunity to provide comments by 21 July 2021. The final report on the informal meeting is included in Annex A. Members were also invited to submit comments on the Thematic Session to be held in November 2021 by 13 August 2021.

5.6.4 Annual report in accordance with the Procedure to monitor the process of international harmonization in G/SPS/11/Rev.1 (G/SPS/GEN/1909)

5.7. The annual report on the Procedure to Monitor the Process of International Harmonization had been circulated as document G/SPS/GEN/1909. The Secretariat explained that the report summarized the discussions under this agenda item over the past year. In accordance with the monitoring procedure, the Secretariat would bring these issues to the attention of the international standard setting bodies.

5.7 Follow-up to the Fifth Review of the Operation and Implementation of the SPS Agreement (G/SPS/64 and G/SPS/64/Add.1)

5.7.1 Report on the Workshop on Risk Assessment, Risk Management and Risk Communication

5.8. The Chairperson reminded delegates that the draft Report on the Workshop on Risk Assessment, Risk Management and Risk Communication, which had been held on 12-13 July 2021, had been circulated to Members with an opportunity to provide comments by 21 July 2021. The final report is included in Annex B.[8] The Secretariat would prepare a more detailed report of the Workshop after the meeting.

5.7.2 Report on the informal meeting

5.9. The Chairperson drew the Committee's attention to the draft report on the informal meeting of the Committee of 14 July 2021, specifically referring to the summaries of the discussions on the follow-up to the Fifth Review, the proposed thematic sessions on international harmonization and on default pesticides MRLs. The Chairperson reminded Members that this draft report had been shared with Members to give them an opportunity to provide comments by 21 July 2021. The final report is included in Annex A. Members were also encouraged to submit proposals for thematic sessions to be held in 2022 by 13 August 2021.

6 CROSS-CUTTING ISSUES

6.1 COVID-19 and SPS issues

6.1. The Chairperson reminded the Committee that the informal Committee meeting of 14 July 2021 had included discussions on COVID-19 and SPS issues. These discussions had been summarized in his draft report on the informal meeting. The final report is included in Annex A.

[8] The dedicated webpage for the Workshop can be accessed here: https://www.wto.org/english/tratop_e/sps_e/sps_workshop_july21_e.htm.

6.2 Canada and the United States - SPS Declaration for the 12th WTO Ministerial Conference (G/SPS/GEN/1758/Rev.7)

6.2. The Chairperson reminded the Committee that the informal Committee meeting of 14 July 2021 had included discussions on the SPS Declaration for MC12. These discussions had been summarized in his draft report on the informal meeting, which had been shared with Members. The final report is included in Annex A.

6.3. Canada emphasized that the Declaration underlined the benefits of the SPS Agreement and reaffirmed the importance of adhering to its obligations. The Declaration recognized the evolution of the global agricultural landscape and would initiate a work programme to enhance the SPS Agreement considering these developments. Canada was pleased that the Declaration now had 29 co-sponsors, and remained optimistic regarding the possibility to achieve consensus on the initiative as a successful contribution to MC12. Canada expressed its willingness to engage with Members requiring further clarification.

6.4. The United States acknowledged several new co-sponsors of the Declaration and highlighted the diversity in economic and regional areas of co-sponsors. The United States highlighted the open and collaborative procedure in the development of the Declaration. The United States reiterated that the Declaration was an opportunity to develop a forward-looking workplan for SPS challenges of the 21st century. The United States also reiterated the availability of co-sponsors to address concerns or requests for clarification from Members.

6.5. The European Union hoped that the UN Food Systems Summit would serve as a turning point in transforming global food systems and addressing global health and environmental challenges. The European Union considered MC12 to be an occasion to reinforce the message that international trade must take place in consonance with sustainable development. The European Union remarked that robust references to current and future challenges for trade in food should be included in the text of the Declaration. In particular, the European Union referred to the protection of biodiversity, global transformation towards sustainable food systems, animal welfare, and best practices in risk management. The European Union considered that the Declaration should avoid duplication with the actions foreseen on the Fifth Review of the Operation and Implementation of the SPS Agreement. The European Union noted it could not support the Declaration in its present form and remained open to engage in further discussions with co-sponsors to address its concerns.

6.6. Brazil thanked the new co-sponsors for joining the Declaration. Brazil highlighted that the Declaration was inspired by the discussions held in SPS Committee meetings, and that MC12 was a convenient opportunity to reflect on the successes and challenges of the implementation of the SPS Agreement. Brazil remarked that the work programme in the Declaration tried to capture the pressing issues impacting agricultural production and trade. Brazil emphasized that ministerial attention at MC12 would spur deepened engagement on emerging SPS issues.

6.7. Australia welcomed the new co-sponsors of the Declaration. Australia highlighted that the Declaration recognized the importance of the SPS Agreement and reaffirmed Members' rights and obligations. The Declaration focused on a forward-looking work programme and thematic work areas to support the work on emerging issues in international agricultural trade. Australia looked forward to hearing Members' views.

6.8. Japan informed the Committee that it had joined the Declaration as a co-sponsor. Japan hoped to engage in further discussions with Members on emerging trade issues.

6.9. Switzerland stressed the need to review carefully how the Declaration would fit the style of Ministerial Declarations regarding its length and level of detail. Switzerland questioned how the Declaration would account for new developments and challenges in food production and consumption. Switzerland considered that the Declaration needed to address challenges related to climate change, biodiversity loss, sustainable use of pesticides and animal welfare.

6.10. Paraguay welcomed the new co-sponsors of the Declaration. Paraguay invited Members to join the Declaration and reiterated the willingness of co-sponsors to address concerns or requests for clarification from Members. Paraguay hoped that the synergies regarding SPS measures, and the need to address the emerging challenges would lead to the adoption of the Declaration at MC12.

6.11. Argentina welcomed the new co-sponsors and invited Members to join the Declaration. In light of emerging challenges such as the production of more and better food, as well as those mentioned by other Members, Argentina urged Members to support the Declaration and to rely on the adoption and implementation of measures based on scientific evidence.

6.12. Uruguay welcomed the new co-sponsors and highlighted the importance of establishing a work programme following MC12 taking into account the challenges and opportunities related to the production and trade of food products in the 21st century. Uruguay invited Members to work together with co-sponsors in order to achieve positive results at MC12.

7 TECHNICAL ASSISTANCE AND COOPERATION

7.1 Information from the Secretariat

7.1.1 WTO SPS activities

7.1. The Secretariat provided Members with an overview of the technical assistance activities held since March 2021. These activities included national seminars held in virtual format for Djibouti, on notifications, in March, and for Singapore on SPS and Agriculture, in May. More general training on the SPS Agreement had been provided in two UNCTAD sessions on Trade Facilitation and the SPS Agreement for Lesotho, in April, and Paraguay, in June. An FAO Webinar for Madagascar had been held in May; and the WTO Virtual Regional Trade Policy Course for English-speaking Africa had been held from 28 June to 2 July 2021. The Secretariat also referred to requests for upcoming virtual SPS seminars for Ecuador and Thailand.

7.2. The Secretariat provided an overview of the WTO Technical Assistance activities outlined in G/SPS/GEN/997/Rev.11. The 2021 Geneva-based activities were the Workshop on Risk Assessment, Risk Management and Risk Communication, which had been held on the margins of this meeting on 12-13 July; and the new SPS In-depth Virtual Course. This course would be delivered virtually, in English, over a series of sessions of approximately 1.5-2 hours from 20 September to 8 October 2021. Information on this course was available in G/SPS/GEN/997/Rev.11 and a communication had been sent to SPS delegates in June. The deadline to apply for this course was Monday, 26 July. The Secretariat would undertake the selection process for this course and inform the respective missions of the proposed selection of candidates from their government before the final selection.

7.3. The Secretariat highlighted upcoming activities that would include general SPS training: the WTO Virtual Regional Trade Policy Course to be held for Latin America on 24-28 September, including an SPS and TBT session; and an UNCTAD Session on Trade Facilitation and the SPS Agreement for Peru in August 2021.

7.4. Further information on SPS Technical Assistance activities was available on the SPS gateway of the WTO website (under Events, workshops and training), or by contacting the Secretariat. Finally, the Secretariat noted that the E-Learning Course on the SPS Agreement was available all year long, in the three official languages of the WTO.

7.1.2 STDF (G/SPS/GEN/1925)

7.5. The STDF Secretariat reported on its recent activities detailed in G/SPS/GEN/1925. The STDF Secretariat provided information on its three main workstreams serving as a global platform, promoting knowledge work and serving as a funding mechanism. STDF's new short film "Shaping a safer world" highlighted the importance of investing in SPS capacity for developing countries. The STDF Secretariat also referred to the UN Food Systems Summit dialogue session on 28 June entitled "Transforming Food Systems for the 21ST Century: why does facilitating safe trade matter", the webinar of 14 July 2021 on System Approaches in Food Safety and Plant Health, and the UN Food Systems Pre-Summit dialogue session of 27 July on Promoting sustainable food systems: the role of international standards. Finally, the STDF Secretariat referred to STDF work on the P-IMA framework, public-private partnerships, good regulatory practices, electronic SPS certification, and current STDF projects.

7.2 Information from Members

7.6. No Member provided information under this agenda item.

8 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

8.1. No Member provided information under this agenda item.

9 OBSERVERS

9.1 Information from observer organizations

9.1.1 GSO (G/SPS/GEN/1912)

9.1. The Chairperson drew the Committee's attention to the report of activities provided by GSO in document G/SPS/GEN/1912.

9.1.2 ITC (G/SPS/GEN/1913)

9.2. The Chairperson drew the Committee's attention to the report of activities provided by ITC in document G/SPS/GEN/1913.

9.1.3 SADC (G/SPS/GEN/1916)

9.3. The Chairperson drew the Committee's attention to the report of activities provided by SADC in document G/SPS/GEN/1916.

9.1.4 ECOWAS (G/SPS/GEN/1917)

9.4. The Chairperson drew the Committee's attention to the report of activities provided by ECOWAS in document G/SPS/GEN/1917.

9.1.5 IGAD (G/SPS/GEN/1919)

9.5. The Chairperson drew the Committee's attention to the report of activities provided by IGAD in document G/SPS/GEN/1919.

9.1.6 OIRSA (G/SPS/GEN/1922)

9.6. The Chairperson drew the Committee's attention to the report of activities provided by OIRSA in document G/SPS/GEN/1922.

9.1.7 CAHFSA (G/SPS/GEN/1924)

9.7. The Chairperson drew the Committee's attention to the report of activities provided by CAHFSA in document G/SPS/GEN/1924.

9.1.8 IICA (G/SPS/GEN/1928)

9.8. IICA reported on its activities, detailed in document G/SPS/GEN/1928. IICA referred to a Coordination Session on SPS Committee matters developed jointly with ECOWAS and several Members. IICA also referred to a series of interregional virtual colloquia hosted in collaboration with the United States in preparation for several Codex Committees, the 7th edition of its OIE Strategy Session, actions to support the alignment of national pesticide registration systems, as well as past dialogues, courses, and training sessions.

9.2 Requests for observer status

9.9. The Chairperson referred to document G/SPS/W/78/Rev.15, listing the outstanding requests for observer status. The Chairperson indicated that, absent any intervention, he would assume that the positions of Members had not changed. No Member took the floor.

10 OTHER BUSINESS

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

11 DATE AND AGENDA OF NEXT MEETING

11.1. The Chairperson recalled that the next regular meeting of the Committee was scheduled for 4-5 November 2021 and that the proposed calendar of meetings for 2021 was contained in G/SPS/GEN/1823.

11.2. The Secretariat informed the Committee that it would prepare a summary report based on oral interventions at the meeting, complemented by Members' ability to download complete statements via eAgenda.

11.3. The Chairperson also reminded of the following deadlines:

a. For submitting statements: **Friday, 16 July 2021**;

b. For comments on the Chairperson's draft report on the Workshop on Risk and the informal meeting: **Wednesday, 21 July 2021**;

c. For comments on New Zealand's proposed topics for the Thematic Session on Monitoring International Harmonization to be held in November 2021 (G/SPS/GEN/1915): **Friday, 13 August 2021**;

d. For proposals for thematic sessions for 2022: **Friday, 13 August 2021**;

e. For suggestions for the 2022 Committee workshop: **Friday, 13 August 2021**;

f. For requesting that items, including STCs, be put on the agenda, and for identifying new issues for consideration under the monitoring procedure: **Wednesday, 13 October 2021**;

g. For the distribution of the Annotated Draft Agenda: **Friday, 15 October 2021**.

ANNEX A

INFORMAL MEETING – 14 JULY 2021

REPORT BY THE CHAIRPERSON

1 FOLLOW-UP TO THE FIFTH REVIEW

1. At the informal meeting on 14 July 2021, the Committee discussed how to take forward some of the recommendations in the Fifth Review Report, as well as discuss ongoing work in various areas.

SPS Committee Working Group on Approval Procedures (G/SPS/W/328/Rev.1)

2. The co-stewards for the Working Group, Canada and Paraguay, provided an update on the activities of the Working Group.[1]

3. In the first round of work that concluded in March 2021, participants had identified four main themes for the Working Group: (1) common understanding of "approval procedures"; (2) key challenges of approval procedures; (3) principles of approval procedures that facilitate international trade while meeting the importing Member's ALOP; and (4) tools available and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures.

4. In the second round of work (March to July 2021), participants met on two occasions and continued to exchange in writing. The discussions focused on: (1) developing a common understanding of the term "approval procedures"; and (2) assembling a collection of available tools and best practices. In addition, participants started discussions on key challenges of approval procedures.

5. Participants had in-depth discussions on a possible common understanding of "approval procedures" to facilitate the work of the Working Group. The majority of participants valued such a common understanding to advance the objectives of the Working Group and to facilitate discussions. Certain participants expressed reservations and cautioned that any identification of a common understanding of approval procedures may be viewed as interpreting the Agreement and/or be taken as a legal definition. Additionally, certain participants indicated that they would like to move to discussing key challenges of approval procedures while others expressed concerns about moving to this next topic without narrowing the scope of work. Participants' submissions nonetheless revealed general alignment in the parameters for the Working Group's understanding of "approval procedures," as related to the work of the Working Group. On this basis and only for the purposes of the Working Group, the co-stewards submitted a proposed common understanding of approval procedures that remains under discussion in the Working Group. This proposed "common understanding" for use by the Working Group takes the form of an illustrative list of approval procedures, generated based on participants' contributions for the practical purpose of advancing the work of the Working Group. This proposed "common understanding" is not exhaustive, does not represent a legal interpretation of the rights and obligations of SPS Agreement, and does not in any way constitute a legal definition.

6. The Working Group also discussed and worked on assembling a collection of existing tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to the work of the Working Group. Participants submitted materials and resources readily available, on the basis of which a draft collection of available tools and best practices was prepared by the WTO Secretariat for discussion in the Working Group. There was general agreement among participants that this collection is not an exhaustive list of tools and best practices, that it does not

[1] The Working Group on Approval Procedures was established in November 2020. Twenty-five Members are participating in the Working Group: Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, the European Union, Japan, Mexico, New Zealand, Norway, Paraguay, Peru, the Philippines, the Russian Federation, Singapore, South Africa, Switzerland, Chinese Taipei, Ukraine, the United Kingdom, the United States, and Uruguay. The OECD is also a participant.

represent or exemplify a legal definition, and that it has been developed to facilitate the work of the Working Group. This collection will continue to be discussed in the Working Group and will be updated as participants put forward additional resources and best practices.

7. Moreover, participants had initial discussions regarding the challenges that had emerged from the previous round of work, namely: (1) timing and undue delays; (2) transparency; (3) communication or information exchange; (4) justification and discrimination of approval procedures; (5) harmonization with international standards; and (6) other challenges such as the COVID-19 pandemic.

8. Finally, the OECD was invited to provide information on its ongoing work project on approval procedures. This work project will not duplicate the efforts of the Working Group, and the OECD will continue to liaise with the Working Group and the WTO Secretariat.

9. With its last meeting of 7 July 2021, the Working Group concluded its second round of work and moved to its third round of work.

10. Following the co-stewards update, I provided an opportunity for Members to raise any questions or comments on the activities of the Working Group. One Member took the floor to thank the co-stewards for their continuous leadership in the Working Group. The United States welcomed the progress made by the Working Group, highlighting the valuable conversation and interesting discussions in the Working Group.

Exchange of experiences or continued discussions on various topics

11. We then discussed the recommendations that encourage Members to continue to exchange experiences or have continued discussions. I highlighted that these recommendations were found in various sections of the Fifth Review Report, such as: appropriate level of protection, risk assessment and science (para. 2.15); equivalence (para. 4.11); fall armyworm (para. 5.16); national SPS coordination mechanisms (para. 6.7); MRLs for plant protection products (para. 8.6); and regionalization (para. 9.15).

12. Similar to the March 2021 meeting, I again sought Members' views on the best way to move forward with these recommendations. I recalled that in the September 2020 consultations, one Member had observed that the proposed work plan for the MC-12 SPS Declaration, also currently being discussed by the Committee, was consistent with these recommendations and could provide a pathway to continue exploring these topics. I also noted that in the November 2020 informal Committee meeting, another Member had reminded the Committee of its previously raised concerns regarding some of the topics covered by the recommendations. No comments were received from Members in the March meeting.

13. In this week's meeting, I again invited Members to provide any further comments or suggestions on the identified recommendations. No Member provided additional inputs.

Preparation of a collection of resources for Members in implementing their national coordination mechanisms (G/SPS/GEN/1850/Rev.1)

14. Next, we discussed the recommendation in the Fifth Review Report (G/SPS/64, para. 6.7) on the preparation of a collection of useful resources for Members in implementing their national coordination mechanisms. By way of background, I recalled that Members had requested that the Secretariat prepare such a compilation of resources, starting with those mentioned at the 2019 Workshop on Transparency and Coordination, and including additional resources as suggested by Members. I further reminded the Committee that in the November 2020 meeting, the Secretariat had presented a draft compilation of these resources in document G/SPS/GEN/1850 and that Members had been invited to provide comments.

15. In the March meeting, the Secretariat had presented a revised version of the document, circulated as G/SPS/GEN/1850/Rev.1. In particular, the Secretariat had highlighted the changes to Section 3 of the document on useful tools and resources for national SPS coordination, noting that the table had been updated to include the annotated agenda for SPS Committee meetings, as suggested by Chile in the November 2020 SPS Committee meeting. In addition, five new resources had been incorporated from the Standards and Trade Development Facility (STDF), as well as an update of one of the STDF resources. No further comments were provided by Members.

16. In this week's meeting, I again invited Members to provide comments. No Member provided additional inputs.

17. I then proposed that the document remain as a 'living document' to be updated any time Members suggested additional resources. On this basis, future discussions on this document would only be included in the agenda for the informal meeting if a Member proposed additional resources to be included.

2 SPS DECLARATION FOR THE 12TH WTO MINISTERIAL CONFERENCE (G/SPS/GEN/1758/REV.7)

18. At the informal meeting on 14 July 2021, the Committee also discussed the SPS Declaration for the 12th WTO Ministerial Conference. I first reminded Members that this proposal had previously been discussed in informal Committee meetings held this year and last year, including in a Chair-facilitated informal consultation in November. I also drew attention to the recent revision of the proposal which had been circulated in document (G/SPS/GEN/1758/Rev.7).

19. I then invited the proponents to provide an update. The proponents expressed appreciation to the new co-sponsors, which now brought the total number of co-sponsors to 29. Canada underscored that the proposed Declaration "Responding to Modern SPS Challenges" underlined the benefits of the SPS Agreement to all WTO Members, and reaffirmed the continuing importance of adhering to its obligations. The Declaration would initiate a work programme, open to all Members and Observers, to consider how to further enhance the implementation of the SPS Agreement in light of the opportunities and pressures created by the evolution of the global agricultural landscape. In addition, the Declaration provided an opportunity to raise awareness within the broader WTO community, including trade ministers, of the relevance of the SPS Agreement and the challenges ahead. The SPS Committee would achieve this through, among other things, a report to the 13th Ministerial Conference with key findings and consensus recommendations, if any. Canada also indicated that it anticipated that this proposed Declaration would be taken up in the consideration of various outcomes for MC-12.

20. Brazil reminded Members that the Declaration was a proactive initiative by Members, based on actual experiences and inspired by the lively discussions in Committee meetings. Given the recent 25th anniversary of the SPS Agreement, MC-12 provided an opportunity to reflect on the successes achieved, while looking ahead to 21st century challenges in the implementation of the Agreement. In this regard, Brazil highlighted that the work programme of the Declaration tried to capture the pressing issues impacting agricultural trade which should be dealt with in an urgent and unbiased manner, using a science-based approach. Brazil further underscored that Ministerial engagement was crucial and necessary to face future challenges in the implementation of the Agreement.

21. The United States welcomed the presence of WTO DDG Jean-Marie Paugam at the meeting and underscored the importance of the discussions on the Declaration, given its collaborative and forward-looking approach, and contribution to MC-12. The United States reiterated that the Declaration provided a real opportunity, in a landscape with many challenges, for the Committee to acknowledge these challenges and adopt a forward-looking work plan to ensure timely discussions aimed at addressing issues of relevance in agricultural production and trade.

22. The proponents also drew attention to the several successful outreach sessions that had been held between co-sponsors and Members to further explain the Declaration, and indicated their willingness to hold additional sessions to provide any further clarification to assist in achieving consensus on this important forward-looking initiative.

23. New co-sponsors Japan and New Zealand underscored the importance of science-based measures and its reflection in the Declaration. In addition, New Zealand noted the importance of SPS issues in the context of international trade.

24. One Member reiterated its previous comments, drawing attention to Agenda 21, the 15th Meeting of the Conference of the Parties to the UN Convention on Biological Diversity and the UN Food Systems Summit and their anticipated role in serving as a turning point in transforming food systems globally, and providing a strong response to current global health and environment challenges. The Member noted that MC-12 represented an excellent opportunity to reinforce the message that international trade in general – and particularly, trade in food – must take place in full consonance with sustainable development. The Member saw the need to include more robust

references in the Declaration to current and future environmental, climate and ethical challenges for trade in food, such as protecting biodiversity and the ecosystems of the planet, global transformation towards sustainable food systems, animal welfare and establishment of best practices in risk management which respect legitimate consumer expectations, while avoiding disguised protectionism. The Declaration should avoid overlaps and duplication with the Fifth Review. The Member noted that it could not support the Declaration in its present form, as it did not meet its policy goals and objectives, but remained open to have discussions on the context, language, content and appropriateness of the work programme.

25. Some Members proposed textual revisions to the SPS Declaration, which included inserting a reference to new threats like COVID-19, and also to the challenges for developing and least developed countries. Another Member sought clarification on the transparency elements included in paragraph 4 of the Declaration, including a query on how the existing transparency and notification requirements in the SPS Agreement would interact with the Declaration.

26. One Member recognized the opportunity that the 12th Ministerial Conference presented in highlighting the value and relevance of the SPS Agreement and the important work undertaken by the SPS Committee. In addition, the Member reaffirmed its commitment to the principles of the Declaration in the use of science-based principles, upholding transparency, and the work of the international standard-setting bodies in facilitating and enhancing safe trade. The Member further indicated its ongoing internal consultations which could highlight further areas of content for the proposed work programme, and welcomed the opportunity to submit further clarifying questions in writing.

27. Argentina welcomed the new co-sponsors and invited other Members to join the proposal, underscoring the need for science-based measures in light of the challenges faced in agricultural production.

28. One Member suggested the need to carefully consider whether the proposed SPS Declaration would fit well with the usual style of Ministerial Declarations, particularly in relation to the length and level of detail of the proposal. There was also a need to consider how the Declaration would fit into the landscape of possible Declarations on other WTO agreements celebrating 25 years of existence, and on new developments in food production and consumption. The Member also indicated that the text should seek to achieve a balance, avoiding the impression of prioritizing the enhanced implementation of the SPS Agreement over other agreements, while improving the text to take into account concerns such as climate change, biodiversity loss, environmental degradation, sustainable food systems, sustainable use of pesticides and animal welfare. The Member signaled its willingness to participate in the process and to contribute to revising the text for potential adoption at MC-12.

29. Another Member agreed that the text of the Declaration was lengthy and highlighted the numerous topics covered, noting that some had already been captured in the SPS Agreement, while others were ambitious. The Member also sought clarification on the overarching objective of the Declaration, what it sought to address, and the process to move the proposal forward. In addition, the Member noted the monitoring role of the SPS Committee and the absence of a mandate to develop declarations. In response, I drew the Committee's attention to Article 12.1 of the SPS Agreement which could be read as the Committee having more than a monitoring role.

30. Chile made reference to several topics mentioned by Members, such as climate change and biodiversity, noting that these had been included in the document. In addition, Chile underscored that the work programme was not aimed a repeating current work, and further invited Members to sponsor the Declaration.

31. The proponents expressed appreciation for Members' engagement and feedback, and further invited Members to submit written comments, and also to engage in discussions with co-sponsors (whether capital- or Geneva-based). The United States also underscored its commitment to continue engaging in dialogue leading up to the Ministerial Conference, and further highlighted the opportunity for the Committee to emphasize the relevant SPS work in global food production systems and trade of the future. Canada reiterated that the intention of the Declaration was to recognize the important issues being faced at the global level, such as climate change, biodiversity loss, sustainability of food systems, food security and the need for innovation. In this way, the Declaration sought to examine these issues and understand their SPS impact, and by extension how the SPS Committee could

contribute to these discussions. Canada underscored that it was not intended that the SPS Committee solve these issues, but that there could be a role for it to play.

3 PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION (G/SPS/GEN/1851, G/SPS/GEN/1877 AND G/SPS/GEN/1915)

32. I recalled that three Members had submitted comments, by the deadline of 23 April 2021, on New Zealand's submissions on the procedure to monitor the process of international harmonization (G/SPS/GEN/1851 and G/SPS/GEN/1877), discussed since November 2020. Subsequently, New Zealand submitted document G/SPS/GEN/1915, which includes some possible topics to be covered in the thematic session on international harmonization, for consideration by the Committee.

33. New Zealand appreciated Members' interest in organizing such a thematic session, possibly in November. The thematic session, focusing on Articles 3.5 and 12.4 of the SPS Agreement, could provide the opportunity to: (i) review progress with implementation of the SPS Agreement; (ii) review the work of the International Standard-setting Bodies (ISSBs); and (iii) allow Members to share their experiences. The thematic session's programme, to be developed in close consultation with Members and ISSBs, could pave the way for future work. Regarding other proposals contained in its submissions, New Zealand recognized that further analysis was required.

34. Several Members expressed support for the organization of this event, proposing that lessons from related dispute settlement cases and the Committee's Procedure to Monitor the Process of International Harmonization, contained in document G/SPS/11/Rev.1, also be covered, as well as noting that the participation of ISSBs in this event was essential.

35. The "Three Sisters" expressed support for such a timely event, which would provide a good forum to present the state of play of their monitoring mechanisms developed or currently under development, and in line with Codex' and IPPC's new strategic frameworks. The OIE reported that the Observatory project would become a more long-term programme and move into a new phase, and the OIE would review how best to align it with its digital transformation project. The "Three Sisters" hoped that the thematic session event could offer an opportunity to discuss how ISSB's different texts, i.e. standards, guidelines, recommendations, or codes of practice, were considered in Members' legislation and under the SPS Agreement.

36. New Zealand indicated that it would continue developing the programme in line with Members' comments and the ISSBs' busy schedule for the remainder of the year.

37. I then invited Members and ISSBs to submit comments on the proposed topics to be covered in the thematic session by the deadline of Friday, 13 August 2021. I also invited New Zealand to submit a draft programme for further consideration by Members. One Member also sought clarification on the type of comments expected by the deadline of 13 August. I clarified that the stated deadline was for the submission of comments on the latest document G/SPS/GEN/1915 and indicated that there would be further opportunities to provide other comments and to propose speakers once the draft programme was circulated.

4 UPCOMING THEMATIC SESSIONS (G/SPS/GEN/1915)

38. At the informal meeting on 14 July 2021, I first informed the Committee that three Members had submitted comments on the scheduling of the two proposed thematic sessions, one on default pesticide MRLs and one on international harmonization. Comments referred to postponing the thematic session on default pesticides MRLs (by the proponent); a suggestion to schedule this thematic session in 2022 and hold the session on harmonization in November 2021; and a general query on the thematic session on default pesticides MRLs that was forwarded to the proponent. I also drew attention to my correspondence of 11 May which provided an overview of Members' submitted comments.

39. At the informal meeting, Members were in agreement that the thematic session on international harmonization be held in November 2021.

40. In relation to the thematic session on default pesticide MRLs, the initial proponent China suggested postponing this thematic session, while in the interim it would continue to liaise with interested Members. In response to a Member's query, China further clarified that it would like to postpone the thematic session, but had no objection to the Chairperson’s proposal that the

Committee could hold this thematic session in 2022. Several Members also expressed their support and availability to collaborate in the preparation of the thematic session, with one Member highlighting recent activities by APEC which could be of interest.

41. In relation to the overall planning of thematic sessions for 2022, I encouraged Members to submit any other proposals for thematic sessions by the deadline of Friday, 13 August 2021. The European Union informed the Committee that it would submit a written proposal for a thematic session on plant health risk assessment and related international standards and procedures. I further suggested that the Committee aim to finalize the schedule of thematic sessions for 2022 at the November 2021 Committee meeting.

5 COVID-19 AND SPS ISSUES

42. As in the November 2020 and March 2021 informal meetings, the WTO Secretariat and the "Three Sisters" provided updates on COVID-19 and SPS issues in their respective areas. The WTO Secretariat reported that there had been 102 SPS notifications and other communications related to COVID-19 submitted by Members. These could be extracted from the SPS Information Management System (SPS IMS) using the "COVID-19 SPS" keyword. The Secretariat recalled that SPS, as well as all other WTO COVID-19 related documents were available on the COVID-19 gateway of the WTO website.

43. The IPPC continued to hold all its meetings in virtual mode. Four e-Learning courses jointly developed with COLEACP would be soon available. The IPPC was exploring how best to improve their work, considering their target audience needs.

44. The OIE had continued to work with other partners such as FAO, UNEP and WHO, in the ad hoc group on safe trade in animal products, whose last report of February 2021 was available on the OIE website. The OIE encouraged Members to report on their investigations on SARS-CoV-2 in animals; this information was available on the renewed WAHIS platform on animal health data. The OIE was reviewing lessons learned on their response to the COVID pandemic, to be better prepared for the future.

45. Some Members provided updates. The European Union had extended until September 2021 its acceptance on a temporary basis of scanned copies of certificates. It expressed concern regarding certain Members' restrictive measures, which increased delays and had no scientific basis. The European Union recalled the assessments of EFSA, OIE and other bodies, which found no evidence that food could be a source of COVID-19 transmission, and requested Members maintaining such measures to share their risk assessment that would explain these measures as valid and proportionate.

46. Chile had implemented electronic certification, continuing to promote its use bilaterally with other Members, as well as remote inspections and delivery of export establishments' requests.

47. Colombia called on Members to reduce delays in inspection visits, for example through virtual inspections and electronic certification, to prevent measures from becoming unnecessary restrictions to trade.

48. Indonesia reiterated that it had taken necessary measures to ensure that fisheries products were safe for consumption through testing and asked Members to share their experiences in preventing COVID-19 in fisheries products. Indonesia added that it had taken a risk-based approach, consistent with Article 5 of the SPS Agreement, and following FAO and WHO guidance.

49. Kenya had implemented FAO and WHO guidelines to ensure the safety of food exports with respect to COVID-19, and expressed concern with certain Members' restrictive measures being implemented without sufficient scientific evidence.

50. Switzerland again expressed concern regarding the additional requirements related to COVID-19 from certain Members for the importation of food products, including tests, inspections and certificates, without sharing the risk assessments on which these were based.

ANNEX B

WORKSHOP ON RISK ASSESSMENT, RISK MANAGEMENT, AND RISK COMMUNICATION

12-13 JULY 2021

CHAIRPERSON'S SUMMARY

1. A Workshop on Risk Assessment, Risk Management, and Risk Communication was held on 12-13 July 2021 on Zoom. The programme was circulated in document G/SPS/GEN/1911/Rev.2, based on a proposal submitted by Canada in the context of the Fifth Review of the Operation and Implementation of the SPS Agreement (G/SPS/GEN/1769 and G/SPS/GEN/1769/Rev.1). The workshop brought together a variety of speakers from the public sector (from Africa, the Americas, Asia, Europe, and Oceania) as well as speakers from the private sector, academia, international standard-setting bodies, and other international organizations. There were close to 1,300 registered participants, including interested stakeholders from Members, private sector, academia, and civil society. The interest that the workshop generated was strong evidence of the need for an event of this kind.

2. A dedicated webpage for the workshop had been made available ahead of the event, with relevant information, the programme, background information on all the speakers, and a catalogue of relevant resources to support governments in building and operationalizing risk analysis frameworks. This catalogue builds on resources from the WTO, the international standard-setting bodies, relevant international organizations, and others. It includes international standards, guidelines and recommendations, presentations, handbooks, guides, tools, links to previous events, and online courses.

3. The workshop fostered discussions on all aspects of SPS risk analysis, building on the Thematic SPS Workshop on Risk Analysis, held on 13-14 October 2014; and the SPS Thematic Session on Risk Communication, held on 15 July 2015. Through roundtable discussions, presentations, practical case studies, video clips, polls, and Q&A sessions, the workshop generated exchanges on SPS risk analysis, experience sharing, and discussions on challenges, best practices and emerging issues. Participants also benefited from a number of side sessions, which offered opportunities to interact informally with speakers.

4. The first day of the workshop was dedicated to an opening session (Session 1) and a series of roundtables on risk assessment (Session 2) and risk management (Session 3).

5. In the opening session, a short video clip was shown providing a few introductory remarks from eminent WTO experts on risk analysis and the SPS Agreement. This video clip served as a useful refresher of some of the discussions on risk analysis in the WTO over the years. It was complemented by a presentation from the WTO Secretariat on the provisions of the SPS Agreement relevant to risk analysis.

6. In a first roundtable on risk assessment, Codex Alimentarius and the OIE discussed international standards relevant to risk assessment, new trends, and available support to help developing countries implement their guidance. In addition, FAO discussed the FAO-OIE-WHO Tripartite Joint Risk Assessment Operational Tool to address health risks arising from animal diseases in an interdisciplinary manner, and the OECD presented SPS voluntary guidance developed in the areas of chemicals and pesticides. In another roundtable moderated by a speaker from Kenya, representatives from China, the European Union, Morocco, Norway, and the United States shared experiences on risk assessment, the use of international standards to assist in risk assessment activities and reliance on international and regional risk assessments. They also shared experiences on building capacity and discussed challenges in risk assessment activities, including those related to capacity, data availability and quality, and emerging risks.

7. Risk management was then discussed from the perspectives of the international standard-setting bodies, with speakers from Codex Alimentarius and the OIE, as well as stewards of the IPPC

Standards Committee. Speakers shared information on international standards and guidance on risk management, support provided for Members, and areas for further work. Innovative approaches in risk management were also explored, including those in the area of e-commerce. The first day of the workshop concluded with a roundtable on Member perspectives moderated by a speaker from New Zealand, where representatives from Brazil, Peru, and Chinese Taipei shared experiences on risk management, discussed challenges and strategies. In addition, the discussions addressed incorporating inputs other than scientific assessments in risk management decisions and the use of international standards to improve risk management at the domestic level. Speakers also discussed private sector perspectives and experiences with public-private coordination in risk management, which were shared in the workshop via video clips.

8. The second day of the workshop was dedicated to risk communication (Session 4) and case studies (Session 5) on all aspects of risk analysis.

9. In the session on risk communication, participants benefited from detailed presentations on Codex Alimentarius risk communication guidance, IPPC tools for pest risk communication, OIE standards and risk communication activities, FAO food safety risk communication challenges, as well as the APEC regional framework on food safety risk communication.

10. In addition, WTO Members shared experiences on internal risk communication and effective communication between and among risk assessors and risk managers. Building on differences in approaches between risk assessors and risk managers, Chinese Taipei presented risk communication strategies and a proposed action plan based on scenario assumptions. The United States then discussed risk communication at the United States Environmental Protection Agency and presented its SALT framework based on Strategy, Action, Learning, and Tools.

11. Other presentations focused on experiences with translating risk assessment and risk management into communication messages, including communicating uncertainty and leveraging new communication tools. In this context, speakers discussed effective ways to target communication, how to identify audiences, the scope of government's responsibility and its role in risk communication, and when to communicate. Canada shared its risk communication strategies in the context of African swine fever, highlighting the importance of dialogue between regulators and those potentially affected, to foster informed decisions, encourage positive behaviour change, maintain public trust, and prepare for outbreaks. This was followed by a presentation from China on how risk communication helped its gelatine trade to the European Union. This presentation highlighted the importance of consistent and effective internal risk communication, as well as open and objective external risk communication. The European Union discussed relevant developments in the EU legal framework on risk communication, with a focus on the new EU regulation on the transparency and the sustainability of the EU risk assessment in the food chain. Finally, the United States presented on communication practices within the United States Centers for Disease Control and Prevention (CDC), in particular the use of real-time data to communicate real-time risk in the context of multistate foodborne outbreaks.

12. In the last session of the workshop, representatives from WTO Members and the private sector presented case studies on the different risk analysis components. The United Kingdom discussed tools, resources, and challenges, including those pertaining to uncertainty in risk assessment, in the context of pest risk analysis. Chinese Taipei discussed how risk management measures for international mail articles of plant products had been strengthened, in particular through a bilingual online application permit system. In this context, Chinese Taipei highlighted the importance of inter-agency cooperation and review efforts. Chinese Taipei also presented on the various aspects of risk analysis in the context of border control measures for African swine fever. Canada discussed joint review processes involving two or more countries and associated benefits and challenges in the context of pesticides. The European Union presented an initiative on trust, with the aim of establishing an international community of practice for communication and engagement experts. A private sector perspective was also shared with a presentation highlighting the need for public-private cooperation in risk communication to protect public health and the importance of building trust among stakeholders.

13. In concluding, I remarked that the discussions had highlighted the links between risk assessment and risk management activities as well as the various actors that have roles to play in risk analysis activities, including government agencies, private sector actors, and consumer groups. I further noted that the importance of stakeholder engagement, forming trust, working with

transparency, and developing confidence in regulatory decisions had been at the heart of many of the interventions.

14. The presentations made in the workshop are available on the workshop's dedicated webpage. The video clips shown in the workshop and the recordings in English, French, and Spanish will also be made available on this webpage.