



Committee on Sanitary and Phytosanitary Measures

**REVIEW OF THE OPERATION AND IMPLEMENTATION
OF THE SPS AGREEMENT**

REPORT ADOPTED BY THE COMMITTEE ON 26 JUNE 2020 – PART B

Addendum

The Report of the Fifth Review is comprised of two sections: (i) **Part A**: Proposals submitted under the Fifth Review – which contains the list of the proposals submitted under the Fifth Review, as well as information on the discussions and thematic sessions that have taken place on the various topics. In addition, this section contains information on the areas identified for further work by the SPS Committee, including any recommendations; and (ii) **Part B**: Factual report. The present document contains Part B of the Report; Part A can be found in document G/SPS/64.

This factual part reflects the work of the SPS Committee from January 2014 until December 2019, unless stated otherwise.¹ It is based on the draft Background Document initially circulated by the Secretariat on 4 May 2018.²

Information presented in this document, particularly in sections 8 and 19, has been retrieved from the SPS Information Management System (SPS IMS: <http://spsims.wto.org>) and from Documents on Line (<https://docs.wto.org/>). The categories of level of development and the geographical groupings of Members are based on the WTO IDB reference database.³

Appendices A to D provide a list of documents from January 2014 to December 2019 and are accessible via the following weblink:
https://www.wto.org/english/tratop_e/sps_e/tables_e/G_SPS_64_Appendix_A-D.xlsx.

Specifically, Appendix A provides a list of Secretariat background documents and other meeting documents. Appendix B provides a list of documents submitted by Members that are relevant to the various issues raised in this factual section of the Report. Appendix C similarly provides a list of documents submitted by observer organizations. Appendix D provides information about SPS-related dispute settlement activities.

¹ This document includes information on technical assistance provided by Members in GEN documents submitted up to March 2020, for technical assistance undertaken within the period of Review (i.e. 2014-2019).

² [G/SPS/GEN/1612](https://www.wto.org/Gen/2016/1612).

³ The tariff online facility, which provides access to the WTO's Integrated Data Base (IDB) is available at: <https://tao.wto.org>.

Table of contents

	<i>Page</i>
PART B – FACTUAL REPORT.....	3
1 CATALOGUE OF INSTRUMENTS.....	3
2 CONSISTENCY (ARTICLE 5.5).....	4
3 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ARTICLE 8 AND ANNEX C)	4
4 COOPERATION WITH THE CODEX, OIE AND IPPC.....	5
5 DISPUTE SETTLEMENT.....	5
6 EQUIVALENCE (ARTICLE 4).....	6
7 GOOD REGULATORY PRACTICE.....	8
8 IMPLEMENTATION OF THE AGREEMENT – SPECIFIC TRADE CONCERNS	8
9 IMPLEMENTATION OF THE AGREEMENT – USE OF AD HOC CONSULTATIONS	11
10 MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)	12
11 OBSERVER STATUS.....	13
11.1 New requests	13
11.2 Outstanding requests	13
12 OTHER SUBSTANTIVE DISCUSSIONS.....	14
12.1 Maximum residue limits (MRLs) for plant protection products	14
12.2 Fall armyworm (FAW).....	17
12.3 Antimicrobial resistance (AMR)	18
12.4 Gene editing and other forms of biotechnology	20
12.5 Low-Level Presence (LLP)	21
13 PROCEDURAL ISSUES.....	21
13.1 Brazil's proposal on the functioning of the SPS Committee	21
13.2 Annotated agenda.....	22
13.3 Agenda item on cross-cutting issues	22
14 REGIONALIZATION (ARTICLE 6).....	23
15 RISK ANALYSIS: RISK ASSESSMENT (ART. 5), RISK MANAGEMENT AND COMMUNICATION	25
16 SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)	28
17 SPS-RELATED PRIVATE STANDARDS	28
17.1 Background.....	28
17.2 Action 1 - Definition	29
17.3 Actions 2 to 5.....	30
17.4 Other suggested actions	31
17.5 Other activities in relation to private standards.....	32
18 TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES (ARTICLE 9)	33
18.1 Technical assistance.....	33
18.2 Technical assistance statistics	36
18.3 The Standards and Trade Development Facility (STDF).....	37
19 TRANSPARENCY (ARTICLE 7 AND ANNEX B)	39
19.1 Online systems.....	39
19.2 E-mail lists.....	40
19.3 "Technical Revision" of the Recommended Transparency Procedures (G/SPS/7/Rev.3)	41
19.4 Update on implementation of transparency provisions	41
19.5 Proposals on transparency	42
APPENDIX.....	46

PART B – FACTUAL REPORT

1 CATALOGUE OF INSTRUMENTS

1.1. In the context of the Fourth Review, Canada proposed that the Committee develop a "Catalogue of Instruments Available to the WTO Members to manage SPS issues"⁴, noting that the timely use of these tools could help Members avoid, manage or escalate issues. The proposed Catalogue would include all mechanisms relevant to the SPS Agreement framework; for instance, the right to provide comments on notifications and to discuss them, the targeted or strategic use of the STC agenda item, and the use of the IPPC or OIE dispute settlement procedures.

1.2. Many Members welcomed the proposal and highlighted the usefulness of developing a compendium of all the actions available. It was proposed that the Secretariat collaborate with Canada on preparing a draft of the Catalogue, for subsequent comments by other Members. The draft Catalogue, jointly submitted by Canada and Kenya, was circulated as [G/SPS/W/279](#), on 18 June 2014. The document was discussed at Committee meetings in 2014, and the proponents revised it in response to comments and suggestions from Members.

1.3. In March 2015, Canada presented the second revision⁵ of its joint proposal with Kenya. Some Members requested clarification about the legal status of the document, and the Secretariat explained that it would become one of the reference documents adopted by the Committee. At the request of the Chairperson, the Secretariat prepared language for a draft paragraph clarifying the legal status of the document, as adapted from the latest decision adopted by the Committee, which was the Procedure to Encourage and Facilitate the Resolution of Specific Sanitary or Phytosanitary Issues among Members in Accordance with Article 12.2 ([G/SPS/61](#)).⁶ At Committee meetings in 2015-2017, Members continued discussing this disclaimer language, based on further proposals from Members and from Chairpersons.

1.4. In 2017, many Members indicated that they could accept a "soft" disclaimer, although one Member had preferred a more far-reaching version. The Committee decided to try a new approach, combining an introductory paragraph clarifying the intended use of the Catalogue with a soft disclaimer.⁷ Members were asked to consult with their capitals. In November 2017, the Chairperson noted that one Member had submitted comments indicating that systemic concerns regarding the inclusion of disclaimers in Committee documents persisted. One Member suggested the organization of an exchange with legal experts from the Secretariat to explain the interpretation of Committee decisions and disclaimers. This suggestion was supported by one of the authors of the document, who also thought it could be helpful.⁸

1.5. The Committee adopted the Catalogue of Instruments to Manage SPS Issues in the March 2018 SPS Committee meeting. Members agreed to include disclaimer language proposed by the Chairperson in July 2017, which combined an introductory paragraph describing the intended uses of the Catalogue with a "soft" disclaimer. Consensus became possible after Brazil and Mexico, who had previously raised objections to the inclusion of a disclaimer, accepted the Chairperson's proposed disclaimer, in the spirit of advancing the work of the Committee. Both Members requested that their systemic concerns regarding the use of disclaimers in Committee documents be reflected in the summary report of the meeting. The document was subsequently circulated as [G/SPS/63](#), with the introductory language in [RD/SPS/16](#).

1.6. Within the context of the Fifth Review discussions on South Africa's proposal regarding the role of the Codex, OIE and IPPC in addressing STCs,⁹ Canada reminded Members of the relevant

⁴ [G/SPS/W/271](#).

⁵ [G/SPS/W/279/Rev.2](#).

⁶ The language circulated by the Secretariat was: "This catalogue of instruments is intended as a reference document to help Members address and manage SPS issues. It is without prejudice to the rights and obligations of Members under the SPS Agreement or any other WTO agreement and shall not constitute a legally binding agreement."

⁷ The new language, as well as other proposals, were circulated in room document [RD/SPS/16](#).

⁸ Prior to discussions in the formal meeting of the March 2018 SPS Committee, a legal expert from the Secretariat briefed the Committee on the use of Committee decisions with or without disclaimers in dispute settlement.

⁹ [G/SPS/W/304](#) and [G/SPS/W/304/Add.1](#).

information available in the Catalogue of Instruments [G/SPS/63](#). Members also discussed ways to encourage the use of this document, such as including a reference to [G/SPS/63](#) in the airgram.¹⁰

2 CONSISTENCY (ARTICLE 5.5)

2.1. Article 5.5 required the Committee to develop guidelines to further the practical implementation of that provision. The Committee adopted such guidelines ([G/SPS/15](#)) in July 2000, and subsequently agreed to review them as part of the periodic review of the operation and implementation of the SPS Agreement. To date no Member has suggested a need to modify these guidelines. Although there is no standing agenda item regarding Article 5.5, there is an opportunity for Members to provide information regarding their experiences in this regard under the Agenda Item "Information from Members on Relevant Activities".

3 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ARTICLE 8 AND ANNEX C)

3.1. In July 2018, a Thematic Workshop on Control, Inspection and Approval Procedures (Annex C)¹¹ was held. The WTO Global Trust Fund had sponsored 32 participants selected from developing and least-developed countries, and the WTO funded the participation of four external speakers. The main objective of the workshop was to discuss and share experiences on developments, challenges and practices in implementing Article 8 and Annex C of the SPS Agreement. The workshop explored the provisions of, and dispute settlement reports regarding, Article 8 and Annex C of the SPS Agreement, and explained the relationship between the Trade Facilitation and SPS Agreements. Representatives from Codex, OIE and IPPC presented an overview of relevant work in the "Three Sisters". Presentations by the World Bank, the STDF, and COMESA had depicted experiences on the ground, given estimates on SPS-related trade transaction costs, and identified win-win opportunities to facilitate safe trade, such as interagency collaboration and increased transparency. The European Union, the United States, Canada, China, Turkey, Zambia and Belize presented their domestic experiences.

3.2. E-certification was also addressed in a dedicated session of the workshop. First, the IPPC presented its ePhyto project, initially funded by the STDF, to facilitate the electronic exchange of phytosanitary certificates through the creation of a web-based global system. Then UNCTAD presented Rwanda's case in establishing an e-Portal for facilitating the issuance of SPS certificates. Finally, the OIE and Codex provided an update on their nascent work in the field of electronic certification, and Brazil, the European Union and the United States had shared their national experiences in implementing e-certification systems. The workshop ended with a roundtable, in which representatives from the World Bank, UNCTAD, the International Trade Centre, the World Customs Organization (WCO), and the WTO's Trade Facilitation Agreement Facility had discussed their ongoing capacity building programmes. The Secretariat was requested to update the document drafted in 2014 on the relationship between the Trade Facilitation and SPS Agreements ([RD/SPS/3/Rev.1](#)).¹²

3.3. In 2018, the IPPC announced that the ePhyto Hub was functioning and that the IPPC Generic ePhyto National System (GeNS) was being improved. The entire ePhyto Solution would be functioning by early 2019. Besides, the IPPC referred to an agreement signed with WCO to promote cooperation on border controls and single window in the areas of ePhyto, eCommerce and sea containers. The United States expressed interest in and support for the ePhyto project on electronic phytosanitary certification, highlighted some potential benefits, explained its financial and technical contributions to the project and encouraged IPPC members to support the ePhyto project. Ecuador was one of the pilot countries; Nigeria queried whether African countries had been involved in the pilot project. The IPPC informed that regional workshops on ePhyto would be held in 2018 in Latin America, as well as in Africa and in the Near East region.

¹⁰ For the November 2019 Committee meeting, both the reminder and the convening airgrams ([WTO/AIR/SPS/29](#) and [WTO/AIR/SPS/30](#)) include a paragraph encouraging Members to consult the Catalogue of Instruments ([G/SPS/63](#)), which lists resources available to Members to manage SPS issues.

¹¹ The programme is available in document [G/SPS/GEN/1613/Rev.2](#) and the report was circulated as [G/SPS/R/91](#). Presentations from the thematic session are available at: https://www.wto.org/english/tratop_e/sps_e/workshop910718_e.htm.

¹² The updated document was circulated as [RD/SPS/3/Rev.2](#) and [RD/SPS/3/Rev.2/Corr.1](#).

3.4. In November 2019, a Thematic Session on Approval Procedures¹³ was held, as agreed by the SPS Committee in March 2019, on the basis of a proposal submitted by Canada. Building upon the July 2018 Workshop on Control, Inspection and Approval Procedures, the purpose of the thematic session was to explore concepts within Article 8 and Annex C of the SPS Agreement, as they related to approval procedures, including undue delays, transparency and information requirements. The session focused on pre-market approvals, approval of biotech products, domestic regulations and work of international standard-setting bodies, among other topics. First, the Secretariat provided a comprehensive overview of Article 8 and Annex C, and relevant WTO disputes, underlining the importance of approval procedures by looking at an estimated number of related STCs and examples of discussions in the SPS Committee. In Session 2, Codex presented on relevant guidance on import and export requirements including safety assessments of food derived from biotechnology.

3.5. Several speakers shared experiences as importing and exporting Members in relation to approval procedures, followed by a discussion on costs and challenges related to trade and innovation caused by asynchronous approval processes globally. An interesting overview of the linkages between the WTO Trade Facilitation Agreement and the disciplines on approval procedures was also provided. Some key takeaways included the need for increased cooperation and capacity building for strengthening the implementation of cost-effective approval procedures. Finally, a roundtable discussion concluded the thematic session by posing overarching questions to stimulate an exchange of ideas on possible ways to address some of the challenges identified, and explore possible future work.

3.6. In 2019, the Committee also discussed a proposal for the Committee to continue its work on approval procedures through the establishment of a working group open to the participation of all Members and Observers.¹⁴

3.7. Also in 2019, the IPPC referred to its work on the Phytosanitary Capacity Evaluation (PCE) tool, and updated Members on the completion of its work on ePhyto, with the support of STDF, as well as the Generic ePhyto National System (GeNS).

4 COOPERATION WITH THE CODEX, OIE AND IPPC

4.1. During the SPS Committee meetings, the standard-setting observer organizations provide relevant information on any work related to the SPS Agreement under the agenda item on "Information Sharing". Relevant documents are listed in Appendix C.

4.2. In addition, the IPPC urged Members in 2018 to support Finland's proposal to declare 2020 as the International Year of Plant Health (IYPH) at the UN General Assembly in September 2018. The European Union reiterated its support and urged Members to support the proposal. The IPPC looked forward to the endorsement of the IPPC Strategic Framework for 2020-2030, before its official adoption at the Ministerial Commission meeting to be held in the 2020 IYPH. In 2019, the UN General Assembly adopted the 2020 IYPH. The European Union stressed the importance of the IYPH 2020 and Global Plant Health Conference. During the Thematic Session on Fall Armyworm,¹⁵ suggestions were made to build on the exchanges as a contribution to IPPC's 2020 IYPH.

4.3. Codex, OIE and IPPC also participated in various thematic sessions and workshops held during the Review period.

5 DISPUTE SETTLEMENT

5.1. Article 11 of the SPS Agreement indicates that the Dispute Settlement Understanding applies to SPS disputes, and provides for the consultation of experts when a dispute involves scientific or technical issues. As of December 2019, 593 disputes had formally been raised under the WTO's dispute settlement system. Of these, 49 alleged violation of the SPS Agreement, and the SPS Agreement was relevant also in two other disputes. 28 resulted in the establishment of a dispute

¹³ The programme is available in document [G/SPS/GEN/1704/Rev.1](#), based on the proposal submitted by Canada in document [G/SPS/W/310](#). The presentations, and webcast of the thematic session, are available at: https://www.wto.org/english/tratop_e/sps_e/workshop05112019_e.htm.

¹⁴ [G/SPS/W/321](#) and [G/SPS/W/328](#). See the section on control, inspection and approval procedures (Annex C) in Part A of the Report of the Fifth Review (i.e. document G/SPS/64), which provides additional details on the substance of the submitted proposal.

¹⁵ See section 12.2 of this Report for additional information on the Thematic Session on Fall Armyworm, and for more general discussions on fall armyworm in the SPS Committee.

settlement panel. These panels were established to look at 19 different SPS issues, listed below. Subsequent to the Fourth Review, action has occurred in DS506, DS524, DS525, DS532, DS540, DS589 and in the last four disputes in the following list, as further detailed in Appendix D:¹⁶

1. Canada and the United States' complaint against Australia's measures affecting the importation of salmon (DS18 and DS21);
2. Canada and the United States' complaint against the European Communities' measures concerning meat and meat products (ban on meat treated with growth-promoting hormones, DS26 and DS48);
3. The United States' complaint against Japan's measures affecting agricultural products (requirement to test different fruit varieties with regard to treatment efficacy, DS76);
4. Ecuador's complaint against Turkey's import procedures for fresh fruit (DS237);
5. The United States' complaint against Japan's measures affecting the importation of apples (restrictions due to fire blight concerns, DS245);
6. The Philippines' complaint against Australia's measures affecting the importation of fresh fruit and vegetables (DS270);
7. The European Communities' complaint against Australia's quarantine procedures (DS287);
8. Argentina, Canada and the United States' complaint against EC measures affecting the approval and marketing of biotech products (DS291-293);
9. The European Communities' complaint against Canada and the United States regarding their continued suspension of obligations relating to the EC-Hormones dispute (DS320);
10. New Zealand's complaint against Australia's measures affecting the importation of apples (restrictions due to concerns related to fire blight and two other plant pests, DS367);
11. The United States' complaint against the European Communities' measures affecting poultry meat and poultry meat products (DS389);
12. Canada's complaint against Korea's restrictions on bovine meat and meat products (mutually agreed solution notified, DS391);
13. China's complaint against the United States' measures affecting imports of poultry (DS392);
14. The United States' complaint against India's measures concerning the importation of certain agricultural products (due to concerns about avian influenza; compliance panel proceedings on-going, DS430);
15. Argentina's complaint against the United States' measures affecting the importation of animals, meat and other animal products (due to concerns about foot-and-mouth disease, DS447);
16. The European Union's complaint against Russian measures affecting the importation of live pigs, pork, pork products and certain other commodities (due to concerns about African Swine Fever, compliance proceedings on-going, DS475);
17. Brazil's complaint against certain Indonesian measures on the importation of chicken meat and chicken products (DS484); and
18. Japan's complaint against Korea's import bans, testing and certification requirements for radionuclides (DS495).
19. Mexico's complaint against Costa Rica's measures concerning the importation of fresh avocados (DS524).

6 EQUIVALENCE (ARTICLE 4)

6.1. The Committee adopted an initial decision regarding the implementation of Article 4 on equivalence in October 2001. This initial decision included a commitment to develop a specific work programme to further the implementation of Article 4, which was concluded by the adoption of the

¹⁶ Please note that in four disputes, the panels (and the Appellate Body) made findings principally under the TBT Agreement. These cases concerned Canada's complaint against the European Communities' ban on asbestos and products containing asbestos (DS135), Canada and Mexico's complaint against the United States' country of origin (COOL) labelling requirements (DS384 and DS386), and Indonesia's complaint against the United States' ban on clove cigarettes (DS406).

current version of the equivalence guidelines in July 2004¹⁷ and the agreement that equivalence would be a standing agenda item for the regular meetings of the Committee.

6.2. Under this agenda item, in 2015, Codex informed Members about its new work on guidance for the monitoring of the performance of national food control systems. Codex noted that the product of this work would not replace the equivalence provisions of the SPS Agreement. The final product would be available in about two to three years to improve the functioning of national food control systems.¹⁸

6.3. Also in 2015, Senegal shared its experience in equivalence of procedures for peanut seed exports to China, based on the agreement on SPS requirements for peanut exports.¹⁹ Senegal thanked China, the African Union and SPS standards organizations for supporting this equivalence initiative. China noted that it considered this equivalence agreement with Senegal to be a good example of constructive bilateral cooperation. In 2016, Senegal reported that its exports were expanding to other markets such as Indonesia, Malaysia and Viet Nam, and confirmed to its new trade partners that the same procedures were in place to achieve an appropriate SPS protection level with regard to groundnut production in Senegal. Senegal also thanked China for the cooperation and the smooth implementation of their bilateral agreement which was now in its second year.

6.4. Also in 2016, Madagascar informed Members about the equivalence arrangements in place with regard to fishery products, specifically noting that the regulatory measures applied by its competent authority (Autorité Sanitaire Halieutique) to products intended for the European market had been recognized as equivalent to those provided in the European sanitary regulations. In addition, the competent Chinese veterinary authority had also recognized measures applied by the competent authority as equivalent to their measures and that a Memorandum of Understanding had been signed with China in 2014 that governed shrimp exports to the Chinese market. China thanked both Madagascar and Senegal for their particular comments on cooperation on SPS requirements regarding their exports of groundnuts and shrimp to China.

6.5. The Secretariat reminded Members that the Committee's decision on equivalence, laid out in [G/SPS/19/Rev.2](#), encouraged Members to notify the recognition of equivalence. The Secretariat noted that a specific notification format for the recognition of equivalence existed and encouraged Members to use it. The Secretariat also highlighted that the importing country recognizing the equivalence of a measure, or an aspect thereof, should be submitting the notification.²⁰

6.6. In 2017, Madagascar announced that in December 2016, the South African Plant Protection Organization had recognized all phytosanitary measures taken by the Madagascar Plant Protection Organization as equivalent. Madagascar acknowledged that the effort to bring its measures into conformity had improved the access of Malagasy fresh lychees to the South African market.

6.7. In 2018 and 2019, the Committee discussed several proposals on equivalence that were submitted under the Fifth Review.²¹ In addition, in response to one of those proposals, the Committee agreed in July 2018 to hold a two-part Thematic Session on Equivalence in October 2018 and in March 2019.

6.8. In October 2018, the first part of the Thematic Session on Equivalence²² was held. The Secretariat developed a programme for the workshop based on the proposal by Canada and inputs from Members. In this first part, the Secretariat provided an overview of the provisions of the SPS Agreement on equivalence (Article 4), of [G/SPS/19/Rev.2](#), and of related dispute settlement reports. The thematic session included a presentation from the Secretariat on equivalence from a TBT perspective. Representatives of Codex, OIE and IPPC discussed the concept of equivalence in their respective areas. Discussions covered the need to ensure the consistency of the work being undertaken by the standard-setting bodies with the WTO Agreements; the challenges of having a

¹⁷ [G/SPS/19/Rev.2](#).

¹⁸ The Guidelines CXG 91-2017, Principles and guidelines for monitoring the performance of national food control systems, were adopted in 2017.

¹⁹ [G/SPS/GEN/1461](#) (and corrigendum).

²⁰ In 2019, five new notifications on equivalence were submitted by the United States using the corresponding notification template.

²¹ [G/SPS/W/299](#), [G/SPS/W/301](#) and [G/SPS/W/302/Rev.1](#). See the section on equivalence in Part A of the Report of the Fifth Review (i.e. document G/SPS/64), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

²² The programme is available in document [G/SPS/GEN/1640/Rev.1](#). Presentations from the thematic session are also available at: https://www.wto.org/english/tratop_e/sps_e/workshop301018_e.htm.

common definition of equivalence; the lack of consistency in wording across organizations; the situations in which a systems approach should be used; and the link between recognition of disease-free areas and equivalence determinations.

6.9. In March 2019, the second part of the Thematic Session on Equivalence²³, focusing on Members' experiences with the implementation of equivalence, was held. Members presented experiences in the implementation of equivalence to specific SPS measures or groups of SPS measures. First, the United States, China, Canada and Peru shared their approaches to equivalence in several areas. Secondly, New Zealand, Canada and Australia focused on systems-based equivalence. Finally, speakers from COMESA, Imperial College London and Peru explored other approaches to equivalence. During the session, the principles of transparency, engagement and mutual trust were highlighted as prerequisites for the effective implementation of equivalence.

6.10. In 2019, Senegal informed the Committee of the signing of a bilateral phytosanitary agreement granting authorization for groundnut access to Malaysia, noting that this was a good example of recognition of their sanitary and phytosanitary inspection system by a trading partner.

6.11. In 2019, five new notifications on equivalence were submitted by the United States using the corresponding notification template.

6.12. Also in 2019, a joint proposal submitted by Brazil, Kenya, Paraguay and the United States²⁴ on enabling access to tools and technologies towards safer and more sustainable agriculture through regulatory collaboration, included equivalence as one of the possible concepts for further Committee discussion in connection with fall armyworm (FAW).²⁵

7 GOOD REGULATORY PRACTICE

7.1. In 2017, the Secretariat held a regional SPS workshop for Latin America (co-organized with the Inter-American Institute for Cooperation on Agriculture) in Costa Rica, with a focus on good regulatory practice.

7.2. In the 2017 Thematic Workshop on Transparency²⁶, organized by the Secretariat, one particular session focused on national experiences and best practices in public consultations. This session highlighted relevant international work on models and mechanisms for public consultation when developing SPS regulations, with speakers from the OECD, the World Bank and Malaysia, which provided both a national and an APEC perspective. One key recommendation was to find ways to align domestic consultation processes with those required by the WTO in order to maximize the benefits of comments received from abroad. Having a single, unified website or portal was also highlighted as being useful in conducting and managing a consultative process.

7.3. In 2017, the STDF reported on new work on good regulatory practice in the SPS area. This information is available in section 18.3.²⁷

8 IMPLEMENTATION OF THE AGREEMENT – SPECIFIC TRADE CONCERNS

8.1. Part of each Committee meeting is devoted to the consideration of specific trade concerns raised by Members. At the March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995 and to update this document annually to include new information provided by Members. The statistics below are derived from the twentieth revision of [G/SPS/GEN/204](#),²⁸ and include all issues which have been raised at SPS Committee meetings through to the end of 2019.

²³ The programme is available in document [G/SPS/GEN/1675/Rev.1](#). Presentations from the thematic session are also available at: https://www.wto.org/english/tratop_e/sps_e/workshop18032019_e.htm.

²⁴ [G/SPS/W/317](#).

²⁵ [G/SPS/W/305](#), [G/SPS/W/309](#), [G/SPS/W/309/Corr.1](#) and [G/SPS/W/317](#). See the section on fall armyworm in Part A of the Report of the Fifth Review (i.e. document G/SPS/64), which provides additional details on the substance of submitted proposals and the subsequent discussions.

²⁶ See section 19.5 for additional information on the Thematic Workshop on Transparency.

²⁷ In July 2019, the OECD-WTO publication "Facilitating Trade through Regulatory Cooperation: The Case of the WTO's TBT/SPS Agreements and Committees" was launched within the context of the Aid for Trade Global Review.

²⁸ [G/SPS/GEN/204/Rev.20](#) was circulated to Members on 5 March 2020.

8.2. Altogether, 469 specific trade concerns were raised between 1995 and the end of 2019.²⁹ [Chart 1](#) shows the number of new concerns raised each year; 101 new concerns have been raised since 2014. [Chart 2](#) categorizes the trade concerns raised since 2014 into food safety, animal health, plant health or other concerns. It is important to keep in mind, however, that some issues may relate to more than one of these categories. Concerns relating to zoonoses, for example, may relate to measures taken with both animal health and food safety objectives. For the purposes of these graphs, a single objective has been designated as the principal concern. Since 2014, 36% of trade concerns discussed raised relate to food safety, 22% relate to plant health, and 15% refer to other concerns such as certification requirements or translation. 27% of concerns raised relate to animal health and zoonoses.

Chart 1 – Number of new STCs raised

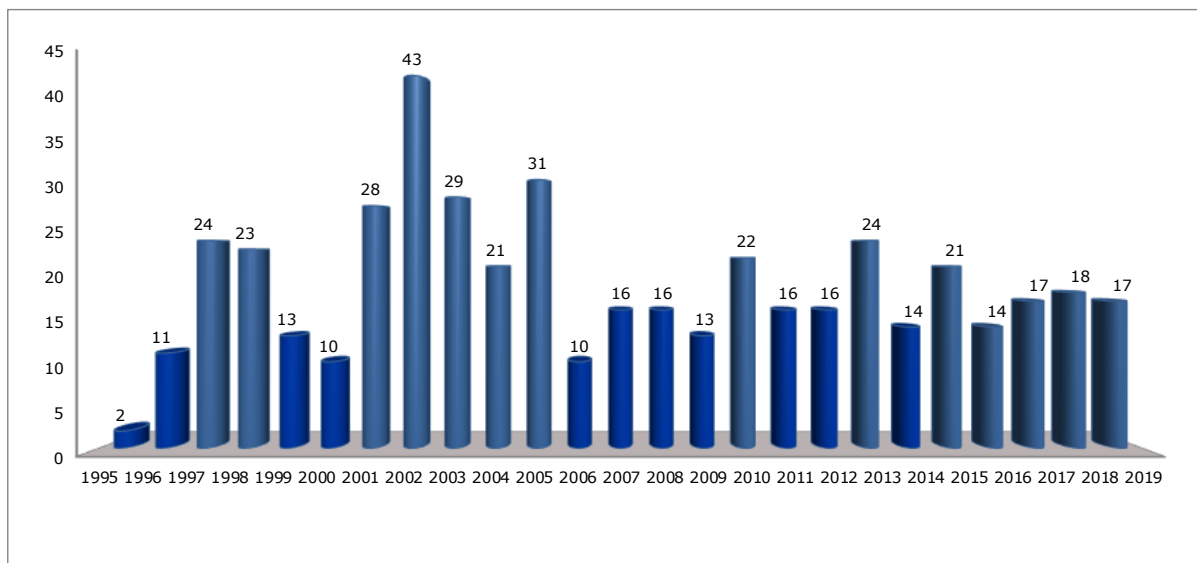
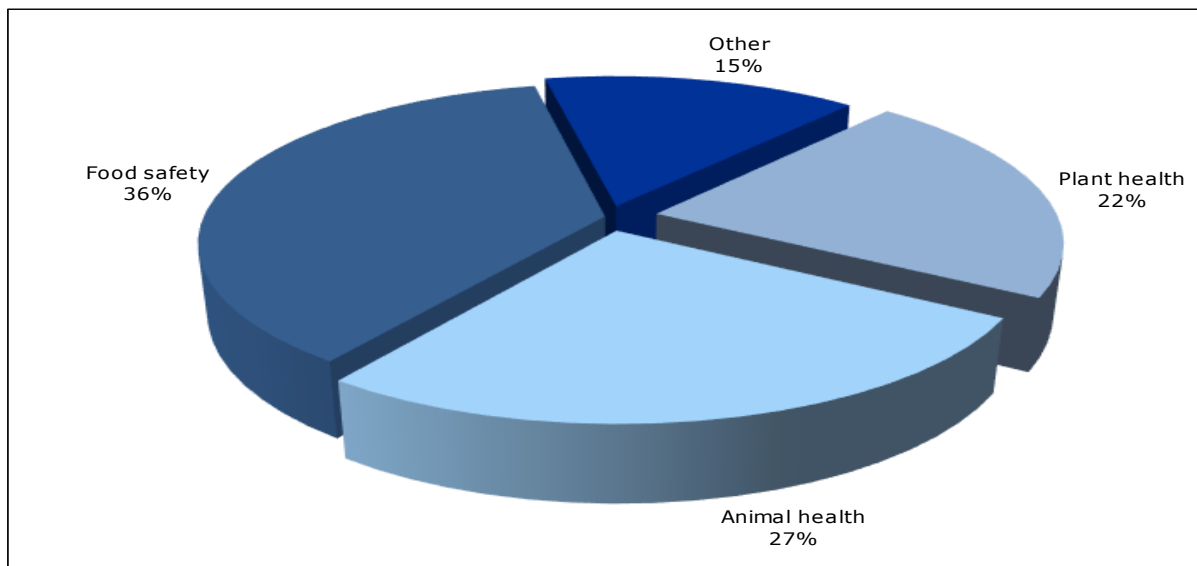


Chart 2 – Trade concerns between 2014-2019, by subject



²⁹ Information relevant to this section, but which precedes the period under review, can be found in former revisions of document [G/SPS/GEN/204](#).

8.3. Developing country Members have been participating actively under this agenda item in the SPS Committee meetings. [Chart 3](#) indicates that over the last six years, developing country Members have raised 91 issues (on many occasions more than one Member has raised, supported or maintained an issue) compared to 38 raised by developed country Members and five raised by a least-developed country Member. A developing country Member has supported another Member raising an issue in 133 cases, compared to 25 for developed country Members and 18 for least-developed country Members. In 36 issues, the measure was maintained by a developed country Member, and in 70 cases it was maintained by a developing country Member. No trade concern regarding measures maintained by least-developed country Members has been raised during the period. [Chart 4](#) shows the number of new issues raised since 2014 by each category of Member.³⁰

Chart 3 – Participation by WTO Members (2014-2019)

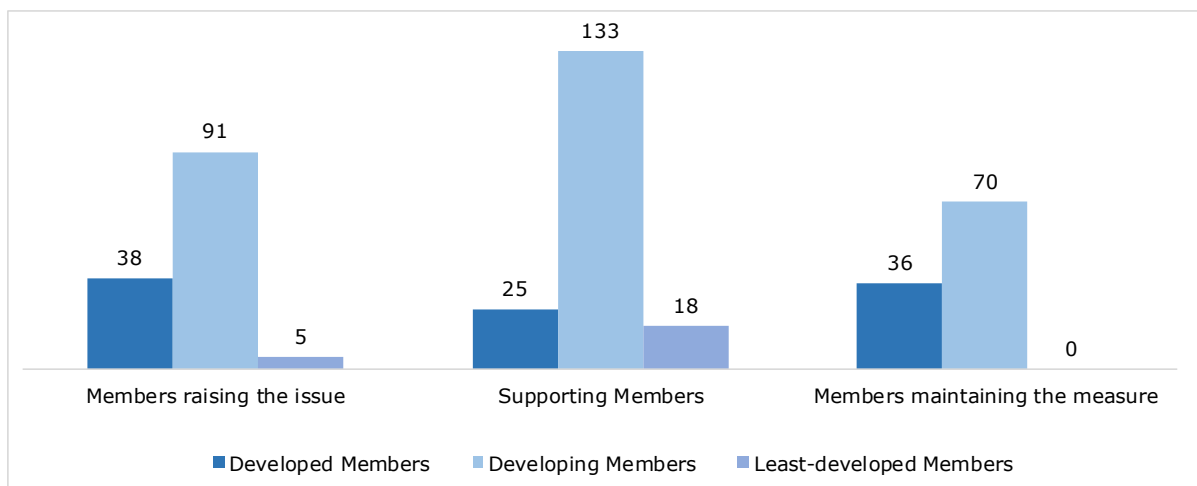
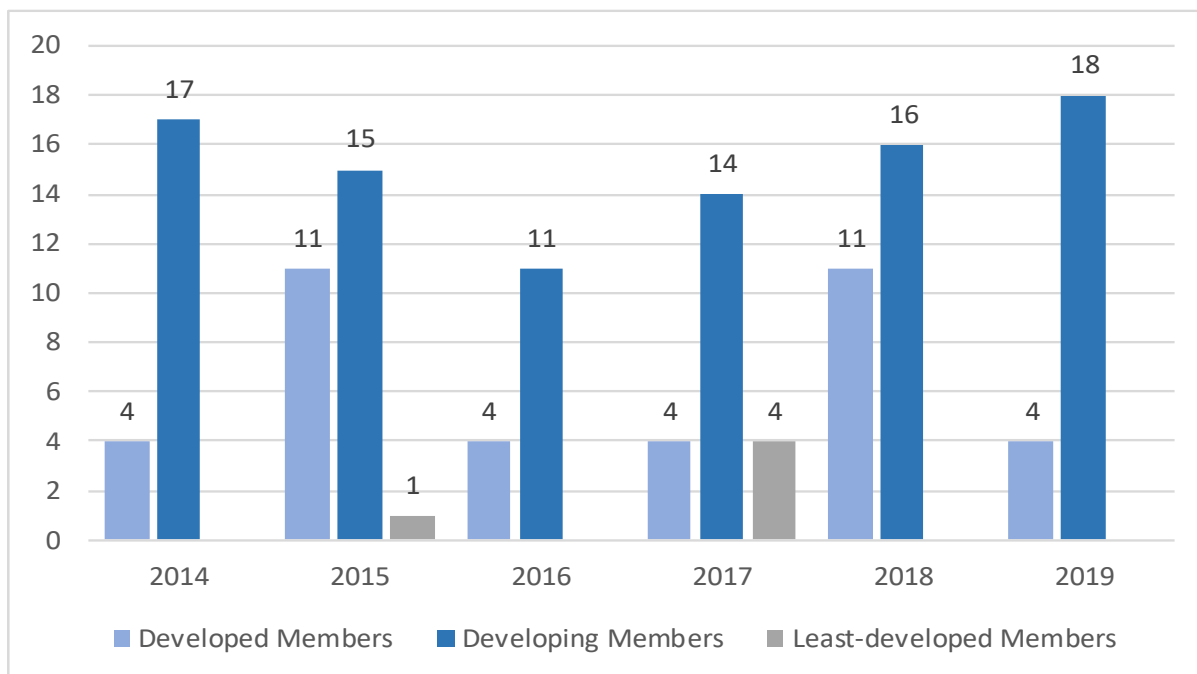


Chart 4 – Number of new issues raised by Members between 2014 and 2019

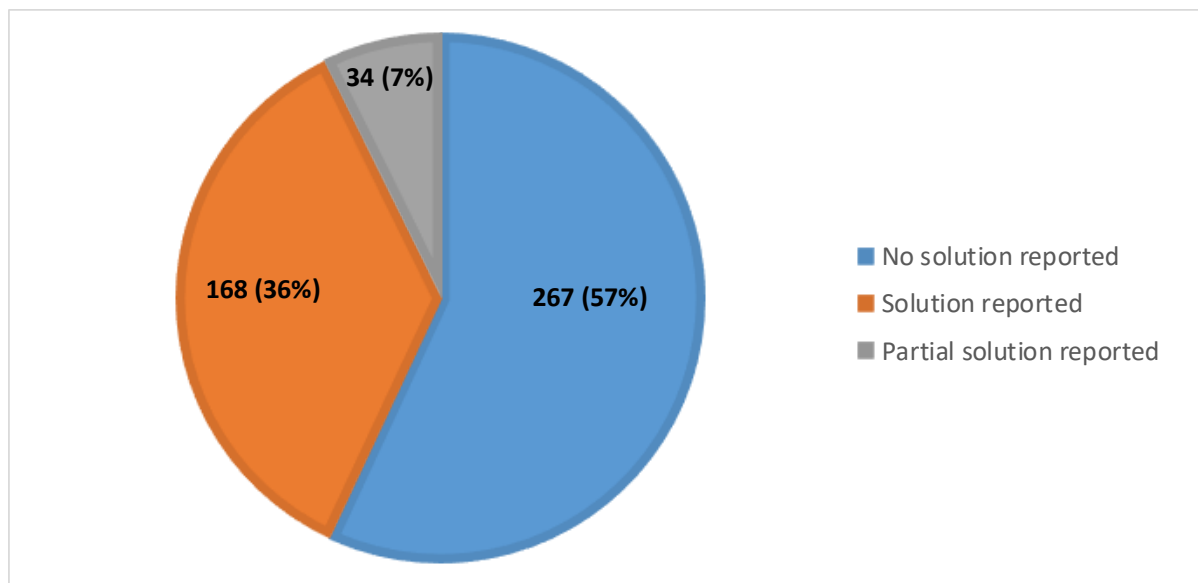


8.4. Members are regularly invited to report on resolved issues. [Chart 5](#) indicates that 168 trade concerns have been reported resolved out of the 469 trade concerns raised over the 25 years (i.e. 1995-2019). Of which, 28 issues were reported as resolved between 2014 and 2019. In

³⁰ As any individual trade concern can potentially be raised by more than one Member, this explains the apparent double-counting shown in Charts 3 and 4 compared with the overall count of the 101 specific trade concerns raised since 2014.

addition, eight trade concerns were reported as partially solved during the period under review. In these instances, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. No solutions have been reported for the remaining 267 trade concerns, although some of these may have been resolved without the Committee being made aware of these developments.

Chart 5 – Resolution of trade concerns (1995-2019)



9 IMPLEMENTATION OF THE AGREEMENT – USE OF AD HOC CONSULTATIONS

9.1. Article 12.2 states that the Committee "shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues". In each of the previous reviews, the Committee has recognized the usefulness of Article 12.2, and in particular of the good offices of the Chairperson, as a means of facilitating the resolution of trade problems.³¹

9.2. Following-up on the Second Review, the Committee began discussing a possible procedure to facilitate the use of ad hoc consultations and negotiations to resolve SPS issues. After the Committee's recommendation in the Third Review to expeditiously conclude this issue, several Members submitted proposals for such a procedure.³² Members worked intensively to develop a procedure ([G/SPS/W/259](#) and its revisions) during 2011 to 2013.³³

9.3. At the SPS Committee meeting in March 2014, India sought clarification on several specific issues relating to the procedure outlined in [G/SPS/W/259/Rev.7](#), which were circulated in document [RD/SPS/4](#). The stewards and co-stewards of the electronic working group that had been established to facilitate reaching consensus on the draft procedure reviewed the queries submitted by India, and provided the requested clarifications in [RD/SPS/5](#) in June 2014.

9.4. In July 2014, the Committee adopted the Recommended Procedure to Encourage and Facilitate the Resolution of Specific Sanitary and Phytosanitary Issues among Members in Accordance with Article 12.2, with the changes suggested by India, on an ad referendum basis. No Member raised an objection by the deadline, and the final decision was circulated as [G/SPS/61](#).

9.5. Based on paragraph 4.1 of [G/SPS/61](#), the Secretariat prepares an annual report on the use of the procedure.³⁴ Since the adoption of [G/SPS/61](#), no Member has requested consultations under this procedure.

³¹ [G/SPS/12](#), paragraph 24; [G/SPS/36](#), paragraphs 87-88; [G/SPS/53](#), paragraphs 116-126; [G/SPS/62](#), paragraphs 11.1-11.7.

³² [G/SPS/W/243/Rev.4](#) and [JOB/SPS/1](#).

³³ Additional information on the Committee's discussions before 2014 can be found in section 11 of the Fourth Review Report ([G/SPS/62](#)).

³⁴ These annual reports are contained in documents [G/SPS/GEN/1457](#), [G/SPS/GEN/1513](#), [G/SPS/GEN/1573](#), [G/SPS/GEN/1642](#) and [G/SPS/GEN/1729](#).

10 MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

10.1. Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines and recommendations. The Committee initially adopted a monitoring procedure in 1997, which was revised in November 2004.³⁵ In June 2006, the Committee decided to extend this procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.

10.2. The monitoring of the use of international standards is a standing item on the agenda of regular Committee meetings, and in accordance with the agreed procedure, the Committee has produced annual reports relating to the process of monitoring international harmonization.³⁶

10.3. In 2014, the IPPC presented information on the Implementation Review and Supporting System (IRSS), noting that the system had been widely recognized as a very helpful tool to promote and facilitate the IPPC monitoring system.³⁷ Chile reaffirmed the need to revise the monitoring procedure under Article 12.4 to address the problems of developing countries that find it difficult to attend the meetings of the "Three Sisters" and therefore lack information on the extent to which international standards are being applied.

10.4. In 2015, several new issues were raised under the monitoring procedure: (i) US concerns on the use of the Codex international standard on glyphosate; (ii) Burkina Faso's concern on the lack of a Codex standard for imidacloprid in sesame; and (iii) Belize's concerns regarding Members' deviations from the use of international standards. One previously raised issue was also discussed regarding US concerns on HPAI restrictions not consistent with the OIE international standard.

10.5. In 2016, several previously raised issues were discussed: (i) Argentina's concerns regarding measures on bovine semen and reproductive material more restrictive than the OIE Standard; (ii) Senegal's concerns regarding the application of ISPM 13 on notifications of non-compliance; (iii) US concerns regarding BSE restrictions not consistent with the OIE International Standard; (iv) US concerns regarding IPPC phytosanitary certificate requirements for processed food products; (v) US concerns regarding the use of the Codex international standard on glyphosate; and (vi) US concerns regarding HPAI restrictions not consistent with the OIE International Standard.

10.6. In 2017, several new concerns were raised by the United States relating to: (i) Codex guidelines and principles for official certification requirements; (ii) the relation of the World Health Organization and the Food and Agriculture Organization to Codex Alimentarius; and (iii) the OIE's new chapter on porcine reproductive and respiratory syndrome (PRRS). Also in 2017, several previously raised issues were discussed: (i) Argentina's and US concerns on the use of the Codex international standard on glyphosate; (ii) Burkina Faso's and Senegal's concerns regarding the application of ISPM 13 on notifications of non-compliance; (iii) US concerns regarding BSE restrictions not consistent with the OIE international standard; (iv) US concerns regarding IPPC phytosanitary certificate requirements for processed food products; and (v) the EU and US concerns regarding HPAI restrictions not consistent with the OIE international standard. Codex submitted a report which provided additional information on glyphosate.³⁸

10.7. In 2017, the Committee agreed to circulate the convening airgram one week earlier than the previous practice. This meant that the original deadline for raising agenda items under the procedure to monitor the use of international standards ([G/SPS/11/Rev.1](#)), which was 10 days before the meeting, no longer coincided with the deadline for raising issues under other agenda items. In this regard, the Chairperson suggested that Members respect the earlier deadline for submitting issues under the monitoring agenda item, which in practice would mean that Members would submit all agenda items up to, but not including, the day on which the notice convening the meeting was to be issued.

10.8. In 2018, several new issues were raised: (i) US concerns regarding unnecessary delays in adoption of Codex Food Additive Standards; (ii) US concerns regarding non-science factors in Codex

³⁵ [G/SPS/11/Rev.1](#).

³⁶ [G/SPS/37](#), [G/SPS/42](#) and [G/SPS/42/Corr.1](#), [G/SPS/45](#), [G/SPS/49](#), [G/SPS/51](#) and [G/SPS/51/Corr.1](#), [G/SPS/54](#), [G/SPS/56](#), [G/SPS/59](#), [G/SPS/GEN/1332](#), [G/SPS/GEN/1411](#), [G/SPS/GEN/1490](#), [G/SPS/GEN/1550](#), [G/SPS/GEN/1617](#) and [G/SPS/GEN/1710](#).

³⁷ [G/SPS/GEN/1344](#).

³⁸ [G/SPS/GEN/1577/Add.1](#).

standards; (iii) EU concerns on ASF restrictions not consistent with the OIE international standard; (iv) Indonesia's and US concerns regarding risk management related to the global movement in plant seeds (ISPM 38); and (v) India's concerns regarding the use of the Codex definitions for milk and milk products. Some previously raised issues were also discussed: (i) EU and US concerns regarding HPAI restrictions not consistent with the OIE international standard; (ii) US concerns regarding the relation of the World Health Organization and the Food and Agriculture Organization to Codex Alimentarius; (iii) US concerns regarding the non-use of Codex Guidelines and Principles on Official Import and Export Certificates; (iv) US concerns regarding BSE restrictions not consistent with the OIE international standard; and (v) US concerns regarding the use of the Codex international standard on glyphosate.

10.9. In 2019, the United States raised a new issue regarding the Codex task force on antimicrobial resistance.³⁹ The following previously raised issues were discussed again: (i) EU concerns regarding ASF restrictions not consistent with the OIE international standard; (ii) EU and US concerns regarding HPAI restrictions not consistent with the OIE international standard; (iii) US concerns regarding BSE restrictions not consistent with the OIE international standard; and (iv) US concerns regarding the use of the Codex international standard on glyphosate.

11 OBSERVER STATUS

11.1 New requests

11.1. In May 2016, the Committee received a new request for ad hoc observer status from the Caribbean Agricultural Health and Food Safety Agency (CAHFSA).⁴⁰ In October 2016, the Committee granted CAHFSA observer status.

11.2. In September 2019, the Committee received a new request for ad hoc observer status from the United Nations Industrial Development Organization (UNIDO).⁴¹ In the November 2019 Committee meeting, some delegations requested more time to consider this request, and the Committee agreed to return to it at its next Committee meeting.

11.3. In December 2019, the Committee received another new request from the Arab Organization for Agricultural Development (AOAD).⁴² The Committee will be invited to consider this request in its next meeting.

11.2 Outstanding requests

11.4. During the period of Review, the Committee did not reach consensus on the outstanding requests for observer status, namely the Convention on Biological Diversity (CBD); CABI International; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Organisation Internationale de la Vigne et du Vin (OIV); the Asian and Pacific Coconut Community (APCC); and the International Cocoa Organization (ICCO).⁴³

11.5. The Committee had agreed, in 2012, that if for any one-year period an ad hoc observer organization did not attend any meetings of the SPS Committee, the Committee would consider that its observer status has lapsed, but only after the Secretariat had contacted the observer organization and received confirmation that it was no longer interested in maintaining its observer status. This verification procedure had been undertaken by the Secretariat since 2012.

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

³⁹ [G/SPS/GEN/1751](#).

⁴⁰ [G/SPS/GEN/121/Add.17](#).

⁴¹ [G/SPS/GEN/121/Add.18](#).

⁴² [G/SPS/GEN/121/Add.19](#).

⁴³ The list of organizations whose request for observer status is pending is contained in [G/SPS/W/78/Rev.14](#).

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

12 OTHER SUBSTANTIVE DISCUSSIONS

12.1 Maximum residue limits (MRLs) for plant protection products

12.1. In 2015, India presented a document on the need for measures on detection of pesticide residues not registered in the country of import for unimpeded flow of trade.⁴⁴ The purpose of the paper was to put into context the persistent problem faced by exporters from developing countries due to importing countries' application of limits of detection (LoDs) for these pesticides. India observed that LoDs were being applied even for substances where Codex standards existed and provided examples where the application of LoDs had a trade impact. The document concluded by suggesting certain steps in dealing with this issue. India also proposed two corrections to the document.

12.2. Several Members shared India's concerns and the need to evaluate whether guidelines could be recommended, while some also expressed their view that the Committee should not embark on the task of producing guidelines. Argentina recalled that in 2007 it had submitted document [G/SPS/W/211](#)⁴⁵ on MRLs for pesticides and their impact on exports of developing countries. Codex highlighted that where no MRLs existed, Members should provide data to the relevant scientific bodies to support the elaboration of a Codex standard. Sustainable funding to support scientific advice was also key in this area. Codex reminded the Committee that its standards were voluntary and only became compulsory once written into legislation. The Chairperson suggested that the subject be further explored in a thematic session and invited Members to submit suggestions for an agenda for such a thematic session to the Secretariat. The Secretariat was requested to prepare a draft programme for such a session.⁴⁶

12.3. The Secretariat organized a Thematic Workshop on Pesticide Maximum Residue Levels⁴⁷ in October 2016, which brought together officials for an in-depth session focusing on the relevant provisions of the SPS Agreement and related dispute settlement reports, as well as the Codex approach to establishing MRLs. The workshop also benefitted from presentations on various regional and international initiatives focused on harmonizing MRLs and establishing MRLs for minor-use crops. In addition, various WTO Members shared their national experiences on establishing MRLs and provided insights into the challenges of implementing and complying with Codex MRLs, as well as the impact of default MRLs and MRL expiration on international trade. Speakers from the private sector also contributed to the workshop, highlighting various ways for the private sector to be involved in establishing MRLs, such as by providing relevant technical data. Several follow-up actions were proposed during the workshop, with a view to addressing various concerns related to pesticide MRLs.

12.4. Following the workshop, the United States made suggestions⁴⁸ for future work by the SPS Committee in four topic areas: (i) enhancement of the Codex MRL system; (ii) transparency and predictability in Members' regulatory approaches; (iii) regular updates on harmonization efforts being undertaken by APEC, NAFTA, OECD and EAC, with the aim of inspiring similar harmonization initiatives at the regional level; and (iv) greater access of developing countries to newer, alternative pesticides that can replace older pesticides. The United States invited Members to consider ways in which their regulatory frameworks can impact the investment incentives of the private sector. In terms of next steps, the United States proposed that a statement by the Committee be drafted in support of this work, but deferred to the Chair and other Members as to the desirability and appropriate means to transmit this message.

12.5. Several Members supported the follow-up activities proposed by the United States, and further requested that the United States, as well as other Members, circulate their suggestions in writing for further review. Other MRL-related concerns were expressed by Members, such as the

⁴⁴ [G/SPS/W/284](#).

⁴⁵ See also [G/SPS/W/211/Corr.1](#).

⁴⁶ [G/SPS/GEN/1468](#).

⁴⁷ The summary report of the Pesticide MRLs Workshop was circulated as [G/SPS/R/85](#). The programme ([G/SPS/GEN/1514/Rev.1](#)) and presentations from the workshop are available via the following link: https://www.wto.org/english/tratop_e/sps_e/wkshop_oct16_e/wkshop_oct16_e.htm.

⁴⁸ October 2016 SPS Committee meeting, see [G/SPS/R/84](#).

absence of alternative chemicals, especially for minor use and specialty crops, and the need for greater involvement in data generation efforts.

12.6. In 2017, the Committee discussed a proposal presented by Kenya, Uganda and the United States on possible next steps for consideration by the SPS Committee.⁴⁹ The five main follow-up actions in order to advance the Committee's work on trade-related MRLs were: (a) enabling JMPR to better respond to increased demand and monitoring progress on new Codex MRLs; (b) strengthening notification practices for greater transparency and predictability on MRLs; (c) reporting to the Committee on international and regional activities on MRLs; (d) collaborating on solutions for MRLs for minor use and specialty crops; and (e) discussing the role of the Committee in increasing coordination and harmonization. In relation to the last proposal, the United States also highlighted that if there was consensus in the Committee on any of the proposed suggestions, the Chairperson could issue a statement reflecting this consensus.

12.7. In discussions of the proposal, several Members signalled their support, highlighting that the areas mentioned were of interest for many Members and that the suggestions would assist in improving market access for agricultural exports. Several Members also made suggestions to further improve the proposal. India also reminded Members of the proposals made in document [G/SPS/W/284](#), and indicated that the concerns remained unaddressed. In the view of the United States, the information provided by experts at the workshop provided a firmer basis for the resolution of trade-related MRL issues, based on which the joint paper recognized a wide range of legitimate MRL-related trade concerns that Members could collectively work to resolve. The United States recognized that the LoD issue was complex, as they had a pre-market authorization approval system that was consistent with their rights under the SPS Agreement. The United States indicated openness for discussions with India and other Members on their perspectives.

12.8. The WHO welcomed the proposal for follow-up work on pesticide MRLs. In relation to the JMPR recommendation, the WHO encouraged Members to have their national experts apply to serve as experts to the JMPR process.

12.9. A revised version of the proposal⁵⁰ was circulated ahead of two consultations held in October 2017. It suggested that the SPS Committee include the recommendations contained in the proposal in the future Report of the Fifth Review of the Operation and Implementation of the Agreement. It also suggested that the Committee endorse a proposed Ministerial Decision annexed to the proposal for transmission to MC11. A majority of Members supported the proposal, some indicated that they were still studying it and several Members asked about the proposed process for the possible adoption of the Ministerial Decision.

12.10. On the basis of comments received, a subsequent revision⁵¹ was circulated, along with a compilation of comments that had been received, a track-change version explaining how comments had been considered, and a separate response to India's comments. In November 2017, the Committee discussed the revised proposal. The authors of the proposal stressed the trade disruptions caused by missing and misaligned MRLs, and the urgency of stepping up efforts to find solutions to these concerns. They proposed taking this work of the Committee to a higher level, which would give momentum to the important task of resolving MRL-related trade concerns, and would also contribute to reinvigorating the work of the Committee.

12.11. Many Members expressed their support for the proposal, both the draft Ministerial Decision, as well as the inclusion of the recommendations in the Fifth Review. Several of these Members indicated that the proposal and its recommendations broadly captured the current MRL-related concerns and noted that the proposal would be beneficial to all Members. Several Members also thanked the proponents for the transparent and consultative approach used throughout the process, highlighting that these discussions had started a year ago, on the basis of deliberations in the Workshop on Pesticide MRLs, followed by informal discussions in several meetings. In addition, it was noted that the topic of pesticide MRLs merited consideration at the Ministerial Conference.

12.12. Four Members indicated that they were not in a position to support the Ministerial Decision. Their concerns related to the timing of the proposal, the merits of singling out a single topic for Ministers' attention, and the existence of a mandate. One Member raised questions for clarification

⁴⁹ [G/SPS/W/292](#).

⁵⁰ [G/SPS/W/292/Rev.1](#).

⁵¹ [G/SPS/W/292/Rev.2](#).

inter alia on the title of the proposed Decision, its scope, some of the terminology used, and the desire to avoid duplication. A couple of Members made textual suggestions, and were invited to submit them in writing. India thanked the proponents for their written response to its comments. India was of the view that the proposal required further discussion and indicated that it would continue to work with the proponents to substantively address its concerns, as outlined in [G/SPS/W/284](#). India noted that until the discussions in the SPS Committee were exhausted, it would be premature to submit recommendations for the Fifth Review or to the Council for Trade in Goods (CTG).

12.13. Uganda, Kenya and the United States voiced their disappointment that the Committee had been unable to reach consensus on the proposal, and also expressed regret for the lost opportunity to advance the proposed Ministerial Decision, which would have been beneficial to all Members, particularly to developing and least-developed countries. The United States further provided a detailed response to several arguments raised by opponents of the Ministerial Decision.

12.14. At the Buenos Aires Ministerial Conference in December 2017, 17 Ministers signed a joint statement on trade in food and agricultural products, which recognizes the work undertaken by the SPS Committee to examine pesticide-related issues.⁵²

12.15. In 2018, Canada provided information on a training session held in partnership with FAO and the United States, with the aim of increasing the pool of scientific experts available to conduct pesticide residue evaluations for JMPR, held in November 2017. Canada highlighted that the event had increased the availability of knowledgeable experts who would contribute to the JMPR panel and to the development of international standards on pesticides. Canada also informed the Committee that it was working with FAO to organize an extraordinary session of the Joint FAO/WHO Meeting on Pesticide Residues scheduled for May 2019. This meeting would focus on addressing the growing backlog of new use evaluations and facilitating the timely establishment of international standards.

12.16. In 2018 and 2019, the Committee discussed a revised joint proposal on MRLs for plant protection products that was submitted under the Fifth Review.⁵³

12.17. In 2019, Australia drew attention to the "APEC Import MRL Guideline for Pesticides: A Guideline on Possible Approaches to Achieve Alignment of International MRLs".⁵⁴ The United States and Canada thanked Australia for the information provided.

12.18. Also in 2019, China proposed the topic of default (uniform) pesticide MRLs set at limits of detection for a workshop or thematic session, noting that there were no relevant international standards. Several Members supported the proposal. One Member further suggested that the topic be combined with Canada's suggestion for a workshop on risk analysis, but also noted the value of China's proposal as a stand-alone issue. Another Member suggested broadening China's proposal to include default MRLs for veterinary drug residues and those compounds administered to animals or added to feed or fertilizers with the intention to mitigate the effects of climate change or other negative environmental impacts. Some Members supported this suggestion, while highlighting the importance of addressing challenges for developing countries.

12.19. Also in 2019, Canada stated its commitment to the work of Codex. Additionally, it reported on its work with the FAO, WHO, the Codex Committee on Pesticide Residues (CCPR) and Members; notably on a JMPR expert training and an extraordinary session of JMPR. The training led to the designation of six new JMPR pesticide residue experts. The United States supported Codex efforts; they also highlighted three STDF projects which had led to the establishment of new Codex MRLs. The United States also provided information on the Global Minor Use Foundation, which sought to expand access to newer, lower-risk pesticide options for tropical produce, and on an international workshop on missing MRLs. Brazil, Chile, Colombia, Costa Rica, Côte d'Ivoire, Guatemala, Kenya, Morocco, Nigeria, Peru, Senegal and ECOWAS echoed Canada's support for science-based SPS measures and the importance of contributing to the work of Codex and JMPR. Chile noted its work co-chairing two of JMPR's working groups on pesticide residues, one with India and the United States, and the other with India and Kenya, and encouraged Members to contribute in this

⁵² [WT/MIN\(17\)/52](#).

⁵³ [G/SPS/W/292/Rev.4](#). See the section on MRLs for plant protection products in Part A of the Report of the Fifth Review (i.e. document [G/SPS/64](#)), which provides additional details on the substance of the submitted proposal and the subsequent discussions.

⁵⁴ [G/SPS/GEN/1746](#).

way. Burkina Faso requested that JMPR include sesame in its studies, and Côte d'Ivoire and Nigeria, pointed to the need for technical assistance in this area.

12.20. Also in 2019, Codex reported that the Codex Alimentarius Commission had adopted several standards and other texts, including MRLs for 32 different pesticides in various foods and feeds, and 154 food additives provisions in the General Standard for Food Additives. IICA drew attention to a workshop it hosted on scientific justification issues arising from the application of the SPS Agreement. Representatives of nearly 20 countries had attended the event and had explored practical examples of the application of the SPS Agreement and the proper definition of pesticide MRLs.

12.2 Fall armyworm (FAW)

12.21. In 2018, the European Union informed Members of its specific project on integrated pest management strategies to counter the threat of invasive FAW for food security in Eastern Africa. Zambia also reported on the presence of FAW in Zambia, but noted that government authorities and various stakeholders were working to control the pest.

12.22. In 2018 and 2019, the Committee discussed proposals on fall armyworm that were submitted under the Fifth Review.⁵⁵ The Committee agreed to hold a Thematic Session on Fall Armyworm, based on the proposal contained in [G/SPS/W/305](#). The proposal also suggested the creation of a working group to discuss this topic. Brazil expressed its support for the proposal of having an open discussion of the working group on fall armyworm.

12.23. Also in 2018, the IPPC reported that discussions in the Strategic Planning Group (SPG) meeting had been looking at how it could be involved in issues related to emerging pests, such as FAW. The African Union (AU) emphasized that 44 countries had officially reported the presence of FAW in their countries in February 2018. The AU also indicated that the Executive Council of the African Union Heads of States had considered the challenges presented by FAW, and that an emergency fund was being established for this topic, among other initiatives undertaken.⁵⁶

12.24. ECOWAS informed the Committee that the recent introduction of the FAW and the discovery of the new alien invasive pest in West Africa were growing threats of concern to agriculture and food security in 44 countries in the sub-Saharan region, including 15 West African countries, and informed the Committee about the joint monitoring mission FAO-CILSS aimed at anticipating the risk of food safety and at informing preparedness and response interventions to FAW.⁵⁷ ECOWAS also reported that it had conducted regional trainings on improving the monitoring of FAW risk.

12.25. Brazil underscored the serious nature of FAW and its impact in Africa and highlighted its experience in dealing with the problem, its on-going technical support to African countries to combat FAW through an integrated pest approach, and the successful results obtained.

12.26. In March 2019, the Committee held a Thematic Session on Fall Armyworm⁵⁸, as had been agreed by the SPS Committee in November 2018, based on a joint proposal submitted by Brazil, Kenya, Madagascar, Paraguay, the United States of America and Uruguay.⁵⁹ The purpose of the thematic session was to discuss the role of the WTO SPS Agreement in enabling access to tools and technologies and facilitating international trade, using fall armyworm as a case study. The session provided information on the nature and the impact of the spread of fall armyworm across the globe, the challenges for smallholders, and the tools and technologies available. Global, regional and domestic approaches to enable regulatory frameworks to facilitate access to safe and effective tools and technologies were presented. Members also shared their experiences in dealing with fall

⁵⁵ [G/SPS/W/305](#), [G/SPS/W/309](#), [G/SPS/W/309/Corr.1](#) and [G/SPS/W/317](#). See the section on fall armyworm in Part A of the Report of the Fifth Review (i.e. document [G/SPS/64](#)), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

⁵⁶ [G/SPS/GEN/1629](#).

⁵⁷ [G/SPS/GEN/1643](#).

⁵⁸ The programme is available in document [G/SPS/GEN/1676/Rev.1](#), based on the structure suggested by the co-sponsors of the proposal in document [G/SPS/W/309](#) (and corrigendum). Presentations from the thematic session are also available at:

https://www.wto.org/english/tratop_e/sps_e/workshop19032019_e.htm.

⁵⁹ [G/SPS/W/305](#).

armyworm, highlighting their successes and challenges. The WTO Global Trust Fund and the United States had provided funding for several speakers, which helped ensure a balance of views.

12.27. First, the Secretariat provided an overview of certain SPS Agreement provisions and dispute settlement reports that could be relevant to regulatory approaches that enable access to safe tools and technologies. In the second session, experts from USAID, the Centre for Agriculture and Bioscience International (CABI) and the International Maize and Wheat Improvement Center (CIMMYT) provided thorough information on the biology, history and spread of the pest, and emphasized the importance of integrated pest management as a key framework to approach FAW. In the third session, the African Union Inter-African Phytosanitary Council (AU-IAPSC), USAID, ECOWAS, the European Union, Chinese Taipei and the East African Community (EAC) Secretariat presented on global, regional and domestic approaches. Finally, Brazil, South Africa, Kenya, Paraguay and Australia shared their experiences in dealing with fall armyworm. Suggestions were made to build on the exchanges during the thematic session as a contribution to IPPC's 2020 International Year of Plant Health. The IPPC asked countries to share with the IPPC secretariat cases of interventions of FAW in trade.

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

12.29. Also in 2019, the IPPC mentioned that it was looking at how it could be involved in issues related to emerging pests, such as fall armyworm. The African Union reiterated its efforts to support the management of FAW outbreaks in Africa with other developing partners. ECOWAS drew attention to the training it had provided to strengthen the monitoring of the prevalence and impact of FAW, with the financial and technical support of FAO; which had led to additional targeted funding. ECOWAS had also held a regional conference on sustainable management of FAW in the Sahel, and West Africa in Burkina Faso. On plant health, ECCAS had worked on FAW and on a platform for the coordination of SPS issues.

12.3 Antimicrobial resistance (AMR)

12.30. In 2014, the OIE informed the Committee that the proposed revision of the OIE Terrestrial Code standard on risk assessment for AMR had been proposed for adoption. In October 2015, the OECD held a workshop on "Economics of Antimicrobial Use in the Livestock Sector and Development of Antimicrobial Resistance". In 2016, the OIE highlighted a technical item which had been discussed at the General Session: "Combatting Antimicrobial Resistance through a One Health Approach". The OIE further noted that the Assembly had adopted a resolution endorsing the basic principles of the OIE global strategy against AMR. Also in 2016, IICA informed of a training programme on AMR and the establishment of an AMR surveillance system. In 2017, the OIE highlighted work of the ad-hoc group on AMR; IICA noted capacity building activities in areas such as AMR.

12.31. Also in 2017, Senegal provided information on its antimicrobial monitoring plan for food products of animal origin to identify sources of contamination, including salmonella, in sheep meat, poultry, pork, beef and meat preparations; and for the detection of antibiotic residues in meat samples. Senegal emphasized that its national risk assessment system was able to address all food safety issues and the data served to guide its authorities on these matters.

12.32. In 2018, the European Union informed the Committee that EU co-legislators had agreed on the text of the new Regulation on Veterinary Medicinal Products,⁶⁰ a new legal framework for the authorisation and use of veterinary drugs in the European Union. The European Union explained that the European Commission had issued a proposal for the Regulation in September 2014, which had been notified under the TBT Agreement in April 2015 as document [G/TBT/N/EU/279](#). The Regulation would enter into force in November 2018, and would take effect at the end of 2021, three years after its entry into force. One of the key objectives of the new Regulation was to address the public

⁶⁰ Argentina and the United States raised an STC on this topic (STC [446](#)), supported by Australia, Brazil, Canada, Chile, Colombia and Paraguay.

health risk of antimicrobial resistance (AMR), following the One Health approach. The European Union elaborated that the Regulation laid down several actions to fight AMR, including: strengthening the principles behind the prudent use of antimicrobials, for example by avoiding the routine prophylactic and metaphylactic use; reserving certain antimicrobials for treatment of infections in humans only; and banning the use of antimicrobials in animals for growth promotion or yield increase. The European Union noted that the new Regulation was part of a package which included a new regulation on medicated feed, which contained measures aimed at fighting the misuse of antimicrobials, including a ban on their use in medicated feed for prophylaxis, and limiting treatment duration.

12.33. The European Union provided additional information on the new Regulation, while stressing the concern that AMR organisms and resistance determinants could spread to humans and animals through food and feed originating within or outside the European Union. Therefore, the new Regulation would require, in a non-discriminatory and proportional manner, that operators in non-EU countries refrain from using antimicrobials for growth promotion or antimicrobials designated in the European Union as reserved for human use only, in respect of animals or products of animal origin exported to the European Union.

12.34. Japan looked forward to receiving more information on the implementation of the new Regulation in delegated and implementing acts. The United States requested clarification on the rationale for the notification as a TBT measure in 2015. In addition, the United States requested assurances that the measures in delegated and implementing acts would be notified to the SPS Committee.

12.35. The European Union explained that the original 2014 proposal had been notified under the TBT Agreement because, at that time, no SPS provisions had been regarded as potentially affecting international trade. The European Union clarified that the original proposal had changed, and assured the Committee that the new implementing measures would be notified to the WTO, and would be notified to the SPS Committee if it were concluded that they were SPS measures. In any case, the SPS Committee would be duly informed.

12.36. Also in 2018, Codex drew the Committee's attention to the meeting of the Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR) held in December 2018. Codex highlighted two main documents for this meeting which were available for public comments and consultation on the Codex website: (i) the proposed draft Revision of the Code of Practice to Minimize and Contain Antimicrobial Resistance (CAC/RCP 61-2005); and (ii) the proposed draft Guidelines on Integrated Surveillance of Antimicrobial Resistance. The IPPC noted that its Strategic Planning Group (SPG) was also considering to what extent the IPPC community should be involved in addressing antimicrobial resistance and had agreed to forward this issue to CPM-14 (2019) for discussion.

12.37. The OIE reported that new and revised definitions of "veterinary medical use", "non-veterinary medical use" of antimicrobials, as well as "growth promotion" had been introduced into the Terrestrial Code, to clarify the way countries should report on their use of antimicrobial agents in animals and thereby contribute to the global effort to contain AMR. The OIE added that these definitions emphasized the essential role of the veterinary prescription, which should be mandatory for any veterinary use. The OIE also informed the Committee on the OIE Global Conference on Antimicrobial Resistance which had been held in October 2018, with the aim of improving the implementation of OIE standards on AMR.⁶¹

12.38. The African Union outlined the various activities undertaken to develop an Animal Health Strategy for Africa; develop an African-wide Antimicrobial Resistance Framework.

12.39. In 2019, the Russian Federation announced the organization of an international conference on "Food Safety Risk Analysis and Antimicrobial Resistance" to enhance multinational cooperation on food safety. The conference would be aimed at gathering representatives in animal health, public health and food safety sectors to facilitate an exchange in experiences and best practices relating to reduction of AMR, among other topics. Argentina also informed Members about its National Programme for Antimicrobial Resistance (AMR) Surveillance in animals for human consumption.⁶²

12.40. As reported under the section on monitoring the use of international standards, the United States expressed its commitment to addressing AMR through sound science and collaboration

⁶¹ For more information see [G/SPS/GEN/1652](#).

⁶² [G/SPS/GEN/1742](#).

in Codex.⁶³ Australia supported the joint work of WHO, the OIE, and FAO in setting international standards for AMR and reiterated its commitment on this topic.

12.41. Also in 2019, Codex informed the Committee that the Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR) had agreed to return the proposed revised draft Code of Practice to Minimize and Contain Antimicrobial Resistance (CXC 61-2005) for re-drafting. The Task Force had also decided to continue working on the development of the Guidelines on Integrated Surveillance of Antimicrobial Resistance. The Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance would discuss the revision of the Code of Good Practice to Minimize and Contain Antimicrobial Resistance and on development of guidelines on integrated surveillance of antimicrobial resistance. The OIE also indicated that it had published its Third Annual Report on Antimicrobial Agents Intended for Use in Animals, available on its website.⁶⁴

12.42. IICA informed Members of its continued support to its member States in the development of integrated antimicrobial resistance surveillance plans, noting that it would provide support to Caribbean and Latin American countries through a competitive fund to facilitate participation in the meetings of the Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance. The African Union also drew attention to its work with its member States to coordinate common positions on draft chapters of the OIE Terrestrial and Aquatic Codes, and on food hygiene and antimicrobial resistance for the relevant Codex sessions.

12.4 Gene editing and other forms of biotechnology

12.43. In 2018, Argentina drew the Committee's attention to a joint communication on precision biotechnology ([G/SPS/GEN/1658/Rev.2](https://www.codexalimentarius.org/standards/standards-revision/standards-revision-1658-rev-2/)).⁶⁵ Argentina also informed of a "Seminar on Genome Editing for Regulators" which had been organized by IICA in April 2018, to coordinate efforts to ensure that the regulatory approaches for these techniques, which include gene editing, are scientifically based and internationally harmonized. Australia, Brazil, Canada, Colombia, the Dominican Republic, Guatemala, Honduras, Jordan, Paraguay, the United States, Uruguay and Viet Nam supported the International Statement on Agricultural Applications of Precision Biotechnology. ECOWAS also expressed support for the proposal, while highlighting some challenges for developing countries in responding to this advanced technology.

12.44. In 2019, Argentina informed Members of the Ministerial Declaration issued by the Agriculture Ministers of the Southern Agricultural Council (CAS) (comprising Argentina, Brazil, Chile, Paraguay and Uruguay) on gene editing techniques, dated September 2018 and circulated as [G/SPS/GEN/1699](https://www.codexalimentarius.org/standards/standards-revision/standards-revision-1699/). The Declaration highlighted the role of gene editing techniques in addressing challenges arising from the need to increase agricultural production in a sustainable manner. The non-binding text of the Declaration aimed at coordinating efforts to ensure that the regulatory approaches for these techniques were science-based and internationally harmonized; sought to prevent regulatory asymmetries and, in turn, potential trade disruptions; and highlighted the importance of these techniques for national agricultural research institutes. Brazil, Canada, Colombia, Paraguay, the United States and Uruguay supported the Ministerial Declaration, noting that precision biotechnology including genome editing was critical to addressing agriculture's most difficult production and environmental challenges.

12.45. South Africa thanked Members for the initiative and stated that its regulatory authorities had been, and would continue to, assess how to regulate gene editing techniques. Honduras underscored the importance of open communication in order to share reliable data towards a better understanding of regulatory frameworks and product development. Honduras informed the Committee of a simple procedure they had created to approve applications related to gene editing.

12.46. In 2019, the United States brought Members' attention to its Executive Order 13874, entitled Modernizing the Regulatory Framework for Agricultural Biotechnology Products. The United States also drew attention to its Sustainable, Ecological, Consistent, Uniform, Responsible, Efficient (SECURE) proposed rule. The rule sought to modernize USDA's plant biotechnology regulations, to protect plant health while allowing agricultural innovation to thrive. The framework, and the

⁶³ [G/SPS/GEN/1751](https://www.codexalimentarius.org/standards/standards-revision/standards-revision-1751/).

⁶⁴ https://www.oie.int/fileadmin/Home/eng/Our_scientific_expertise/docs/pdf/AMR/Annual_Report_AMR_3.pdf.

⁶⁵ [G/SPS/GEN/1658/Rev.4](https://www.codexalimentarius.org/standards/standards-revision/standards-revision-1658-rev-4/) was subsequently circulated on 28 May 2020 with the co-sponsors of Argentina, Australia, Brazil, Canada, the Dominican Republic, Guatemala, Honduras, Paraguay, the Philippines, the United States and Uruguay.

proposed rule, sought to provide a clear, predictable, and efficient regulatory pathway for innovators. The proposed rule sought to facilitate the development of new and novel GE plants that would be unlikely to pose a plant pest risk.

12.47. Also in 2019, the Thematic Session on Approval Procedures⁶⁶ had focused, among other issues, on approval of biotech products. Codex had presented on relevant guidance on import and export requirements including safety assessments of food derived from biotechnology. Likewise, discussions had been held on costs and challenges related to asynchronous global approval processes, namely on biotech approvals.

12.5 Low-Level Presence (LLP)

12.48. In 2019, Canada informed the Committee of the work led by the international group Global Low-Level Presence Initiative (GLI).⁶⁷ Canada recalled that in 2012, it had hosted an international meeting which gave rise to the International Statement on Low-Level Presence (LLP). Consistent with Codex Alimentarius Commission (CAC) guidance, the International Statement defines LLP as the unintentional presence in grain shipments, at low levels, of a genetically modified (GM) crop that had been approved for food use following CAC/GL 45-2003 Guidelines in at least one country, but not yet in the importing country. LLP situations could occur where there was a time gap in the authorization of GM crops between the importing and exporting countries, or, less frequently, when developers did not seek authorizations in all importing countries. GLI members identified reducing time gaps in approvals of GM crops as the most effective way to tackle LLP and it is one of the long-term objectives of the GLI.

12.49. Argentina, the United States and Brazil supported the International Statement on LLP together with the work of the GLI.

12.50. Also in 2019, Argentina informed Members that at the last meeting of the Ministers of Agriculture of the Agricultural Council of the South (CAS), Argentina, Brazil, Paraguay and Uruguay had signed a declaration on LLP of genetically modified organisms (GMOs) not authorized by the importing country.⁶⁸ The declaration underlined the importance of innovation to their agricultural production, and of biotechnology as a tool to incorporate innovation in the development of GMOs. Argentina encouraged Members not to restrict trade based on LLP of non-authorized GMOs, in the importing country, and international cooperation in the context of harmonized international standards.

12.51. Brazil, Paraguay, the United States and Uruguay stressed the crucial role of biotech in facing global food supply challenges. Canada supported the CAS Declaration on LLPs and drew the Committee's attention to the information session it was hosting on LLPs and its consequences for importers and exporters, and importing and exporting countries, on the margins of the July 2019 Committee meeting.

13 PROCEDURAL ISSUES

13.1 Brazil's proposal on the functioning of the SPS Committee

13.1. In 2019, Brazil coordinated the joint efforts of Members, initiated in the context of the Ottawa Group, to work on the functioning of the SPS Committee. In this context, Brazil held several informal consultations with Members and also submitted a proposal⁶⁹ which seeks to improve the consultation process among Members, without any changes to their rights and obligations under WTO rules, with the aim of making better use of the Committee's meetings. Brazil thanked Members for their participation in the discussions and for their comments; which had been taken into account in preparing the revised proposal. Brazil emphasized that improving communication among Members when addressing STCs could avoid recourse to the dispute settlement mechanism.

13.2. Many Members welcomed the initiative of discussing ways in which the work of the Committee could be improved to make it more efficient and transparent. One Member proposed an addition, to make it possible to share comments on draft notified measures and receive replies through an online

⁶⁶ See section 3 on control, inspection and approval procedures for more information on the thematic session.

⁶⁷ [G/SPS/GEN/1685](#).

⁶⁸ [G/SPS/GEN/1703](#).

⁶⁹ [G/SPS/W/319](#), which was subsequently revised in [G/SPS/W/319/Rev.1](#) and [G/SPS/W/319/Rev.2](#).

system that would be publicly available. This would encourage transparency and better coordination. Several Members supported this suggestion.

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

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

13.5. Finally, Brazil mentioned that the consultative process was still ongoing. Brazil welcomed further comments and would reflect them in the proposal. If others considered it necessary or relevant, Brazil was willing to chair further open-ended consultations.

13.2 Annotated agenda

13.6. At the Chairperson's suggestion, the Secretariat prepared and circulated a pilot annotated agenda for the July 2019 SPS Committee meeting, in addition to the convening airgram. The Chairman explained that the annotated agenda, circulated as a pilot, was meant to complement the official airgram. A similar document would be circulated as a Job document for the November 2019 SPS Committee meeting, after the circulation of the formal agenda, with translations to be circulated soon after.⁷⁰ The Chairman drew Members' attention to the table of STCs in the Annex and hoped Members presenting STCs would provide a brief description of the STC to fill in the respective column of the table. The Chairman requested Members to share their comments on the annotated agenda.

13.7. Chile supported the circulation of an annotated agenda by the Secretariat, and added that it would contribute to improving its domestic coordination and enhancing its participation in the SPS Committee. Paraguay and Argentina also supported the initiative.

13.8. The Secretariat further clarified that in the TBT Committee, the annotated agenda replaced the convening airgram. The Secretariat proposed circulating both the convening airgram and the translated annotated agenda as a supplement to it, until Members were used to the annotated agenda.

13.9. In response to a question from Chinese Taipei regarding the agenda format of informal meetings, the Chairperson clarified that informal meetings did not have an airgram, but that further information could be circulated before the following informal meeting.⁷¹

13.10. In the November 2019 meeting, the Secretariat invited Members' comments on the proposal to produce an annotated agenda for the formal meeting instead of a convening airgram in the future. No Member raised any concerns. The Secretariat indicated that the annotated agenda would replace the convening airgram for the March 2020 meeting.

13.3 Agenda item on cross-cutting issues

13.11. In 2015, the Committee agreed to add a new standing agenda item on "Cross-cutting Issues" to its agenda, in order to have a place for all discussions of more general topics that related to the implementation of the SPS Agreement and that did not fit under any other agenda item. This new agenda item was added as of the March 2016 meeting. More generally, the Committee also decided to make additional changes to the structure of the agenda, in order to improve the fluidity of

⁷⁰ For the November 2019 SPS Committee meeting, an annotated agenda was circulated for the formal meeting in document [JOB/SPS/3](#).

⁷¹ For the November 2019 SPS Committee meeting, an annotated agenda was circulated for the informal meeting in document [JOB/SPS/4](#).

discussions. The new structure for the agenda was first used for the October 2016 Committee meeting.⁷²

14 REGIONALIZATION (ARTICLE 6)

14.1. Following adoption of the "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures", the Committee agreed to monitor the implementation of Article 6, on the basis of information provided by Members through notifications and from information presented during SPS Committee meetings, and to revise the guidelines, if necessary in light of experience gained through the implementation of the Agreement and the use of the guidelines themselves. The following six reports have been issued by the SPS Secretariat during the period of this current review: (i) the first one covering the period from June 2013 through March 2014;⁷³ (ii) the second one covering the period from April 2014 through March 2015;⁷⁴ (iii) the third one covering the period from April 2015 through March 2016;⁷⁵ (iv) the fourth one covering the period from April 2016 through March 2017⁷⁶; (v) the fifth one covering the period from April 2017 through March 2018;⁷⁷ and (vi) the sixth one covering the period from April 2018 through March 2019.⁷⁸

14.2. Both the IPPC and the OIE have provided guidance for countries seeking to establish, or to be recognized for, pest- or disease-free status. The IPPC currently has several directly relevant standards: ISPM 4 on requirements for the establishment of pest-free areas; ISPM 10 for the establishment of pest-free places of production and pest-free production sites; ISPM 22 on requirements for the establishment of areas of low pest prevalence; ISPM 26 on the establishment of pest-free areas for fruit flies; ISPM 29 on the recognition of pest-free areas and areas of low pest prevalence; and ISPM 30 on the establishment of areas of low pest prevalence for fruit flies. In addition, IPPC has a number of supporting standards, including guidelines for pest surveillance.⁷⁹

14.3. The OIE Terrestrial Animal Health Code describes the requirements for obtaining disease-free status including requirements for surveillance and monitoring based on the concept of geographic zones. During its annual General Sessions, the OIE has adopted a number of resolutions related to recognition of disease-free areas. In 2015, the OIE adopted the revised standard on foot and mouth disease. In addition, a specific provision relating to the BSE standard was added to the Terrestrial Code. In 2016, the OIE adopted the amendment of the user guide to clarify that zoning and compartmentalization should be considered as tools to control diseases and to facilitate safe trade; and the addition of "reptiles" to the definition of "animal" in the glossary. In 2017, a major revision of the chapter on African swine fever was adopted.⁸⁰

14.4. At the October 2015 meeting, the OIE provided information on the relevance of the OIE standards and related procedures in relation to two recent WTO disputes.⁸¹ The United States expressed appreciation for the information provided by the OIE in its document, which illustrated how the OIE's standard setting activities helped resolve trade disputes and facilitate safe trade in live animals and livestock products. The United States highlighted several aspects of the paper that were particularly relevant to the effective functioning of the SPS Agreement. These aspects included, among others: the implementation of adopted standards and participation in the development of these standards; access to expertise and knowledge of scientists from the OIE's global network of reference centres and laboratories; and development of standards and guidance on regionalization.

14.5. Argentina and the European Union also extended appreciation for the work of the OIE in establishing standards for animal health and safe trade. The European Union further underscored its commitment to providing financial assistance to the OIE in order to facilitate broad participation of developing countries in the OIE's work. The European Union encouraged Members to use the OIE

⁷² [WTO/AIR/SPS/12](#) and [WTO/AIR/SPS/12/Rev.1](#).

⁷³ [G/SPS/GEN/1333](#).

⁷⁴ [G/SPS/GEN/1412](#).

⁷⁵ [G/SPS/GEN/1491](#).

⁷⁶ [G/SPS/GEN/1552](#) and [G/SPS/GEN/1552/Corr.1](#).

⁷⁷ [G/SPS/GEN/1618](#).

⁷⁸ [G/SPS/GEN/1711](#).

⁷⁹ For more information on the IPPC's work, see Appendix C. The appendices are available via the following link: https://www.wto.org/english/tratop_e/sps_e/tables_e/G_SPS_64_Appendix_A-D.xlsx.

⁸⁰ For more information on the OIE's work, see Appendix C. The appendices are available via the following link: https://www.wto.org/english/tratop_e/sps_e/tables_e/G_SPS_64_Appendix_A-D.xlsx.

⁸¹ [G/SPS/GEN/1438](#).

standards actively, in particular the standards on regionalization, which facilitated trade by ensuring measures were limited to what was necessary and justified.

14.6. In 2016, the OIE tabled a report⁸² that related to official disease-free recognition status of member countries for six priority diseases: bovine spongiform encephalopathy (BSE); foot and mouth disease (FMD); contagious bovine pleuropneumonia (CBPP); African horse sickness (AHR); peste des petits ruminants (PPR) and classical swine fever (CSF).⁸³ The OIE highlighted its official endorsement of national disease control programmes currently provided with regard to FMD, PPR and CBPP.

14.7. In 2017, the Committee held a Thematic Session on Regionalization,⁸⁴ based on a proposal submitted by the European Union.⁸⁵ The purpose of the thematic session was to provide an opportunity for Members to increase their awareness of regionalization principles, and to learn from each other by sharing experiences about the challenges and benefits, of implementing regionalization in practice from the perspective of an importing, as well as an exporting party. In particular, the thematic session focused on animal diseases. The thematic session benefitted from presentations on the relevant provisions of the SPS Agreement (Article 6), guidelines ([G/SPS/48](#)), as well as jurisprudence from recent disputes. In addition, the OIE provided an overview of its standards on zoning and compartmentalization, including implementation challenges and opportunities in applying the regionalization approach.

14.8. Members shared their experiences on the practical implementation of regionalization in dealing with diseases such as highly pathogenic avian influenza, BSE, classical swine fever, as well as more general experiences in applying the regionalization principle. Discussions highlighted the differences in terminology related to regionalization, the importance of 'peace-time' agreements and building trust among trading partners, as well as creating regional frameworks for cooperation, among others. In addition, several common weaknesses were identified in the recognition process from the importing Members' perspective, such as the submission of insufficient data by the exporting Member. In addition, the OIE underscored that reports of avian influenza outbreaks in wild birds should not change a country's disease status and, as such, should not result in trade restrictions.

14.9. Chile requested clarification on the OIE's plan for monitoring international standards. The OIE explained that it was still in the early stages of its work with the OECD to develop a framework to monitor the national implementation of OIE standards. Chile also suggested that the Committee organize another thematic session on regionalization with a specific focus on plant health. Several Members supported this suggestion. The United States further suggested developing a deeper exchange with the OIE on a regular basis, as the OIE's information was so valuable.

14.10. Also in 2017, the United States encouraged Members to actively use the agenda on regionalization to share experiences on challenges encountered and successes achieved in applying the principles of regionalization to facilitate safe trade. It further encouraged Members to strengthen the implementation of regionalization in a manner consistent with Article 6 of the SPS Agreement. The United States proposed: (i) the upcoming Fifth Review of the SPS Agreement as a possible avenue to focus on regionalization; (ii) to further the discussion within the Committee by holding future thematic sessions or workshops to explore aspects of regionalization in greater detail, perhaps with a focus on developing guidance on best practices; (iii) a Thematic Session on Pest-Free Areas in February 2018; and (iv) that Members report on cases where they had successfully applied the concept of regionalization in resolving a specific trade concern. The United States concluded by calling on other Members to provide possible ideas on how to build on the discussion held in July 2017 on regionalization. The United States offered to present a short proposal for the next Thematic Session on Pest-Free Areas for Members' comments, if there was interest.

14.11. The European Union welcomed the United States proposal and highlighted the importance of continuous work on regionalization, possibly within the framework of the Fifth Review. The European Union considered favourably the proposal to hold a Thematic Session on Pest-Free Areas in February 2018. The European Union was also interested in observing cases where

⁸² [G/SPS/GEN/1499](#).

⁸³ A detailed list of countries, including some who had provided reports at the Committee meeting, can be found in Annex 1 of [G/SPS/GEN/1499](#), as well as on the OIE website.

⁸⁴ The programme is available in document [G/SPS/GEN/1567](#). Presentations from the thematic session are also available at: https://www.wto.org/english/tratop_e/sps_e/wkshop11july17_e.htm.

⁸⁵ The European Union proposal is contained in document [G/SPS/W/293](#).

regionalization had been useful and where it had failed to address trade concerns. With regards to the suggestion on guidance or best practices, the European Union pointed to the existing guidelines on the implementation of Article 6 and enquired about the added value in elaborating on this. Finally, the European Union emphasised the contribution of the relevant international organizations, the OIE and IPPC, on this matter. Chile also supported the US suggestions.

14.12. The OIE provided information on its Scientific Enquiry Commission proposal regarding emergency, preventive and temporary zoning in response to increased disease threats, avoiding unjustified barriers to trade.⁸⁶ An ad hoc group had also been established to undertake a review of Chapter 10.4 of the Code on infection with avian influenza viruses. The OIE also provided an update on its new Observatory project which aimed to develop a framework to monitor the progress and constraints faced in the implementation of OIE standards.

14.13. In November 2017, the Committee agreed to hold a Thematic Session on Pest-Free Areas, that was held on February 2018, based on a proposal submitted by the United States ([G/SPS/GEN/1593/Rev.1](#)).⁸⁷ It provided an opportunity for Members to increase their awareness of IPPC standards on pest-free areas, and to share experiences about the challenges, as well as the benefits, of implementing pest-free areas in practice from the perspective of an importing, as well as an exporting party. This, in turn, would contribute to building confidence among trading partners when recognizing or seeking recognition of pest-free areas. The Secretariat provided an overview of the SPS Agreement (Article 6) and the Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures ([G/SPS/48](#)), as well as relevant dispute settlement reports from recent disputes. On behalf of the IPPC, a Member presented on the IPPC standards on pest-free areas; factors to consider when establishing pest-free areas; implementation challenges; and information on the IPPC's Pest-Free Area Project.

14.14. Discussions were also held on the role of dispute settlement panels in assessing the evidence provided by Members in relation to the determination of pest-free areas and on the broad nature of IPPC standards, among other issues. Regional and international perspectives on the establishment of pest free areas were shared by COSAVE and IAEA, respectively. Finally, Members shared their practical experiences on the establishment and maintenance of pest-free areas, as well as the legislative aspects and more general principles related to their implementation. The discussions highlighted the importance of the early detection of pests, the availability of a corrective action plan to deal with outbreaks, and building trust among trading partners.

14.15. Also in 2018, the OIE highlighted the revised chapter of the Terrestrial Code on zoning and compartmentalization, and the revised questionnaires on the procedures for self-declaration and for official recognition of disease status by the OIE. Later in 2018, the OIE highlighted the new procedures for self-declarations of disease freedom by countries and that OIE member countries could also apply for official OIE endorsement of their national control programmes for certain diseases.

14.16. In 2018 and 2019, the Committee discussed several proposals on regionalization that were submitted under the Fifth Review.⁸⁸ In 2019, the IPPC reported on an upcoming international symposium on pest-free areas in Japan.⁸⁹

15 RISK ANALYSIS: RISK ASSESSMENT (ART. 5), RISK MANAGEMENT AND COMMUNICATION

15.1. In the context of the Fourth Review, the United States proposed the organization of a Workshop on Risk Analysis.⁹⁰ The United States noted that since the last workshop on this topic in

⁸⁶ [G/SPS/GEN/1583](#).

⁸⁷ The programme is available in document [G/SPS/GEN/1596/Rev.1](#) and the presentations are available at: https://www.wto.org/english/tratop_e/sps_e/wkshop27feb18_e.htm.

⁸⁸ [G/SPS/W/298](#), [G/SPS/W/301](#), [G/SPS/W/303](#), [G/SPS/W/307](#) and [G/SPS/W/311](#). See the section on regionalization in Part A of the Report of the Fifth Review (i.e. document [G/SPS/64](#)), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

⁸⁹ The WTO Secretariat participated in this symposium via video conference and delivered a presentation on pest-free areas and the SPS Agreement, including the SPS Committee Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures.

⁹⁰ [G/SPS/W/275](#).

2000,⁹¹ a significant amount of work must have been carried out by Members and the "Three Sisters". Many Members supported the proposal and proposed that a session on risk communication be included in the programme.

15.2. In 2014, the Committee agreed that risk analysis be the topic of that year's thematic workshop. The Committee also considered South Africa's proposal on risk assessment and the appropriate level of protection (ALOP), submitted in the context of the Fourth Review.⁹² One Member proposed that the issue of special and differential treatment should also be taken into account when establishing the ALOP. The Committee agreed to address South Africa's proposal, which consisted of two questions related to the implementation of Article 5.4 of the SPS Agreement, in the context of the Workshop on Risk Analysis. The Workshop on Risk Analysis was held on October 2014. The Secretariat developed a programme for the workshop based on the US proposal and inputs from Members.⁹³ Over 500 applications for WTO funding were received by the deadline. In selecting 50 participants for WTO funding, priority was given to LDC government officials and those holding responsibilities in the risk analysis area. The workshop provided a platform for discussion, experience sharing and best practices concerning SPS-related risk analysis. Delayed streaming of the workshop was made possible through a partnership with IICA.

15.3. In 2015, the United States presented a submission on possible next steps.⁹⁴ Its proposal focused on three key challenges identified by Members at the workshop, and for which further action had been suggested: (i) the need to improve sharing of information related to risk assessment; (ii) the interest from some Members to benefit from assistance of other Members to improve their capacity to perform risk analyses, for instance through a mentoring programme; and (iii) the suggestion to hold an informal session on risk communication prior to the July 2015 meeting of the Committee. The United States also noted the work being carried out in FAO, WHO and the "Three Sisters" on risk assessment and asked the Committee to strengthen its collaboration with these organizations.

15.4. Many Members expressed their general support for the US proposal, indicating that they would need more time to consider all the elements proposed and how they could be implemented in practice. In particular, the proposal to hold a Thematic Session on Risk Communication in July 2015 received broad support. FAO and IPPC expressed interest in participating in the thematic session. FAO also provided information on recent work done in this area,⁹⁵ in particular the development of a handbook on risk communication.

15.5. In 2015, the Committee held its first thematic session, on risk communication,⁹⁶ as a follow-up event to the 2014 Workshop on Risk Analysis. The thematic session provided the opportunity for Members and relevant international organizations to share experiences and lessons learned in relation to risk communication strategies in the SPS area. In addition, the Secretariat provided the historical context, recalling that when the SPS Agreement was negotiated, the "Three Sisters" had not yet developed clear guidance on the process of risk analysis. However, it had now been widely accepted that the risk analysis process involved risk assessment, risk management and risk communication. Several panellists - representing Codex, OIE, IPPC, FAO, IICA and the United States - responded to a series of questions on the existing guidance in the area of risk communication. In addition, speakers from both developing and developed countries highlighted the specific risk communication strategies that had been employed in response to pressing SPS issues.

15.6. Later in 2015, the United States presented a compendium on practical resources that Members could access on risk communication.⁹⁷ Recalling the significant interest in risk communication during the 2014 Workshop on Risk Analysis and the thematic session held in 2015, the United States had compiled a list of useful information and strategies collected from various international organizations, US government agencies and research organizations. In particular, the

⁹¹ The programme and presentations from the Workshop on Risk Analysis held in 2000 are available via the following link: http://www.wto.org/english/tratop_e/sps_e/risk00_e/risk00_e.htm. The report is also available in document <G/SPS/GEN/209>.

⁹² <G/SPS/GEN/1307>.

⁹³ The summary report of the Risk Analysis Workshop was circulated as <G/SPS/R/77>. The programme (<G/SPS/GEN/1336> and <G/SPS/GEN/1358>), presentations and audio clips from the workshop are available at: https://www.wto.org/english/tratop_e/sps_e/wkshop_oct14_e/wkshop_oct14_e.htm.

⁹⁴ <G/SPS/GEN/1401>.

⁹⁵ <G/SPS/GEN/1405>.

⁹⁶ The programme is available in document <G/SPS/GEN/1428>. Presentations from the session are also available at: https://www.wto.org/english/tratop_e/sps_e/wkshop_jul15_e/wkshop_jul15_e.htm.

⁹⁷ <G/SPS/GEN/1456>.

United States highlighted a compendium put together by the US National Academy of Science, which looked at factors that influenced how people absorbed information. The United States welcomed further discussions on risk analysis and the sharing of information and experiences.

15.7. In 2016, IICA informed the Committee of the approval of a resolution entitled "Working Group to Improve the Capabilities of the Countries of the Americas for Sanitary and Phytosanitary Risk Assessment" at the 18th meeting of the Inter-American Board of Agriculture (IABA), held in October 2015. IICA planned to establish a working group comprised of relevant regional organizations and also to organize a meeting in Costa Rica to discuss current approaches to risk assessment; national and regional challenges; capacity building needs and risk assessment; and strategies for improving the capacities of member countries and organizations. The result of the meeting would be a document explaining the current state of SPS risk analysis, and areas that need improvement, as well as proposed solutions to address deficiencies. IICA thanked Brazil for its interest and support for the development of this initiative. Brazil thanked IICA for informing the Committee of this initiative to improve the capacity of member countries in the area of SPS risk analysis, and further expressed its full commitment to participate and support the initiative.

15.8. In 2017, the Russian Federation reported on the international conference on Food Safety and Risk Analysis, held on 18-19 May 2017 in Sochi, Russia, jointly organized by the Russian Federation and the FAO. The meeting was attended by 250 representatives from 23 countries, several organizations and representatives of FAO, WHO, WTO and Codex. Leading scientists and experts had presented on the current status and trends in research on food safety. The conference had covered risk assessment, risk management and risk communication, food safety, food contamination and capacity building.

15.9. In 2018, the European Union indicated its commitment to provide financial support to the Codex risk assessment bodies (i.e. JMPR, JECFA and JEMRA), through a grant agreement of EUR 402,000 during the period 2018-2020. The European Union further urged Members and the two parent bodies to consider more sustainable financing mechanisms to fund Codex scientific work, such as funding from the WHO's core budget. Chile also reiterated the need to secure funding for the risk assessment activities being undertaken, and underscored the importance of Codex and its role in developing international standards in the food safety area.

15.10. Also in 2018, the IPPC reported on its development of guides on pest-free areas and pest risk communication. Codex reported on the decision of the Chairperson of the Codex Committee on Residues of Veterinary Drugs in Food (CCRVDF) not to move the MRLs for Zilpaterol to step 5 for intermediate adoption, despite the completed JECFA risk assessment and Members' consensus on the science. Codex also reported on the adoption of the Risk Management Recommendation for Gentian violet.

15.11. In 2019, the Russian Federation informed the Committee of the International Conference on Food Safety Risk Analysis and Antimicrobial Resistance, to be held in Moscow on 17-18 December 2019. The aim of the conference, jointly organized with FAO, was to enhance multinational cooperation on food safety, gathering representatives in animal health, public health and food safety sectors to facilitate exchange in experiences and best practices relating to reduction of AMR, assess multifaceted food safety risks, enhance multilateral dialogue and promote partnerships between different stakeholders. In addition, the Dominican Republic highlighted the Risk Analysis Consortium created with the support of IICA (including its SPS Leadership Course) and OIRSA.

15.12. In 2018 and 2019, the Committee discussed the proposals submitted on ALOP, risk assessment and science that were submitted under the Fifth Review.⁹⁸ Also in 2019, the STDF informed the Committee of the dialogue in the STDF Working Group about the need for further guidance on risk management at the border. The IPPC reported that two new guides - on pest-free areas and on pest risk communication - were in the final stages of publication. COMESA also reported that several training activities on risk assessment and risk management, responsible use of veterinary products by farmers, and the implementation of national residue monitoring plants were conducted in Rwanda.

⁹⁸ [G/SPS/W/301](#) and [G/SPS/W/308](#). See the section on ALOP, risk assessment and science in Part A of the Report of the Fifth Review (i.e. document G/SPS/64), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

16 SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)

16.1. Special and differential treatment continues to be a standing agenda item, although no Member has raised any specific matter under this agenda subsequent to the Third Review. The Secretariat has kept the SPS Committee informed of discussions in the Committee on Trade and Development Special Session on proposals relating to Articles 10.2 and 10.3 of the SPS Agreement.

16.2. In 2015, Nigeria encouraged Members to discuss the proposals, with regard to the special and differential treatment provisions of the SPS Agreement, submitted prior to the Cancún Ministerial Conference. India asked the Secretariat whether there had been any experience sharing in the implementation of Article 10.1 and 10.2 of the SPS Agreement under this agenda item. The Secretariat indicated that there had been discussions a number of years earlier, and that two documents had resulted from these discussions: the Report on Proposals for Special and Differential Treatment ([G/SPS/35](#)); and the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members ([G/SPS/33/Rev.1](#)). Since its adoption, no requests had been submitted under this Procedure.

16.3. The WTO reported on an informal meeting of the Special Session of the Committee on Trade and Development, held on 6 October 2015, which had considered special and differential (S&D) proposals submitted by the G90, including on Articles 10.1 and 10.2 of the SPS Agreement and Article 12.3 of the TBT Agreement.⁹⁹ The SPS-related proposals referred to: (i) early notification by developed countries of all their SPS and TBT measures; (ii) allowing for longer comment periods before the adoption of a measure; (iii) longer time frames for compliance with SPS measures (at least 12 months) for developing countries, in particular LDCs and SVEs; and (iv) mandatory financial and technical assistance. The Secretariat reported that Members had expressed divergent views on those proposals. Some mentioned relevant SPS Committee work, including the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members ([G/SPS/33/Rev.1](#)). The Secretariat noted that the SPS Committee's Report on S&D Proposals ([G/SPS/35](#)), adopted ten years ago, also provided relevant background on the underlying concerns, some of which remained the same.

16.4. In 2017, Nigeria highlighted the importance of the implementation and enforcement of provisions on special and differential treatment in the SPS Agreement, for Africa in general and Nigeria in particular. Nigeria argued that they were placed at a disadvantage because those provisions were not fully enforced. The Dominican Republic echoed Nigeria's concern and urged Members to take this principle into account when applying new legislation.

16.5. Madagascar also noted the concerns expressed by Members on new regulatory provisions taken by the European Union as well as measures in force on pesticides with endocrine disruptor effects. In view of the complexity of these measures and their impact on its economy, Madagascar requested that the European Union take into consideration the situation of Madagascar in the application of those measures. Pursuant to Articles 9 and 10 of the SPS Agreement, Madagascar requested special and differential treatment together with technical assistance to enable it to set up, at a national level, the necessary measures to bring the country in line with the regulation, including a plan towards the progressive withdrawal of pesticides which would be banned.

17 SPS-RELATED PRIVATE STANDARDS

17.1 Background

17.1. The effects of SPS-related private standards ("private standards") on trade, and the appropriate role of the SPS Committee, has been discussed by the Committee since the issue was first raised in 2005 by Saint Vincent and the Grenadines with regard to EurepGAP (now called GLOBALGAP) requirements on pesticides used on bananas destined for sale in European markets.¹⁰⁰ After considerable discussion in the SPS Committee, an ad hoc working group was established to identify "Possible Actions for the SPS Committee Regarding SPS-Related Private Standards".¹⁰¹ At its March 2011 meeting, the Committee endorsed five of the six actions put forward by the ad hoc working group.¹⁰² Despite further revision and discussions, consensus was not reached on

⁹⁹ The proposals are contained in document [JOB/DEV/29/Rev.1-JOB/TNC/51/Rev.1](#).

¹⁰⁰ [G/SPS/R/37/Rev.1](#), paras.16-20.

¹⁰¹ [G/SPS/W/256](#).

¹⁰² [G/SPS/55](#).

Action 6.¹⁰³ In addition, six other actions were also identified by the working group on which consensus could not be reached. These proposed actions are listed in Annex I of the ad hoc working group report, along with a brief explanation of the main differences of opinion.

17.2. Since 2011, the Committee's discussions on private standards have focused on the five actions agreed by the Committee and, in particular, on Action 1 relating to the development of a working definition of SPS-related private standards.

17.2 Action 1 - Definition

17.3. The Committee discussed a working definition on the basis of draft definitions prepared by the Secretariat drawing on proposals from Members.¹⁰⁴ In 2013, the Committee agreed to form an electronic working group (e-WG), with China and New Zealand as "co-stewards".

17.4. In 2014, following a suggestion by Canada, the Secretariat circulated a note on existing definitions of "private standards" in other international organizations, revised to take into account additional definitions reported by Argentina and Canada at the July 2014 meeting.¹⁰⁵ The co-stewards presented two reports on the work of the e-WG,¹⁰⁶ including proposed working definitions, but no consensus was reached. The Committee agreed to give the co-stewards and the e-WG more time to pursue their efforts in trying to bridge differences and come up with a compromise working definition that could be presented for consideration and adoption by the Committee as soon as possible.

17.5. In 2015, the co-stewards circulated another report on the work of the e-WG.¹⁰⁷ The report detailed the latest round of discussions and e-WG members' concerns, suggestions and flexibilities, and noted that the e-WG, while very close, had not been able to reach consensus on the working definition. There had in particular been an impasse with the terms "non-governmental entities" and "requirements" and the co-stewards had suggested a cooling off period for all e-WG Members to reflect further on the issue.

17.6. Some Members stressed the need to keep working towards a working definition of SPS-related private standards, given their effects on many developing countries' exports and economies. Other Members noted the fundamental differences amongst Members on the scope of the SPS Agreement and regarding some of the suggested language in the definition. Given the obvious impasse, these Members supported the proposal of the co-stewards for a cooling off period. It was agreed that the e-WG would take some time to further reflect, and that the co-stewards, China and New Zealand, would restart work when most appropriate, with the objective of agreeing on a working definition as soon as possible.

17.7. Still in 2015, the co-stewards reported on their consultations with the e-WG following the cooling off period agreed in March 2015. Very limited feedback had been received on how to progress work. Argentina introduced a document¹⁰⁸ regarding discussions on a definition of SPS-related private standards and stressed the need to agree on a definition, given the numerous harmful effects of private standards. Belize also presented a document¹⁰⁹ which proposed a new definition of SPS-related private standards. Members were encouraged to think about new and innovative ways to move forward, including any useful fresh approach. The Chairperson suggested that the e-WG continue its cooling-off period, until new thinking or proposals emerged.

17.8. The Chairperson indicated that three issues - the working definition of SPS-related private standards; the recommendations related to private standards in the Fourth Review Report; and the Committee's future work on that issue - were linked and could only be resolved together.

17.9. During 2016 and 2017, discussions on this subject were mainly held within the context of the adoption of the Report of the Fourth Review ([G/SPS/W/280/Rev.2](#)), particularly in relation to

¹⁰³ [G/SPS/W/261](#).

¹⁰⁴ [G/SPS/W/265](#), [G/SPS/W/265/Rev.1](#) and [G/SPS/W/265/Rev.2](#).

¹⁰⁵ [G/SPS/GEN/1334](#) and [G/SPS/GEN/1334/Rev.1](#).

¹⁰⁶ [G/SPS/W/276](#), [G/SPS/W/281](#).

¹⁰⁷ [G/SPS/W/283](#).

¹⁰⁸ [G/SPS/W/285](#).

¹⁰⁹ [G/SPS/W/288](#).

concerns related to a recommendation on the Committee's future work on private standards.¹¹⁰

17.3 Actions 2 to 5

17.10. Since 2011, the Committee has also discussed the implementation of the other four agreed actions. On Action 2, it was noted that information exchange mechanisms between the SPS Committee and the "Three Sisters" were already in place and functioning. Some Members encouraged Codex, OIE and IPPC to contact the private schemes identified by Members in document [G/SPS/GEN/932/Rev.1](#) to promote the use of international standards, and report back to the Committee on those contacts. Codex provided updates on its work on the issue of private standards, including its discussions on private standards in the framework of Codex regional bodies. Codex also continued to reach out to private standards-setting organizations to encourage them to become Codex observers and take part in Codex meetings. The OIE highlighted steps it had taken to promote compatibility and avoid conflict between private and official standards, and drew attention to the OIE General Assembly's Resolution on Private Standards.¹¹¹ The IPPC noted that it had requested that ISO clarify that there were no obligations to implement ISO standards in order to comply with IPPC standards. Chile also referred to the OIE's cooperation with private standard-setting bodies to ensure that their standards were aligned with OIE standards. Chile also noted that OIE and Codex should increase the participation of private standard-setting bodies as observers in their standard-setting processes. This collaboration would help improve transparency and the implementation of official science-based standards.

17.11. On Action 3, the Secretariat has kept the Committee informed of relevant discussions in other WTO fora, including: (i) the thematic discussion on standards organized during the March 2014 TBT Committee meetings;¹¹² (ii) sessions of the 5th Global Review of Aid for Trade; and (iii) various sessions of the 2016 WTO Public Forum.¹¹³

17.12. On Action 4, it was noted that useful ideas could be shared amongst Members regarding their efforts to reach out to entities involved in private standard-setting in their territories. China suggested that when communicating with private standard-setting entities, Members make reference to the Code of Good Practice of the TBT Agreement and to the TBT Committee's Decision on the "Six Principles" for the preparation of international standards.¹¹⁴ Belize also noted that Action 4 could be enhanced by sensitizing private standard-setting entities to the list of concerns in paragraph 24 under Action 6 of document [G/SPS/W/256](#).¹¹⁵ Belize drew Members' attention to its recommendations regarding the implementation of Action 4 in document [G/SPS/GEN/1290](#), and encouraged Members to give those recommendations due consideration. Nigeria noted the difficulties that private standards created for its small exporters and reported on training received from GLOBALGAP.¹¹⁶ Nigeria stressed that the SPS Committee had a vital role to play in addressing the issues related to private standards and their impact on international trade.

17.13. Several Members noted the importance of sensitizing private standard-setting entities and actors and reported on efforts undertaken at the national level. Members who were already communicating with private standard-setting entities in their territories were encouraged to share their experiences in that regard. The Philippines reported on regional and national briefing sessions jointly organized by the Department of Agriculture and the United Nations Forum on Sustainability Standards (UNFSS). China referred to its submission ([G/SPS/GEN/1261](#)) on Action 4, and noted that some Members were already communicating with private entities in their territories involved in the development, application and certification of private standards.

¹¹⁰ Following a proposal from the United States ([G/SPS/W/291](#)) in March 2017, and subsequent discussions among Members, the specific recommendation was replaced by descriptive text explaining the nature of the disagreement. At its July 2017 meeting, the Committee agreed on the inclusion of new language in section 14 of the Report, as circulated in document [RD/SPS/15](#), and adopted the Fourth Review Report ([G/SPS/62](#)).

¹¹¹ [G/SPS/GEN/1024](#).

¹¹² [JOB/TBT/41/Rev.1](#), [JOB/TBT/42](#) and [JOB/TBT/42/Corr.1](#), and [G/TBT/GEN/144](#) and [G/TBT/GEN/144/Add.1](#).

¹¹³ https://www.wto.org/english/forums_e/public_forum16_e/public_forum16_e.htm.

¹¹⁴ [G/SPS/GEN/1261](#).

¹¹⁵ [G/SPS/GEN/1290](#).

¹¹⁶ [G/SPS/GEN/1398](#).

17.14. The Dominican Republic referred to its notification [G/SPS/N/DOM/51](#) regarding the requirement for all enterprises certifying compliance with Good Agricultural Practices to register with the Department of Food Safety of the Ministry of Agriculture.

17.15. On Action 5, the Secretariat referred to various relevant examples relating to the collaboration between the SPS Committee and the "Three Sisters" to develop and/or disseminate informative materials on the importance of international standards. In particular, the Secretariat highlighted: (i) the usefulness of the STDF film on Trading Safely; (ii) the joint regional SPS workshops with the "Three Sisters"; as well as (iii) the development of a new e-learning module with the Inter-American Development Bank.

17.16. The IPPC noted that all IPPC communications, including its standards, were available in its six official languages. The IPPC continued to raise the awareness of its members on the issue of private standards, and would address any future appearance of private standards in the plant health area. The OIE noted that all its publications were available in its three official languages and that any further translation, while encouraged, was at the discretion of the end-user. The OIE also noted that it constantly emphasized the importance of adopting and adhering to international standards. Some Members noted the importance of increased awareness about the operations of private standard-setting bodies, and referred to the OIE resolution guiding OIE's relations with private standard-setting bodies. The collaboration of both Codex and OIE with private standard-setting bodies was encouraged in order to foster the development and implementation of science-based food safety and other standards, whether official or private. It was further suggested, in particular by Argentina, that Codex, OIE and IPPC liaise directly with the various private schemes identified by Members in document [G/SPS/GEN/932/Rev.1](#). Such contact could then inform the efforts of the "Three Sisters" in developing and/or disseminating materials underlying the importance of international standards. The Secretariat noted that this suggestion had been reflected in the relevant Chair summaries, which in turn were reflected in the Secretariat's regular reports on relevant Committee activities, including the consideration of private standards, to the IPPC's CPM, the OIE World Assembly of Delegates and the Codex Alimentarius Commission.

17.17. Codex also reported on its continued effort to underline the importance of implementing international standards and on its communication strategy to show the positive impact of applying Codex standards. Codex also noted the cooperation of the OIE and IPPC in that regard.

17.18. Regarding other information on SPS-related private standards, Belize reported on the 19th session of the Joint FAO/WHO Coordinating Committee for Latin America and the Caribbean held in Costa Rica in November 2014. Belize referred Members to paragraphs 161 to 166 of Codex document REP/15/LAC for further details of the discussions and of the recommendations made at the meeting.

17.19. The OECD flagged its upcoming report on voluntary environmental standards which focused on the linkages between voluntary (often private) environmental standards and public policies.¹¹⁷

17.4 Other suggested actions

17.20. The Committee also discussed how to address the seven outstanding proposed actions on which consensus had not been reached. Some Members suggested moving forward on outstanding Actions 6 to 12 through a voluntary working group. However, other Members indicated that they were not prepared to work on those actions where there had been no consensus.

17.21. Regarding Action 6, some Members were of the view that private standards are outside the scope of the SPS Agreement and thus related information exchanges should take place on the margins of the Committee meetings. Others, however, believed that private standards did fall within the jurisdiction of the SPS Committee and that information exchange on these issues should be on the agenda of the Committee.

17.22. Belize drew Members' attention to document [G/SPS/GEN/1291](#), which flagged the need to consider Actions 6 to 12 in parallel with those in document [G/SPS/55](#), and which also provided specific recommendations for the implementation of Actions 10 and 11. Belize also noted that IICA's report on private food standards in the Southern Cone ([G/SPS/GEN/1100](#)) contained several recommended actions for the Committee and/or governments to address concerns associated with SPS-related private standards. With regards to Action 10, Belize encouraged Members to review the

¹¹⁷ [G/SPS/GEN/1399](#).

TBT Code of Good Practice and determine its applicability for the implementation of the action. On Action 11, Belize encouraged Members liaising with entities involved in private standards to share their experience with the Committee as the approaches used could be considered in the implementation of Action 11.¹¹⁸ Belize supported by several Members, expressed concerns regarding the proliferation of private standards and how these affected market access and stressed the relevance of addressing the issue of private standards in the SPS Committee.¹¹⁹

17.5 Other activities in relation to private standards

17.23. On other matters related to private standards, Belize registered its concern regarding the evolution in food safety certification requirements, as governments were responsible for setting SPS measures, with guidance from international standards.¹²⁰ Belize noted that a country's appropriate level of protection should not be set by the private sector, and stressed that the SPS Committee had a vital role to play in addressing the issues related to private standards and their impact on international trade. Belize also reported on an UNEP regional capacity building workshop on food waste and noted that data from pilot studies showed significant losses being incurred by producers due to overly stringent food safety requirements. Belize reported that UNEP was communicating with retailers on the impact of stringent requirements, and the related food wastage, with the hope that they applied requirements only to the extent necessary.

17.24. In 2014, the ITC presented the most recent version of its online "Standards Map", an interactive web-tool which provides information on over 130 private and public voluntary standards, across 700 different criteria of analysis. The ITC confirmed that the terminology of "voluntary standards" and the schemes identified in the Standards Map encompassed both government and private voluntary standards, but these could be separated through a dedicated search. In relation to the concern expressed about the multiplication of testing and costs for producers, as well as the proliferation of private schemes, ITC confirmed that it had been consulted by ISEAL and GIZ¹²¹ regarding the development of a Sustainability Standards Comparison Tool. The tool was being developed and should be piloted by the end of 2014.

17.25. Some Members also provided other information under the agenda item on private and commercial standards. In July 2016, China reported that it was in the process of drafting a paper on 'Best Practice Guidelines regarding Private Standards' and invited interested Members to contribute. Some Members welcomed China's proposal, while others queried China's interpretation of Article 13, and also whether drafting a paper on best practices was the best means of advancing work.

17.26. In November 2017, Belize informed the Committee of its participation in a government to government meeting held in Texas, United States in February 2017, with the support of FAO. At this meeting, Belize delivered an intervention on "Existing models of collaboration between public and private sectors and the risk of obfuscating roles in the governance of food safety". Subsequent discussions had highlighted some examples of the successful use of third-party certification schemes to complement the work of governments in ensuring food safety. Belize suggested that the Committee could benefit from similar discussions, either through a workshop or thematic session, where Members could volunteer to share their diverse perspectives and experiences.¹²² Some Members expressed their willingness to consider the suggestion of the thematic session, subject to views from their capitals, and without prejudice to their previously stated positions on private standards.

17.27. In July 2018, Belize informed the SPS Committee of its participation in government to government, and government to business meetings held in Japan in March 2018, with the support of FAO. On the margins of the Food Safety Conference, Belize expressed its concerns on issues related to private and commercial standards, and their negative impact on exporting companies in Belize. Belize stated that since concerns with private and commercial standards had first been raised in the SPS Committee in 2005, the following points had been noted by the private sector: (i) audits to maintain certification continued to be done annually by the certification bodies; (ii) audits by buyers were now at an average of two per annum; (iii) financial costs associated with the audits continued to be the sole responsibility of the exporting company; (iv) the scientific basis for some

¹¹⁸ [G/SPS/GEN/1291](#).

¹¹⁹ [G/SPS/GEN/1240](#).

¹²⁰ [G/SPS/GEN/1374](#).

¹²¹ International Social and Environmental Accreditation and Labelling Alliance (ISEAL); and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

¹²² [G/SPS/GEN/1592](#).

requirements continued to be lacking; and (v) MRLs and limits for microbiological contaminants were still not aligned with those of Codex.

17.28. Belize referred to the Committee Decision on "Actions Regarding SPS-Related Private Standards", as contained in [G/SPS/55](#), and encouraged Members to: (i) continue discussions with the certification programme owners and buyers in order for them to understand the impact of their requirements; (ii) advise certification programme owners and buyers on the importance of basing SPS requirements on science and applying them only to the extent necessary; (iii) encourage participation in the Codex standard-setting process so as to assist certification programme owners and buyers to align their requirements; and (iv) encourage the provision of technical support, especially to those developing countries where the standards were being applied and exporters were most negatively affected.

17.29. Finally, Belize reminded Members of the legal obligations contained in Article 13 of the SPS Agreement, and in particular drew Members' attention to the second and third sentences of Article 13. Belize further expressed a need for the development of guidelines for the implementation of Article 13, especially given the increased role of the private sector, and urged the Committee to make an effort to initiate work in that regard. Belize also noted the work being undertaken in the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) on "Guidance for Authorities to Assess Third Party Assurance and its Potential to Inform National Food Control System Planning", indicating its hope that this would serve as a catalyst to advance the Committee's work and influence the development of guidelines for the implementation of Article 13.

17.30. Argentina and Brazil expressed their interest in the topic. Argentina further indicated that it would carefully assess the points made by Belize. Ecuador recalled that the Committee's discussions on private standards had continued for some time and that document [G/SPS/55](#), which had been adopted by the Committee in March 2011, continued to apply. Ecuador further noted that the application of standards and measures by private entities could have a disproportionate effect on trade for goods produced and exported by developing countries. Ecuador indicated that it continued to be interested in discussing this topic in the Committee in order to reach an agreement on the best way to regulate these types of standards and to ensure compliance with Article 13 of the SPS Agreement.

17.31. In 2018 and 2019, the Committee discussed proposals submitted by Belize for the development of guidelines for implementation of Article 13,¹²³ and on voluntary third-party assurance schemes.¹²⁴

18 TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES (ARTICLE 9)

18.1 Technical assistance

18.1. Technical assistance is a standing agenda item. At each regular meeting, Members and Observers are invited to identify any specific technical assistance needs which they may have, and/or to report on any SPS-related capacity building activities in which they are involved.

18.2. A number of Members have used the occasion of the SPS Committee meetings to comment on particular projects or activities that have enhanced their capacity to implement and benefit from the SPS Agreement. Some Members provide periodic updates regarding their SPS-related technical assistance activities, in particular Australia, Canada, the European Union, Japan and the United States.¹²⁵

18.3. In 2016, Australia provided information on its technical assistance to developing countries from July 2013 to June 2015. The aggregate value of the official development technical assistance during the reporting period exceeded AUD 35 million.¹²⁶ In 2019, Australia further reported on the technical assistance provided to developing countries between 1 July 2015 and 30 June 2017. The

¹²³ [G/SPS/W/306](#).

¹²⁴ [G/SPS/W/316](#) and [G/SPS/W/320](#). See the section on voluntary third-party assurance schemes in Part A of the Report of the Fifth Review (i.e. document G/SPS/64), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

¹²⁵ Contributions made by Members between January 2014 and December 2019 are listed in Appendix B, sections C.1 and C.2. The appendices are available via the following link: https://www.wto.org/english/tratop_e/sps_e/tables_e/G_SPS_64_Appendix_A-D.xlsx.

¹²⁶ [G/SPS/GEN/717/Add.5](#).

aggregate value of the official development technical assistance provided exceeded AUD 46 million and, Australia also provided substantial additional in-kind contributions.¹²⁷

18.4. In 2017, the European Union reported on its SPS-related activities during the period 2015-2016.¹²⁸ In 2020, the European Union provided information for the period 2017-2018.¹²⁹ In total, over 500 projects were fully, or partially, devoted to SPS technical assistance. The document also included contributions made to the "Three Sisters" and the STDF.

18.5. Japan informed the Committee about its SPS-related technical assistance provided over several periods. More recently, the total value of the assistance provided for the Japanese fiscal year 2018 amounted to approximately JPY 630 million (USD 5.7 million), with an accumulated amount of Japanese assistance since 1 April 2009 of approximately JPY 6.8 billion (USD 61 million).¹³⁰ In total, 81 relevant programs had been undertaken since 1 April 2009, to more than 50 countries in various regions, including Asia, the Pacific Region, Central America, South America, Central Asia, and Africa. This assistance had been carried out by the Japan International Cooperation Agency (JICA).

18.6. Canada provided an overview of its technical assistance activities delivered to developing countries.¹³¹ Canada indicated that it had delivered or initiated 19 SPS-related technical assistance projects in 2018, targeting 21 countries in various geographic regions and amounting to approximately USD 7.99 million. This assistance addressed three of the four broad categories included in [G/SPS/GEN/206](#), namely: information, training, and 'soft' infrastructural development.

18.7. The United States also reported on its sponsored technical assistance provided to developing and newly acceding countries to support their implementation of the SPS Agreement, from October 2014 to September 2016;¹³² and October 2016 to September 2018.¹³³ The United States highlighted various bilateral and regional capacity building activities, and indicated its commitment to provide demand-driven, results-oriented and sustainable programmes. The United States further welcomed input on the type of projects that would be of interest to Members, and looked forward to continuing its capacity building efforts, and cooperating with the STDF on cross-cutting SPS programmes.

18.8. In addition, other Members provide such information on an ad hoc basis. For example, in 2017, Burkina Faso, Chile, the Gambia, Madagascar, Mozambique, Nigeria, Paraguay, Senegal, Togo and Zambia provided technical assistance-related information. In 2018, Belize, Japan, Madagascar, Nigeria and Senegal provided information, and in 2019, Burkina Faso, Chile, and Senegal also informed the Committee on technical assistance-related activities.

18.9. The WTO Secretariat, as well as observer organizations,¹³⁴ also regularly report on their assistance activities. WTO's technical assistance activities in the SPS area increase participants' awareness about rights and obligations under the SPS Agreement and its implications at the national level. In the organization of SPS technical assistance activities, the levels of familiarity with the Agreement and advancement in its implementation are taken into consideration to meet and respond to individual country/regional needs. The programmes of national/regional activities include presentations on the transparency obligations, dispute settlement, implementation problems, specific trade concerns and technical/scientific issues such as risk analysis and equivalence, as well as the work undertaken by the "Three Sisters".

18.10. Each year, a three-week advanced course on the application of the SPS Agreement provides in-depth and "hands-on" SPS training, where at the end of the course participants must elaborate an 'action plan' to address identified SPS needs in their countries. Progress on the implementation of the action plans is then monitored through periodic reporting and is presented at an eight-day

¹²⁷ [G/SPS/GEN/717/Add.6](#).

¹²⁸ [G/SPS/GEN/1139/Add.4](#).

¹²⁹ [G/SPS/GEN/1139/Add.5](#).

¹³⁰ [G/SPS/GEN/1160/Add.7](#). See also earlier versions of [G/SPS/GEN/1160](#).

¹³¹ [G/SPS/GEN/1584](#) and [G/SPS/GEN/1738](#).

¹³² [G/SPS/GEN/181/Add.12](#).

¹³³ [G/SPS/GEN/181/Add.13](#).

¹³⁴ Contributions made by observer organizations between 2014 and 2019 are listed in Appendix C. The appendices are available via the following link:
https://www.wto.org/english/tratop_e/sps_e/tables_e/G_SPS_64_Appendix_A-D.xlsx.

follow-up session the subsequent year. The Secretariat also offers an E-Learning Course on the SPS Agreement.¹³⁵ A revised version of the Course will be available soon.

18.11. Since 2010, Members have been informed at the beginning of each year of all SPS-related planned technical assistance activities and interested officials are invited to submit applications for specific events. The latest revision of [G/SPS/GEN/997](#) contains all the detailed information on eligibility criteria, deadlines, funding, pre-requisites and application processes. Since 2013, an online application form¹³⁶ has been used to solicit applications for SPS technical assistance activities.

18.12. In 2016, the Secretariat informed Members of its new approach to deliver more effective and demand-driven regional workshops, which would entail working collaboratively with regional organizations to address SPS-related training needs identified within various regions. Using this approach, the WTO Secretariat would schedule regional SPS workshops upon request from regional organizations, or from a Member in conjunction with a regional organization. Programmes, prerequisites and selection criteria would be defined for each requested activity. Since 2016, regional SPS workshops have been organized using this approach.

18.13. Every year, the Secretariat organizes a thematic workshop held back-to-back with one of the meetings of the SPS Committee. In addition, the SPS Committee holds thematic sessions on topics of relevance to the Committee, as necessary, throughout the year. Table 1 summarizes the thematic sessions and workshops carried out during the period under Review (i.e. January 2014 to December 2019).

Table 1: Overview of thematic sessions and workshops (2014-2019)¹³⁷

Year	Thematic workshops	Thematic sessions
2014	<ul style="list-style-type: none"> ▪ Workshop on Risk Analysis 	
2015	<ul style="list-style-type: none"> ▪ Workshop on Transparency 	<ul style="list-style-type: none"> ▪ Thematic Session on Risk Communication
2016	<ul style="list-style-type: none"> ▪ Workshop on Pesticide Maximum Residue Levels (MRLs) 	
2017	<ul style="list-style-type: none"> ▪ Workshop on Transparency 	<ul style="list-style-type: none"> ▪ Thematic Session on Notification of Trade-facilitating SPS Measures ▪ Thematic Session on Regionalization
2018	<ul style="list-style-type: none"> ▪ Workshop on Control, Inspection and Approval Procedures 	<ul style="list-style-type: none"> ▪ Thematic Session on Pest-Free Areas ▪ Thematic Session on Equivalence (Part 1)
2019	<ul style="list-style-type: none"> ▪ Workshop on Transparency and Coordination 	<ul style="list-style-type: none"> ▪ Thematic Session on Equivalence (Part 2) ▪ Thematic Session on Fall Armyworm ▪ Thematic Session on Approval Procedures

18.14. In 2014, the Secretariat organized a Workshop on Risk Analysis.¹³⁸ This workshop was based on a proposal submitted by the United States, in the context of the Fourth Review.¹³⁹ The United States had proposed that the Committee should organize a workshop on decision making and communication during the risk analysis process to build upon the previous workshop held in 2000. The workshop also addressed South Africa's proposal,¹⁴⁰ which consisted of two questions related to the implementation of Article 5.4 of the SPS Agreement.

18.15. In 2015 and 2017¹⁴¹, the Secretariat organized interactive "hands-on" workshops on the transparency provisions of the SPS Agreement. The participation of officials from Members' SPS Enquiry Points and Notification Authorities was particularly encouraged in these training workshops.

18.16. In 2016, the Secretariat organized a Workshop on Pesticide Maximum Residue Levels (MRLs).¹⁴²

¹³⁵ More information on these training tools and materials is available on the SPS webpage (<http://www.wto.org/sps>).

¹³⁶ This application form is accessible via a web link, which is included in the latest revision of [G/SPS/GEN/997](#).

¹³⁷ In order to provide a general overview of the various topics that have been discussed in Committee-related activities during the period, Table 1 includes information on thematic sessions, although this type of activity is not strictly linked to technical assistance.

¹³⁸ See section 15 for further information on the Thematic Workshop on Risk Analysis.

¹³⁹ See [G/SPS/W/275](#).

¹⁴⁰ See [G/SPS/GEN/1307](#).

¹⁴¹ See section 19.5 for further information on the 2015 and 2017 Workshops on Transparency.

¹⁴² See section 12.1 for further information on the 2016 Workshop on Pesticide Maximum Residue Levels (MRLs).

18.17. Members submitted various proposals for the topic of the July 2018 workshop: (i) Private and commercial standards ([G/SPS/GEN/1592](#)); (ii) Control, inspection and approval procedures (i.e. Annex C of the SPS Agreement); and (iii) Export certification. Several Members expressed their support for the topic of control, inspection and approval procedures (i.e. Annex C of the SPS Agreement). Some Members indicated interest in the topic of export certification and further suggested including export certification as one of the sessions in the workshop. The Thematic Workshop on Control, Inspection and Approval Procedures (Annex C) was held on 9-10 July 2018.¹⁴³

18.18. In June 2019, the Secretariat organized a Thematic SPS Workshop on Transparency and Coordination.¹⁴⁴

18.19. Also in 2019, Canada proposed to hold a Thematic Session on Approval Procedures¹⁴⁵, building upon the 2018 SPS Committee Workshop on Control, Inspection and Approval Procedures (Annex C). The Thematic Session on Approval Procedures was held in November 2019.¹⁴⁶

18.2 Technical assistance statistics

18.20. The Secretariat reports annually on all SPS-related technical assistance activities provided by the WTO Secretariat since September 1994.¹⁴⁷ For the period 1994 to 2019, the WTO Secretariat has undertaken a total of 396 technical assistance activities on the SPS Agreement, including 95 regional (or sub-regional) and 183 national seminars. Table 2 provides information about the number of sub-regional and national activities per year since the last review of the operation and implementation of the SPS Agreement. Table 3 shows the overall number of activities per region since 1994.

Table 2: Number of SPS technical assistance activities provided by the Secretariat between January 2014 and December 2019

Year	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
2014	14	3	13	30
2015	13	3	11	27
2016	9	4	6	19
2017	12	1	9	22
2018	10	3	4	17
2019	8	0	4	12
Total	66	14	47	127

Table 3: SPS technical assistance activities per region (1994-2019)

Region	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
Africa	57	29	21	107
Arab and Middle East Countries	18	10	5	33
Asia and the Pacific	41	19	22	82

¹⁴³ See section 3 for further information on the 2018 Thematic Workshop on Control, Inspection and Approval Procedures (Annex C).

¹⁴⁴ See section 19.5 for further information on the 2019 Thematic SPS Workshop on Transparency and Coordination.

¹⁴⁵ [G/SPS/W/310](#).

¹⁴⁶ See section 3 for further information on the Thematic Session on Approval Procedures.

¹⁴⁷ [G/SPS/GEN/521](#), latest revision.

Central and Eastern Europe and Central Asia	16	8	7	31
Europe	1	3	7	11
Latin America and the Caribbean	50	26	9	85
North America	-	-	1	1
Global	-	-	46 ¹⁴⁸	46
Total	183	95	118	396

18.3 The Standards and Trade Development Facility (STDF)

18.21. The STDF is a global partnership that helps developing countries improve their food safety, and animal and plant health capacity to meet SPS requirements for trade that are based on international standards. The STDF contributes to broader sustainable development goals, such as enhanced economic growth, poverty reduction and food security. Established by the UN Food and Agriculture Organization, the World Organisation for Animal Health, the World Bank Group, the World Health Organization and the WTO, the STDF is financed by voluntary contributions. It provides a platform that brings together stakeholders from across agriculture, health, trade and development to discuss SPS capacity building needs, share experiences and good practice, and leverage additional funding. In addition, the STDF provides seed funding to beneficiaries for the development and implementation of collaborative and innovative SPS projects, with the potential to influence and catalyse SPS improvements. The WTO houses the Secretariat and manages the STDF trust fund.¹⁴⁹

18.22. From 2014-2019, the STDF organized several thematic events on the margins of the SPS Committee to provide information to Members on several cross-cutting SPS issues. A list of STDF thematic sessions from 2014-2019 can be found below.

Implementing SPS Measures to Facilitate Safe Trade	Presentation of preliminary findings and recommendations of three regional studies conducted in Africa, Asia and Latin America related to the implementation of SPS measures to facilitate safe trade, with a focus on Article 8 and Annex C of the SPS Agreement (Control, Inspection and Approval Procedures).
March 2014	http://www.standardsfacility.org/facilitating-safe-trade
Prioritizing SPS Investments for Market Access (P-IMA)	Information session on the P-IMA framework, its guiding principles and the new User Guide, as well as experiences and results of its application in several countries.
March 2016	http://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima
Electronic SPS Certification	Information session to raise awareness of the opportunities and the challenges related to the implementation of electronic SPS certification systems, mainly in developing countries.
June 2016	http://www.standardsfacility.org/SPS-eCert
Options, costs and the feasibility of foot-and-mouth disease control in the context of livestock trade	Information session to present findings on the costs, benefits and feasibility of the following studies: <ul style="list-style-type: none"> ▪ Feasibility of establishing a fresh meat producing compartment in Zimbabwe (STDF/PPG/550) ▪ Cost-Benefit Analysis for establishing a Foot-and-Mouth Disease Free Zone or Compartment in Tanzania (STDF/PPG/516)
November 2017	http://www.standardsfacility.org/costs-and-benefits-fmd-control-context-livestock-trade
Strengthening the control of transboundary animal diseases in Cameroon	Information session to present outputs, impact and recommendations of the STDF project on the development of strategies to combat and control four animal diseases which affect livestock production in Cameroon (STDF/PG/336): (i) foot and mouth disease; (ii) peste des petits ruminants; (iii) African swine fever; and (iv) Newcastle disease.

¹⁴⁸ This category also includes the Advanced SPS Course.

¹⁴⁹ More information on the STDF and its activities, including projects and project preparation grants, is available on the STDF website (<http://www.standardsfacility.org>). Members can also subscribe to the STDF mailing list to receive news on relevant activities.

March 2019	https://www.standardsfacility.org/information-session-cameroon
Strengthening capacity to meet pesticide export requirements	Information session to present the findings and recommendations of an independent evaluation of the three regional STDF projects in Africa (STDF/PG/359, led by AU-IBAR), Asia (STDF/PG/337, led by the ASEAN Secretariat) and Latin America (STDF/PG/436, led by IICA).
November 2019	https://www.standardsfacility.org/strengthening-capacity-meet-pesticide-export-requirements

18.23. From 2014-2019, the STDF developed and launched two short films which were shown to the SPS Committee: "Safe Trade Solutions" and "Cocoa: a Sweet Value Chain". The first film looks at what Chile, Colombia and Peru have done to enable trade to flow faster across borders, while also ensuring the safety of imported food and preventing the entry of pests or diseases. The second one showcases how in today's global value chain, sanitary and phytosanitary capacity helps to make sure that cocoa plants are free from pests and diseases and that chocolate is safe for consumers. Both films along with other STDF-related videos can be found on the STDF YouTube channel.¹⁵⁰

18.24. As part of its role to share available know-how and SPS-related good practice, the STDF regularly issues briefing notes on issues of interest. Between 2014-2019, the STDF released briefing notes on the following topics:

Enhancing SPS capacity to promote trade for development in LDCs March 2016	http://www.standardsfacility.org/sites/default/files/STDF_Briefing_no_12_EN.pdf
Inclusive Trade Solutions: Women in SPS capacity building November 2017	http://www.standardsfacility.org/sites/default/files/STDF_Briefing_note_13.pdf
Partnering with the private sector: Delivering SPS outcomes February 2017	http://www.standardsfacility.org/sites/default/files/STDF_Briefing_Note_15.pdf
Facilitating safe trade: Going paperless with SPS e-certification July 2017	http://www.standardsfacility.org/sites/default/files/e_Cert_Briefing_note_EN.pdf
SPS capacity evaluation tools in action October 2017	http://www.standardsfacility.org/sites/default/files/STDF_Briefing_14.pdf
Facilitating safe trade: Protecting health, reducing SPS trade costs July 2018	http://www.standardsfacility.org/sites/default/files/Briefing_Facilitating_safe_trade.pdf
Promoting safe trade, protecting the environment October 2018	http://standardsfacility.org/sites/default/files/Environment_Briefing_2018.pdf
Driving better decision-making: Prioritizing SPS investments for market access (P-IMA) January 2019	http://standardsfacility.org/sites/default/files/PIMA_Briefing_2019.pdf

¹⁵⁰ <https://www.youtube.com/c/STDFvideos>.

Trade spillover effects: The impact on domestic food safety	https://standardsfacility.org/sites/default/files/STDF_Briefing_Note_Trade_Spillovers_En.pdf
April 2019	

18.25. In 2016, the STDF began focusing on increasing the use of electronic SPS certificates, in the context of paperless trade and the WTO Trade Facilitation Agreement. In 2019, the STDF Working Group created an SPS eCert advisory committee which currently consists of 11 relevant international organizations. Its objective is to exchange information on relevant eCert initiatives, facilitate linkages and synergies among these initiatives, and to maximize outputs and avoid duplication of efforts.

18.26. In 2018, the STDF initiated work on creating a guidance document and practical checklist on the use of Good Regulatory Practice (GRP).¹⁵¹ This work aims to provide guidance for developing countries to ensure that SPS measures are "fit for purpose" and that they avoid the creation of non-tariff barriers. It will seek to identify good practices and recommendations to enhance the development and implementation of SPS measures. It will aim specifically to: (i) strengthen the effectiveness of regulatory interventions; (ii) increase use of international standards and implementation of the SPS Agreement; and (iii) ensure health protection while facilitating trade. A peer review group of STDF members and relevant organizations (including OECD) is supporting this work. The Secretariat aims to present this work on the margins of a Committee meeting in 2021.

18.27. From 2014-2019, the STDF continued to help developing countries in SPS planning and decision-making through application of the P-IMA¹⁵² framework. P-IMA is an evidence-based approach to inform and improve SPS planning and decision making, including mobilization of additional resources for SPS investments. P-IMA encourages public-private dialogue, boosts transparency and accountability, and improves the economic efficiency of investment decisions.

19 TRANSPARENCY (ARTICLE 7 AND ANNEX B)

19.1 Online systems

19.1. Up-to-date information on SPS notifications, as well as Committee documents, specific trade concerns and Members' National Enquiry Points and Notification Authorities continues to be available electronically via the SPS Information Management System (SPS IMS). This facilitates the conduct of searches according to specific needs and interests (product codes, geographic groups, etc.) and also the preparation of reports and summaries which can be shared with interested stakeholders.

19.2. In March 2017, the Secretariat launched the new versions of the SPS Information Management System (SPS IMS) and the Notification Submission System (SPS NSS). This formed part of a two-phase IT project to modernize the SPS IMS and NSS, which began in early 2015. In the first phase, the SPS NSS was developed and tested by a group of Members. During the 2015 October Workshop on Transparency, the Secretariat presented the improved online SPS NSS. Participants also had the opportunity to use a pilot version of the new system in a hands-on exercise. The second phase, which began in early September 2016, focused on enhancements to the SPS IMS, and the same pilot group was invited to test the new SPS IMS, along with a few new added volunteer Members. This second phase also included verifying the interoperability of the IMS and NSS applications.

19.3. The new systems are more user-friendly, correct "bugs" in the previous systems, and are based on updated technology in line with other in-house applications such as I-TIP and the TBT NSS. In particular, the new NSS also supports rich text format, which was a major limitation of the previous system for some Members. Several Members highlighted the advantages of using the online notification system, such as reducing errors and time required to fill-in and submit notifications.

19.4. In November 2016, the ePing notification alert system was officially launched, the result of a tripartite cooperation between the UN Department of Economic and Social Affairs (UNDESA), the WTO and the International Trade Centre (ITC). UNDESA built the pilot version of ePing as part of a trade capacity building project for least-developed countries. The WTO managed the depository of the SPS and TBT notifications, and ITC brought significant experience in developing and maintaining online trade-related tools, targeted mainly at SMEs, and hosting the IT infrastructure and

¹⁵¹ <http://www.standardsfacility.org/good-regulatory-practice>.

¹⁵² Prioritizing SPS Investments for Market Access. More information available at: <https://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima>.

development. The tripartite cooperation was formalized through a memorandum of understanding, signed by the heads of the three organizations. The objective of this collaboration was to offer a publicly available, reliable, timely and sustainable service that would provide access to SPS/TBT notifications and that would facilitate dialogue amongst the public and private sector in addressing potential trade problems at an early stage.

19.5. Several Members thanked the Secretariat and indicated the need to ensure that there was appropriate capacity building so that Members would be able to use the new systems. Various suggestions were made to improve the features of the IMS and NSS, including a country-specific graphing tool to display notifications or STCs in the IMS.

19.6. In November 2019, a series of significant enhancements to ePing was completed, with close collaboration between WTO, ITC and UNDESA. The enhancements include a more dynamic and user-friendly homepage/search page and an enhanced platform for Members to share follow up information on notifications, both at the national and international level.¹⁵³

19.7. Also in 2019, the 2011 edition of the Procedural Manual for NNAs and NEPs was revised to incorporate the improved SPS NSS and IMS platforms and the new ePing alert system, as well as other general updates. Ms Sally Jennings from New Zealand, the original author of the manual, assisted in preparing the new revision. Burkina Faso, Chile, the Democratic Republic of Congo, Jordan, Madagascar and New Zealand submitted case stories for the Manual. The Secretariat also drew the Committee's attention to the suggested change in the title of the manual from "Procedural Step-by-Step Manual for SPS NNAs and NEPs" to "Practical Manual for SPS NNAs and NEPs". In addition, the Secretariat prepared a brochure providing an overview of the transparency tools detailed in the Practical Manual (i.e. SPS IMS, ePing, Documents Online, e-subscription, and the SPS NSS).¹⁵⁴

19.8. Detailed user guides for the SPS NSS and IMS are also currently under preparation. These guides will be shared with Members before being published on the transparency toolkit link of the SPS Webpage.

19.9. Also in 2019, the WTO Secretariat updated Members on the eAgenda project launched at the end of 2018, supported by the WTO Information Technology Solutions Division (ITSD) and carried out for both the TBT and SPS sections. eAgenda was the development of an online platform to help Members add interventions under any agenda item, including raising and supporting STCs, and to access the whole agenda ahead of SPS and TBT Committee meetings. Access to the platform would be restricted to Members. eAgenda built upon the existing tools for the online submission of notifications (SPS NSS and TBT NSS); and the online information management systems (SPS IMS and the TBT IMS).

19.10. In addition, the Secretariat explained that the pilot phase of the SPS platform was planned for the March 2020 Committee meeting and Members were invited to contact the Secretariat to express interest in participating in the pilot test.¹⁵⁵ The Secretariat underlined that the eAgenda platform could be used to prepare an annotated agenda and invited Members' comments on the proposal to produce an annotated agenda instead of a convening airgram in the future. No Member raised any concerns.

19.11. A detailed user guide for the eAgenda is also currently under preparation and will be shared with Members before being published on the transparency toolkit link of the SPS Webpage.

19.2 E-mail lists

19.12. At the end of November 2017, the two e-mailing lists managed by the SPS team, one for notifications and another for unrestricted documents, were discontinued. Members continue to receive SPS documents through the new e-Subscriptions service. Access to this new service is restricted to delegates, who can obtain credentials through the delegation coordinator at their Geneva

¹⁵³ These changes to ePing will also facilitate one of the recent recommendations of the TBT Committee for Members to share their comments on notifications with each other ([G/TBT/41](#)).

¹⁵⁴ https://www.wto.org/english/tratop_e/sps_e/sps_practical_manual_for_sps_national_notification_flyer_bat.pdf.

¹⁵⁵ Due to the COVID-19 pandemic, the March 2020 SPS Committee meeting was cancelled ([JOB/SPS/5/Rev.1/Corr.1](#)), and the eAgenda platform was subsequently used for the June 2020 SPS Committee meeting.

Mission. Alternatively, SPS documents and notifications are available through WTO Docs Online or the SPS IMS. Additionally, it is possible to receive alerts on new SPS and TBT notifications through the ePing alert system.

19.13. On 1 December 2019, the hosting services provided by UNICC for the SPS mailing list were discontinued and a new distribution list was created for the purposes of sending SPS-related information. Delegates covering SPS matters, as well as representatives from international organisations, were invited to register through a weblink (<https://wto.formstack.com/forms/spslist>) in order to continue to receive relevant information via e-mails from the Secretariat.

19.3 "Technical Revision" of the Recommended Transparency Procedures (G/SPS/7/Rev.3)

19.14. In November 2017, the Secretariat announced a "technical revision" of the Recommended Transparency Procedures; document [G/SPS/7/Rev.3](#). The current version of the document contained outdated references to the online tools (SPS NSS, SPS IMS), other websites and outdated notification templates which were no longer in use since the WTO had updated its document formats in 2013. It also contained references to outdated practices for submitting notifications, for example by regular mail, or by fax. The revised version of the document was circulated after the SPS Committee meeting for comments by Members. No substantive changes to the Recommended Procedures were made, although the revised document now included the text and the notification format from the Procedure to Enhance Transparency of Special and Differential Treatment in favour of Developing Country Members¹⁵⁶, in order to consolidate all notification recommendations into one document. The Secretariat suggested a timeline for Members to comment on the proposed changes before the finalization of the revised document.

19.15. Following the submission of comments by Members, the document was finalized and circulated in June 2018 as [G/SPS/7/Rev.4](#).

19.4 Update on implementation of transparency provisions

19.16. Managing information on transparency remains challenging for many developing country Members, and many have flagged their need for assistance and support to resolve their individual transparency difficulties, for example with the process of sending notifications to the WTO. Other difficulties faced by developing country Members relate to the operation of their SPS National Notification Authority and their National Enquiry Point(s). In addition, the importance of Members updating information on their Enquiry Points and Notification Authorities was highlighted, as it assisted the process of communicating with trading partners.

19.17. The Secretariat also continues to provide annual updates on the level of implementation of the transparency provisions of the SPS Agreement; the latest was issued in October 2019.¹⁵⁷ As of 31 December 2019, Members had submitted 17,253 regular notifications and 2,259 emergency notifications (plus related addenda and corrigenda).¹⁵⁸ The Committee has also previously adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures, now included in the transparency procedures. Furthermore, the Secretariat has previously established a mechanism for Members to inform each other of the availability of translations of notified measures into one of the official languages of the WTO. These are submitted in the form of supplemental notifications. As of 31 December 2019, seven equivalence notifications (five of which in 2019) and 19 supplemental notifications had been circulated.

19.18. Out of the 164 WTO Members, 128 (78%) had submitted at least one SPS notification to the WTO. Members which had not submitted any notification so far include 12 developing countries, 15 LDCs, and one developed country. In addition, a number of EU member States have not submitted notifications; however, most SPS measures are notified by the European Union on behalf of all its member States.¹⁵⁹

¹⁵⁶ [G/SPS/33/Rev.1](#).

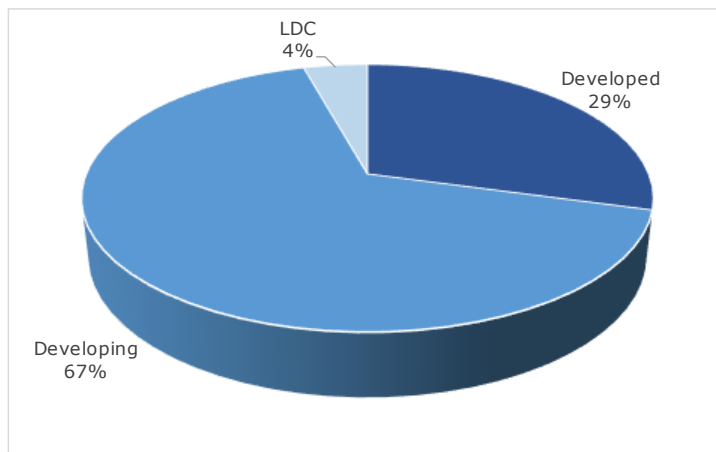
¹⁵⁷ [G/SPS/GEN/804/Rev.12](#).

¹⁵⁸ Members had also submitted 5,692 addenda and 5,111 corrigenda to regular and emergency notifications. In total, 25,741 notifications had been submitted (including addenda and corrigenda).

¹⁵⁹ See [G/SPS/GEN/456](#) and [G/SPS/GEN/456/Corr.1](#) for notification procedures for the European Union and its member States.

19.19. As can be seen in [Chart 6](#), the share of regular notifications (not including addenda and corrigenda) submitted by developing country Members (excluding LDCs) between January 2014 and December 2019 is 67% while the share of those submitted by developed country Members is 29%, reflecting the steady increase in notifications from developing country Members over the years. A very small share (4%) comes from LDCs.

Chart 6 – Percentage of notifications submitted by Members, according to development status, between January 2014 and 31 December 2019



19.20. Under the SPS Agreement, Members are required to notify both an Enquiry Point to provide answers to all reasonable questions from interested Members and a National Notification Authority to implement the notification procedures detailed in the Agreement. As of 31 December 2019, 159 WTO Members out of 164 had designated a "Notification Authority". Those Members which had not yet done so are all LDCs. Of the 164 WTO Members, 161 had provided the WTO with the contact information of their Enquiry Point(s). Those which had not done so were all LDCs. Thirty-four Members had also identified more than one SPS Enquiry Point. The updated lists containing the contact information of National Enquiry Points and of National Notification Authorities are available from the SPS IMS.¹⁶⁰

19.21. At each meeting, Members are invited to raise any questions or concerns with regard to the implementation of the transparency provisions of the Agreement. Contributions made by Members between January 2014 and December 2019 are listed in Appendix B. Transparency regarding SPS measures and policies is also provided by Members' reporting on relevant activities and developments under the agenda item "Information Sharing", in addition to "Operation of Transparency Provisions". Members frequently use this opportunity to present information on new regulatory policies, risk assessment practices, establishment of national SPS coordinating committees, etc. The standard-setting observer organizations also provide relevant information under the agenda item on "Information Sharing", further enhancing transparency.

19.5 Proposals on transparency

19.22. In the context of the Fourth Review, the European Union, Chile, Morocco and Norway made submissions related to transparency.¹⁶¹ In particular, the joint proposal suggested that the recommended procedures be reviewed, with a view to improve such matters as: (i) the quality and completeness of the information provided in the notification; (ii) the timeliness of the publication of regular and emergency notifications; (iii) interactions with trading partners; and (iv) access to all measures adopted and proposed by a Member.

19.23. In addition, Chile, the European Union, Morocco and Norway submitted another proposal for actions related to the fulfilment of transparency obligations.¹⁶² They proposed that actions take two forms: (i) specific proposals for modifications in the Recommended Procedures for implementing the Transparency Obligations of the SPS Agreement (Article 7)¹⁶³; and (ii) recommendations to the

¹⁶⁰ Accessible at: <http://spsims.wto.org/>.

¹⁶¹ EU general communication, [G/SPS/W/274](#), and the joint submission by Chile, the European Union, Morocco and Norway, [G/SPS/W/277](#).

¹⁶² [G/SPS/W/278](#).

¹⁶³ [G/SPS/7/Rev.3](#). Please note that [G/SPS/7/Rev.4](#) was adopted in 2018, as indicated in section 19.3.

Secretariat on revising and modernizing the SPS Information Management System (SPS IMS) and Notification Submission System (SPS NSS).

19.24. A diagnosis of the needs and difficulties encountered by Members was first carried out through a questionnaire,¹⁶⁴ in order to provide useful input before changing the current notification procedures. The responses to the questionnaire were analyzed,¹⁶⁵ presented to the Committee and discussed in March and July 2015. The Secretariat subsequently prepared a factual compilation of existing WTO definitions of "trade facilitating",¹⁶⁶ in response to requests from respondents to the questionnaire on the need to further define the term "trade facilitating". The Secretariat further highlighted that no official WTO definition of the term "trade facilitating" or "trade facilitation" had ever been adopted by WTO Members. Several Members expressed their interest in sharing their notification practices on the use of this term, rather than working on a definition.

19.25. Several other issues were highlighted from the analysis of the replies, such as: identification of the relevant international standard and whether there was conformity to such international standards; identification of HS Codes; emergency measures becoming permanent; measures notified after their adoption; and availability of translations. Members were of the view that the October 2015 Workshop on Transparency could be a good opportunity to share experiences and practices with regard to transparency, as well as to provide hands-on training on the SPS applications.

19.26. The objective of the 2015 Workshop on Transparency¹⁶⁷ was to enhance the implementation and benefits of the transparency provisions, in particular by sharing national experiences, and through "hands-on" training on the testing platform for the new versions of the SPS Information Management System (SPS IMS) and the Notification Submission System (SPS NSS). The workshop also included presentations on the WTO Integrated Trade Intelligence Portal (I-TIP),¹⁶⁸ the ePing notification alert system¹⁶⁹ and other tools to source WTO information. In addition, the Workshop provided an occasion to discuss issues related to a joint proposal for actions related to the fulfilment of transparency obligations,¹⁷⁰ submitted in the context of the Fourth Review of the Operation and Implementation of the SPS Agreement. The analysis of the replies to the transparency questionnaire, circulated to assess the needs and difficulties of Members¹⁷¹, also provided further input for the discussions. In the 2015 Workshop on Transparency, participants engaged in group discussions based on issues that had emerged from the analysis of the replies to the transparency questionnaire, and on how these could be addressed. Specifically, the following topics were discussed: (i) difficulties in filling in notifications; (ii) identifying trade facilitating measures; (iii) identifying and targeting interested stakeholders; (iv) handling comments; and (v) dealing with, and obtaining translations for, notified documents not in one of the WTO languages. Participants came up with a number of innovative suggestions on how to handle these issues.

19.27. Following up on the 2015 Workshop on Transparency, the Committee continued to discuss possible improvements in the area of transparency throughout 2016, including a joint proposal by Chile and the European Union.¹⁷² The proposal contains suggestions to facilitate sharing of unofficial translations of notified SPS measures, to discuss how Members decide which SPS regulations they notify as trade-facilitating measures, and to establish a central platform to share links to website where Members publish information about final SPS regulations. Some Members raised issues related to the accuracy of translations, liability, formality, restricted access and anonymity. The Committee also agreed to hold an experience-sharing session on notification of trade facilitating measures in March 2017.

19.28. The Committee continued its discussions on the joint submission by Chile and the European Union in 2017. The Secretariat provided information on the transparency requirements

¹⁶⁴ [G/SPS/GEN/1382](#) was circulated on 2 February 2015.

¹⁶⁵ [G/SPS/GEN/1402](#).

¹⁶⁶ [G/SPS/GEN/1417](#).

¹⁶⁷ The summary report of the 2015 workshop was circulated as [G/SPS/R/80](#). The programme ([G/SPS/GEN/1446](#)) and presentations from the workshop are available via the following link: https://www.wto.org/english/tratop_e/sps_e/wkshop_oct15_e/wkshop_oct15_e.htm.

¹⁶⁸ <https://i-tip.wto.org>.

¹⁶⁹ <http://www.epingalert.org/>.

¹⁷⁰ Joint proposal submitted by Chile, the European Union, Morocco and Norway ([G/SPS/W/278](#)), which built on two former proposals regarding transparency ([G/SPS/W/274](#) and [G/SPS/W/277](#)).

¹⁷¹ Questionnaire circulated in document [G/SPS/GEN/1382](#), and analysis of the replies to the questionnaire in document [G/SPS/GEN/1402](#).

¹⁷² [G/SPS/W/290](#).

under the Trade Facilitation Agreement and the mechanisms to publish notified information, which Members had requested to evaluate synergies with the proposal to create a platform to publish final regulations. In addition, the Secretariat presented the file-sharing feature of the ePing notification alert system, which could be used to share unofficial translations, and also briefly described the current mechanism for sharing unofficial translations, highlighting paragraph 28 of the Recommended Transparency Procedures ([G/SPS/7/Rev.3](#)).¹⁷³ The Secretariat observed that this mechanism had rarely been used and further illustrated different options used to share translations through these supplements, including one option which allowed for anonymity.

19.29. Many Members recognized the usefulness of sharing translations, in particular for developing countries with limited resources, while they also expressed divergent views on some of the issues such as preserving anonymity, ensuring the accuracy of translations, and on the desirability of using existing resources versus developing a new platform. Overall, Members indicated the need for more time to assess the proposal, while reiterating their interest in continuing the discussions.

19.30. In March 2017, the Committee held its Thematic Session on Notification of Trade-Facilitating Measures, based on the joint proposal submitted by the European Union and Chile.^{174 175} The purpose of the session was for Members to present current practices in deciding which regulations to notify as trade facilitating measures. The Secretariat provided an overview of the notification obligations of the SPS Agreement, specifically Article 7 and Annex B. In addition, the Secretariat explained the current recommendations according to paragraph 13 of [G/SPS/7/Rev.3](#).

19.31. The thematic session also benefitted from presentations from Chile, the European Union, and the United States, and from an intervention from Canada. In the concluding discussion, it was further noted that it would be useful to have an indication of the type of measures to be classified as trade facilitating. The suggestion was also made for Members to undertake in-depth analyses, similar to those presented. The European Union highlighted that the intention of the session was not to formulate or agree on precise proposals to be adopted, but to allow for further reflection in order to perhaps revisit some of the ideas at a later stage, such as possibly within the context of the 2017 Workshop on Transparency.

19.32. Likewise, in October 2017, the Thematic Workshop on Transparency¹⁷⁶ was held, based on the same proposal by the European Union and Chile.¹⁷⁷ This workshop included a highly interactive "hands-on" training on the use of the improved SPS Information Management System (SPS IMS) and the online Notification Submission System (SPS NSS), which had been launched in 2017, as well as the ePing SPS/TBT notification alert system.¹⁷⁸ The workshop also provided a forum for discussion and experience-sharing on national consultation mechanisms for SPS regulations, and on other developments, challenges and practices in the area of SPS transparency. Presentations were made by the WTO Secretariat, the OECD, the World Bank, and developed and developing country Members.

19.33. In November 2018, the Committee agreed to hold a Thematic SPS Workshop on Transparency and Coordination in June 2019.¹⁷⁹ The WTO funded the participation of 34 government officials from developing country Members and Observers, selected from 109 applications, with the financial assistance of the Doha Development Agenda Global Trust Fund (DDAGTF).¹⁸⁰ The WTO covered the participation of four external speakers, and the United States and the African Union made it possible for eight and five participants, respectively, from Africa and Central America to attend the workshop and the meetings of the Committee. More than 150 participants attended the workshop, including Geneva- and capital-based delegates and representatives from intergovernmental organizations. The objective of this workshop was to exchange experiences with

¹⁷³ Please note that this corresponds to paragraph 2.23 in document [G/SPS/7/Rev.4](#).

¹⁷⁴ [G/SPS/W/290](#).

¹⁷⁵ The programme is available in document [G/SPS/GEN/1544](#) and presentations are available at: https://www.wto.org/english/tratop_e/sps_e/wkshop22march17_e.htm.

¹⁷⁶ The programme is available in document [G/SPS/GEN/1568/Rev.2](#) and the report was circulated as [G/SPS/R/89](#). The presentations are available at: https://www.wto.org/english/tratop_e/sps_e/wkshoptransparency_oct17_e.htm.

¹⁷⁷ [G/SPS/W/290](#).

¹⁷⁸ <http://spsims.wto.org>; <https://nss.wto.org/>; <https://www.epingalert.org/>.

¹⁷⁹ The programme is available in document [G/SPS/GEN/1694/Rev.2](#) and the report was circulated as [G/SPS/R/96](#). Presentations from the Thematic Workshop are also available at: https://www.wto.org/english/tratop_e/sps_e/workshop15072019_e.htm.

¹⁸⁰ Since 2016, WTO-funded workshop participants are no longer sponsored to participate in the SPS Committee meetings, in addition to their attendance at the workshop.

transparency-related coordination, and with broader domestic coordination mechanisms.¹⁸¹ An area of focus was on the difference in scope between the SPS and TBT Agreements, and on notification of measures containing both SPS and TBT elements.¹⁸²

19.34. The Secretariat provided an overview of the key SPS and TBT transparency provisions and reviewed the objectives and coverage of the SPS and TBT Agreements, related discussions in the respective Committees and examples of measures notified under both Agreements. Brazil, Japan, Chinese Taipei, Canada and Uganda presented on their experience in implementing the transparency provisions with SPS/TBT notifications. The Secretariat, UNCTAD and ITC introduced several tools and sources of SPS/TBT information. Uganda, Australia, China and New Zealand shared their experience on transparency-related coordination. Representatives from the WTO Secretariat, STDF, UNCTAD and Belize took part in a round table discussion on guidance and available tools for domestic coordination. Canada, Peru, Kenya, the United States and Senegal shared domestic coordination experiences. And finally, the African Union, ECOWAS, IICA, Chile and APEC presented on regional/international initiatives to support domestic coordination.

19.35. In 2019, the United States noted that several Members had national policies to align their SPS regulations to those of the European Union, but did not regularly notify proposed changes to the SPS Committee. The United States pointed to the low notification rate of the European Free Trade Association (EFTA) and invited Members with national policies aligned with EU SPS measures to review their notification practices to ensure that other WTO Members had the opportunity to comment on changes to their SPS regulations. Colombia appreciated the inclusion of this item on the agenda, and Paraguay and Uruguay expressed their concern.

19.36. Switzerland and Norway explained their relationship with the European Union concerning SPS measures.

19.37. In 2018 and 2019, the Committee discussed the proposals submitted on notification procedures and transparency under the Fifth Review.¹⁸³

¹⁸¹ See submission by Benin, Burkina Faso, Burundi, the Gambia, Ghana, Kenya, Madagascar, Morocco, Nigeria, the United States of America and Zambia contained in [G/SPS/W/297](#). More information on this proposal can also be found in Part A of the Report (i.e. document G/SPS/64, see section on national SPS coordination mechanisms).

¹⁸² See submission by Brazil contained in [G/SPS/W/312](#).

¹⁸³ [G/SPS/W/300](#) and [G/SPS/W/312](#). See the section on notification procedures and transparency in Part A of the Report of the Fifth Review (i.e. document G/SPS/64), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

APPENDIX

Appendices A to D provide a list of documents from January 2014 to December 2019 and are accessible via the following weblink:

https://www.wto.org/english/tratop_e/sps_e/tables_e/G_SPS_64_Appendix_A-D.xlsx.

Specifically, Appendix A provides a list of Secretariat background documents and other meeting documents. Appendix B provides a list of documents submitted by Members that are relevant to the various issues raised in this factual section of the Report. Appendix C similarly provides a list of documents submitted by observer organizations. Appendix D provides information about SPS-related dispute settlement activities.

The tables of contents for the appendices are as follows:

- APPENDIX A: Secretariat background documents and other meeting documents, 2014-2019
 - A. Transparency
 - B. Monitoring International Standards
 - C. Technical Assistance
 - D. Implementation of the Agreement – Specific Trade Concerns /Ad Hoc Consultations
 - E. Private Standards
 - F. Regionalization
 - G. Review of the SPS Agreement
 - H. Equivalence
 - I. Other

- APPENDIX B: List of SPS Committee documents submitted by Members, 2014-2019
 - A. Comments/Proposals regarding Transparency (Article 7 and Annex B)
 - B. Comments/Proposals regarding monitoring the use of international standards (Article 3.5 and 12.4)
 - No documents were submitted under this specific topic.
 - C.1 Information regarding Members' provision of technical assistance and training activities¹⁸⁴ (Article 9)
 - C.2 Information regarding Members' technical assistance and training needs (Article 9)
 - D. Comments/Proposals regarding special and differential treatment (Article 10)
 - No documents were submitted under this specific topic.
 - E. Comments/Proposals regarding Risk Analysis
 - F.1 Comments/Proposals regarding Regionalization (Article 6)
 - F.2 Information regarding Members' experience related to Regionalization (Article 6)
 - G. Comments/Proposals regarding Monitoring Implementation of the Agreement (Articles 12.1 and 12.2) – Specific trade concerns/Use of Ad Hoc Consultations
 - H. Review of the Agreement
 - I. SPS-related private standards
 - J. Equivalence
 - K. Other
 - L. Floor statements

- APPENDIX C: List of SPS Committee documents submitted by observer organizations, 2014-2019

- APPENDIX D - WTO disputes invoking the SPS Agreement

¹⁸⁴ This includes information on technical assistance provided by Members in GEN documents submitted up to March 2020, for technical assistance undertaken within the period of Review (i.e. 2014-2019).