

19 March 2021

(21-2329) Page: 1/52

# **Committee on Sanitary and Phytosanitary Measures**

# ANNUAL OVERVIEW – IMPLEMENTATION OF SPS TRANSPARENCY PROVISIONS AND SPECIFIC TRADE CONCERNS

#### NOTE BY THE SECRETARIAT1

#### Revision

#### 1 INTRODUCTION

- 1.1. At its meeting on 15-16 March 2000, the Committee on Sanitary and Phytosanitary Measures (the SPS Committee) requested that the Secretariat to prepare a paper summarizing the specific trade concerns (STCs) that had been brought to the Committee's attention since 1995. Since then, the Secretariat has revised document <a href="G/SPS/GEN/204">G/SPS/GEN/204</a> annually to include new information provided by Members.
- 1.2. Similarly, at the October 2007 Workshop on Transparency, the Committee requested the Secretariat to prepare an annual overview of the implementation of the transparency provisions of the SPS Agreement.<sup>3</sup> Since then, the Secretariat has revised document <u>G/SPS/GEN/804</u> annually to provide an overview of the level of implementation of the transparency obligations contained in the SPS Agreement (Article 7 and Annex B) and of the Committee's Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (G/SPS/7/Rev.4).
- 1.3. In an effort to improve the reports, the last version of each of these documents (<u>G/SPS/GEN/804/Rev.12</u> and <u>G/SPS/GEN/204/Rev.20</u>) included more detailed analysis and new graphs. In a further attempt to provide a more comprehensive view of both the implementation of transparency provisions and the STCs raised in the Committee, and to align the periods of time covered (i.e. from January to December), and with the aim of harmonizing reporting practices with those of the Committee on Technical Barriers to Trade (TBT), information previously contained in <u>G/SPS/GEN/804</u> and <u>G/SPS/GEN/204</u> and revisions has been merged in the present document, as announced at the SPS Committee informal consultations held on 16 September 2020.<sup>4</sup>
- 1.4. As such, <u>Part A</u> of the present document provides an overview of the level of implementation of the transparency obligations found in the SPS Agreement (previously contained in <u>G/SPS/GEN/804</u>) and <u>Part B</u> contains information on STCs (previously contained in <u>G/SPS/GEN/204</u>). Additionally, <u>Part C</u> of the document covers other transparency related aspects, including the transparency recommendations of the Fifth Review of the Operation and Implementation of the SPS Agreement, detailed information on improved SPS IT tools and the transparency-related work of the Standards and Trade Development Facility (STDF).
- 1.5. In preparing this document, the Secretariat has largely relied on the SPS Information Management System (SPS IMS).<sup>5</sup> The SPS IMS is a specialized and detailed information source on SPS notifications, STCs, National Notification Authorities (NNAs) and National Enquiry Points (NEPs)

<sup>&</sup>lt;sup>1</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

<sup>&</sup>lt;sup>2</sup> G/SPS/R/18, para. 20.

<sup>&</sup>lt;sup>3</sup> See <u>G/SPS/R/47</u>, para. 44, for the recommendations arising from the 2007 Workshop on Transparency. See also footnote 4 of <u>G/SPS/7/Rev.4</u> requesting the Secretariat to provide an annual report on the level of implementation of the transparency provisions of the SPS Agreement and of the recommended transparency procedures.

<sup>&</sup>lt;sup>4</sup> JOB/SPS/10

<sup>&</sup>lt;sup>5</sup> http://spsims.wto.org.

contact information, and other SPS documents. It allows for advanced searches according to specific criteria and also facilitates the creation of custom reports and graphs, which can be shared with interested stakeholders. Most of the underlying data for the analysis contained in this document is publicly available and searchable through the SPS IMS.

1.6. While some historical data on notifications dating back to 1995 has been retrieved from various internal sources and incorporated into the SPS IMS, some of the more detailed analyses have only been possible as of July 2007, when the SPS IMS became operational. An improved version of the SPS IMS was launched at the end of March 2017, which combined with streamlined internal processes in the Secretariat, has enabled data analysis to become more automatic than it was for past reports.

#### 1.7. Some key points are the following:

- a. Overall, there is a **high level of implementation of the SPS Agreement transparency obligations** by WTO Members. Since 1995: 129 Members (79% of membership) have submitted at least one notification; 159 (97%) and 162 Members (99%) have provided contact information for their SPS NNAs and NEPs, respectively.
- b. In 2020, Members submitted a record number of notifications since 1995: 2,122 **notifications** of new or changed SPS measures, an all-time high, were submitted by **63 Members** during 2020, following a consistent upward trend.
- c. A record number of addenda to regular notifications (502) were submitted in 2020, mostly communicating information related to the **adoption**, **publication or entry into force** of notified measures.
- d. The share of regular and emergency notifications submitted by developing countries is higher than the share submitted by developed countries since 2008 and 2002, respectively.
- e. Asia (28%), followed by North America (27%) and South and Central America and the Caribbean (24%), are the regions that have submitted the highest share of notifications since 1995.
- f. Tanzania, an LDC, is among the top 10 notifiers of regular notifications in 2020.
- g. In 2020, the highest share (68%) of regular notifications submitted refer to food safety; 84% of the emergency notifications submitted refer to animal health.
- h. The number of TF measures notified in 2020 is more than twice as high as in 2017.
- i. Between February and December 2020, Members have submitted 55 notifications and 11 communications informing of SPS COVID-19 related measures.
- j. The number of STCs raised does not follow an increasing trend over time, despite the growth in the number of notifications.
- k. A total of 505 STCs have been raised since 1995. In 2020, Members discussed 53 specific trade concerns (STCs), including 36 new concerns. The number of new STCs raised in 2020 is the highest in any one year since 2003, and the second highest since 1995, despite the fact that only two meetings were held in 2020.
- I. In 2020, food safety represented 44 % of the STCs raised, other concerns represented 36%, plant health accounted for 14% and animal health accounted for 6%.
- m. Since 1995, 65 Members (40%) have raised at least one STC in the SPS Committee. In 2020, **14 Members (8.5%)** raised at least one STC.
- n. The average number of times STCs have been raised is 2.7.
- o. Participation of developing countries raising and supporting STCs, as well as maintaining measures subject to STCs, is higher than that of developed countries.
- p. In 2020, 35 STCs were reported as resolved and 42 were reported as partially resolved. A total of 200 (40%) of STCs have been reported as resolved, and 71 (14%) as partially resolved.
- q. In June 2020, the SPS Committee adopted the Fifth Review of the Operation and Implementation of the SPS Agreement,<sup>6</sup> which includes several recommendations on transparency.
- r. The number of Members using the **SPS Notification Submission System** (SPS NSS) to submit notifications increased in 2020. Of all SPS notifications, 84% were submitted using the SPS NSS, up from 75% in 201.
- s. Use of **ePing** is also increasing. The number of subscribers grew to 12,360 from 182 countries at the end of 2020, up from 8,821 from 179 countries at the end of 2019.

<sup>&</sup>lt;sup>6</sup> G/SPS/64 and G/SPS/64/Add.1.

- ePing contains new features that allow exchanges among users with admin rights, enhancing its usefulness as a tool for domestic and international coordination.
- t. In June 2020, the SPS Committee used the **eAgenda** platform for the first time. A total of 207 users from 71 Members have requested access and added interventions, raised STCs and uploaded statements before the meeting, significantly enhancing transparency in the Committee meeting.
- u. A new integrated search engine is now available allowing Members to search for SPS and TBT STCs.

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#### 2 PART A - IMPLEMENTATION OF THE TRANSPARENCY PROVISIONS

- 2.1. Part A provides an overview regarding the level of implementation of the transparency provisions contained in the SPS Agreement and the Recommended Transparency Procedures in document G/SPS/7/Rev.4, with a focus on 2020 (previously contained in G/SPS/GEN/804). It does not include information on areas where the Secretariat is not directly involved (such as publication of a notice of a regulation at an early stage, Members' response to requests for documents or other information and provision of comments to notifications, and taking into account of these comments by the notifying Member, among others).
- 2.2. In June 2018, the Secretariat circulated an updated version of the Recommended Transparency Procedures as document <u>G/SPS/7/Rev.4</u>. This revision does not include any substantive changes to the text. It includes updates in the notification templates as well as the notification format contained in the Decision on Special and Differential Treatment (<u>G/SPS/33/Rev.1</u>) to consolidate all notification recommendations into one document. It also incorporates updates based on changes in the online tools (SPS IMS, SPS NSS and ePing). Further information on these and other IT tools, as well as on other transparency resources, is available in Part C of the present document.

#### 2.1 DESIGNATION OF NOTIFICATION AUTHORITIES AND ENQUIRY POINTS

- 2.3. Annex B, paragraph 10 of the SPS Agreement obliges Members to designate a single central government authority as responsible for the implementation of notification procedures. This agency is referred to as the SPS National Notification Authority (NNA). As of 31 December 2020, 159 (97%) WTO Members out of 164 had designated such an agency, two more than in the previous reporting period. The Members that have not designed NNAs are all least-developed countries (LDCs).<sup>7</sup>
- 2.4. Annex B, paragraph 3 of the SPS Agreement requires that each Member establish an Enquiry Point responsible for the provision of answers to all reasonable questions and of relevant documents. As of 31 December 2020, 162 (99%) WTO Members out of 164 had provided the WTO with the contact information of their Enquiry Point, one more than last year. Two LDCs have not yet established an Enquiry Point. Thirty-four Members have identified more than one SPS Enquiry Point. A total of 21 Members have indicated that their NNA and NEP are the same institution.
- 2.5. The most up-to-date information on Members' NNAs and NEPs can be accessed through the SPS IMS by clicking on Search  $\rightarrow$  Enquiry Points/Notification Authorities on the top menu bar. This information is also available through ePing. It can be useful to have at least two staff members trained in NNA/NEP operations as this allows for absences and commitments of staff to other duties, as recommended in the Practical Manual for NNAs/NEPs. Whenever possible, Members are encouraged to use an institutional email address rather than a personal one.  $^{10}$

# 2.2 SUBMISSION OF NOTIFICATIONS

2.6. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect trade. Annex B, paragraphs 5 to 8, as well as the Recommended Transparency Procedures, elaborate on the notification procedures Members are to follow. For ease of reference, the specific sub-topics highlighted below follow the order of items that are contained in the regular and emergency notification formats.

#### 2.2.1 Types of notifications

2.7. The two main types of notifications are regular notifications and emergency notifications. In addition, addenda, corrigenda, revisions or supplements can be issued subsequent to an original

<sup>&</sup>lt;sup>7</sup> The categories of level of development rely on WTO working definitions as identified in the WTO's Integrated Database (IDB) for analytical purposes (<a href="idb@wto.org">idb@wto.org</a>). They can be consulted through the SPS IMS by clicking on "definitions of groups" on the top menu bar.

<sup>&</sup>lt;sup>8</sup> http://spsims.wto.org/en/EnquiryPointsNotificationAuthorities/Search.

<sup>9</sup> https://www.epingalert.org/es#/enquiry-points/sps-na.

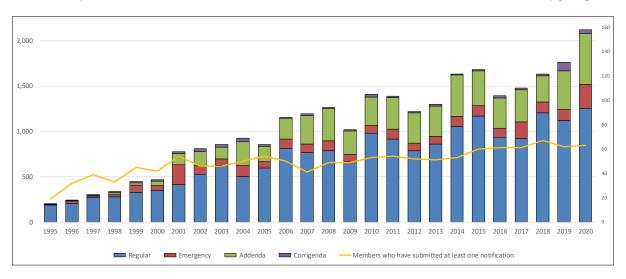
Recommendations can be found in the Practical Manual for SPS National Notification Authorities and National Enquiry Points, available at

https://www.wto.org/english/tratop e/sps e/practical manual for sps national notification authorities and sps national enquiry points 7531 18 e.pdf. See also Section 4.2.5 below.

regular or emergency notification.<sup>11</sup> An addendum is used to provide additional information or changes to an original notification, for example if the products covered by the proposed regulation have been modified, if the comment period has been extended, or if a notified measure has entered into force. A corrigendum is used to correct an error in an original notification such as an incorrect address detail. A revision is used to replace an existing notification, for example if a notified draft regulation was substantially redrafted or if a notification contained a large number of errors. All types of notifications can be directly filled in and submitted through the SPS NSS (see Section 4.2.1).

2.8. Chart A.1 shows the number of regular and emergency notifications (including addenda and corrigenda) submitted per year since 1995. As of 31 December 2020, Members had submitted 18,505 regular notifications, 2,524 emergency notifications, 6,254 addenda and 552 corrigenda, reaching a grand total of 27,835 notifications. Despite punctual decreases some years, the global trend shows an annual increase of the total number of notifications submitted per year, reaching in 2020, a historical record number of 2,122 notifications. Out of these, 1,253 were regular notifications, 265 emergency notifications, 563 addenda (including 502 to regular and 61 to emergency notifications) and 41 corrigenda (including 27 to regular and 14 to emergency notifications). Compared to the previous year (1 January through 31 December 2019), there was an increase in the number of regular notifications submitted, from 1,119 in 2019 to 1,253 in 2020 (12% increase), and of emergency notifications, from 124 in 2019 to 265 in 2020 (114% increase). Interestingly, the overall number of addenda submitted in the same period rose from 427 to 563 (32% increase), also reaching a historical maximum (see Section 2.2.10).

Chart A.1 – Regular and emergency notifications, addenda and corrigenda for both types, submitted, and number of Members who have submitted at least one notification, per year



2.9. This historical maximum is particularly striking in the context of the COVID-19 pandemic suffered through 2020 (see Section 2.4). Despite the global trade challenges, Members continued to fulfil their transparency obligations under the SPS Agreement, submitting an average of 177 notifications per month ( $\underline{\text{Chart A.2}}$ ).

 $<sup>^{11}</sup>$  See the Recommended Transparency Procedures (<u>G/SPS/7/Rev.4</u>) for further elaboration on the different types of notifications.

<sup>&</sup>lt;sup>12</sup> For this Note, submission refers to the date of distribution of the notification by the Secretariat.

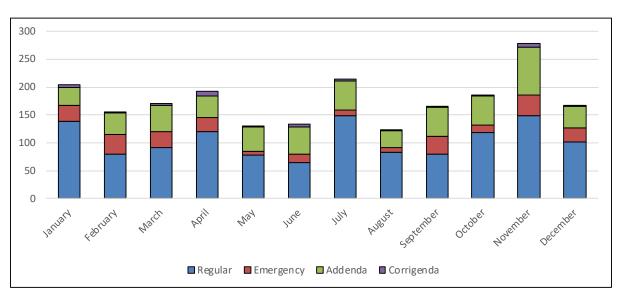


Chart A.2 – Regular and emergency notifications, addenda and corrigenda for both types, submitted in 2020

2.10. In June 2002, the SPS Committee adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures. As of 31 December 2020, there have been seven equivalence notifications circulated by Panama (one, in 2007), the Dominican Republic (one, in 2008), and the United States (five, in 2019). The most recent notifications were submitted following the two-part Thematic Session on Equivalence held in October 2018 and March 2019 within the framework of the Fifth Review<sup>13</sup>, at the end of 2019.

2.11. In April 2004, the Secretariat established a mechanism for Members to inform each other of the availability of unofficial translations of notified SPS measures into one of the official languages of the WTO. These are submitted in the form of supplements to the original notification. As of 31 December 2020, 19 supplement notifications had been circulated. None have been submitted since 2015. The availability of translations is periodically discussed in the SPS Committee under transparency-related matters. Interestingly, the same mechanism for sharing translations of notified TBT regulations, launched in January 2008, has resulted in 251 supplement notifications, although, similarly to SPS, it has not been used since 2016. In this context, it is worth highlighting that Members can also share unofficial translations through the ePing alert system, although it has not been used for that purpose yet (see Section 4.2.2 in Part C).

2.12. In October 2004, the SPS Committee adopted a procedure to enhance transparency of special and differential treatment (S&D) in favour of developing country Members, which included an addendum notification format to inform the Committee of a Member's decision on whether and how S&D may be provided in reference to a specific request. The procedure and addendum notification format were subsequently revised in December 2009 $^{15}$ , and, as mentioned earlier, the notification format was incorporated in  $\underline{\text{G/SPS/7/Rev.4}}$  for ease of reference. No S&D notifications have been circulated by WTO Members since 2004.

# 2.2.2 Notifying Members

2.13. As of 31 December 2020, 129 Members out of 164 (79%) had submitted at least one notification to the WTO. Members which have not yet submitted any notification include 14 developing countries and 13 LDCs. In addition, a number of EU member States have not submitted notifications; however, most SPS measures are notified by the European Union on behalf

 $<sup>^{13}</sup>$  The programmes of parts 1 and 2 of the Thematic Session are contained in <u>G/SPS/GEN/1640/Rev.1</u> and <u>G/SPS/GEN/1675/Rev.1</u>, respectively, and the reports in <u>G/SPS/R/93</u> and <u>G/SPS/R/94</u>. Presentations of both sessions are available at: <a href="https://www.wto.org/english/tratop">https://www.wto.org/english/tratop</a> e/events e.htm.

 $<sup>^{14}</sup>$  See for example the reports of the Fourth Review and the 2017 Workshop on Transparency in  $\underline{\text{G/SPS/62}}$  and  $\underline{\text{G/SPS/R/89}}$ , respectively.

<sup>&</sup>lt;sup>15</sup> See <u>G/SPS/33/Rev.1</u>.

of all its member States. $^{16,17}$  In 2020, 63 Members submitted at least one notification. The number of Members submitting notifications each year has considerably increased since 1995, and has remained relatively stable over the last few years (<u>Chart A.1</u>).

- 2.14. Charts A.3 and A.4 show the number of regular and emergency notifications, respectively, and the percentage of notifications by Members' development status. Chart A.3 shows that the share of regular notifications submitted by developing countries has been rising since 2000 and, since 2008, is higher than that of regular notifications submitted by developed countries. The share of notifications from LDCs is very low, fluctuating between 0% and a peak of 4.9% reached in 2017. It has remained at that level since then. Chart A.4 shows that the percentage of emergency notifications submitted by developing countries has been greater than 50% since 2002. Furthermore, the difference in percentage is much larger than in the case of regular notifications.
- 2.15. In 2020, both for regular and emergency notifications, we can observe a decrease in the percentage submitted by developed country Members and an increase in the case of developing country Members. While both changes are small, it is interesting to note that the trend is the opposite to the one observed in 2019.

1.800 100% 90% 1,600 80% 1,400 70% 1,200 60% 1,000 50% 800 40% 600 30% 400 20% 200 10%

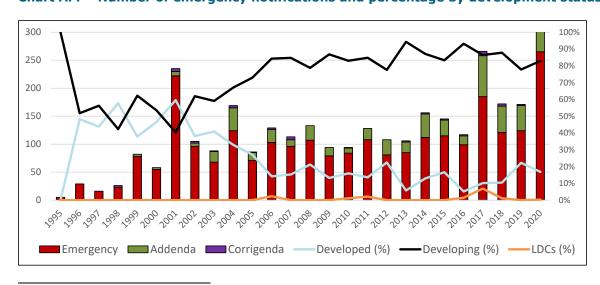
Chart A.3 - Number of regular notifications and percentage by development status



IRegular Addenda Corrigenda —

2002, 2010

Developed (%) — Developing (%) — LDCs (%)

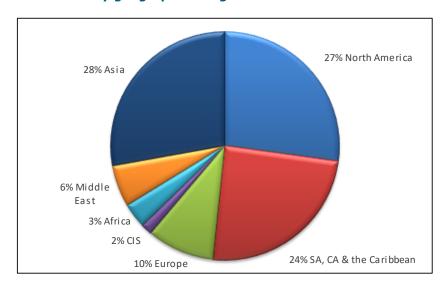


See <u>G/SPS/GEN/456</u> for notification procedures for the European Union and its member States.
 The information provided by the European Union covers its 28 member States from 1 July 2013 until
 January 2020. The United Kingdom withdrew from the European Union as of 1 February 2020. The

European Union and the United Kingdom have communicated that during the transition period, which ends on 31 December 2020, the European Union SPS regime continued to apply in the United Kingdom. See documents WT/GC/206 and G/SPS/GEN/1767.

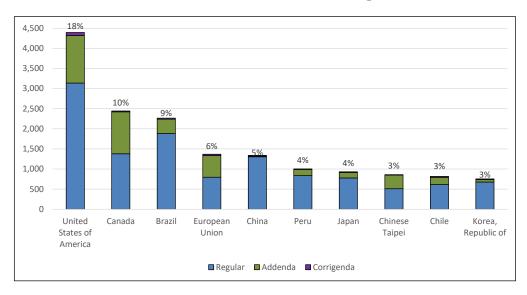
2.16. Looking at the geographic regions from which the notifications submitted since the year 1995 originate, <u>Chart A.5</u> shows that the largest share of notifications come from Asia, followed by the North America region, and then South and Central America and the Caribbean.<sup>18</sup>

Chart A.5 - Notifications by geographical region from 1995 to 31 December 2020



2.17. The Members who have submitted the greatest number of notifications (regular and emergency) as of 31 December 2020 are listed in Charts  $\underline{A.6}$  and  $\underline{A.7}$ , while the Members that have submitted the greatest number of notifications in the current reporting period (1 January through 31 December 2020) are listed in Charts  $\underline{A.8}$  and  $\underline{A.9}$ . In all four charts, bars show the number of notifications by type and values above the bars represent the corresponding percentage with respect to the total number of notifications (regular, Charts  $\underline{A.6}$  and  $\underline{A.8}$ , and emergency, Charts  $\underline{A.7}$  and  $\underline{A.9}$ ) submitted.

Chart A.6 - Ten Members which have submitted the most regular notifications since 1995



<sup>&</sup>lt;sup>18</sup> The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes (<a href="mailto:idb@wto.org">idb@wto.org</a>). The same groupings are used in the WTO Annual Reports. They can be consulted through the SPS IMS by clicking on "definitions of groups" on the top menu bar.

Chart A.7 - Ten Members which have submitted the most emergency notifications since 1995

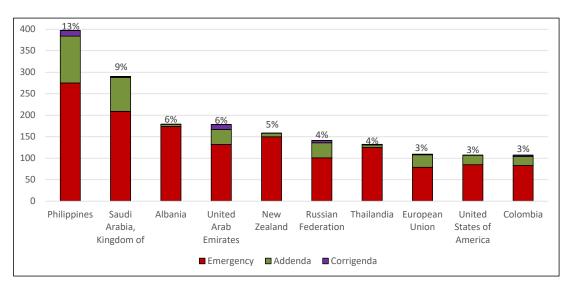


Chart A.8 - Members which have submitted the most regular notifications between 1 January and 31 December 2020

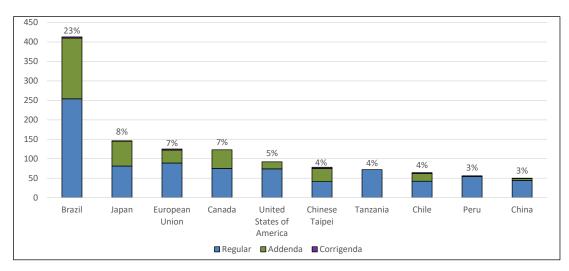
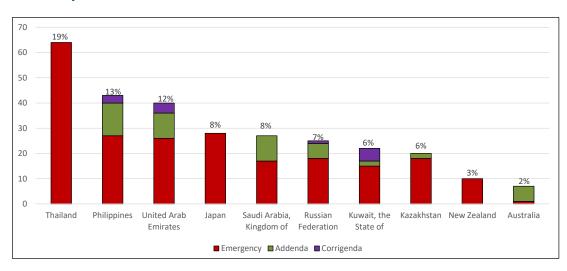


Chart A.9 - Members which have submitted the most emergency notifications between 1 January and 31 December 2020



- 2.18. Regarding regular notifications submitted until 31 December 2020, one Member (Tanzania) among the top 10 notifying Members in 2020 (<u>Chart A.8</u>) does not appear among the top notifying Members for the period since 1995 (<u>Chart A.6</u>), suggesting that it notified at a level above their historical trend. For emergency notifications, six of the top 10 notifying Members (Thailand, Philippines, United Arab Emirates, Saudi Arabia, Russian Federation and New Zealand) remain the same in 2020 (<u>Chart A.9</u>) as compared to the period since 1995 (<u>Chart A.7</u>).
- 2.19. When looking at the break-down according to the type of notification, all charts show that some of the top 10 notifiers submit large numbers of addenda to regular notifications, e.g. to provide information on a regulation's entry into force. Others submit high numbers of regular notifications but fewer follow-up addenda. The overall data on the use of addenda are shown in Section 2.2.10.
- 2.20. Charts A.10 and A.11 take a closer look at the top five notifying Members in 2020. Chart A.10 shows that the annual volume of regular notifications submitted over the past ten years by the top five notifiers in 2020 (Brazil, Japan, the European Union, Canada and the United States, Chart A.8) is relatively stable and, apart from a few exceptions, these Members have been among the top 10 notifiers since 2010. On the contrary, Chart A.11 shows that the number of emergency measures notified by the top notifiers vary considerably over time. Only the Philippines, the United Arab Emirates and Saudi Arabia have consistently been among the top 10 since 2010, the number of their notifications varying considerably, as we can see in the peak observed in 2017. On the other hand, Japan and Thailand have not always been included in this group.

Chart A.10 - Regular notifications (including addenda and corrigenda) submitted by Brazil, Japan, the European Union, Canada and the United States during 2010-2020

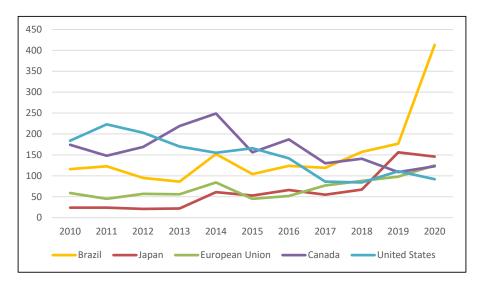
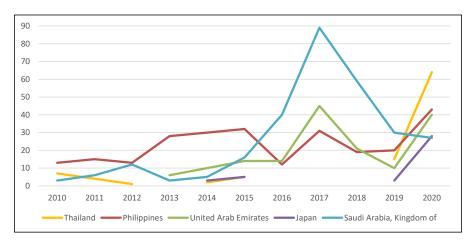


Chart A.11 – Emergency notifications (including addenda and corrigenda) submitted by Thailand, Philippines, United Arab Emirates, Japan and Saudi Arabia during 2010-2020



#### 2.2.3 Products covered

- 2.21. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the Recommended Transparency Procedures, Members are required to identify the products to be covered by a new or changed SPS measure and should provide the relevant HS codes. Most Members have indicated they would welcome the provision of these codes by their trading partners.<sup>19</sup> However, identifying relevant HS codes is one of the main difficulties encountered by Members when filling in a notification according to the latest questionnaire on transparency.<sup>20</sup>
- 2.22. Since 1995 the WTO's Central Registry of Notifications (CRN) has been assigning, to the extent possible, the relevant HS codes for all notifications where these are not provided by the Member. <sup>21</sup> The SPS NSS facilitates the inclusion of HS (and ICS) codes by submitting Members through a built-in search function, providing more accurate information. In September 2020, the SPS NSS (and also the TBT NSS) was improved to include all HS versions available from a drop-down list (see Section 4.2.1 in Part C). This update was aimed at increasing accuracy in the products covered and facilitating the retrieval of the relevant HS classification, further improving the quality of notifications.
- 2.23. While only indicative, Charts A.12 and A.13 show the products at the two-digit HS codes level that are most often covered by regular and emergency notifications since 1995. Note that only HS codes referred to in 4% of notifications or more are represented, and that some code descriptions have been shortened for graphic reasons.

Chart A.12 - HS Codes assigned to regular notifications

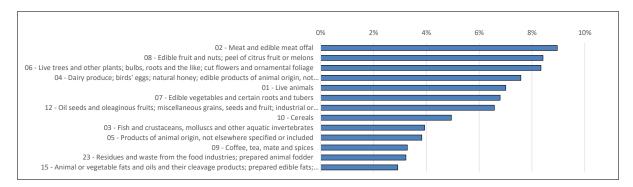
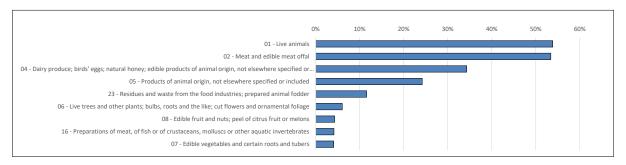


Chart A.13 - HS Codes assigned to emergency notifications



2.24. It is interesting to note that regular notifications refer to a larger variety of HS codes in similarly high percentages (13 different codes are referred to in 4% of notifications or more, the highest percentage, of 9%, corresponding to HS Code 02 - Meat and edible meat offal). On the contrary, emergency notifications mainly refer to animal-related HS codes, and these represent higher percentages of emergency notifications (9 different codes are referred to in 4% of notifications or more, the highest percentages corresponding to HS Code 01 - Live animals, referred to in 54% of

<sup>&</sup>lt;sup>19</sup> See the Analysis of Replies to the Questionnaire on the Operation of Enquiry Points and National Notification Authorities, (G/SPS/GEN/751/Rev.1, paras. 11 and 18) for further elaboration on this point.

<sup>&</sup>lt;sup>20</sup> See the Analysis of Replies to the Questionnaire on Transparency under the SPS Agreement, (<u>G/SPS/GEN/1402</u>, para. 2.1) for further elaboration on this point.

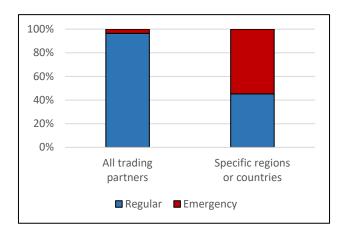
21 This information is available in the SPS IMS (<u>http://spsims.wto.org</u>) for tracking purposes only.

notifications, and 02 - Meat and edible meat offal, referred to in 53% of notifications). These data confirm results shown in <u>Chart A.15</u> related to the objective of notifications.

# 2.2.4 Regions/countries affected

- 2.25. The Recommended Transparency Procedures call on Members to identify the regions or countries which are most likely to be affected by the measure being notified. They include a data entry option for this item whereby Members are invited to either select the checkbox for "all trading partners" or provide information on specific regions or countries likely to be affected.
- 2.26. An assessment of notifications submitted in 2020 indicates that 188 regular notifications (15%, which represents 6% less than in 2019) identified a specific group of countries or a region, while in 1,064 regular notifications (85%), the "all trading partners" checkbox was selected. In contrast, 227 emergency notifications (86%, an increase of 9% with respect to 2019) identified a specific group of countries or a region, and only 38 emergency notifications (14%) identified "all trading partners". Interestingly, 36 (19%) of the 188 regular notifications and 138 (61%) of the 227 emergency notifications affecting specific regions or countries include the keyword regionalization. This reflects the fact that emergency actions are frequently taken in response to disease or pest outbreaks in specific countries, territories, or regions. A total of 208 (92%) of these 227 emergency notifications included animal health among the keywords, while 60 (26%) included food safety and 60 (26%) plant health.<sup>22</sup>
- 2.27. In other words, as shown in <u>Chart A.14</u>, 97% of notifications affecting all trading partners are regular notifications and only 3% are emergency notifications. Regarding notifications affecting specific regions or countries, 45% are regular notifications and 55% are emergency notifications.

Chart A.14 - Percentage of regular and emergency notifications affecting all trading partners or specific regions or countries

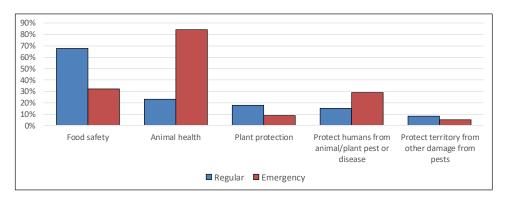


### 2.2.5 Objective and rationale

- 2.28. In accordance with paragraphs 5 and 6 of Annex B of the SPS Agreement and the Recommended Transparency Procedures, Members are also required to state the objective and rationale of proposed regulations by selecting one of the following five options: food safety, animal health, plant protection, protect humans from animal/plant pest or disease, and protect territory from other damage from pests. These objectives correspond to the definition of an SPS measure in Annex A, paragraph 1 of the SPS Agreement.
- 2.29. <u>Chart A.15</u> indicates the share of each objective as cited in regular and emergency notifications. It must be noted, however, that many notifications identify more than one objective. Therefore, <u>Chart A.15</u> refers to the percentage of times the specific objective was assigned regardless of whether the notifications identified multiple objectives.

<sup>&</sup>lt;sup>22</sup> Several keywords may be assigned to a single notification.

Chart A.15 - Objectives of notified SPS measures (excluding addenda and corrigenda) in the period between 1 January and 31 December 2020



2.30. For regular notifications, the most frequently cited objective is food safety (68%), followed by animal health (23%) and plant protection (18%), while for emergency notifications it is animal health (84%), followed by food safety (32%) and protection of humans from animal/plant pest or disease (29%). The overall patterns remain relatively unchanged since 1995. However, some differences are remarkable between 2019 and 2020: concerning regular notifications, a sharp decrease of 13% in the number of notifications related to animal health can be observed ( $\frac{\text{Chart A.16}}{\text{Chart B.16}}$ ); regarding emergency notifications, a 14% increase in animal health related notifications, a 15% decrease in plant health related notifications and an increase of 13% in the number of notifications on protection of humans from animal/plant pest or disease are the most striking differences ( $\frac{\text{Chart A.17}}{\text{Chart A.17}}$ ).

Chart A.16 - Objectives of regular SPS measures (excluding addenda and corrigenda) notified in the last five years

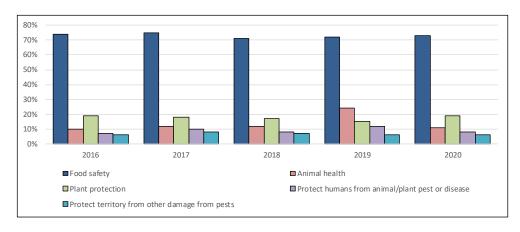
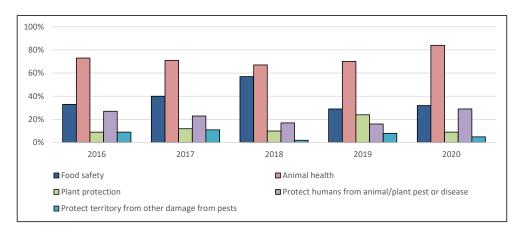


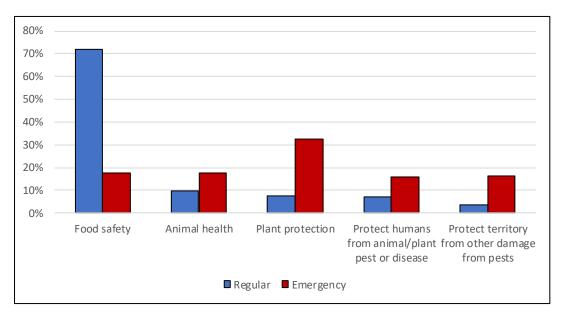
Chart A.17 - Objectives of emergency SPS measures (excluding addenda and corrigenda) notified in the last five years



# 2.2.6 Relationship between the objective of the measure and the regions/countries affected

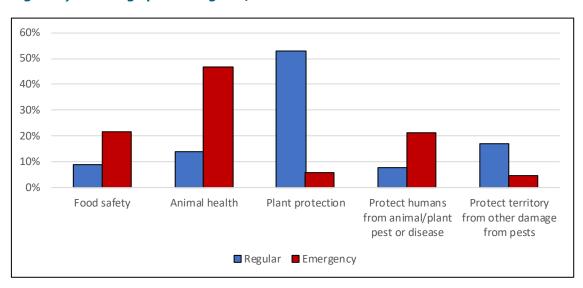
- 2.31. The following Charts  $\underline{A.18}$  and  $\underline{A.19}$  represent the objectives of regular and emergency notifications in relation to trading partners likely to be affected (i.e., all trading partners vs specific regions/countries), since 2008, when revised notification formats were adopted, making these data available.
- 2.32. In the case of notifications affecting all trading partners since 2008 (<u>Chart A.18</u>), food safety is the objective most frequently identified in regular notifications (72%), while plant protection is the most frequent objective in emergency notifications (34%).

Chart A.18 - Objectives of regular and emergency notifications (excluding addenda and corrigenda) affecting all trading partners



2.33. In the case of notifications likely to affect specific regions/countries since 2008 (<u>Chart A.19</u>), plant protection is the objective most frequently identified in regular notifications (53%), while animal health is the most frequent objective in emergency notifications (47%).

Chart A.19 - Objectives of regular and emergency notifications (excluding addenda and corrigenda) affecting specific regions/countries

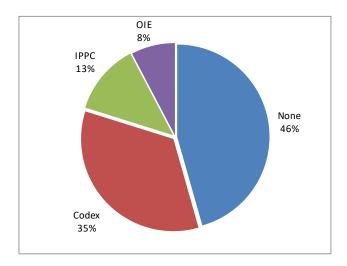


### 2.2.7 International standards, guidelines or recommendations

2.34. The SPS Agreement does not require Members to notify a measure if its content is substantially the same as that of an international standard adopted by Codex, IPPC or OIE. Nonetheless, the Recommended Transparency Procedures encourage Members to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant impact on trade of other Members. The notification formats also seek more precision from Members regarding relevant standards and the conformity of the notified measure with these.

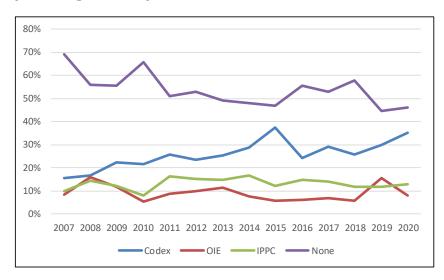
2.35. With respect to regular notifications circulated in 2020, in 570 (46%) notifications Members did not identify an international standard as being relevant to the new measure being notified (similar to the previous year, 45%). Chart A.20 shows that relevant international standards identified were Codex (428, representing 35%), IPPC (156, representing 13%) and OIE (96, representing 8%) standards. This information seems consistent with the objectives identified for regular notifications (Chart A.15).

Chart A.20 – Regular notifications (excluding addenda) referring to a relevant international standard



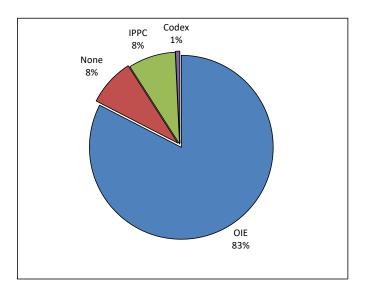
2.36. It is interesting to note that, since 2007, when these data became available, there seems to be an increasing trend in the share of regular notifications referring to international standards. More recently, the number of references to Codex as the relevant international standard seems to be increasing, as shown in <a href="Chart A.21">Chart A.21</a>.

Chart A.21 – Evolution of the reference to relevant international standard in regular notifications (excluding addenda)



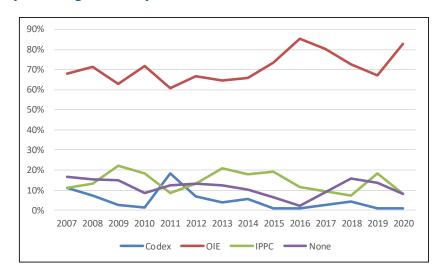
2.37. When it comes to emergency notifications circulated in 2020,  $\frac{\text{Chart A.22}}{\text{Chart A.22}}$  shows that only 22 emergency notifications (8%) have not identified an international standard as being relevant to the measure being notified (as compared to 13% in the previous year). The relevant international standards referred to during the current reporting period were OIE (218, 83%, higher than the 67% reached in the previous year), IPPC (22, 8%, less than half of the percentage observed in 2019 (18%)) and Codex (2, 1%) standards. This is consistent with the information provided in  $\frac{\text{Chart A.15}}{\text{Chart A.15}}$ , showing that animal health is the most frequently identified objective in emergency notifications.

Chart A.22 – Emergency notifications (excluding addenda) referring to a relevant international standard



2.38. For emergency notifications there is a slight overall increase in the references to OIE standards over time (<u>Chart A.23</u>). OIE standards have been consistently referenced in over 60% of notifications since 2007, proving that OIE standards continue to provide Members with valuable guidance to address many of these emergency situations.

Chart A.23 – Evolution of the reference to relevant international standard in emergency notifications (excluding addenda)



2.39. It is important to keep in mind that, even if a notification refers to an international standard, the notified measure might not conform to it. Therefore, in the notification formats Members are required to identify whether the proposed regulation conforms to the relevant international standard. In 2020, of the 54% of regular notifications identifying a relevant international standard for the measure, 65% indicated that the proposed regulation conformed to that relevant international standard. Out of the regular notifications that indicated that the notified regulation did not conform

to a relevant international standard, all but two referred to Codex Alimentarius standards. For the same period, nearly all (96%) emergency notifications identifying a relevant international standard indicated that the proposed regulation conformed to the relevant international standard. This further confirms the relevance of the standards set by the three relevant international standard-setting bodies when addressing emergency situations.

2.40. It is interesting to note that both for regular and emergency notifications, measures notified by developing Members are those that most frequently indicate conformity with the relevant international standards. In the case of regular notifications (<a href="Chart A.24">Chart A.24</a>), developing Members' measures are reported to conform to international standards in 65% (for Codex), 78% (for OIE) and 81% (for IPPC) of the cases. In the case of emergency notifications (<a href="Chart A.25">Chart A.25</a>), developing Members' measures indicate conformity with international standards in 74% (for Codex), 96% (for OIE) and 53% (for IPPC) of the cases.

Chart A.24 – Conformity of notified regular measures (excluding addenda) with international standards since 1995, per development status

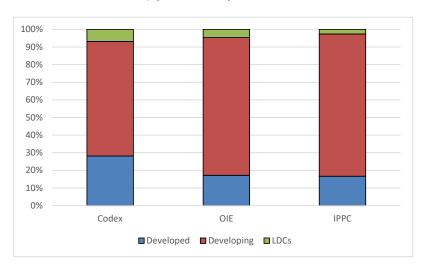
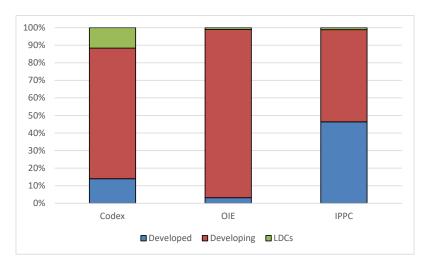


Chart A.25 – Conformity of notified emergency measures (excluding addenda) with international standards since 1995, per development status



2.41. When looking at the temporal break-down of conformity of measures with relevant international standards for the last ten years, <u>Chart A.26</u> shows that, for regular measures, the global patterns remain mostly unchanged, despite punctual changes at given points in time. On the contrary, concerning emergency notifications, <u>Chart A.27</u> clearly shows an increasing trend in the identified conformity to OIE standards of notified measures and an overall decreasing trend in identified conformity to Codex standards, and to IPPC standards since 2013.

Chart A.26 – Evolution of conformity to relevant international standard in regular notifications (excluding addenda) over the last ten years

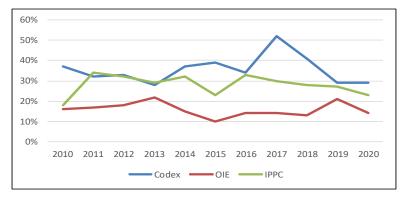
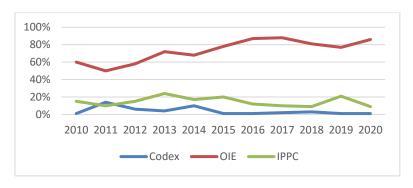


Chart A.27 – Evolution of conformity to relevant international standard in emergency notifications (excluding addenda) over the last ten years



#### 2.2.8 Proposed date of adoption/publication/entry into force

- 2.42. In accordance with paragraphs 1 and 2 of Annex B of the SPS Agreement, Members must ensure that all SPS regulations which have been adopted are published promptly. Except in urgent circumstances, Members are also obliged to allow a reasonable interval between the publication of a measure and its entry into force. Paragraph 3.2 of the Doha Decision on Implementation-Related Issues and Concerns states that this interval "shall be understood to mean normally a period of not less than 6 months". <sup>23</sup>
- 2.43. The regular notification format contained in the Recommended Transparency Procedures includes separate fields for entering the "proposed date of publication", the "proposed date of adoption" and the "proposed date of entry into force". In addition, it includes a default checkbox for a six-month interval between the publication and entry into force of a new measure. For each of these items, the SPS NSS provides a calendar so that Members can easily enter dates, allowing for a more accurate analysis.
- 2.44. For 2020, about 50% of the regular notifications identified either a specific date or a wider period (months or quarters, mainly), for adoption, while in the other 50%, the date of adoption was still to be determined. This illustrates that, at the moment of notification, Members are not always able to foresee the exact date of adoption of a regulation.
- 2.45. During the reporting period, 305 regular notifications (24%, 7% less than in the previous reporting period) indicated a specific date of publication. Of these, 253 (83%) had been published on the day, or prior to the date of distribution of the notification, and 119 (47%) of these concerned measures identified as trade facilitating. Regarding the interval between publication of the measure and its entry into force, 119 regular notifications (9.5%) had selected the checkbox for a six-month interval provided in the notification format. Additionally, 294 notifications (24%) provided a specific date of entry into force. Of these, only ten provided a period of six months or more and, of the remaining 284, 114 provided one day or more. A total of 840 notifications (67%) did not specify the

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 $<sup>^{23}</sup>$  WT/MIN(01)/17; see also para. 4.3 of G/SPS/7/Rev.4.

proposed date of entry into force. It should be noted that, in some cases, such dates are not yet determined at the time of the notification, as the nature and extent of comments received on the proposed measure may affect the dates of adoption, publication and entry into force.

2.46. As provided for in the Recommended Transparency Procedures, notifying Members sometimes follow up on their original notification with an addendum to alert Members to the adoption, publication, or entry into force of a previously notified proposed measure. During the period from 1 January to 31 December 2020, about 65% of the addenda indicated the adoption, publication or entry into force of regulations as shown in <u>Chart 30</u> (see <u>Section 2.2.10</u>).

#### 2.2.9 Final date for comments

2.47. Annex B, paragraph 5 of the SPS Agreement provides that notifications should take place at an early stage, when amendments can still be introduced, and comments taken into account. The Recommended Transparency Procedures state that the comment period provided for regular notifications should last at least 60 days. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat. The notification formats also offer a checkbox option for such a 60-day comment period to encourage Members to follow this recommendation.<sup>24</sup> The SPS NSS provides a calendar so that Members can easily click on the final date for comments. Between 1 January and 31 December 2020, 606 (48%) regular notifications used the checkbox to provide a 60-day comment period.

2.48. An analysis of the notifications issued during 2020 shows that 972 (77%) provided a comment period, ranging from a minimum of 1 day to a maximum of 120 days, with an average of 56 days (calculated as the difference between the date of circulation of the notification and the final date for comments; see <u>Table A.1</u>). More specifically, 687 regular notifications (55%) provided a comment period of 60 or more days. On average, developed country Members provided 58 days for comments and developing Members (including LDCs) 56 days.

Table A.1. Comment period provided in regular notifications (2020)

All Members									
	No.	Share							
No. of regular notifications	1,253	-							
Comment period available	972	77%							
Comment period not indicated/not available	274	22%							
Comment period ends before or equal to distribution date	7	1%							
Average length (in days)	56								
Developed country Members									
	No.	Share							
No. of regular notifications	358	-							
Comment period available	206	58%							
Comment period not indicated/not available	148	41%							
Comment period ends before or equal to distribution date	4	1%							
Average length (in days)	58								
Developing country Members									
	No.	Share							
No. of regular notifications	895	-							
Comment period available	766	86%							
Comment period not indicated/not available	126	14%							
Comment period ends before or equal to distribution date	3	<1%							
Average length (in days)		55							

2.49. It should be noted that no comment period needs to be provided in the case of proposed measures which facilitate trade and those which are substantially the same as an international standard. In 2020, 363 (17%) regular notifications have been identified to be trade facilitating. Of these, 198 (55%) still provided a comment period, of which 168 (85%) provided a comment period of 60 days or more. In addition, 41% of notifications indicating conformity with a relevant international standard still provided a comment period, of which 83% were of 60 days or more.

<sup>&</sup>lt;sup>24</sup> See <u>G/SPS/7/Rev.4</u>, para. 2.8.

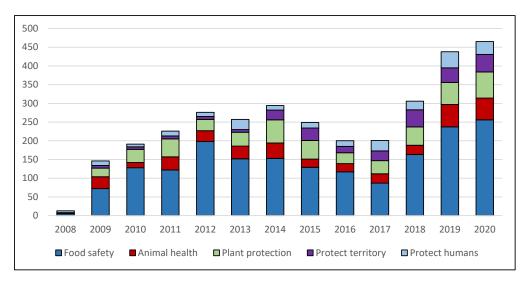


Chart A.28 - Number of trade facilitating regular measures, per objective

2.50. While Members must notify other WTO Members of draft, new or changed measures, they are not required to submit the text of the relevant regulations along with their notifications. However, Members have raised concerns in the SPS Committee regarding the difficulties of accessing the full text of notified regulations, which are described only in summarized form in notifications. Members have also pointed out that the process of obtaining the texts of regulations reduces the period actually available for providing comments.

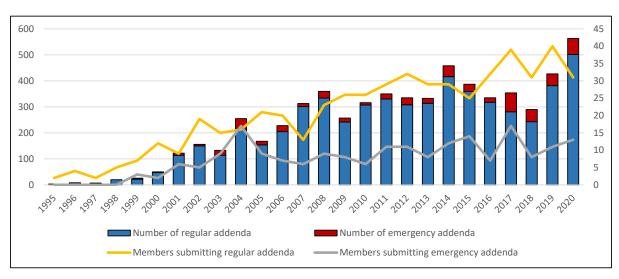
2.51. Since February 2008, in an effort to address these concerns and facilitate access to notified draft regulations, Members may, on a voluntary basis, provide the Secretariat with an electronic version of the text of the notified draft regulation as an attachment to the notification format. The submitted text is then made electronically accessible to other Members through a hyperlink in the notification format. Many Members include a hyperlink to their own electronic version of the notified regulation as part of the text of the notification, in addition to or instead of the above facility. The SPS NSS also allows Members to directly upload documents, that are then automatically available for all Members through the SPS IMS. From 1 January through 31 December 2020, around 1053 regular notifications (84%) and 71 emergency notifications (27%), submitted by 56 Members, included the full text or a summary of the notified draft regulations using this facility. Members may wish to remind their notification authorities of the availability of this facility.

#### 2.2.10 Addenda to regular and emergency notifications

2.52. Since 1995, Members have been increasing the number of addenda to regular and emergency notifications submitted, as shown in <u>Chart A.29</u>. This increase has led to an historical maximum in 2020, reaching a total of 563 (502 regular and 61 emergency) addenda (see <u>Chart A.1</u>).

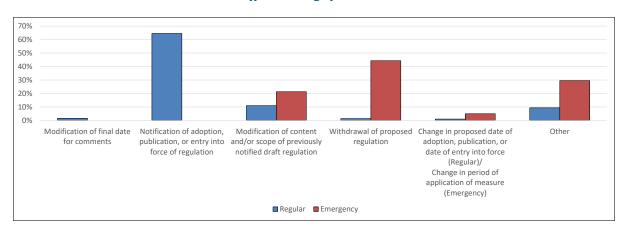
<sup>&</sup>lt;sup>25</sup> See <u>G/SPS/7/Rev.4</u>, para. 2.8 and Annex C.





- 2.53. It is also interesting to note that an increasing number of Members are following the good practice of submitting addenda to regular and emergency notifications, as shown in <a href="Chart A.29">Chart A.29</a>. In total, 68 and 48 Members have submitted, at least once, addenda to regular and emergency notifications, respectively.
- 2.54. According to the Recommended Transparency Procedures, Members are asked to select from a number of options regarding the reason for an addendum. Chart A.30 shows the share of each option for 2020. Note that the "Notification of adoption, publication, or entry into force of regulation" is an option available for addenda to regular notifications only. Also note that the format for addenda to regular notifications include the option "withdrawal of proposed regulations", while emergency notifications refer to "withdrawal of regulations". Other reasons mentioned in the formats include, for instance, lifting an import ban or the inclusion of a new country in the list of affected regions. It is interesting to note that the large majority (65%) of addenda to regular notifications inform of the notification of adoption, publication, or entry into force of regulation while, for emergency notifications, almost half (44%) refer to the withdrawal of regulations.

Chart A.30 - Reasons for addenda (percentage)<sup>27</sup>



2.55. In addition, Members can notify their decision on special and differential treatment provided in reference to a specific request, through another addendum notification format. As previously mentioned, no Member has ever notified such a decision to the Committee.

<sup>&</sup>lt;sup>26</sup> Please note the different scales of the axis.

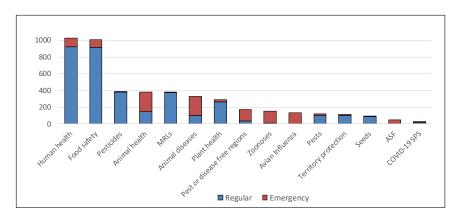
<sup>&</sup>lt;sup>27</sup> Each notification can have multiple entries for the reasons for addenda.

#### 2.3 NOTIFICATION KEYWORDS

2.56. In the SPS IMS, notifications can also be categorized according to a list of about 90 predefined keywords, which describe issues appearing frequently in notifications. The CRN has assigned these keywords since 2003, and they assist searching for notifications in certain areas. While the keywords include the objectives of the notification (e.g. food safety, animal health, plant protection), they also include specific notification subjects, such as pesticides, maximum residue limits, avian influenza, etc. New keywords were added in 2020, including African swine fever (ASF) and COVID-19 SPS.

2.57. As shown in <u>Chart A.31</u>, the keywords which have been most frequently assigned to regular notifications, in descending order for the current reporting period, are human health, food safety, pesticides, maximum residue limits (MRLs) and plant health. For emergency notifications, the most frequent keywords in descending order are animal health, animal diseases, zoonoses, pest- or disease- free regions/regionalization and avian influenza. It must be noted, however, that the majority of the notifications are assigned more than one keyword. It is interesting to note that COVID-19 SPS is among the 15 most frequently assigned keywords (see <u>Section 2.4</u>).

Chart A.31 – Keywords of notified regular and emergency SPS measures from 1 January to 31 December 2020 (number)



#### 2.4 COVID-19 RELATED NOTIFICATIONS AND DOCUMENTS

2.58. During the COVID-19 pandemic, Members have continued to fulfil their transparency obligations, notifying their sanitary and phytosanitary measures as well as specific COVID-19 related measures. The WTO created a dedicated website to inform of trade-related developments in light of the pandemic.<sup>28</sup> As mentioned above, the Secretariat created a COVID-19 SPS keyword that was assigned to notifications and other documents based on the presence of the words COVID-19, nCOV or coronavirus in the text of the notification. This keyword can be searched for in the SPS IMS, in the ePing<sup>29</sup> and in DocsOnLine.<sup>30</sup>

2.59. In May 2020, the Secretariat published a technical note on "Standards, regulations and COVID-19 - What actions taken by WTO members?" (SPS and TBT) that was updated in December 2020.<sup>31</sup> Additionally, the SPS Committee organized an information session on the margins of the June Committee meeting<sup>32</sup>, and also included a dedicated item in the informal meeting<sup>33</sup> prior to the November Committee meeting.<sup>34</sup>

https://www.wto.org/english/tratop\_e/covid19\_e/standards\_report\_e.pdf.

<sup>&</sup>lt;sup>28</sup> COVID-19 and world trade: <a href="https://www.wto.org/english/tratop\_e/covid19\_e/covid19\_e.htm">https://www.wto.org/english/tratop\_e/covid19\_e/covid19\_e.htm</a>.

<sup>&</sup>lt;sup>29</sup> A tutorial on how to create a filter for COVID-19 related SPS and TBT notifications is available here: <a href="https://www.youtube.com/watch?v=Ob5ou6rYYH0&feature=emb\_title">https://www.youtube.com/watch?v=Ob5ou6rYYH0&feature=emb\_title</a>.

<sup>30</sup> https://docs.wto.org/dol2fe/Pages/FE Search/FE S S005.aspx.

The technical note is available here:

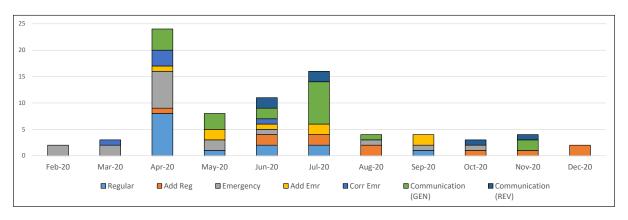
<sup>&</sup>lt;sup>32</sup> The information of the SPS Committee information-sharing session on COVID-19 is available here: <a href="https://www.wto.org/english/tratop">https://www.wto.org/english/tratop</a> e/sps e/sps covid session 24620 e.htm, and the report of the session is contained in <a href="mailto:G/SPS/R/98">G/SPS/R/98</a>.

<sup>33 &</sup>lt;u>JOB/SPS/12</u>.

<sup>&</sup>lt;sup>34</sup> The report of the November informal meeting is contained in the summary report of the Committee meeting, <u>G/SPS/R/100, G/SPS/R/100/Corr.1</u>, <u>G/SPS/R/100/Corr.2</u> and <u>G/SPS/R/100/Corr.3</u>.

2.60. Between 1 February and 31 December 2020, Members submitted a total of 55 notifications (including addenda and corrigenda) and 11 communications (GEN documents) informing of measures adopted in relation to the COVID-19 pandemic. Nine additional GEN documents have been submitted, including statements delivered by Members in the SPS Committee and information sessions, as well as a request by 40 Members for the suspension of the processes and entry into force of reductions of MRLs for plant protection products, in light of the COVID-19 pandemic, and the corresponding answers (Chart A.32). In the first stages of the pandemic, a few emergency measures were notified imposing restrictions on the importation, and sometimes transit, of live animals and animal products, or on certain species. While a few other restrictions were notified at a later stage, most have already been lifted. Almost two-thirds of the measures adopted facilitated trade, mainly through the acceptance of electronic copies or scanned certificates, and several of these measures have already been extended through addenda to the original notifications. As of 31 December 2020, SPS COVID-19 related documents represented 27.5% of all COVID-19 related documents submitted by Members to the WTO.

Chart A.32 - COVID-19 related notifications and communications from 1 February to 31 December 2020 (number)



#### 3 PART B - SPECIFIC TRADE CONCERNS

3.1. Part B of the present document contains information on STCs (previously contained in G/SPS/GEN/204), maintaining the previously assigned numbers according to the chronological order of the Committee meetings in which they were first raised, although titles may be updated to reflect the latest state of the concern. These numbers serve as unique identifiers and are intended to facilitate the tracking of issues raised over time.<sup>35</sup> The Secretariat has revised this document annually to include new information provided by Members (G/SPS/GEN/204/Rev.1 to G/SPS/GEN/204/Rev.20). As mentioned above, in preparing this document, the Secretariat has largely relied on the SPS Information Management System (SPS IMS).<sup>36</sup>

# 3.2. Part B is divided into two sections:

- General overview of specific trade concerns (1995-2020); and
- Specific trade concerns considered in 2020.
- 3.3. The first section of Part B presents a general overview of STCs, including summary statistics and graphs for all the STCs raised in the SPS Committee between the first regular meeting of 1995 and the last regular meeting of 2020. It provides detailed annual information on the concerns raised per meeting, as well as the relation between the number of notifications and the number of concerns. In addition, the STCs are categorized as relating to food safety, animal or plant health, or other

<sup>&</sup>lt;sup>35</sup> Concerning STCs, one "<u>issue</u>" refers to the participation of one Member in an STC. As such, the participation of two Members in raising (or supporting) the same concern would be considered as two issues and, likewise, the participation of one single Member in raising (or supporting) two different trade concerns would be considered as two issues. Consequently, in this document the number of issues is much higher than the number of STCs.

<sup>36</sup> http://spsims.wto.org.

concerns. Information is also provided on the participation of Members in STCs, by development status, as well as on the average number of times that STCs are raised.

3.4. The second section of Part B contains information regarding all STCs which were raised in the SPS Committee in 2020.<sup>37</sup> This includes (1) STCs raised for the first time in 2020 and (2) STCs which were previously raised and discussed again in 2020, resolved in 2020 or for which substantive action occurred under the DSU. Additionally, the STCs are also presented by Member responding.

# 3.1 General overview of specific trade concerns (1995-2020)

3.5. Altogether, 505 STCs have been raised in the 26 years between 1995 and the end of 2020. The full list of STCs raised since 1995 can be found in the SPS IMS.<sup>38</sup> Chart B.1 shows the number of new STCs raised each year, per Committee meeting<sup>39</sup>, and Chart B.2 shows the number of new and previously raised STCs per year. Despite the fact that only two meetings were held in 2020, the number of STCs raised was larger than in previous years, and the number of new STCs raised (36) was double the number raised in the previous few years.

Chart B.1 - Number of new STCs raised since 1995, per Committee meeting

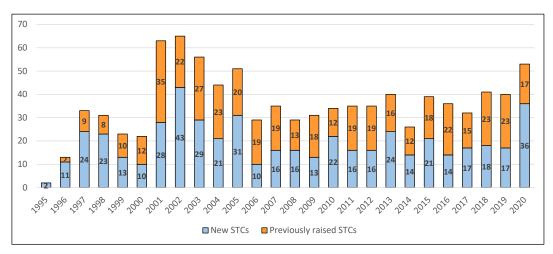
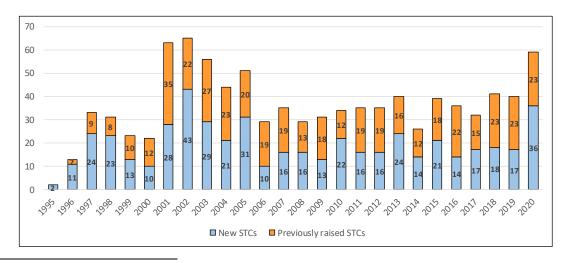


Chart B.2 - Number of new and previously raised STCs raised per year since 1995<sup>40</sup>



<sup>&</sup>lt;sup>37</sup> This report includes the issues that were considered in the June and November 2020 SPS Committee meetings. It would have also normally included the STCs discussed in the March 2020 SPS Committee meeting, however the meeting was cancelled (see document <a href="JOB/SPS/5/Rev.1/Corr.1">JOB/SPS/5/Rev.1/Corr.1</a>).

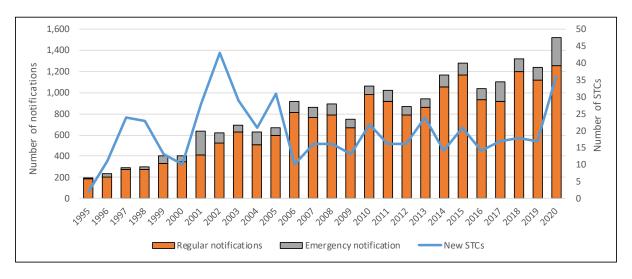
<sup>38</sup> http://spsims.wto.org/en/PredefinedReports/ListOfSpecificTradeConcerns.

<sup>&</sup>lt;sup>39</sup> As stated before, the March 2020 Committee meeting was cancelled (see document JOB/SPS/5/Rev.1/Corr.1) and, as such, STCs in 2020 were only raised in the June and in the November Committee meetings.

<sup>&</sup>lt;sup>40</sup> Please note that the number of times an STC is raised during the year is not taken into account.

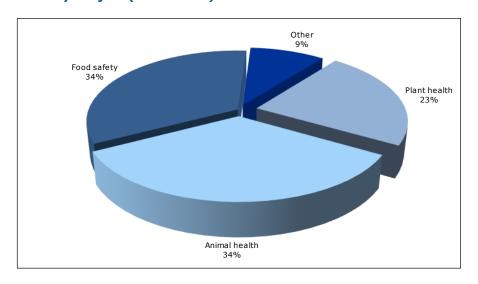
3.6. Chart B.3 compares new STCs raised and the number of regular and emergency notifications submitted per year. While 2020 has seen an increase in the number of both notifications<sup>41</sup> and STCs<sup>42</sup>, the overall trend suggests that they are not correlated, i.e., overtime, an increased number of notifications does not translate into a higher number of STCs. For instance, while 55 COVID-19 related notifications were submitted in 2020 (see Section 2.4 in Part A), only two COVID-19 related STCs (only one of them relevant to a notified measure) were raised in 2020, reinforcing the idea that increased transparency does not lead to a higher number of concerns raised in the Committee.

Chart B.3 - Notifications (excluding addenda and corrigenda) and new STCs raised since  $1995^{43}$ 



3.7. Chart B.4 categorizes the 505 STCs raised since 1995 into food safety, animal or plant health, or other concerns. Overall, 172 (34%) of STCs raised relate to animal health and zoonoses, 171 (34%) relate to food safety concerns, 116 (23%) relate to plant health, and 46 (9%) relate to other issues such as certification requirements, control or inspection procedures. These statistics are summarized in Table B.1.

Chart B.4 - STCs by subject (1995-2020)



3.8. There does not seem to be a clear pattern in the primary subject keywords of new STCs submitted since 1995, and food safety is the most frequent primary keyword of new STCs raised over the last few years, alternating with animal health. Plant health appears slightly less frequently

<sup>41</sup> See Chart A.1.

<sup>&</sup>lt;sup>42</sup> See Chart B.1.

<sup>&</sup>lt;sup>43</sup> Please note the different scales of the axis.

as the primary subject keyword of new STCs since 2000 (<u>Chart B.5</u>). In 2020, there is a large increase in the number of STCs related to food safety and other concerns, compared to 2019 (see <u>Section 3.2</u> below). It is interesting to note that 12 of the 13 new STCs raised in 2020 that related to other concerns include "Control, inspection and approval procedures" among the relevant keywords (in 2019, the three new STCs related to other concerns included this keyword).

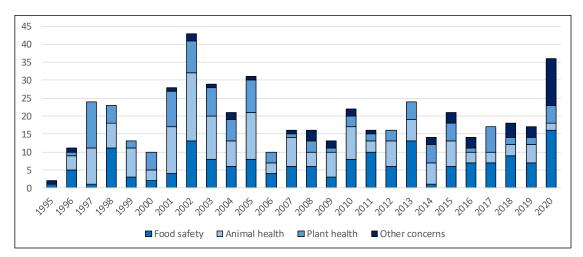


Chart B.5 - Primary subject keywords of new STCs per year

3.9. Comparing the number of times that individual STCs have been raised per year since 1995, those relating to food safety and animal health have been raised the greatest number of times, on average 2.9 and 2.8 times, respectively. On average, STCs relating to plant health have been raised 2.5 times; and STCs relating to other concerns 2.3 times. $^{44}$  These statistics are summarized in Table B.1.

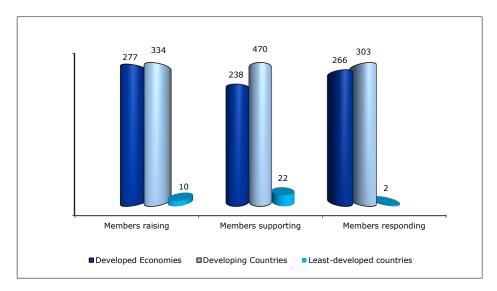
3.10. Charts B.6 to B.9 reflect the number of <u>issues</u><sup>45</sup> raised by Members at SPS Committee meetings, which are then numbered under STCs, categorized by development status. As such, the same issue can be raised by more than one Member, in which case it is grouped under the same STC number. Therefore, the number of issues raised can be larger than the number of STCs. Developing country Members are participating actively under the agenda item on STCs. <u>Chart B.6</u> indicates that, since 1995, developing country Members have raised 334 issues, compared to 277 issues raised by developed country Members, and ten issues raised by least-developed country Members. A developing country Member has supported another Member raising an issue 470 times, compared to 238 times developed country Members supported an issue, and 22 times least-developed country Members supported an issue. A total of 303 issues related to measures maintained by a developing country Member, and 266 to measures maintained by a developed country Member. Two issues have been raised regarding measures maintained by a least-developed country Member, one more than in the previous report.

<sup>&</sup>lt;sup>44</sup> The Committee meeting were the STC was raised only to inform of its resolution is not taken into account in these calculations.

<sup>&</sup>lt;sup>45</sup> As per footnote 35, one "<u>issue</u>" refers to the participation of one Member in an STC. When three Members raise the same concern, it would thus be counted as three "issues".

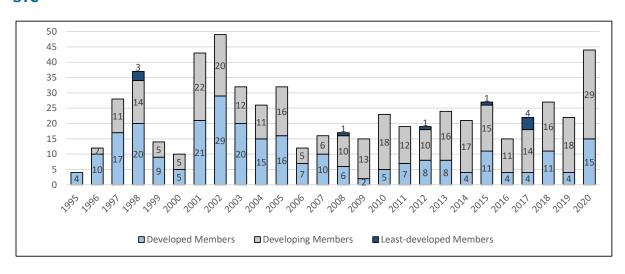
<sup>&</sup>lt;sup>46</sup> On 1 December 2009, the *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the *Treaty of Lisbon*, as of 1 December 2009, the European Union replaces and succeeds the European Community. However, the European Union is referred to as the European Community when an STC was raised or discussed before 1 December 2009. The European Union is counted as one Member. Similarly, when one Member speaks on behalf of ASEAN, it is counted as one Member only.

Chart B.6 – Number of issues, according to the development status of Members (1995-2020)



3.11. When looking at the annual break-down of the number of issues raised and supported by Members, we can observe a striking difference between developing and developed country Members, in particular, in the number of developing, compared to developed, Members supporting STCs. Participation of developing country Members has been consistently higher than that of developed country Members since 2008 (<u>Charts B.7</u> and <u>B.8</u>). Although there may not be a direct link, a similar pattern was observed for regular notifications submitted.<sup>47</sup> Finally, regarding the development status of Members responding to a new STC, we find a similar trend since 2006 (<u>Chart B.9</u>).

Chart B.7 – New issues according to the development status of the Member raising the STC



<sup>&</sup>lt;sup>47</sup> See Chart A.3.

Chart B.8 – New issues according to the development status of the Member supporting the STC

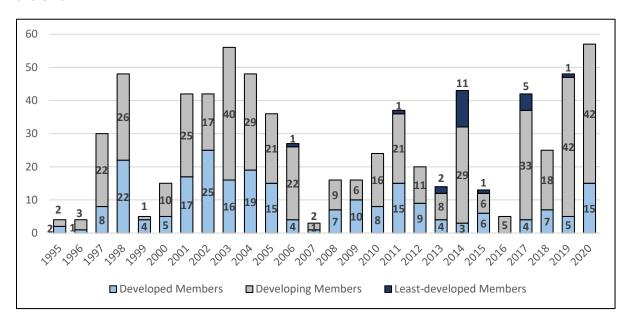
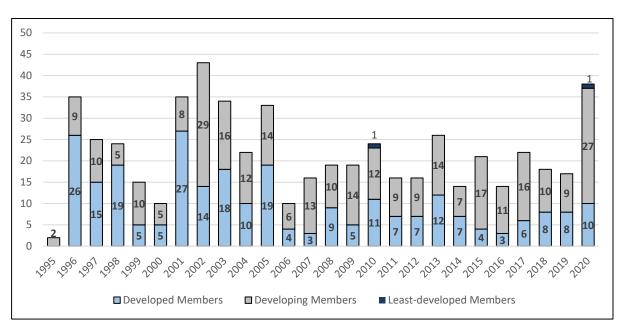


Chart B.9 – New issues according to the development status of the Member responding to an STC



3.12. A total of 65 Members have raised at least one STC since 1995, and this figure has not changed since 2018. A total of 74 Members' measures have been subject to an STC at least once. Charts <u>B.10</u> and <u>B.11</u> show the ten Members that have raised the most new concerns and the ten Members that have the most measures subject to an STC, respectively, since 1995 up to the last Committee meeting in November 2020. <u>Chart B.10</u> shows that, in some cases, more than 85% of the STCs raised have been resolved, possibly confirming the important role of the Committee as a forum for discussion and resolution of trade concerns.

Chart B.10 - Members who have raised the most STCs since 1995

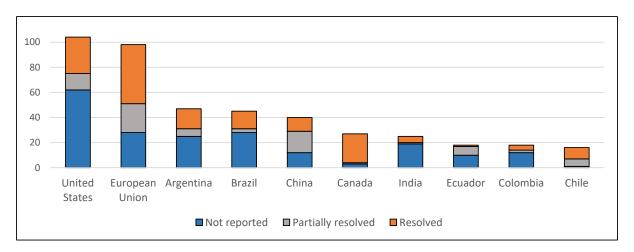
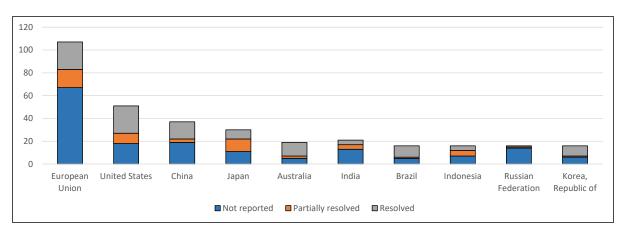
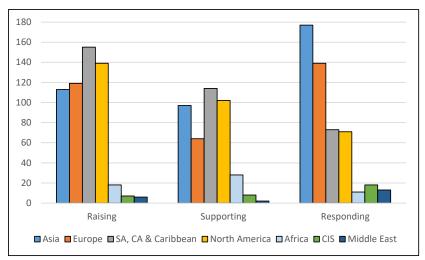


Chart B.11 - Members whose measures have been subject to the most STCs since 1995



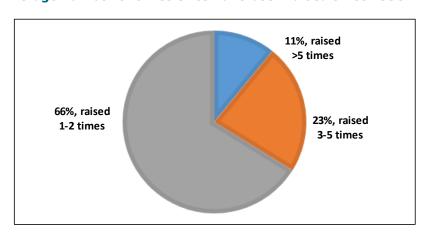
3.13. Concerning the regions that participate most in STCs, <u>Chart B.12</u> shows that South America, Central America and the Caribbean is the region that has raised more STCs since 1995, followed by North America. Asia is the region responding to a higher number of STCs, followed by Europe. Finally, South America, Central America and the Caribbean is also the region that most frequently supports STCs. No clear correlation can be observed between the number of notifications submitted since 1995 (see <u>Chart A.5</u>) and the number of STCs raised or supported nor the measures maintained subject to an STC.

Chart B.12 – STCs by geographical region from 1995 to 31 December 2020



3.14. Chart B.13 shows the number of times STCs have been raised since  $1995.^{48}$  A total of 334 (66%) have only been raised one or two times, 116 (23%) have been raised three to five times and only 55 (11%) have been raise more than five times. Of the 233 STCs for which no solution has been reported, 100 (43%) have only been raised once (excluding the 19 raised for the first time in the last Committee meeting). Some of these STCs may have been resolved without the Committee being informed. Members can report on the resolution of STCs under the corresponding agenda item in the SPS Committee.

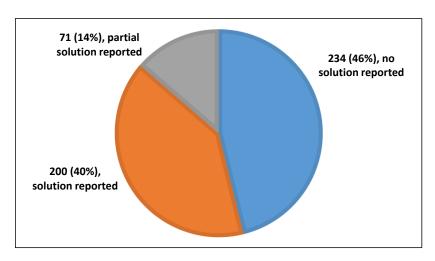
Chart B.13 - Average number of times STCs have been raised since 1995



3.15. Chart B.14 shows that out of the 505 STCs raised since 1995, 200 (40%) and 71 (14%) have been reported to be resolved and partially resolved, respectively. In the case of the partially resolved STCs, trade may have been allowed for selected products or by some of the importing Members maintaining the measure(s) in question. No solutions have been reported for the remaining 234 (46%) STCs. Thus, more than 50% of the STCs raised have been resolved or partially resolved, confirming the importance of discussions in the Committee to solve trade concerns.

<sup>&</sup>lt;sup>48</sup> These figures do not include the time the STC was raised in the Committee to report on its resolution.

Chart B.14 - Resolution of STCs



3.16. On average, resolved STCs were raised 2.4 times. Of the 200 STCs for which a solution has been reported, 85 (42%) relate to animal health, 57 (29%) to plant health, 48 (24%) to food safety, and 10 (5%) to other concerns. It is interesting to note that STCs relating to plant health issues represent 23% of the total number of STCs raised since 1995 (Chart B.4), while they correspond to 29% of the STCs reported as resolved. On the contrary, while STCs relate to food safety and animal health in similar proportion (34% in both cases), STCs relating to animal health represent almost double (42%) of the STCs reported as resolved compared to those relating to food safety (24%). These statistics are summarized in Table B.1.

Table B.1 - Summary of statistics on resolution of STCs, by primary subject keyword

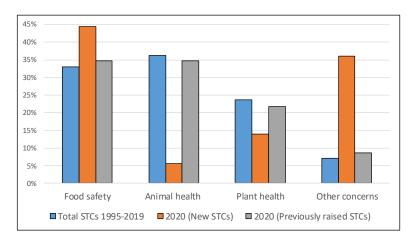
Primary keyword subject	Food safety	Animal health	Plant health	Other concerns	All STCs
All STCs	171 (34%)	172 (34%)	116 (23%)	46 (9%)	505
Number of times raised (average)	2.9	2.8	2.5	2.4	2.7
STCs reported as Resolved (R)	48 (24%)	85 (42%)	57 (29%)	10 (5%)	200 (40%)
Number of times resolved STCs have been raised	2.8	2.1	2.4	2.7	2.4
Partially resolved (PR) STCs	23 (32%)	27 (38%)	16 (23%)	5 (7%)	60 (14%)
Number of times partially resolved STCs have been raised	2.7	5.0	3.5	3.8	3.8
STCs for which no solution has been reported (NR)	99 (43%)	60 (26%)	43 (18%)	31 (13%)	233 (46%)
Number of times NR STCs have been raised	2.9	2.9	2.4	2.0	2.7

# 3.2 Specific trade concerns considered in 2020

3.17. A total of 53 STCs were brought to the attention of the Committee during 2020, of which 36 were new STCs ( $\underline{\text{Table B.2}}$ ) and 17 had been raised previously. In addition, six STCs raised for the first time in 2020 were again discussed in subsequent meetings during the same year ( $\underline{\text{Table B.3}}$ ). In 2020, 35 STCs were considered as resolved and 42 STCs were considered as partially resolved (see  $\underline{\text{Section 3.2.1}}$  below). Substantive action occurred under the DSU in the case of three other STCs ( $\underline{\text{N° 185}}$ ,  $\underline{\text{N° 369}}$  and  $\underline{\text{N° 394}}$ ) ( $\underline{\text{Table B.4}}$ ). Finally, STCs according to the Member(s) maintaining the measures at issue, by alphabetical order are presented in  $\underline{\text{Table B.5}}$ .

- 3.18. The number of new STCs raised in 2020 is the highest in any one year since 2003, and the second highest since 1995, despite the fact that only two meetings were held in 2020. While the annual number of notifications also hit a new record in 2020 (<a href="Chart A.1">Chart A.1</a>), only ten of the 36 new STCs raised in 2020 actually referred to SPS notifications submitted. It is interesting to note that, despite the high number of COVID-19 related SPS notifications (<a href="Chart A.32">Chart A.32</a>), only two new STCs refer to measures imposed by Members in light of the pandemic (<a href="Table B.2">Table B.2</a>).
- 3.19. It is interesting to note that, despite the mostly virtual character of the 2020 meetings and the fact that delegates were not gathering in Geneva, several STCs were removed before the adoption of the agenda both in the June and November Committee meetings due to progress in bilateral consultations. In particular, in June 2020 the European Union withdrew an STC regarding Malaysia's import restrictions due to African swine fever, and the Russian Federation withdrew its support to the STC raised by the United States on China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019). In November 2020, before the adoption of the agenda Mexico withdrew an STC regarding Honduras' import restrictions on animal feed. In the state of the state
- 3.20. Out of the 36 new STCs raised in 2020, 16 (44%) relate to food safety, 13 (36%) to other concerns, 5 (14%) to plant health and the remaining two STCs (6%) relate to animal health and zoonoses $^{51}$ , although this category includes issues that are also relevant from a food safety perspective. Chart B.15 shows all new and previous STCs raised in the Committee in 2020 compared to all STCs discussed between 1995 and 2019, by primary subject keywords assigned. These data show an increase in the number of new STCs related to food safety, which increased from 7 (41%) in 2019 to 16 (44%) in 2020. More interestingly, STCs related to other concerns rose from 3 (18%) in 2019 to 13 (36%) in 2020. These two objectives represent more than 80% of the new STCs raised in 2020.

Chart B.15 - New and previous STCs raised in 2020, by primary subject keywords, compared to all STCs raised between 1995 and 2019 (percentage)



3.21. Taking a closer look at the new STCs on food safety raised in 2020, it is interesting to note that only three developed Members have raised such concerns, compared to ten developing Members. The measures raised were maintained by one developed Member, seven developing Members and one LDC. MRLs appeared as a keyword in seven (44%) of the 16 STCs. A more detailed analysis of the 13 STCs related to other concerns shows that these were also raised by three developed Members and six developing Members on measures maintained by two developed Members and nine developing Members. The keywords most frequently assigned to these STCs were control, inspection and approval procedures (12), undue delays (9) and risk assessment (6).

<sup>&</sup>lt;sup>49</sup> See paragraph 3.1 in document <u>G/SPS/R/99</u>.

<sup>&</sup>lt;sup>50</sup> See paragraph 3.1 in document  $\frac{G/SPS/R/100}{L}$ .

 $<sup>^{51}</sup>$  Among the new STCs raised in 2020, one refers to foot and mouth disease ( $\frac{489}{}$ ) and one to avian influenza ( $\frac{494}{}$ ). The new keyword African swine fever (ASF) was introduced to be able to track notifications on this topic. In 2020, three previously raised STCs related to ASF ( $\frac{392}{}$ ,  $\frac{393}{}$  and  $\frac{466}{}$ ). The other animal health related previously raised concerns refer to BSE ( $\frac{193}{}$ ), avian influenza ( $\frac{406}{}$ ,  $\frac{431}{}$  and  $\frac{456}{}$ ), and classical swine fever ( $\frac{463}{}$ ).

3.22. In terms of participation, as mentioned earlier, a total of 53 (new and old) STCs were discussed in 2020. Tables <u>B.2</u>, <u>B.3</u> and <u>B.4</u> provide further information on Members' participation in these STCs, i.e. the Members raising and supporting a concern, or maintaining measures subject to concerns. It is interesting to note that one<sup>52</sup> (3%) of the 36 new STCs and three<sup>53</sup> (13%) of the 17 previously raised STCs in 2020 were simultaneously raised by developing and developed Members. Two previously raised STCs, raised 5 and 17 times, have gathered the support of ten Members or more.<sup>54</sup> One measure maintained by a LDC was subject to a new STC raised in 2020.

#### 3.2.1 Resolution of STCs in 2020

- 3.23. In September 2020, the Secretariat contacted 44 Members to seek information regarding the status (resolved, partially resolved or not reported as resolved) of the STCs raised by that Member that had not been discussed since the October 2017 Committee meeting. Based on responses received from 27 Members, 35 additional STCs are now considered as resolved, and 42 STCs as partially resolved. Where an STC has been raised by more than one Member but not all those who raised the STC have responded it to be resolved, the STC is considered to be partially resolved. Also, in partially resolved STCs, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. The results of the exercise were circulated to Members<sup>55</sup> and presented in the November 2020 SPS Committee meeting. Table B.6 contains a list of the STCs reported as resolved in 2020.
- 3.24. The STCs reported as resolved in 2020 referred to animal health (12 STCs, 34%), food safety (11 STCs, 31%), plant health (8 STCs, 23%) and other concerns (4 STCs, 11%). On average, these STCs had been raised 2.5 times. Only three of these STCs had been raised by more than one Member. Overall, these STCs related to measures maintained by 21 Members.

#### 4 PART C - OTHER TRANSPARENCY RELATED ASPECTS

# 4.1 Transparency recommendations in the Fifth Review

- 4.1. The Report of the Fifth Review on the Operation and Implementation of the SPS Agreement<sup>57</sup> was adopted in the June 2020 Committee meeting. The Report contains the following recommendation on Notification Procedures and Transparency (paragraph 7.13):
  - a. Members are encouraged to clearly indicate in their SPS Committee notifications when a measure has been notified to another Committee.<sup>58</sup> Members should include this information under the point of the notification format titled "Other relevant documents and language(s) in which these are available".
- 4.2. The Report also contains the following recommendations on National SPS Coordination Mechanisms (paragraph 6.7):
  - a. Members are encouraged to implement appropriate national coordination mechanisms to enable consultation and communication between relevant technical and trade policy experts to enable the development of coordinated SPS positions that are consistent with the obligations of the SPS Agreement. Members are further encouraged to consider ways to strengthen internal coordination on SPS matters.
  - b. Members should continue to share experiences on their national coordination mechanisms and discuss strategies and approaches to improve SPS coordination and engagement at the national level with the aim of strengthening implementation of the SPS Agreement, including resolving specific trade concerns.

<sup>53</sup> STCs <u>382</u>, <u>446</u> and <u>448</u>.

<sup>&</sup>lt;sup>52</sup> STC <u>478</u>.

<sup>&</sup>lt;sup>54</sup> STCs <u>448</u> and <u>382</u> respectively.

<sup>&</sup>lt;sup>55</sup> RD/SPS/114.

<sup>&</sup>lt;sup>56</sup> G/SPS/R/100, G/SPS/R/100/Corr.1, G/SPS/R/100/Corr.2 and G/SPS/R/100/Corr.3.

 $<sup>\</sup>overline{\text{G/SPS/64}}$  and  $\overline{\text{G/SPS/64/Add.1}}$ .

<sup>&</sup>lt;sup>58</sup> Please refer to section 2.7 of the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) in document <u>G/SPS/7/Rev.4</u>, which also makes reference to notifying a regulation containing SPS and TBT measures under both the SPS and TBT Agreements.

- The Committee requests the Secretariat to prepare a collection of resources that can be c. useful for Members in implementing their national coordination mechanisms, starting with those mentioned at the 2019 Workshop on Transparency and Coordination, and including additional resources as suggested by Members.
- 4.3. Following the recommendation in paragraph 6.7 c), the Secretariat prepared a compilation document<sup>59</sup> that was presented in the November informal Committee meeting for Members to provide comments.

### 4.2 Improvement of SPS IT tools and materials

4.4. In light of the steadily increasing volume of documents, managing the flow of notifications, and coordinating at the national level to be able to benefit from a transparent system is a challenge for many Members. This is one of the areas where Members have sought technical assistance and quidance on best practices.<sup>60</sup> This section presents the main IT tools and transparency related resources currently available for SPS transparency purposes. The WTO Secretariat regularly provides hands-on training on all its tools, as part of its technical assistance programmes.<sup>61</sup> According to the 2015 questionnaire on transparency, a majority of Members expressed a need for technical assistance in order to enhance their transparency mechanisms, and Members that received such technical assistance reported it to be very useful.<sup>62</sup> Some Members significantly increase their notification activity following a dedicated training on transparency. Additionally, transparency workshops, usually organized every other year, have provided highly interactive training on the use of the SPS IMS, SPS NSS and ePing. The last Workshop focusing exclusively on transparency was held in Geneva on 30 and 31 October 2017.63 Within the framework of the Fifth Review, a Workshop on Transparency and Coordination took place on 15 and 16 July 2019, in the margins of the SPS Committee meeting.<sup>64</sup> All the information from previous workshops and thematic sessions is available at the SPS webpage on transparency.65

#### 4.2.1 SPS Notification Submission System (SPS NSS)

- 4.5. The SPS NSS<sup>66</sup> is an online platform where WTO Members can directly complete and submit notifications. The system assists Members to be more precise in their notifications, and speeds up the processing of notifications, making documents accessible to the membership much more guickly. A new and improved version of the SPS NSS was launched at the end of March 2017 in conjunction with the previously-mentioned launch of the improved SPS IMS.<sup>67</sup> In 2020, the SPS NSS was further improved to include all versions of the Harmonized System (HS). Increased use of the SPS NSS helps improving the amount and the quality of information provided by Members in the various notification formats<sup>68</sup>, as well as the accuracy of the information available in the SPS IMS. Interested Members may request login names and access passwords for their NNAs, as well as personalised training, from the Secretariat.<sup>69</sup> A new audio-visual guide explaining the use of the NSS is available for Members.<sup>70</sup>
- 4.6. The use of SPS NSS is constantly increasing. To date, 96 Members have received credentials access to the SPS NSS, and 50 of these have officially submitted notifications through the system.

<sup>&</sup>lt;sup>59</sup> The document was circulated as <u>G/SPS/GEN/1850</u>, and subsequently revised to take on board comments received (G/SPS/GEN/1850/Rev.1).

<sup>60</sup> See the Analysis of Replies to the Questionnaire on the Operation of Enquiry Points and National Notification Authorities (G/SPS/GEN/751/Rev.1) for further elaboration on this issue.

<sup>&</sup>lt;sup>61</sup> See document <u>G/SPS/GEN/521/Rev.15</u> and <u>G/SPS/GEN/521/Rev.15/Add.1</u>.

<sup>62</sup> See the Analysis of Replies to the Questionnaire on Transparency under the SPS Agreement, (G/SPS/GEN/1402, paras. 3.29 and 3.30) for further elaboration on this point.

<sup>63</sup> The report of this Workshop is contained in document G/SPS/R/89.

<sup>&</sup>lt;sup>64</sup> The programme of the Workshop is contained in <u>G/SPS/GEN/1694/Rev.2</u>. A report of the Workshop can be found in G/SPS/R/96.

<sup>65</sup> https://www.wto.org/english/tratop e/sps e/transparency toolkit e.htm.

https://nss.wto.org/spsmembers.

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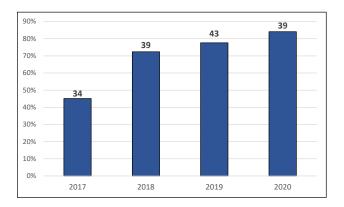
<sup>68</sup> All notification formats can directly be filled in from the SPS NSS.

<sup>&</sup>lt;sup>69</sup> Two different usernames and passwords are provided (a submitting username and a secondary username). Only the submitting username allows to officially submit the notification to the CRN, but the secondary username allows other individuals to enter information and review the draft notification.

<sup>&</sup>lt;sup>70</sup> The audio guide, in English only, is available here: https://drive.google.com/drive/u/2/folders/1L6qQPTJej5l ONXfN4HQQMPFfzVE-3ah.

In 2020, the Secretariat took the initiative to promote the use of the SPS NSS among the most frequent notifiers. Additionally, in 2020 the Secretariat has delivered national and regional virtual training activities to help Members notify online using the SPS NSS.<sup>71</sup> From 1 January to 31 December 2020, about 84% of notifications were submitted via the SPS NSS, and 2 Members have submitted their first SPS notification through the NSS in that period. Since 2017, the percentage of SPS notifications submitted through the online platform has risen from 45% in 2017 to 84% in 2020 (Chart C.1).

Chart C.1 – Percentage of notifications submitted via the SPS NSS since 2017, and number of Members using the system per year<sup>72</sup>



#### 4.2.2 ePing

- 4.7. ePing<sup>73</sup> is a publicly available notification alert system. It covers both SPS notifications and notifications submitted under the Agreement on Technical Barriers to Trade (TBT). Subscribers receive email alerts regarding SPS & TBT notifications covering particular products and/or markets of interest to them. In addition, users can search and share notifications, upload additional information and related documents, as well as participate in discussion forums. ePing also offers an Enquiry Point Management Tool to facilitate domestic as well as international information sharing and discussion. The system is expected to help public and private stakeholders, in particular small and medium enterprises, to track, consult and comment on measures that are being developed and adapt as necessary to changing regulatory conditions. In 2020, ePing was continuously updated to include new features requested by Members. The latest improvement includes a chat function for users with admin rights to discuss on topics of their choice, regardless of a given notification.
- 4.8. As of 31 December 2020, the number of subscribers grew to 12,360 (including 4,932 users from private sector) from 182 countries, up from 8,821 (including 3,230 users from the private sector) from 179 countries at the end of 2019. For the first time, in 2020 more people from the private sector registered on ePing than from the public sector. Some of these users registered after a TA activity had been delivered in its country or its region, confirming the efficiency of TA activities to spread the word around ePing and get users started on the registration process and the subscription to receive email alerts. Some additional functionalities, such as the national and international discussion fora and the chat for users with admin rights, are also of interest to many Members. In total, there are 234 ePing admin users registered on ePing, covering 107 countries and territories. In the case of SPS, at least one admin user is registered for 71 countries.
- 4.9. During the COVID-19 pandemic, the keywords COVID-19 SPS and COVID-19 TBT were created and assigned to relevant notifications, and ePing users are able to search for these notifications and also receive alerts by email. $^{74}$

<sup>&</sup>lt;sup>71</sup> See <u>G/SPS/GEN/521/Rev.16</u>.

 $<sup>^{72}</sup>$  For comparison, <u>Chart A.1</u> shows the number of Members who have submitted at least one notification in a given year.

<sup>&</sup>lt;sup>73</sup> <u>http://www.epingalert.org</u>.

<sup>&</sup>lt;sup>74</sup> A tutorial on how to create a filter for COVID-19 related SPS and TBT notifications is available here: https://www.youtube.com/watch?v=Ob5ou6rYYH0&feature=emb\_title.

## 4.2.3 Increased Committee transparency through the use of eAgenda

- 4.10. The eAgenda is a collaborative online platform developed by the WTO to support the work of the SPS and TBT Committees. This new platform allows Members, ahead of a meeting, to insert interventions under any item in the proposed agenda, including to raise and support STCs. Members can also upload statements that are shared with all users in real time, significantly contributing to increased transparency prior to the meeting.
- 4.11. The SPS eAgenda was pilot-tested in February 2020 by nine Members and actively used for the first time during the June 2020 SPS Committee meeting, which combined an in-person oral meeting with a written procedure.<sup>75</sup> A report on the use of eAgenda for the June 2020 meeting, as well as the feedback provided by Members after the pilot test, was circulated in document G/SPS/GEN/1818. The SPS eAgenda platform was subsequently used for the November 2020 meeting.
- 4.12. During the informal SPS Committee consultations held on 16 September 2020<sup>76</sup>, 15 Members took the floor to provide feedback on the use of the SPS eAgenda platform during the June 2020 SPS Committee. Overall, Members found the SPS eAgenda user friendly and agreed that the use of the platform increased transparency, facilitated their work and was a good complement to the oral interventions. Some Members also highlighted that the SPS eAgenda was a good repository of information from past meetings.
- 4.13. Members also provided suggestions on how to improve the system, including the following: add a link in the web to the corresponding meeting in eAgenda to facilitate access to documents; facilitate the extraction of the annotated draft agenda from the eAgenda; include the possibility to add interventions under an item raised by another Member, even if not co-sponsoring the intervention; include contact details from delegations; harmonise SPS and TBT eAgenda as much as possible; include the possibility to download all statements in batch; include the thematic sessions and informal sessions in the platform; include information of when statements are updated; and add hyperlinks to relevant documents referenced in discussions. The Chair noted that some of these improvements had already been implemented and that the feasibility of suggestions would be analyzed by the Secretariat.
- 4.14. As of 31 December 2020, 207 users from 71 Members were registered in SPS eAgenda, of which 77 (37%) had reading rights only, allowing them to consult the proposed agenda for the meeting without being able to raise items nor upload statements.
- 4.15. In 2020, the Secretariat provided training on eAgenda, and also delivered a refresher course in October 2020 to explain the updates introduced.<sup>77</sup> The Secretariat remains available to provide additional training upon request.

## 4.2.4 Trade concerns database

4.16. In an attempt to provide a stronger analytical tool for STCs, a trade concerns database<sup>78</sup> was created, integrating concerns raised in SPS and TBT Committees. This responds to Members' requests on the integration of SPS and TBT IT tools. The website provides a more powerful, user-friendly graphic interface for the analysis and visualisation of data already available, and will allow Members to perform more targeted and advanced searches. This database contains information on trade concerns, raised since 1995, currently available in the summary reports of the Committee meetings, which is already searchable through the SPS IMS. The information contained in this database is more granular, organized in a per meeting basis, facilitating more thorough analysis and reporting. This analytical tool is fed from the data available in eAgenda and has been manually completed with historical data available in the SPS IMS. The database provides Member profiles and allows users to explore and visualize results by objectives, keywords, and HS codes, among other options.

<sup>76</sup> JOB/SPS/10.

<sup>&</sup>lt;sup>75</sup> <u>JOB/SPS/7</u>.

<sup>&</sup>lt;sup>77</sup> G/SPS/GEN/521/Rev.16.

<sup>&</sup>lt;sup>78</sup> The website is available here: <a href="https://tradeconcerns.wto.org/en">https://tradeconcerns.wto.org/en</a>.

4.17. This website was first launched in beta version for SPS and TBT trade concerns in February 2021, on the margins of the TBT Committee, and will also be presented in the upcoming SPS March Committee meeting. The database can be further improved to include trade concerns discussed in other Committees.

## 4.2.5 Practical Manual on the Operation of NNAs and NEPs

4.18. The Practical Manual on the Operation of NNAs and NEPs, first circulated in 2011<sup>79</sup>, includes guidance for governments to facilitate the implementation of the transparency provisions of the SPS Agreement. While it may be especially useful for developing and least-developed countries (LDCs), it may also be a helpful reference for countries that are acceding to the WTO and establishing NNAs and NEPs, as well as WTO Members in general. This manual was revised in 2018 to reflect the new versions of the SPS IMS and NSS platforms and the ePing alert system, and to streamline the content. The updated version of the manual is available in English, French and Spanish on the SPS gateway of the WTO website.<sup>80</sup> The Secretariat has prepared a leaflet summarizing the transparency tools available. The leaflet is available in the English, French and Spanish on the SPS gateway.<sup>81</sup>

## 4.3 Standards and Trade Development Facility (STDF)

- 4.19. Many projects developed and financed by the Standards and Trade Development Facility (STDF)<sup>82</sup> have enhanced transparency by promoting inter-agency coordination at the national and/or regional level, and strengthening linkages between government agencies and the private sector. STDF's P-IMA framework<sup>83</sup> offers an evidence-based approach to inform and improve SPS planning and decision-making processes. It helps to link SPS investments to public policy goals including export growth, agricultural productivity and poverty reduction. In the process, P-IMA encourages public-private dialogue, boosts transparency and accountability, and improves the economic efficiency of investment decisions.
- 4.20. Also relevant is STDF's recent work on Trade Facilitation<sup>84</sup>, which identified experiences, lessons and good practices to improve the implementation of SPS controls in a way that facilitates safe trade, while minimizing transaction costs. This work highlighted the importance of transparency on SPS measures. To implement SPS measures, traders need to understand what they are. Improving clarity on control, inspection and approval procedures is a simple step that is likely to produce big benefits. Publishing SPS regulations, forms and fees, preferably online, opens up access and supports good governance. Regular public-private dialogue lets businesses know what is required, including when SPS regulations or procedures change.
- 4.21. The STDF is currently developing a practical guide on the use of Good Regulatory Practice (GRP)<sup>85</sup> to improve and strengthen the design, development and review of SPS measures. It is hoped that the guide will help SPS regulators in developing countries make greater use of GRPs and enhance the effectiveness, efficiency, coherence and overall fitness-for-purpose of their SPS measures. Delegates are invited to contact the STDF Secretariat (stdfsecretariat@wto.org) to obtain further information on the work carried out by the Facility.

<sup>&</sup>lt;sup>79</sup> The original version of the manual was written by Ms Sally Jennings, Ministry for Primary Industries, New Zealand, with contributions by the Department of Agriculture and Forestry Biosecurity Australia and the WTO Secretariat.

<sup>&</sup>lt;sup>80</sup> The Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points can be downloaded from: http://www.wto.org/spstransparency.

<sup>81</sup> https://www.wto.org/english/tratop e/sps e/sps practical manual for sps national notification flyer bat.pdf.

<sup>82</sup> https://www.standardsfacility.org/.

<sup>83</sup> https://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima.

<sup>84</sup> https://www.standardsfacility.org/facilitating-safe-trade.

<sup>85</sup> https://www.standardsfacility.org/good-regulatory-practice.

Table B.2 – STCs raised for the first time in 2020<sup>86</sup>

STC number	Title	Member(s) raising	Member(s) supporting	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status <sup>87</sup>
470	Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab	Japan	Chile	Thailand	Plant health	24/06/2020 (1 time)	NR
471	US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle	European Union		United States of America	Plant health	24/06/2020 (1 time)	NR
472	India's fumigation requirements for grain and other products	Russian Federation	Canada	India	Plant health	24/06/2020 (1 time)	NR
473	Nepal's import ban on energy drinks	Thailand		Nepal	Food safety	24/06/2020 (0 times)	NR
474	Modification of EU MRLs for plant protection products: Chlorpyrifos and Chlorpyrifos-methyl	Colombia; Ecuador	Dominican Republic; Egypt; Guatemala; Honduras; Indonesia; Paraguay; Peru	European Union	Food safety	24/06/2020 (0 times)	NR
475	Modification of EU MRLs for plant protection products: Mancozeb	Colombia; Costa Rica; Côte d'Ivoire; Ecuador; Paraguay	Brazil; Chile; Guatemala; Honduras; Mexico; Nicaragua; Panama; Peru	European Union	Food safety	24/06/2020 (0 times)	NR
476	Thailand's draft notification of Ministry of Industry's List of Hazardous Substances and Ministry of Public Health Re: Food Containing Pesticide Residues (No.3)	United States of America	Canada; Colombia; Japan	Thailand	Food safety	24/06/2020 (0 times)	NR
477	General import restrictions on chocolate and cocoa products due to maximum levels of cadmium	Peru	Colombia; Ecuador	Certain Members	Food safety	24/06/2020 (0 times)	NR
478	Viet Nam's National Technical Regulation on Animal Feeds - Maximum Allowable Limits of Safety Indicators in Animal Feeds and Ingredients for Production of Aquatic Feeds (Circular No. 04/2020/TT-BNNPTNT) and Decree 13/2020 Detailing the Law on Animal Husbandry	Brazil	Argentina; United States of America	Viet Nam	Food safety	24/06/2020 (0 times)	NR
479	India's new requirements for animal feed in the Food Safety and Standards Act, 2006 (dated 27 January 2020)	United States of America		India	Food safety	24/06/2020 (1 time)	NR
480	Guatemala's import restrictions on bovine and swine meat	Mexico		Guatemala	Other concerns	24/06/2020 (0 times)	NR
481	Costa Rica's import restrictions on swine meat products	Mexico		Costa Rica	Other concerns	24/06/2020 (0 times)	PR
482	Peru's import restrictions on pork	Brazil		Peru	Other concerns	24/06/2020	NR

<sup>86</sup> Please note that a hyperlink in the ID number redirects to the corresponding STC in the SPS IMS for further details on the concern. <sup>87</sup> NR: Not reported; PR: Partially resolved; R: Resolved.

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STC number	Title	Member(s) raising	Member(s) supporting	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status <sup>87</sup>
						(0 times)	
483	Costa Rica's import restriction on dairy and dairy products	Mexico		Costa Rica	Food safety	24/06/2020 (0 times)	NR
484	India's approval procedures for animal products	Russian Federation		India	Other concerns	24/06/2020 (0 times)	NR
485	China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019)	United States of America	European Union; Japan; Switzerland; Thailand	China	Other concerns	24/06/2020 (1 time)	NR
486	Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments	Brazil		Saudi Arabia, Kingdom of	Food safety	24/06/2020 (1 time)	NR
487	China's actions related to COVID-19 that affect trade in food and agricultural products	Canada; United States of America	Australia; Brazil; Paraguay; United Kingdom; Mexico	China		05/11/2020 (0 times)	NR
488	Philippines' ban on poultry imports due to COVID-19	Brazil		Philippines		05/11/2020 (0 times)	NR
489	Mexico's import restrictions on pork	Brazil		Mexico		05/11/2020 (0 times)	NR
490	Korea's lack of progress on pending applications for authorization of beef imports	European Union	Russian Federation	Korea		05/11/2020 (0 times)	NR
491	Delays in Malaysia's approval procedures for meat and dairy imports	Russian Federation		Malaysia		05/11/2020 (0 times)	NR
492	Honduras' import restrictions on pasteurized dairy products	Mexico		Honduras		05/11/2020 (0 times)	NR
493	Non-publication of US final rule on importation of sheep, goats and certain other ruminants	European Union		United States		05/11/2020 (0 times)	NR
494	HPAI-related restrictions by China, the European Union and Kazakhstan	Ukraine		China; European Union; Kazakhstan		05/11/2020 (0 times)	NR
495	Panama's import restrictions on animal and plant products	Costa Rica; Colombia		Panama		05/11/2020 (0 times)	NR
496	Chinese Taipei's phytosanitary risk assessment procedure on imports of fresh vegetables and fruits	Ukraine		Chinese Taipei		05/11/2020 (0 times)	NR
497	India's import requirements for pulses	Canada	Russian Federation	India		05/11/2020 (0 times)	NR
498	Ecuador's import restrictions on grapes and onions	Peru		Ecuador		05/11/2020 (0 times)	NR
499	Request for information on the EU Farm to Fork Strategy	Colombia	Dominican Republic; Ecuador; Guatemala; Indonesia; Paraguay; Peru	European Union		05/11/2020 (0 times)	NR
500	EU proposal requiring residue testing of casings	Australia	Ukraine	European Union		05/11/2020 (0 times)	NR

STC number	Title	Member(s) raising	Member(s) supporting	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status <sup>87</sup>
501	India's requirement for certificate for Non- GM origin and GM-free status	United States of America	Argentina; Australia; Brazil; Canada; Chile; Japan; New Zealand; Paraguay; Uruguay	India		05/11/2020 (0 times)	NR
502	EU restriction on highly refined products imported from China	China		European Union		05/11/2020 (0 times)	NR
503	EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) N° 488/2014 of 12 May 2014 Amending Regulation (EC) N° 1881/2006 as regards maximum levels of cadmium in foodstuff	Peru	Colombia; Indonesia	European Union		05/11/2020 (0 times)	NR
504	Proposed new EU rules on composite products	Australia	Russian Federation; Japan; New Zealand; Chinese Taipei; United States of America	European Union		05/11/2020 (0 times)	NR
505	China's recognition of equivalence for third parties introduced as part of Phase 1 of the Economic and Trade Agreement between the United States and China	Australia		China		05/11/2020 (0 times)	NR

Table B.3 – STCs previously raised and discussed again in 2020<sup>88</sup>

STC number	Title	Member(s) raising	Member(s) supporting	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status <sup>19</sup>
193	General import restrictions due to BSE	European Union; United States of America	Canada; Switzerland; Uruguay	Certain Members	Animal health	01/06/2004 (39 times)	PR
382	European Union revised proposal for categorization of compounds as endocrine disruptors	Argentina; China; Dominican Republic; Ecuador; Guatemala; India; Panama; Paraguay; United States of America	Australia; Benin; Brazil; Burkina Faso; Burundi; Canada; Central African Republic; Chile; Colombia; Costa Rica; Dominican Republic; Egypt; El Salvador; The Gambia; Ghana; Guinea; Guatemala; Honduras; Indonesia; Jamaica; Kenya; Korea, Republic of; Madagascar; Malaysia; Mexico; New Zealand; Nigeria; Pakistan; Peru; Philippines; Senegal; Sierra Leone; South Africa; Chinese Taipei; Thailand; Togo; Uruguay; Viet Nam; Zambia	European Union	Food safety	25/03/2014 (17 times)	NR
392	China's import restrictions due to African swine fever	European Union		China	Animal health	15/07/2015 (9 times)	NR
393	Korea's import restrictions due to African swine fever	European Union	Russian Federation	Korea, Republic of	Animal health	15/07/2015 (9 times)	NR
406	China's import restrictions due to Highly Pathogenic Avian Influenza	European Union; United States of America		China	Animal health	16/03/2016 (11 times)	NR
413	Guatemala's restrictions on egg products	Mexico		Guatemala	Food safety	27/10/2016 (4 times)	NR
431	South Africa's import restrictions on poultry due to Highly Pathogenic Avian Influenza	European Union		South Africa	Animal health	02/11/2017 (7 times)	NR
439	US import restrictions on apples and pears	European Union		United States of America	Plant health	01/03/2018 (7 times)	NR

<sup>&</sup>lt;sup>88</sup> Please note that a hyperlink in the ID number redirects to the corresponding STC in the SPS IMS for further details on the concern.

STC number	Title	Member(s) raising	Member(s) supporting	Member(s) responding	Primary subject	First raised (subsequently	Status <sup>19</sup>
Hullibei			Supporting	responding	keyword	raised)	
441	Lack of transparency and undue delays in Indonesia's approval procedures for animal products	European Union	Brazil	Indonesia	Other concerns	12/07/2018 (6 times)	NR
446	EU review of legislation on veterinary medicinal products	Argentina; United States of America	Australia; Brazil; Canada; Chile; Colombia; Japan; Paraguay	European Union	Food safety	12/07/2018 (3 times)	NR
447	New EU definition of the fungicide folpet	China		European Union	Food safety	12/07/2018 (6 times)	NR
448	EU MRLs for buprofezin, chlorothalonil, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, molinate, picoxystrobin and tepraloxydim	Colombia; Costa Rica; Côte d'Ivoire; Dominican Republic; Ecuador; Guatemala; India; Panama; Paraguay; United States of America	Argentina; Australia; Brazil; Canada; Chile; Dominican Republic; El Salvador; Honduras; Indonesia Nicaragua; Peru; Philippines; Turkey; Uruguay	European Union	Food safety	01/11/2018 (5 times)	NR
456	Korea's import restrictions on poultry due to highly pathogenic avian influenza	European Union	Russian Federation	Korea, Republic of	Animal health	21/03/2019 (1 times)	NR
459	New EU MRLs for lambda-cyhalothrin	China	Paraguay	European Union	Food safety	18/07/2019 (3 times)	NR
463	Ukraine's restrictions on swine products	Brazil		Ukraine	Animal health	18/07/2019 (3 times)	NR
466	The Philippines' trade restrictions on imports of meat	European Union		Philippines	Animal health	07/11/2019 (2 times)	NR
469	EU Regulation on high risk plants (Regulation (EU) 2016/2031)	Israel	Canada; Kenya; United States of America	European Union	Plant health	07/11/2019 (1 time)	NR
470ª	Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab	Japan	Chile	Thailand	Plant health	24/06/2020 (1 time)	NR
471ª	US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle	European Union		United States of America	Plant health	24/06/2020 (1 time)	NR
472ª	India's fumigation requirements for grain and other products	Russian Federation	Canada	India	Plant health	24/06/2020 (1 time)	NR
479ª	India's new requirements for animal feed in the Food Safety and Standards Act, 2006 (dated 27 January 2020)	United States of America		India	Food safety	24/06/2020 (1 time)	NR
485ª	China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019)	United States of America	European Union; Japan; Switzerland; Thailand	China	Other concerns	24/06/2020 (1 time)	NR
486ª	Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments	Brazil		Saudi Arabia	Food safety	24/06/2020 (1 time)	NR

<sup>&</sup>lt;sup>a</sup> STCs raised for the first time in 2020 and discussed again in subsequent meetings during the same year.

Table B.4 - STCs where substantive action occurred under the DSU in 202089

STC number	Title	Member(s) raising	Member(s) supporting	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status
185 <sup>b</sup>	India's import restrictions on agricultural products	European Union; United States	Australia; Canada; China	India	Animal health	01/03/2004 (16 times)	PR / DS 430
369 <sup>b</sup>	Russia's measures on live pigs and pork products due to African Swine Fever	European Union		Russian Federation	Animal health	25/03/2014 (0 times)	NR / DS 475
394 <sup>b</sup>	Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados	Guatemala; Mexico		Costa Rica	Plant health	15/07/2015 (4 times)	NR / DS 524

<sup>&</sup>lt;sup>b</sup> Panel proceedings occurred in the context of the WTO dispute settlement system. For more information, see <a href="https://www.wto.org/english/tratop">https://www.wto.org/english/tratop</a> e/dispute settlement system. For more information, see <a href="https://www.wto.org/english/tratop">https://www.wto.org/english/tratop</a> e/dispute settlement system.

<sup>&</sup>lt;sup>89</sup> Please note that a hyperlink in the ID number redirects to the corresponding STC in the SPS IMS for further details on the concern.

Table B.5 – Members responding to STCs (new or old) in 2020, in alphabetical order<sup>90</sup>

Member responding	STC number	Title	Member(s) raising	Primary subject keyword	First raised (subsequently raised)
China	193	General import restrictions due to BSE	European Union; United States of America	Animal health	01/06/2004 (39 times)
China	392	China's import restrictions due to African swine fever	European Union	Animal health	15/07/2015 (9 times)
China	406	China's import restrictions due to Highly Pathogenic Avian Influenza	European Union; United States of America	Animal health	16/03/2016 (11 times)
China	485°	China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019)	United States of America	Other concerns	24/06/2020 (1 time)
China	487	China's actions related to COVID-19 that affect trade in food and agricultural products	Canada; United States of America	Food safety	5/11/2020 (0 times)
China	494	HPAI-related restrictions by China, the European Union and Kazakhstan	Ukraine	Animal health	5/11/2020 (0 times)
China	505	China's recognition of equivalence for third parties introduced as part of Phase 1 of the Economic and Trade Agreement between the United States and China	Australia	Other concerns	5/11/2020 (0 times)
Costa Rica	481 <sup>c</sup>	Costa Rica's import restrictions on swine meat products	Mexico	Other concerns	24/06/2020 (0 times)
Costa Rica	483 <sup>c</sup>	Costa Rica's import restriction on dairy and dairy products	Mexico	Food safety	24/06/2020 (0 times)
Ecuador	498	Ecuador's import restrictions on grapes and onions	Peru	Food safety	5/11/2020 (0 times)
European Union	382	European Union legislation on endocrine disruptors	Argentina; China; Dominican Republic; Ecuador; Guatemala; India; Panama; Paraguay; United States of America	Food safety	25/03/2014 (17 times)
European Union	446	EU review of legislation on veterinary medicinal products	Argentina; United States of America	Food safety	12/07/2018 (3 times)
European Union	447	New EU definition of the fungicide folpet	China	Food safety	12/07/2018 (6 times)
European Union	448	EU MRLs for buprofezin, chlorothalonil, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, molinate, picoxystrobin and tepraloxydim	Colombia; Costa Rica; Côte d'Ivoire; Dominican Republic; Ecuador; Guatemala; India; Panama; Paraguay; United States of America	Food safety	01/11/2018 (5 times)
European Union	459	New EU MRLs for lambda-cyhalothrin	China	Food safety	18/07/2019 (3 times)
European Union	469	EU Regulation on high risk plants (Regulation (EU) 2016/2031)	Israel	Plant health	07/11/2019 (1 time)

<sup>&</sup>lt;sup>90</sup> Please note that a hyperlink in the ID number redirects to the corresponding STC in the SPS IMS for further details on the concern.

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Member responding	STC number	Title	Member(s) raising	Primary subject keyword	First raised (subsequently raised)
European Union	474 <sup>c</sup>	Modification of EU MRLs for plant protection products: Chlorpyrifos and Chlorpyrifos-methyl	Colombia; Ecuador	Food safety	24/06/2020 (0 times)
European Union	475 <sup>c</sup>	Modification of EU MRLs for plant protection products: Mancozeb	Colombia; Costa Rica; Côte d'Ivoire; Ecuador; Paraguay	Food safety	24/06/2020 (0 times)
European Union	494	HPAI-related restrictions by China, the European Union and Kazakhstan	Ukraine	Animal health	5/11/2020 (0 times)
European Union	499	Request for information on the EU Farm to Fork Strategy	Colombia	Food safety	5/11/2020 (0 times)
European Union	500	EU proposal requiring residue testing of casings	Australia	Food safety	5/11/2020 (0 times)
European Union	502	EU restriction on highly refined products imported from China	China	Other concerns	5/11/2020 (0 times)
European Union	503	EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) N° 488/2014 of 12 May 2014 Amending Regulation (EC) N° 1881/2006 as regards maximum levels of cadmium in foodstuff	Peru	Food safety	5/11/2020 (0 times)
European Union	504	Proposed new EU rules on composite products	Australia	Other concerns	5/11/2020 (0 times)
Guatemala	413	Guatemala's restrictions on egg products	Mexico	Food safety	27/10/2016 (4 times)
Guatemala	480°	Guatemala's import restrictions on bovine and swine meat	Mexico	Other concerns	24/06/2020 (0 times)
Honduras	492	Honduras' import restrictions on pasteurized dairy products	Mexico	Other concerns	5/11/2020 (0 times)
India	497	India's import requirements for pulses	Canada	Plant health	5/11/2020 (0 times)
India	472 <sup>c</sup>	India's fumigation requirements for grain and other products	Canada	Plant health	24/06/2020 (1 time)
India	479 <sup>c</sup>	India's new requirements for animal feed in the Food Safety and Standards Act, 2006 (dated 27 January 2020)	United States of America	Food safety	24/06/2020 (1 time)
India	484 <sup>c</sup>	India's approval procedures for animal products	Russian Federation	Other concerns	24/06/2020 (0 times)
India	501	India's requirement for certificate for Non-GM origin and GM-free status	United States of America	Food safety	5/11/2020 (0 times)
Indonesia	441	Lack of transparency and undue delays in Indonesia's approval procedures for animal products	European Union	Other concerns	12/07/2018 (6 times)
Japan	193	General import restrictions due to BSE	European Union; United States of America	Animal health	01/06/2004 (39 times)
Kazakhstan	494	HPAI-related restrictions by China, the European Union and Kazakhstan	Ukraine	Animal health	5/11/2020 (0 times)
Korea, Republic of	456	Korea's import restrictions on poultry due to highly pathogenic avian influenza	European Union	Animal health	21/03/2019 (1 time)

Member responding	STC number	Title	Member(s) raising	Primary subject keyword	First raised (subsequently raised)
Korea, Republic of	193	General import restrictions due to BSE	European Union; United States of America	Animal health	01/06/2004 (39 times)
Korea, Republic of	393	Korea's import restrictions due to African swine fever	European Union	Animal health	30/06/2015 (9 times)
Korea, Republic of	490	Korea's lack of progress on pending applications for authorization of beef imports	European Union	Other concerns	5/11/2020 (0 times)
Malaysia	491	Delays in Malaysia's approval procedures for meat and dairy imports	Russian Federation	Other concerns	5/11/2020 (0 times)
Mexico	489	Mexico's import restrictions on pork	Brazil	Animal health	5/11/2020 (0 times)
Nepal	473 <sup>c</sup>	Nepal's import ban on energy drinks	Thailand	Food safety	24/06/2020 (0 times)
Panama	495	Panama's import restrictions on animal and plant products	Colombia; Costa Rica	Other concerns	5/11/2020 (0 times)
Peru	477 <sup>c</sup>	General import restrictions on chocolate and cocoa products due to maximum levels of cadmium	Peru	Food safety	24/06/2020 (0 times)
Peru	482°	Peru's import restrictions on pork	Brazil	Other concerns	24/06/2020 (0 times)
Philippines	466	The Philippines' trade restrictions on imports of meat	European Union	Animal health	07/11/2019 (2 times)
Philippines	488	Philippines' ban on poultry imports due to COVID-19	Brazil	Food safety	5/11/2020 (0 times)
Saudi Arabia, Kingdom of	486°	Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments	Brazil	Food safety	24/06/2020 (1 time)
South Africa	431	South Africa's import restrictions on poultry due to Highly Pathogenic Avian Influenza	European Union	Animal health	02/11/2017 (7 times)
Chinese Taipei	193	General import restrictions due to BSE	European Union; United States of America	Animal health	01/06/2004 (39 times)
Chinese Taipei	496	Chinese Taipei's phytosanitary risk assessment procedure on imports of fresh vegetables and fruits	Ukraine	Plant health	5/11/2020 (0 times)
Thailand	470 <sup>c</sup>	Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab	Japan	Plant health	24/06/2020 (1 time)
Thailand	476 <sup>c</sup>	Thailand's draft notification of Ministry of Industry's List of Hazardous Substances and Ministry of Public Health Re: Food Containing Pesticide Residues (No.3)	United States of America	Food safety	24/06/2020 (0 times)
Ukraine	463	Ukraine's restrictions on swine products	Brazil	Animal health	18/07/2019 (3 times)
United States of America	193	General import restrictions due to BSE	European Union; United States of America	Animal health	01/06/2004 (39 times)
United States of America	439	US import restrictions on apples and pears	European Union	Plant health	01/03/2018 (7 times)
United States of America	471 <sup>c</sup>	US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle	European Union	Plant health	24/06/2020 (1 time)

Member responding	STC number	Title	Member(s) raising	Primary subject keyword	First raised (subsequently raised)
United States of	493	Non-publication of US final rule on importation of sheep, goats and	European Union	Other	5/11/2020
America		certain other ruminants		concerns	(0 times)
Viet Nam	478°	Viet Nam's National Technical Regulation on Animal Feeds - Maximum Allowable Limits of Safety Indicators in Animal Feeds and Ingredients for Production of Aquatic Feeds (Circular No. 04/2020/TT-BNNPTNT) and Decree 13/2020 Detailing the Law on Animal Husbandry	Argentina; United States of America	Food safety	24/06/2020 (0 times)
Certain Members	193	General import restrictions due to BSE	European Union; United States of America	Animal health	01/06/2004 (39 times)

<sup>&</sup>lt;sup>c</sup> STCs raised for the first time in 2020.

Table B.6 – STCs reported as resolved or partially resolved in 2020

STC number	Title	Member(s) raising	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status
<u>1</u>	Shelf-life requirements	Australia; Canada; United	Korea, Republic of	Food safety	26/06/1995	R*
Z	Regionalization in relation to animal health	States of America European Union	United States of America	Animal health	(8 times) 29/05/1996 (0 times)	R
<u>15</u>	Zoosanitary import policies pertaining to BSE	European Union	Canada	Animal health	19/03/1997 (0 times)	R
<u>21</u>	Fresh fruit and vegetables	<b>Australia</b> ; United States of America	Indonesia	Plant health	19/07/1997 (0 times)	PR
<u>40</u>	Trade restrictions in response to cholera	Tanzania	European Union	Food safety	12/03/1998 (1 time)	R*
44	Measures related to BSE	European Union	United States of America	Animal health	12/03/1998 (1 time)	PR
<u>46</u>	Import prohibition of coconut palms and related products	Philippines	Brazil	Plant health	10/06/1998 (1 time)	PR
<u>58</u>	Notification on refrigeration and labelling requirements for shell eggs	European Union	United States of America	Food safety	11/11/1998 (0 times)	R
<u>70</u>	Import conditions for pork meat and products	European Union	Venezuela, Bolivarian Republic of	Animal health	07/07/1999 (0 times)	PR
<u>72</u>	Measures regarding canned tuna in oil	Philippines	Belgium; European Union	Food safety	10/11/1999 (1 time)	PR
<u>84</u>	Import restrictions affecting BSE-free countries	Bulgaria; Croatia; Czech Republic; Estonia; Latvia; Poland; Romania; Slovak Republic; Slovenia	Argentina; Australia; Canada; Korea, Republic of; New Zealand; United States of America	Animal health	14/03/2001 (1 time)	PR
<u>97</u>	Restrictions on the use of fishmeal	Chile; <b>Norway</b> ; Peru	European Union	Animal health	10/07/2001 (4 times)	PR
<u>99</u>	Restrictions on importation of sugar cane top	Indonesia	Japan	Animal health	10/07/2001 (3 times)	PR
102	Import restrictions on potted plants	European Union	United States of America	Plant health	10/07/2001 (6 times)	PR
<u>103</u>	FMD-related import restrictions	Argentina; European Union	Unspecified	Animal health	10/07/2001 (3 times)	PR
111	FMD restrictions	Argentina	Indonesia	Animal health	31/10/2001 (6 times)	PR
<u>119</u>	Notification on Chinese fruit imports	China	Philippines	Plant health	19/03/2002 (0 times)	R*
<u>120</u>	Restrictions on pigmeat	European Union	United States of America	Animal health	19/03/2002 (1 time)	R
<u>130</u>	Restrictions on shellfish	Indonesia	European Union	Food safety	26/06/2002 (1 time)	R

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STC number	Title	Member(s) raising	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status
<u>131</u>	Pesticide and antibiotic limits in honey (EC Directive 96/23/EC)	Cuba	European Union	Food safety	25/06/2002 (1 time)	R
<u>133</u>	Official control restrictions on citrus and other fresh fruits and vegetables	New Zealand; United States of America	Japan	Plant health	25/06/2002 (8 times)	PR
<u>147</u>	Regulation on food additives	European Union	Japan	Food safety	7/11/2002 (0 times)	PR
<u>148</u>	Amendment of the food sanitation law	China	Japan	Food safety	7/11/2002 (0 times)	PR
<u>152</u>	Restrictions on melons	Mexico	United States of America	Food safety	7/11/2002 (0 times)	R
<u>161</u>	EC Directive 2001/661/EC regarding foot and mouth disease	South Africa	European Union	Animal health	2/04/2003 (0 times)	R
<u>163</u>	Restrictions on Austrian products	European Union	Mexico	Animal health	2/04/2003 (1 time)	PR
<u>170</u>	Live animals and animal products	Australia	European Union	Animal health	24/06/2003 (0 times)	R
<u>178</u>	Revision of standards and specifications for food and additives	China	Japan	Food safety	30/10/2003 (0 times)	PR
<u>185</u>	Restrictions due to avian influenza	European Union; United States of America	India	Animal health	17/03/2004 (16 times)	PR
<u>186</u>	Phytosanitary import restrictions	European Union; United States of America	India	Plant health	17/03/2004 (2 times)	PR
<u>195</u>	Restrictions on citrus	Venezuela, Bolivarian Republic of	Barbados	Plant health	27/10/2004 (2 times)	R
<u>198</u>	Regulation on aflatoxins and Ocratoxin A in foods for infants and young children	China	European Union	Food safety	27/10/2004 (0 times)	PR
<u>201</u>	Standards and specifications for food additives (boscalid)	China	Japan	Food safety	27/10/2004 (0 times)	PR
203	Rule on materials derived from cattle and record-keeping requirements	Argentina; <b>China</b>	United States of America	Animal health	27/10/2004 (0 times)	PR
<u>205</u>	Slaughter of imported breeding cattle	Mexico	Bolivia, Plurinational State of	Animal health	09/03/2005 (2 times)	R
210	Restrictions on imports of chicken meat	Mexico	Guatemala	Animal health	09/03/2005 (3 times)	R
211	Restrictions on the transit of avocados	Mexico	Guatemala	Plant health	09/03/2005 (0 times)	R
217	Import restrictions on apples	New Zealand	Australia	Plant health	29/06/2005 (6 times)	R
224	Restrictions on EC exports of plant and animal products	European Union	Japan	Other concerns	29/06/2005 (1 time)	PR
<u>234</u>	Suspension of importation of live poultry and poultry carcasses	Mexico	Thailand	Animal health	24/10/2005 (0 times)	R

STC number	Title	Member(s) raising	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status
249	Reform of Australia's IRA process	European Union	Australia	Other concerns	28/06/2006 (0 times)	R
<u>258</u>	Import restrictions on beef and beef products due to Blue Tongue disease	European Union	Unspecified	Animal health	18/10/2007 (0 times)	PR
<u>269</u>	Restrictions on apples	China	United States of America	Plant health	24/06/2008 (3 times)	R
<u>272</u>	Rapid Alert System regarding mango imports	Senegal	European Union	Food safety	24/06/2008 (0 times)	R
<u>279</u>	Import restrictions on pork products relating to Influenza A/H1N1	Canada; European Union; Mexico; United States of America	Armenia; Bahrain, Kingdom of; China; Gabon; Indonesia; Jordan; Suriname	Animal health	23/06/2009 (1 time)	PR
<u>280</u>	New meat import conditions	European Union	Indonesia	Animal health	23/06/2009 (1 time)	PR
<u>282</u>	Measures on food products containing meat, poultry or processed egg products	China	United States of America	Food safety	24/06/2009 (0 times)	PR
<u>289</u>	Measures on catfish	<b>China</b> ; Viet Nam	United States of America	Other concerns	28/10/2009 (8 times)	PR
<u>296</u>	SPS notification practices	European Union	China	Other concerns	23/06/2010 (0 times)	PR
<u>299</u>	US 2009 Food Safety Enhancement Act	<b>China</b> ; India	United States of America	Food safety	29/06/2010 (4 times)	PR
<u>310</u>	Measures on canned sardines	Morocco	Brazil	Food safety	20/10/2010 (0 times)	R
314	Ban on offals	European Union; United States of America	Viet Nam	Food safety	30/03/2011 (8 times)	PR
<u>319</u>	Chinese quarantine and testing procedures for salmon	Norway	China	Food safety	30/06/2011 (7 times)	R
322	Polyamide and melamine plastic kitchenware	China; Hong Kong, China	European Union	Food safety	30/03/2011 (2 times)	PR
<u>323</u>	Import restrictions on pork and pork products	European Union	Malaysia	Food safety	19/10/2011 (2 times)	PR
330	Indonesia's port closures	Chile; China; European Union; New Zealand; United States of America	Indonesia	Plant health	27/03/2012 (7 times)	PR**
<u>331</u>	EU limits of aluminium in flour products	China	European Union	Food safety	27/03/2012 (0 times)	PR
332	Restrictions related to FMD	Argentina	Japan	Animal health	10/07/2012 (1 time)	PR
<u>333</u>	Trade restrictive measures due to the Schmallenberg Virus	European Union	Unspecified	Animal health	10/07/2012 (0 times)	PR
338	Import ban on live animals from the EU	European Union	Russian Federation	Animal health	18/10/2012 (0 times)	PR

STC number	Title	Member(s) raising	Member(s) responding	Primary subject keyword	First raised (subsequently raised)	Status
<u>339</u>	Restrictions on tomatoes	Senegal	United States of America	Plant health	18/10/2012	PR
<u>340</u>	Requirements for importation of sheep meat	Australia	Turkey	Animal health	(0 times) 18/10/2012 (7 times)	R
<u>347</u>	Import restrictions on apples, pears and citrus	Argentina	India	Plant health	21/03/2013 (0 times)	PR
<u>351</u>	EU temperature treatment requirements for imports of processed meat products	Russian Federation	European Union	Animal health	27/06/2013 (2 times)	R
<u>352</u>	US proposed rule on good manufacturing practice for human food	China	United States of America	Food safety	27/06/2013 (0 times)	PR
<u>355</u>	EU import requirements for orchid tissue culture plantlets in flasks	Chinese Taipei	European Union	Plant health	27/06/2013 (0 times)	R
<u>365</u>	Import conditions on poultry	European Union	Saudi Arabia	Food safety	16/10/2013 (0 times)	R
<u>371</u>	India's import requirements for blueberries and avocados	Chile	India	Plant health	09/07/2014 (0 times)	R
<u>377</u>	Brazil's regulation on international certificates for fish and fishery products	China	Brazil	Animal health	09/07/2014 (0 times)	R
<u>388</u>	US proposed rule for user fees for agricultural quarantine and inspection services	Mexico	United States of America	Other concerns	26/03/2015 (2 times)	R
<u>389</u>	Chinese import regime, including quarantine and testing procedures for fish	Norway	China	Food safety	15/07/2015 (1 time)	R
<u>397</u>	India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port	Chile; New Zealand	India	Other concerns	14/10/2015 (2 times)	R*
<u>400</u>	Undue delays in the start of Australia's risk analysis for avocados	Chile	Australia	Plant health	14/10/2015 (0 times)	R
<u>401</u>	Undue delays in Viet Nam's approval process for dairy and meat products	Chile	Viet Nam	Animal health	14/10/2015 (0 times)	PR
<u>405</u>	China's import restrictions due to Schmallenberg virus	European Union	China	Animal health	16/03/2016 (0 times)	PR
<u>416</u>	China's import ban on fresh mangosteen	Indonesia	China	Food safety	27/10/2016 (2 times)	R
<u>481</u>	Costa Rica's import restrictions on swine meat products	Mexico	Costa Rica	Other concerns	24/06/2020 (0 times)	PR

<sup>\*</sup> Status changed from "Partially resolved" to "Resolved".

<sup>\*\*</sup> This STC has been reported as resolved by Chile and New Zealand (2020), and the United States (2013). The European Union and China has reported it as partially resolved (2020).