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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 23-25 MARCH 2022

NOTE BY THE SECRETARIAT[1]

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

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 82nd regular meeting on 23-25 March 2022. The proposed agenda for the meeting (JOB/SPS/19, JOB/SPS/19/Corr.1 and JOB/SPS/19/Corr.2) was adopted with amendments. In light of the COVID-19 pandemic, the meeting was held in hybrid form, with some delegates attending in-person and others joining via a virtual platform.

1.2. The Secretariat announced that Members were able to submit agenda items, support specific trade concerns (STCs), and upload statements through eAgenda. Members could support items through eAgenda until they were discussed in the meeting, and upload statements for STCs and other agenda items until Friday, 25 March 2022. Only oral interventions by Members who took the floor during the meeting were reflected in the present report. In addition, longer statements could be shared through eAgenda or circulated as GEN documents. The Secretariat drew Members' attention to an introductory presentation on the SPS Committee, available for delegates in the SPS Gateway.

2 INFORMATION SHARING

2.1. Prior to the start of discussions under the first sub-item of this point on the agenda, Ukraine made a statement on the military invasion of its territory by the Russian Federation. Ukraine stressed that the blatant act of aggression constituted an attack on the sovereignty and territorial integrity of Ukraine, and represented a violation of the principles of international law and of the WTO. Ukraine noted that that the military invasion had resulted in human casualties and economic losses. Ukraine expressed its appreciation to Members who had adopted economic and trade measures against the Russian Federation, and hoped for further support from Members.

2.2. Australia, Canada, the European Union, Japan, Korea, New Zealand, Norway, Paraguay, Switzerland, Chinese Taipei, the United Kingdom and the United States took the floor to strongly condemn the Russian Federation's military aggression in Ukraine, noting that it constituted a violation of international law and the UN Charter. Several Members called on the Russian Federation to withdraw its forces and cease military operations in Ukraine, and to respect the territorial integrity and sovereignty of Ukraine. The Russian Federation underlined that the matter was not within the scope of the WTO, and highlighted that politically motivated trade restrictive actions against the Russian Federation imposed by several WTO Members had led to serious global economic damage, and resulted in damage to the multilateral trading system.

2.1 Information from Members on relevant activities

2.1.1 Japan – Update on the situation surrounding Japanese food after the TEPCO Fukushima Daiichi nuclear power station accident

2.3. Japan thanked the United Kingdom for making the governmental decision to remove its import measures on Japanese food, and acknowledged Chinese Taipei's efforts in lifting import restrictions for five Japanese prefectures. Japan encouraged other Members to lift measures, as the food safety situation had remained unchanged. Japan explained that major food products were compliant with Codex guidelines and stricter Japanese maximum levels (MLs) of radio-caesium, and no reports of non-compliance of food imported from Japan had been received from destination countries. Japan informed the Committee that in March 2022, the Joint FAO/IAEA Centre of Nuclear Techniques in Food and Agriculture had assessed the appropriateness of measures to monitor and respond to issues regarding radionuclide contamination of food and the safety of the food supply. An IAEA taskforce had been established to provide a scientific review related to the discharge of Advanced Liquid Processing System (ALPS) treated water, and a report would be released in April 2022 with information from an on-site mission conducted in February 2022. Japan looked forward to further updates regarding the lifting of import measures.

2.4. Korea expressed its concern regarding recent cases of catch containing high radiation levels, most recently in January 2022 with 1,400 becquerels of radiation per kilogram detected. Referring to its statements in previous Committee meetings on the treatment and discharge of contaminated water, Korea reiterated the need for consultations with relevant stakeholders and detailed information sharing on the potential environmental impacts.

2.5. In response, Japan indicated that the case of a minor wild fish species exceeding the Japanese MLs of radio-caesium, referenced by Korea, had resulted in the suspension of the shipment and further restrictions had been implemented. Japan reiterated that the water for discharge is the treated one and not the contaminated water, and the IAEA and international experts were conducting reviews on the safety of treated water, the latest of which was conducted in February 2022.

2.2 Information from Codex, IPPC and OIE on relevant activities

2.2.1 Codex (G/SPS/GEN/1993)

2.6. Codex presented its report on relevant activities in document G/SPS/GEN/1993. Codex referred to the 44th session of the Codex Alimentarius Commission held in 2021 where several MLs for additives and contaminants in food as well as Maximum Residue Limits (MRLs) for pesticides in food, feed and veterinary drugs had been adopted. Codex also noted the work undertaken by its taskforce on antimicrobial resistance (AMR), including the Code of Practice to contain foodborne AMR, and the guidelines for integrated monitoring and surveillance of foodborne AMR. The Codex secretariat had initiated a project to identify an approach to monitor the use and impact of Codex standards and a preliminary outline would be presented to the Executive Committee of the Codex Alimentarius Commission in June 2022.

2.2.2 IPPC (G/SPS/GEN/1996)

2.7. The IPPC presented its report on relevant activities in document G/SPS/GEN/1996. The IPPC referred to the 16th meeting of the Commission on Phytosanitary Measures (CPM-16) to be held in April where nine draft international standards for phytosanitary measures (ISPMs) had been recommended for adoption. The IPPC secretariat highlighted its work on commodity standards and emerging pests such as banana fusarium wilt and fall armyworm, as well as ongoing developments in guides and training materials available for its contracting parties.

2.2.3 OIE (G/SPS/GEN/2001)

2.8. The OIE referred to its report on relevant activities in document G/SPS/GEN/2001 and informed that the 89th OIE General Session would be held virtually in May 2022 and that the text of the OIE standards to be proposed for adoption would be available for review by its members. The OIE drew the Committee's attention to changes in chapter 11.4 on bovine spongiform encephalopathy (BSE) (namely to upgrade the provisions on official BSE risk status and BSE risk assessment and surveillance), and chapter 1.4 of the Aquatic Code. The OIE also referred to information available on its website on the work of the OIE Observatory to monitor the implementation of standards.

3 SPECIFIC TRADE CONCERNS

3.1 New issues

3.1. Before the adoption of the agenda, China withdrew three new specific trade concerns (STCs): Concerns regarding EU detection of bitter ginseng alkaloids in honey; Thailand's suspension of imports of live poultry, pigs and their carcasses; and Brazil's frequent adjustments of technical regulations affecting fishery trade.

3.1.1 EU restrictions on spice imports and other food products due to European Commission Implementing Regulation (EU) 2021/2246 of 15 December 2021 – Concerns of India

3.2. India informed the Committee that through Commission Implementing Regulation (EU) 2021/2246, the European Union had increased official controls for the entry of spices and spice products by setting the limit of ethylene oxide at the default level, which was 0.02 ppm for chilli and ginger, and 0.1 ppm for all other spices. India urged the European Union to share the risk assessment for establishing the limit at the default level. India further noted that the regulation had been notified to the WTO eight days after entry into force, which did not allow time for comments.

3.3. The European Union responded that ethylene oxide was not approved as an active substance for use in plant protection products, and that any level of exposure would represent a potential risk

to human health. Following several cases of contamination with ethylene oxide on a range of Indian commodities, the European Union had decided to adopt temporary measures to mitigate potential risks to consumers' health. This included official controls and certification requirements for commodities listed in Annex II of Regulation (EU) 2019/1793 and amended by Regulation (EU) 2021/2246. The European Union had informed India of amendments to the regulation in December 2021 and noted that India was aware of the certification requirements for the products at issue. The European Union drew the Committee's attention to notification G/SPS/N/EU/538 which contained the measure under discussion, and also indicated that document G/SPS/GEN/1968, circulated in November 2021, described the process of increased official controls and emergency measures for certain products. The European Union reiterated its availability to engage in further discussions with India.

3.1.2 EU import tolerances for certain pesticides to achieve environmental outcomes in third countries – Concerns of Australia

3.4. Australia raised its concerns on the European Union's plan to reduce neonicotinoid MRLs to default values and set import MRLs taking into account environmental impacts in the exporting country, without any justified risks identified for consumers. In Australia's view, this approach introduced arbitrary criteria that were incompatible with international standards and guidelines. Australia reiterated that environmental risks should be assessed by chemical regulators of exporting countries and called on the European Union to comply with WTO rules when setting MRLs and considering requests for import tolerances.

3.5. Colombia noted that this concern was related to the EU policy on neonicotinoid pesticides, and to the concept of mirror clauses. Colombia did not consider that mirror clauses were possible in light of differences among WTO Members, notably with regard to the environment, pest and disease prevalence, climate, and biodiversity. Colombia highlighted that the measures had not been notified and urged the European Union to further review its justifications, noting that measures should not constitute a means of arbitrary discrimination between countries where similar conditions prevailed.

3.6. The United States was concerned that the application of EU health and environmental standards on imported agriculture and agri-food products from third countries would jeopardize Members' ability to enact necessary SPS measures in their own territories. The United States emphasized that these requirements could negatively affect trade and disrupt production and requested the European Union to allow flexible requirements, considering the circumstances in each country. The United States submitted its statement in document G/SPS/GEN/2003.

3.7. Paraguay expressed concerns with the European Union's attempt to apply its legislation in other territories, its lowering of MRLs based on concerns not related to human health, and its refusal to grant import tolerances. Paraguay was of the view that the measure hindered third-country regulators' ability to implement policies and MRLs in line with their environmental conditions, and was concerned that emergency authorizations had been granted to certain producers on a selective basis. Paraguay urged the European Union to base its measures on scientific evidence, an assessment of risks, international principles and standards and to allow import tolerances when applicable.

3.8. Ecuador considered that the European Union's extraterritorial objectives were not always consistent with WTO rules and the climatic and developmental conditions of its trading partners.

3.9. Japan was of the view that the European Union's plan to lower MRLs of neonicotinoid for imported agricultural products would not ensure the sustainability of the global food system. Japan stressed that each Member should regulate pesticide use taking account of its respective environment. Japan noted that the application of lower MRLs for imported agricultural products was inconsistent with the SPS Agreement. When introducing environmental protection measures, Japan considered it important to establish international rules that were harmonized with international standards.

3.10. New Zealand explained that the establishment of MRLs should be in accordance with the rights and obligations of Members under the WTO SPS Agreement, proportional to actual risk, based on a scientific assessment and not more trade-restrictive than necessary to achieve a legitimate level of protection. New Zealand questioned how the EU measures in question were aligned with the objectives and requirements of the SPS Agreement, including Article 2.

3.11. Guatemala expressed its concerns with the European Union's extraterritorial application of its measures, and urged the European Union to consider the different environmental and production conditions in developing countries.

3.12. Uruguay stated that it would continue to monitor this concern, and emphasized the importance of SPS measures being consistent with the SPS Agreement, particularly with the objectives set forth in paragraph 1 of Annex A.

3.13. In response, the European Union stated that the Committee had been informed of its intentions in November 2020 through document G/SPS/GEN/1868, and considered that the concerns were not within the scope of the SPS Agreement. The European Union reiterated that import tolerances could be granted to the active substances not authorized in the European Union if set levels were safe for consumers, and added that environmental considerations would be taken into account when requests were evaluated. The European Union acknowledged differences in production conditions and pest pressures in third countries, and emphasized that import tolerances would be granted only for applications accompanied by scientific evidence demonstrating no adverse effect on the environment. Referring to article 6 of Regulation 396/2005, the European Union clarified that the evaluation of applications for the use of active substances within or outside the European Union followed the same procedure. The European Union indicated its willingness to further discuss this matter with interested Members.

3.1.3 EU restrictions on the importation of collagen for human consumption – Concerns of China

3.14. China informed the Committee that pursuant to Regulation (EU) 2017/625, Commission Implementing Regulation (EU) 2021/405 authorized collagen from China in accordance with its Annexes IX, XII, and XIII. China regretted that the European Union intended to use the previous Commission Decision 2002/994/EC which prohibited the import of collagen from China, and stated that it had raised the same concern in the TBT Committee. China urged the European Union to implement the more recent EU regulation.

3.15. The European Union clarified that Commission Decision 2002/994/EC, as amended by Commission Implementing Decision (EU) 2015/1068, included a list of food and feed products that were authorized for importation into the European Union from China. According to article 1 of this Decision, it applied to all products of animal origin imported from China which were intended for human consumption or animal feed use. The European Union emphasized that, while articles 2 and 3 of this Decision indicated possible derogations from article 1, collagen was not included in the list of possible exceptions in Parts I and II of the Annex, and was therefore not authorized for import from China.

3.1.4 EU residue limits of ethylene oxide and dichloroethanol – Concerns of China

3.16. Referring to its full statement available on eAgenda, China emphasized that the EU ethylene oxide limit was not science-based, and that only a few countries imposed limits on ethylene oxide and chloroethanol in food, and that these limits varied according to food category. China also highlighted that the occurrence probability of ethylene oxide in xanthan gum was very low, and could come from fumigation disinfection or packaging contact materials. China urged the European Union to consider the scientific basis and necessity of the requirements of Regulation (EU) 2019/1793 for ethylene oxide residues of xanthan gum, and adjust the residue limit, using a less trade-restrictive approach.

3.17. The European Union explained that xanthan gum from China had been temporarily subject to increased controls due to risks associated with ethylene oxide for consumer health. Xantan gum had been listed in Annex II of Regulation (EU) 2019/1793 (and amended by Regulation (EU) 2021/2246), and had to be accompanied by an official certificate which demonstrated compliance with Regulation (EC) No 396/2005 on MRLs of ethylene oxide. The European Union had informed China of notifications of ethylene oxide contamination through RASFF but non-compliant consignments continued to be exported into the European Union. On 16 December 2021, the European Union informed China of amendments to Regulation (EU) 2019/1793, which were also notified in document G/SPS/N/EU/538, and reminded Members that the process of increased controls was described in document G/SPS/GEN/1968. The European Union emphasized that the temporary measures were consistent with the SPS Agreement and indicated its availability to continue bilateral discussion on the matter.

3.1.5 Indonesia's draft regulation on heavy metals contaminants in processed food – Concerns of China

3.18. China expressed its concerns about the arsenic limit of 0.15 mg/kg in the draft regulation notified by Indonesia, which was at odds with the 2.0 mg/kg limit stipulated in the dry baking yeast standard, issued by the National Standardization Agency of Indonesia. China stated that the internationally recognized arsenic limit for yeast was 1.5-5 mg/kg, while the arsenic limit for different types of yeast varied. In China's view, the arsenic limit in Indonesia's draft regulation was excessive, lacked scientific basis, and had a negative impact on international trade. China proposed adjusting the arsenic limit to 1.5 mg/kg-5.0 mg/kg based on the type of yeast.

3.19. Indonesia thanked China for the interest in its draft regulation notified in document G/SPS/N/IDN/142 and clarified that since 2017, the stipulated maximum limit of arsenic of 0.15 mg/kg had not changed. Referring to the import value of Chinese yeast since 2017, Indonesia did not consider that the limit in question was creating trade barriers for China. Indonesia informed that the draft regulation was developed on the basis of public consultations, followed international recommendations, was consistent with the provisions of Article 5 of the SPS Agreement, and did not discriminate between domestic and imported products.

3.1.6 Chinese Taipei's new procedure for the recognition of infectious animal disease - free status of a foreign country – Concerns of the European Union

3.20. The European Union expressed its concerns with Chinese Taipei's new procedure, notified in document G/SPS/N/TPKM/543, which required third countries to submit detailed dossiers on animal disease status, to allow for a subsequent risk assessment to be conducted by Chinese Taipei. The European Union stated that the animal disease status of its relevant products was verified by the European Commission and notified to the OIE. The European Union expressed regret that, despite its comments, the procedure had entered into force in Chinese Taipei in December 2021. In the view of the European Union, the new procedure was burdensome and inconsistent with Article 5.6 of the SPS Agreement.

3.21. Chinese Taipei explained that the procedure was established in 1992 and was most recently amended in 2021, in order to comply with OIE recommendations and take account of the current context of international animal diseases. Chinese Taipei emphasized that the procedure did not arbitrarily or unjustifiably discriminate between Members, and was consistent with the practices of other Members. To avoid disruptions to bilateral trade, a two-year grace period had been provided to applicant countries. Chinese Taipei would welcome further discussion with Members through bilateral channels.

3.1.7 Thailand's sanitary requirements on "wet blue" leather imports – Concerns of Brazil

3.22. Brazil raised its concerns about the export of wet blue leather to Thailand, which was subject to a health certificate requirement. Brazil noted that Thailand's 2015 Animal Epidemics Act B.E 2558 included wet blue leather under the definition of "carcass" and considered this to be at odds with Article 8.8.27 of the OIE Terrestrial Code. Brazil requested clarification on whether Act B.E 2558 was based on an international standard or guideline, the scientific basis on which "carcass" was defined, and whether the legislation had been notified.

3.23. Thailand clarified that its 2015 Animal Epidemics Act B.E. 2558 was implemented to prevent and control animal epidemics in accordance with FAO, WHO, and OIE guidelines. It defined wet blue leather as "carcass" and required all exporting countries to provide health certificates. Thailand informed the Committee that a bilateral consultation was held in April 2021 and that it would consider amending the Act in due course.

3.1.8 Russian Federation's SPS notification G/SPS/N/RUS/241 regarding eleven new quarantine pests – Concerns of India

3.24. India expressed concerns regarding notification G/SPS/N/RUS/241, which added 11 new quarantine pests to the Eurasian Economic Union (EAEU) Common List of Quarantine Pests. India noted that two of the listed quarantine pests, namely American dagger nematode (*Xiphinema americanum sensustricto Cobb*) and Californian dagger nematode (*Xiphinema californicum Lamberti & Bleve Zacheo*), were also present in the Russian Federation. Additionally, India informed the Committee that nine out of the eleven notified pests were not known

to occur in India and considered that these pests posed no threat to the Russian Federation, referring to Articles 2.1, 2.2 and 2.3 of the SPS Agreement and ISPM 11. India requested the Russian Federation to issue appropriate amendments or advisories to its entry points to ensure that consignments from India would not be detained.

3.25. The Russian Federation stated that, despite the presence of twelve Xiphinema nematode species on its territory, nematodes of the American group (including Bricolense dagger nematode, American dagger nematode and Californian dagger nematode) could be considered quarantine pests in the EAEU because they had not been registered in the Russian Federation nor in other EAEU countries. The Russian Federation noted that the proposed measure was in accordance with the SPS Agreement and that upon request, it could provide results confirming the phytosanitary risks of the 11 pests in question. The Russian Federation added that the importation of products which potentially contained any of those 11 pests would be subject to special quarantine requirements as specified in documents G/SPS/N/RUS/241 and G/SPS/N/RUS/243. The Russian Federation expressed its willingness to engage in comprehensive bilateral cooperation on the matter.

3.1.9 Russian Federation's phytosanitary certificate requirements for groundnut and sesame seeds – Concerns of India

3.26. India expressed its concerns regarding a new EAEU requirement to include a declaration in phytosanitary certificates stating that exported peanuts and sesame were produced in areas free of *Striga* spp.*, Callosobruchus* spp.*, Caulophilus latinasus, Trogoderma granarium*. India noted that this was not technically possible due to the small size of Striga seeds, which could easily spread. India suggested that a more feasible alternative would be to declare that the consignment was free from the above-mentioned pests. India expressed regret that this requirement had hindered its oilseed exports to the Russian Federation, and urged the Russian Federation to accept its declaration that the goods shipped from India were free from Striga and other related organisms.

3.27. The Russian Federation informed the Committee that this matter had already been discussed bilaterally, and that requests to amend EAEU phytosanitary regulations should be submitted directly to the Eurasian Economic Commission. Noting that the EAEU had responded to India's 2019 request for a change in the Striga requirement, the Russian Federation expressed its willingness to share a written answer from the EAEU with India, and to continue bilateral cooperation on this matter.

3.1.10 US undue delays in opening its citrus market – Concerns of Brazil

3.28. Brazil raised its concerns on the United States' undue delay in opening its citrus market despite more than twenty years of negotiations. Brazil explained that in an effort to avoid delays, it had proposed to break down the PRA related to all Citrus genera, to focus on market access for Brazilian lime. Brazil stated that the United States had agreed with its proposal, informing Brazil that a new PRA would not be necessary. Brazil had been informed by the US Animal and Plant Health Inspection Service (APHIS) that an internal public consultation would take place after conclusion of the Brazilian lime PRA; however, the consultation still had not been opened. Brazil was also informed by APHIS that the PRA was complete but not formally published, and expressed its concern that other countries had access to the US market despite having started negotiations after Brazil. Considering that the decision not to publish an available PRA constituted an undue delay, Brazil called on the United States to publish the PRA as soon as possible.

3.29. In response, the United States noted that following a request from Brazil, APHIS had separated Tahiti limes from all other citrus in Brazil, reassigning other citrus to a different priority level, and had completed a PRA for Tahiti limes. The United States explained that once the PRA was approved for publication, it would be published for a 30-day stakeholder consultation period. The publication of the PRA involved several steps, and the United States was working through its administrative procedures on this matter. The United States encouraged technical engagement on this matter, including as part of plant health meetings between US and Brazilian authorities.

3.2 Issues previously raised

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

3.30. Colombia reiterated its statements made in the SPS and TBT Committees and in the General Council, and referred to the new questions contained in document G/SPS/GEN/2002. Colombia emphasized that the European Union's political approach to default values, as mentioned during the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, was inconsistent with the provisions of the SPS Agreement and promoted food waste over sustainability goals. In Colombia's view, emergency authorizations granted to domestic producers were discriminatory in nature, as they were obtained more easily than import tolerances, and allowed pesticides to be used without respecting the established MRLs. Colombia referred to article 4.7 of Regulation (EC) No 1107/2009, which stipulated a five-year period for developing alternative and new pest control methods, and stated that the same time period should be granted to third-country exporters prior to lowering MRLs.

3.31. Ecuador expressed its concerns that the EU measure required the development of new technologies; an additional transition period for implementation; and financial and technical resources. Ecuador specifically referred to changes in the limits of pesticides such as chlorothalonil, mancozeb, metiram, chlorpyrifos and chlorpyrifos-methyl and recalled the economic and social impact of these measures in the banana sector. Ecuador also referred to economic recovery efforts following the COVID-19 crisis and reiterated its request for the suspension of the entry into force of this measure. Ecuador urged the European Union to take into account available scientific information, including by Codex, and provide at least 36 months for producers in developing countries to adapt. Regarding emergency authorizations, Ecuador requested that they be granted under similar conditions for producers in the European Union and in third countries. Ecuador looked forward to responses to the questions it raised in document G/SPS/GEN/2002 regarding the granting of emergency authorizations; the establishment of import tolerances; and compliance with Article 5.7 of the SPS Agreement.

3.32. The United States reiterated its concern that the European Union continued to apply the precautionary principle without completing a risk assessment, referring to document G/TBT/N/EU/827 as an example. Noting that the European Union intended to factor global environmental impacts into EU decisions on import tolerances, the United States requested clarification on how this would be justified. The United States called on the European Union to afford producers in third countries equal access to crop protection tools based on emergency authorizations, to apply MRLs at the point of production for imported products, and to extend the transition period for all MRLs to the maximum term possible. The United States submitted its statement in document G/SPS/GEN/2006.

3.33. Costa Rica reiterated its concerns regarding the EU regulatory approach and noted that these concerns had been raised in the SPS and TBT Committees and in the Council for Trade in Goods (CTG). Costa Rica thanked Colombia and other Members for the questions submitted to the European Union and called on the European Union to engage in discussions with Members on this issue.

3.34. Paraguay requested the European Union to provide written answers to the questions contained in document G/SPS/GEN/2002, raised together with Colombia, Ecuador and Guatemala. Referring to the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, Paraguay stressed the importance of international harmonization, science-based risk assessment and appropriate transition periods. Paraguay called on the European Union to reconsider its regulatory approach, base its decisions on scientific evidence in accordance with international standards, and provide adequate transition periods when necessary. Paraguay looked forward to resuming bilateral dialogue with the European Union on this issue.

3.35. Uruguay reiterated its concern about the EU approach to reduce MRLs for an increasing number of active substances without a complete risk assessment. In particular, Uruguay was concerned about the reduction of MRLs for mancozeb, imazalil, iprodione and buprofezin, which were used in a range of products. Uruguay stressed that emergency authorizations granted by the European Union to domestic producers deserved further attention, and requested written answers

to the questions contained in document G/SPS/GEN/2002. Uruguay recalled that SPS measures must be based on science and international standards, and should not constitute an unjustified barrier to trade. An adequate transition period of no less than two years should be provided for producers to adapt to new requirements. Uruguay called upon the European Union to take into consideration the concerns expressed by Members, respond to the questions raised, and reconsider its regulatory approach to avoid unnecessary barriers to trade.

3.36. Brazil reiterated its concern regarding the EU approach to pesticide MRLs. In Brazil's view, the EU regulatory approach on MRLs disregarded Codex standards, violated the harmonization principle of the SPS Agreement, lacked scientific justification, and was more trade-restrictive than necessary. Brazil underscored that risk assessment techniques should consider the relevant guidance of international standard-setting bodies (ISSBs) and recalled that SPS measures should be based on scientific evidence.

3.37. Argentina supported this concern and reiterated the need to ensure that Members applied risk-based SPS measures taking into account the techniques developed by the relevant international organizations. Argentina urged the European Union to use a risk-based approach and determine the different aspects that could affect human health and the environment on the basis of conclusive scientific studies. Argentina was concerned that the measures benefitted domestic producers with emergency authorizations for the use of prohibited substances. Argentina urged the European Union to engage in discussions with Members on this issue.

3.38. Guatemala reiterated its concern regarding the negative effects on agricultural production of the reduction of MRLs by the European Union for the substances at issue. Guatemala urged the European Union to reconsider its regulatory approach, highlighting the climatic differences between countries. In Guatemala, mancozeb was used on bananas as a fungicide to prevent black sigatoka, while chlorpyrifos was used for the treatment of mites. In Guatemala's view, productive sectors were left with limited alternative substances. Guatemala requested the European Union to provide transition periods for developing countries, identify alternative substances for use, and provide answers to the questions contained in document G/SPS/GEN/2002.

3.39. Canada reiterated the need to base decision-making processes on risk assessment techniques developed by relevant international organizations. Canada was particularly concerned by the impact of the EU approach to setting import tolerances and to the transition periods implemented. Canada sought further information from the European Union on how environmental implications would be taken into account in the EU approach to setting import tolerances. Canada requested the European Union to maintain MRLs for substances that did not pose unacceptable dietary risks, thus eliminating the need for import tolerance requests. Underlining the importance of providing advance notice between the adoption of MRLs and their entry into force, Canada invited the European Union to notify any anticipated changes in its MRLs earlier than the required 60-day notice period, and take Members' comments into account. Regarding the authorization of emergency derogations, Canada requested the European Union to clarify its approach, and avoid discrimination between domestic producers and foreign exporters.

3.40. Panama expressed its concern regarding the non-renewal of the substances at issue, in particular mancozeb. Panama recalled the need for SPS measures to be based on international standards and to avoid unnecessary barriers to trade. While supporting a global transition to sustainable agri-food systems, Panama believed this objective should be based on science and implemented through international cooperation. Panama requested the European Union to postpone the non-renewal process for the substances at issue.

3.41. Peru supported this concern and considered the measures to be more trade-restrictive than necessary.

3.42. Chile supported this concern.

3.43. The European Union provided information on the active substances at issue. Regarding chlorothalonil and chlorpyrifos, the European Union referred to its statement in the November 2021 SPS Committee meeting, noting that no new elements were available. On imazalil, the European Union noted that an import tolerance request on bananas had been withdrawn by the applicant in May 2021. Regarding mancozeb, the European Union highlighted that a draft regulation concerning the non-renewal of the active substance had been notified to the TBT Committee. Grace periods granted by EU member States had expired in January 2022, 12 months after the entry

into force of the regulation. The European Union informed Members that it had started a review process on existing MRLs for dithiocarbamates in which interested parties had been invited to contribute, as described in document G/SPS/GEN/1494/Rev.1. A scientific opinion on dithiocarbamates was expected to be published in the first half of 2022.

3.44. Regarding emergency authorizations, the European Union reiterated that EU member States were allowed to authorize the placing on the market of plant protection products, including those containing active substances that were not approved, under special circumstances. Noting that emergency authorizations were time limited, the European Union explained that import tolerances could be used to facilitate trade and were not time limited. The European Union clarified that there was no prioritization exercise regarding reviews for active substance approvals. Active substances could be approved for periods between seven to fifteen years and expiration dates were defined in a transparent manner. In addition, the European Union noted that transition periods were provided in accordance with WTO recommendations. Referring to a statement made by a representative of the European Food Safety Authority (EFSA) in the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, the European Union highlighted that its limit of quantification was less stringent than that of other WTO Members. The European Union reiterated its availability to cooperate with all Members on the issue, and indicated that it would provide written responses to the questions contained in document G/SPS/GEN/2002.

3.45. Paraguay thanked the European Union for its clarifications regarding emerging authorizations.

3.2.2 EU classification of 'anthraquinone' as a pesticide and the MRL for imported tea (ID 518) – Concerns of India

3.46. Referring to its statements in previous SPS Committee meetings, India questioned the classification of anthraquinone as a pesticide and the MRL of 0.02 mg/kg for tea. The MRL of 0.02 mg/kg was considered too low and had significantly affected Indian tea exports to the European Union. India referred to the definitions in Annex A and the requirements in Article 2.2 of the SPS Agreement and requested the European Union to share the scientific basis for setting the MRLs at 0.02 mg/kg in tea, information on the EU sampling and testing methodology for tea and international standards on which it was based, and the risk assessment undertaken for fixing the MRL at the level of quantification and the alternative measures considered.

3.47. The European Union acknowledged India's interest on this issue and indicated that no new elements were available since the issue was last discussed at the July 2021 SPS Committee meeting. The European Union recalled that authorizations for plant protection products containing anthraquinone had been withdrawn in 2009 based on Commission Decision (EU) No 2008/986, and that no Codex standard had been established. MRLs were established at the limit of quantification (LOQ) of 0.02 mg/kg for tea. The European Union remained open to further discussions with India on this issue, and was ready to provide technical assistance to interested Members on laboratory methods to detect anthraquinone upon request.

3.2.3 EU legislation on endocrine disruptors (ID 382) – Concerns of Paraguay

3.48. Paraguay highlighted the need to adopt risk-based approaches in the regulation of phytosanitary products. Regarding the last set of questions to the European Union presented in the SPS Committee, Paraguay sought information on whether the European Union would stop granting emergency authorizations for non-renewed substances.

3.49. Ecuador reiterated its concern, recalling the provisions of Article 5 of the SPS Agreement, and noting that a risk-based scientific approach was required to avoid unnecessary barriers to trade. Ecuador noted that EU reports which supported the non-approval of certain molecules, included the alleged endocrine disruption effects among the reasons for the withdrawal of authorizations.

3.50. Guatemala considered the issue of endocrine disruptors to be linked to the application of restrictive MRLs affecting agricultural production in tropical countries. Highlighting the importance of risk analysis, Guatemala stressed the need to take into account the agricultural production, disease control and environmental characteristics of other countries in the process. Guatemala reiterated the statements and requests it made in previous SPS Committee meetings.

3.51. Brazil supported this concern and recalled that the criteria for the determination of endocrine-disrupting substances needed to be established in accordance with Article 5 of the SPS Agreement,

to avoid unnecessary trade restrictions. Brazil urged the European Union to consider Members' concerns regarding the scientific criteria for the determination of endocrine-disrupting properties. Brazil highlighted the importance of conducting risk assessments that were appropriate to the circumstances, and the need to obtain the additional information necessary for an objective assessment.

3.52. Canada reiterated its request for the European Union to consider both hazards and risks in its regulatory decision-making. Canada asked the European Union to explain how it would establish the restrictions to be applied in exporting countries with respect to environmental impacts. Canada urged the European Union to conduct trade impact assessments and transparent public consultation processes on its regulatory proposals, and for regulatory changes to be no more trade-restrictive than necessary.

3.53. Uruguay reiterated its concerns regarding the EU adoption and implementation of a hazard-based approach for products with endocrine-disrupting properties. Uruguay insisted on the need to base such determinations on conclusive scientific evidence in order to avoid removing important components of pest management systems which were considered safe for use. Uruguay stressed that a hazard-based approach could have a negative and disproportionate impact on sustainable agricultural production, food security and international trade in food products. Uruguay supported the multilateral work undertaken by Codex to develop a harmonized, risk-based approach, and requested the European Union to reconsider its regulatory approach.

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

3.55. Peru supported the concern and considered that the EU regulations were inconsistent with Article 5 of the SPS Agreement, and that maintaining a hazard-based approach would lead to measures more trade-restrictive than necessary.

3.56. Chile expressed its concerns with the hazard-based cut-off criteria used for the assessment of active substances in Regulation (EC) No 1107/2009, and referred to the gradual reduction of safe and effective phytosanitary products. In Chile's view, the criteria deviated from the internationally agreed principles of risk analysis and unnecessarily lowered MRLs for substances commonly used in agriculture.

3.57. The European Union affirmed that the scientific criteria in place in the European Union to identify endocrine disruptors were based on the WHO definition. The criteria to identify pesticides had been applicable since November 2018, and also applied to ongoing procedures for the approval or renewal of active substances. The European Union reiterated that, to date, there had been no cases of non-approval of a substance solely based on endocrine disruptor criteria that had been followed by the lowering of MRLs. For all substances for which MRLs had been lowered following the non-approval under Regulation (EC) No 1107/2009, other intake concerns, in addition to their classification as endocrine disruptors, had been identified. The European Union reiterated its commitment to keep Members informed of further developments.

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

3.58. Peru raised its concerns regarding Commission Regulation (EU) No 488/2014, establishing maximum levels (MLs) for cadmium in chocolate and other cocoa products that, in practice, had a negative impact on trade in cocoa beans and cocoa. Peru highlighted the trade performance and the social importance of the cocoa production chain, and was of the view that the EU regulation violated Article 2 of the SPS Agreement and created unnecessary barriers to trade. Making reference to JECFA/91/SC, dated 5 March 2021, Peru noted that the contribution of cadmium from cocoa-derived products remained insignificant, including in high-consumption countries, and that the application of MLs of cadmium in chocolate and cocoa derivatives would not significantly reduce dietary exposure to cadmium. Peru called upon the European Union to rescind Commission Regulation (EU) No 488/2014 with respect to chocolate and other cocoa products. Peru submitted its statement in document G/SPS/GEN/2010.

3.59. The European Union thanked Peru for its continued interest on this issue and noted that no new elements were available since the November 2021 SPS Committee meeting. The European Union recalled that it had granted a transition period of 5 years to comply with the legal requirements of the measure concerning cocoa and chocolate products. The European Union added that the MLs were established on finished products, and did not apply to intermediate cocoa products. Noting the toxicity of cadmium, the European Union stressed that the measure was necessary to protect human health. The European Union noted that it was providing targeted technical assistance in Peru and neighbouring countries within the framework of the Clima-LoCa programme which fostered the development, implementation and scaling of low cadmium production practices and technologies. The European Union reiterated its commitment to work constructively with Members to address outstanding issues.

3.2.5 EU regulatory approach to maximum levels for contaminants (ID 519) – Concerns of Canada

3.60. Canada considered that the EU implementation of the precautionary-based regulatory decision-making requirements under Regulation (EC) No 1881/2006 was leading to the lowering of maximum levels (MLs) for contaminants in many food products. In recent bilateral engagement with the European Union, Canada reiterated that the MLs did not align with international standards and would negatively impact trade for many products. In particular, Canada was concerned with the negative trade implications of the EU approach to the regulation of MLs of cadmium in cereals, pulses and oilseeds; ergot and ergot alkaloids in cereals; and cyanogenic glycosides in linseed. Canada urged the European Union to extend the transition period to allow industries sufficient time to adapt. Finally, Canada indicated that it would be providing comments on a draft EU regulation notified to the WTO that cited new and lower MLs for hydrocyanic acid (including those bound in cyanogenic glycosides) for certain food stuffs.

3.61. Brazil expressed its concerns with the EU approach to the regulation of maximum limits in food products under Regulation (EC) 1881/2006, noting that it disregarded Codex standards. Brazil stated that SPS measures should be based on scientific evidence and MLs should be defined on the basis of realistic exposure scenarios rather than on a presumption of hazard. Brazil further noted that the potential trade impact should be taken into account, in accordance with Article 5.4 of the SPS Agreement.

3.62. Ecuador noted that in different Codex technical committees, including the Codex Committee on Contaminants in Food, MLs for contaminants in food were determined using a risk analysis in order to avoid health impacts and unnecessary barriers to trade. For some contaminants such as cadmium, Ecuador noted that the FAO/WHO Expert Committee on Food Additives (JECFA) had conducted some toxicity studies, which demonstrated that the determination of an ML should be primarily concerned with avoiding trade barriers, as there was no proven adverse effect on human health.

3.63. In its response, the European Union noted that answers had been provided to Canada's comments on notifications G/SPS/N/EU/466 and G/SPS/N/EU/479. The European Union explained that the measures in question were based on a risk assessment and considered relevant consumption patterns and levels of dietary risk. According to the European Union, the population's exposure to cadmium should be reduced in view of its toxicity and possible health risks. The MLs for cadmium had been established at levels as low as reasonably achievable, considering the occurrence data for cadmium in the specific foodstuffs from various origins, in order to ensure a rejection rate of 5% or lower. The expected effect on trade was thus limited.

3.64. The European Union confirmed that the new ML established for ergot sclerotia in wheat and durum wheat (0.2 g/kg, established on safety considerations) was lower than the one established in CXS 199/1995 (0.5 g/kg, established as a quality factor). Taking into account EFSA's scientific opinion and JECFA's assessment in its 91st meeting, it was necessary to establish MLs for ergot alkaloids in cereals and cereal products to ensure a high level of human health protection. According to the European Union, the established level was readily achievable by applying good practices. The European Union further confirmed that the proposed ML for ergot alkaloids did not apply to bulk raw grain, but to cereals placed on the market for the final consumer. As such, the European Union was of the view that these concerns did not justify a further deferral of the application of the MLs for ergot alkaloids. Concerning the MLs for hydrocyanic acid in certain foods, including linseed, the European Union noted that Canada's comments had been considered, that the maximum level established for food had been aligned to the maximum level for hydrocyanic acid in

linseed for feed in place for more than 45 years in the European Union, and that the outcome of technical discussions on this matter had been notified as draft measures in G/SPS/N/EU/546. The European Union reiterated its commitment to discuss the issue bilaterally with Canada.

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

3.65. Referring to its statements in previous SPS Committee meetings, the United States reiterated its concerns regarding the implementation of the EU legislation on veterinary medicinal products (Regulation (EU) No 2019/6). Noting that the European Medicine Agency (EMA) had published the recommended list of antimicrobials that would be reserved for human use, the United States asked the EU Commission to follow the scientific recommendations of the EMA in the delegated acts that will formalize the implementation of article 118. The United States noted that delays in the implementation of the EU veterinary medicine legislation were leading to significant uncertainty for producers. The United States requested information on how the list of antimicrobials reserved for human use would be maintained to ensure fair, transparent, and science-based risk assessment and urged the European Union to base its regulations on science and risk, and to consider the impact of its SPS measures on global animal health, food security, trade, and agricultural sustainability. The United States submitted its statement in document G/SPS/GEN/2007.

3.66. Japan reiterated previous requests for information on the list of prohibited antimicrobials and the Orders relevant to the implementation of Section 118. Noting that the measure had entered into force on 28 January 2022, Japan urged the European Union to notify the list of antimicrobials exclusive for human use; to provide sufficient time for Members to submit comments and take these comments into account; and to set a sufficient transitional period. Japan also drew the Committee's attention to a provisional measure by France imposing restrictions on meat processed from livestock to which growth-promoting antimicrobials had been applied. Stating that the measure was announced on 22 February and was expected to enter into force from 22 April, Japan considered that the application of this measure without a notification nor a sufficient transitional period would be problematic and hoped for an explanation on this matter.

3.67. Highlighting its low rates of AMR, Australia recalled the ongoing implementation of its national AMR strategy and expressed support for the international efforts to set standards for AMR. Australia was concerned that unilateral AMR trade policies would be inconsistent with the outputs from ISSBs and emphasized that international engagement on AMR mitigation should be sustained through realistic and practical international standards and policies. Australia considered it was essential that antimicrobials for treatment, control and prevention of infectious animal diseases be retained to support animal health and welfare and food security. Australia called on the European Union to consider approaches that recognized third countries' AMR settings, along with the different conditions, availability of antimicrobials and disease prevalence in those countries, before releasing the proposed list of reserved antimicrobials. Referring to the delays in the implementation of the veterinary medicine legislative package, Australia requested an update on the release date for the final antimicrobials list, clarification on the expectations of compliance with the new requirements and the transition period offered.

3.68. Brazil noted the potential burden of the EU regulation on producers due to the introduction of sanitary requirements that were more trade-restrictive than necessary. Expressing its support for international efforts to develop multilateral harmonized guidelines on AMR, Brazil urged the European Union to consider the ongoing global efforts by the WHO, the OIE and FAO, as well as the work of the Codex Taskforce on Antimicrobial Resistance. Brazil reiterated the importance of a safe, harmonized, and science-based framework for trade in animal products for the promotion of food safety and food security, and hoped that when the list of antimicrobials was published, Members would be allowed sufficient time to provide comments which could be duly considered.

3.69. Argentina expressed appreciation for the dialogue with the European Union on this subject and reiterated its concerns regarding the final list of antimicrobials reserved for human use and the implementation of article 118 of Regulation (EU) No 2019/6, which required third countries to demonstrate the non-use of those antimicrobials. Argentina considered it necessary to have early access to the evaluations used to create the list and information on transition periods, and requested that the measures be science-based and avoid unnecessary barriers to trade.

3.70. Paraguay referred to G/SPS/N/EU/478/Add.1, noting that the measure applied from 28 January, but the list of antimicrobials had not yet been notified. Paraguay requested the

European Union to notify the list, explain how article 118 would apply to third countries, and allow a sufficient transition period for producers. Paraguay also expressed concerns regarding France's import ban on meat from animals in which antimicrobials were used as growth promoters, and requested further information on the measure as it had not been notified. Paraguay also prohibited the use of antimicrobials as growth promoters and was interested in knowing whether the requirements to demonstrate compliance would be the same. Paraguay added that a measure by one EU member State, which was still being discussed in the European Union and could be implemented without being notified, created a lack of predictability.

3.71. Uruguay highlighted that under the SPS Agreement, measures needed to be based on international standards, or conclusive scientific evidence, and noted that in this case, the specific needs and realities of different countries should be considered. Regarding the recommendation on antimicrobials and antimicrobial groups to be reserved for the treatment of certain infections in humans included in the EMA scientific opinion of 16 February 2022, Uruguay requested confirmation that this would be used to develop the implementing act under Article 37 (5) of Regulation (EU) No 2019/6. Uruguay also asked when the implementing act under Article 37 (5), and the Delegated Act under Article 118 would be notified to the SPS Committee, and when the final rules would enter into force, in particular for third parties. Uruguay reiterated the need to communicate measures and draft measures, allow sufficient time for comments, and take Members' comments into account. Uruguay also explained that in case of significant regulatory changes, transition periods should take account of the realities of affected sectors and products.

3.72. Canada expressed its support for the coordinated international efforts to combat AMR. Acknowledging the entry into force of the EU veterinary medicinal products regulation on 28 January 2022, Canada noted that two implementing legislations had not been released and created uncertainty and unpredictability for EU trading partners and industry stakeholders. In Canada's view, it was imperative for trading partners to have the information needed to adapt to any new requirements. On 1 March 2022, the EMA had published an overview of what the potential list of antimicrobials to be reserved for human use could entail. Canada urged the European Union to share and notify the list of antimicrobials reserved for human use and the import controls for third countries related to veterinary medicinal products, to allow for comments and to take these comments into account when finalizing the measure. Canada also requested the European Union to provide a sufficient transition period based on the realities of production systems and product storage.

3.73. The European Union reiterated that Regulation (EU) No 2019/6, which applied from 28 January 2022, would strengthen EU action to fight AMR, following the European One Health Action Plan against AMR. Noting that the EU regulations on veterinary medicines and medicated feed would impose stricter rules on EU operators than on those in non-EU countries, the European Union considered that the import provisions should not be seen as a trade barrier but as part of the overall fight against AMR. The European Union provided a detailed state-of-play regarding the preparation of two remaining draft legal acts, and committed to keep Members informed of any future developments to avoid trade disruptions. Regarding the French Ministerial Order adopted on 22 February 2022, the European Union and France held extensive consultations on the matter, including on the issue of notifying the measure to the WTO. The European Union underscored the importance of international collaboration and expressed its continued engagement with trading partners and other WTO Members in the fight against AMR to promote and support effective strategies to prevent and contain the global threat of AMR.

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

3.74. Australia reiterated its concerns that China's continued enforcement of emergency measures to prevent the risk of COVID-19 transmission via food products, such as those notified in G/SPS/N/CHN/1173, those outlined in GACC Announcement No. 103 of 2020, and its prevention measures released on 30 January 2022, were not based on scientific evidence and offered a less favourable treatment than that afforded to domestic goods. Australia questioned the consistency of China's measures with revised WHO/FAO guidance, requested an update on China's review of emergency measures for food businesses related to COVID-19 and the notification of China's additional measures related to COVID-19, and asked for an update on the timeframe for lifting suspensions applied to Australian export establishments. Australia was of the view that China's COVID-19 measures, including at borders, were increasingly discriminatory towards foreign imports. Australia indicated its willingness to work with China and other Members to ensure that

measures to prevent the spread of COVID-19 were science- and risk-based, took account of the latest available pertinent information and minimized unnecessary impacts on trade.

3.75. Canada emphasized the importance of basing COVID-19 related measures on sound scientific principles and risk assessments, and drew the Committee's attention to the recently updated WHO/FAO guidance on COVID-19 and Food Safety. Canada questioned the scientific basis for China's measures relating to COVID-19 as notified in G/SPS/N/CHN/1173 and expressed concerns on the lack of clarity, transparency and predictability of the measures, in particular regarding the reinstatement process for suspended establishments. Canada noted that multiple reinstatement packages had been submitted to China, and urged China to respond to its requests, reinstate all suspended establishments without undue delays, and base its SPS measures on sound scientific principles. Canada called on China to work more collaboratively with its trading partners to avoid unnecessary trade barriers.

3.76. Reiterating its concern on China's measures, the United States explained that China had not provided scientific justification to support the need and effectiveness of the emergency measures notified in G/SPS/N/CHN/1173. The United States referred to the updated WHO/FAO guidance, and encouraged China to withdraw its measures and support the guidance of international organizations on COVID-19. The United States also encouraged China to share the process to reinstate establishments as eligible for export to China and to resume the exports from two poultry production facilities suspended on the basis of COVID-19 related concerns. The United States submitted its statement in document G/SPS/GEN/2005.

3.77. India reiterated its concern regarding the indefinite suspension of exports from over 50 fish and fishery product establishments on the basis of presence of COVID-19 nucleic acid on the packaging of frozen products. China had not shared the relevant test reports, hindering detailed investigations in India. Following the WHO/FAO guidance, Indian exporters had implemented stringent preventive controls. India requested China to share the relevant reports that had led to the export restrictions or allow exports from the delisted units.

3.78. Stressing the need to base SPS measures on scientific principles and the importance of international cooperation, Japan expressed concerns on whether China's analysis was consistent with the updated WHO/FAO guidance, and requested China to clarify the risk assessments and scientific evidence that supported its measures.

3.79. The United Kingdom also referred to the WHO/FAO guidance, and further specified that the detection of virus or viral ribonucleic acid remnants on foods and food packaging did not confirm the transmission of SARS-CoV-2 to people in contact with contaminated products. The United Kingdom considered that available scientific evidence did not support the continuation of China's testing requirements, nor its policy of point-of-entry rejections and establishment suspensions. Citing Article 2.2 of the SPS Agreement, the United Kingdom asked whether China would review its COVID-19 related import measures in line with global scientific consensus, and invited China to share any relevant scientific evidence for its measures.

3.80. Switzerland expressed its concern regarding the additional requirements on imported food products linked to COVID-19 established by China without having shared the risk assessment or the scientific justification. Switzerland considered that the measures, as well as related public statements, undermined consumer trust towards imported food products. Switzerland stressed the importance of transparency and noted that Members should respect the rules-based multilateral trading system.

3.81. Referring to the WHO/FAO guidance, the European Union considered that Chinese policies for agri-food products were not proportionate and caused uncertainty, delays and increased costs. The European Union invited China to share its risk assessment, scientific evidence and data which justified its measures and to review them in light of the recent international guidance. The European Union expressed its concerns with government authorities publicly dissuading Chinese consumers from purchasing foreign goods due to COVID-19 risks, and further stated that unnecessary verification measures were harmful to food security, food prices and global trade and may undermine public trust.

3.82. China responded that it had conducted a comprehensive analysis of surveillance data on food products and their packaging, which concluded that cold-chain foods and their packaging could become carriers of the virus if in contact with infected people. China explained that since 2020, it had found positive COVID-19 test results on multiple occasions on the outer and inner packaging

of imported cold-chain products. Referring to data as of March 2022, China noted that a significant number of COVID-19 detections were found in consignments from India. China had adopted graded and classified treatments based on a scientific evaluation of transmission risk, to deal with cold chain food packaging which had tested positive. For low-level risk, the cold chain food was allowed to enter normal production, marketing, and consumption. China added that imports from a particular company would be resumed once the company had taken active and effective actions to eliminate the relevant risk.

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

3.83. Australia expressed its concern regarding delays in the registration processes of China's Regulation on Registration and Administration of Overseas Manufacturers of Imported Foods. Noting that approval procedures should be undertaken without undue delays and in a non-discriminatory manner, Australia stressed that it had provided the relevant information for the registration of establishments, which had not been reflected in China's registration system. Australia requested China to adopt a flexible approach to the implementation of the measure until 1 July 2023, allowing entry of products from registered facilities in line with historical trade; notify the guidance on the regulation to the Committee; and provide information on the regulation to its trading partners, for example, through an information session. Australia expressed its willingness to further work with China on these issues.

3.84. Canada reiterated its concern regarding China's administrative measures. Canada regretted that China had not engaged with trading partners prior to the implementation of the online China Import Food Enterprise Registration (CIFER) system, and that no reasonable transition period had been provided for adaptation to the new system. Noting the successful bilateral arrangements between both countries, Canada was concerned that China's administrative measures were overly burdensome and went beyond the extent necessary to protect against food safety risks. Canada regretted that Member's comments on Decrees 248 and 249 had not been taken into account prior to their adoption and publication, and that requests for delays in their implementation had not been considered. Canada requested China to provide an 18-month grace period, until 1 July 2023, in which establishment information in CIFER would not be used to determine export eligibility; to establish an enquiry point to respond to Member's queries on the registration process; to outline relevant timelines in a transparent manner; and to provide further information and clarifications on the implementation of Decrees 248 and 259 and CIFER. Canada looked forward to bilateral discussions with China on this issue.

3.85. The European Union noted that several EU member States had reported cases of consignments held at Chinese ports due to errors in the information available in China's online system. The European Union urged China to provide an 18-month grace period allowing registered establishments to export related products, maintain an open dialogue to solve implementation issues, provide guidelines on registration in English, and provide guidelines on the verification of establishments registered under the fast-track procedure.

3.86. Sharing the concern, Japan sought clarification from China on the type of information required for registration following discrepancies between the information contained in Article 10 of the regulation, and the information available on the CIFER system as well as the scope of Decree 248. Japan noted that the list of commodities for which facility registration was required changed frequently, which resulted in unnecessary barriers to trade. Recalling the obligations established in the SPS Agreement, Japan requested China to take Members' comments into account, provide a grace period until 1 July 2023 to allow imports from registered facilities, establish contact points between exporters and China's customs authority, and hold an information session on the operation of the Decree.

3.87. The United States reiterated its concern regarding China's lack of response to requests for scientific justification and clarification on how the measures established in Decrees 248 and 249 would address food safety and public health concerns. The United States urged China to provide the risk assessments used in the development of the Decrees. Noting instances of shipments held at Chinese ports due to a broadening of the scope of HS codes subject to the measure, the United States requested China to allow entry of products from registered facilities until 1 July 2023, to provide a contact point at China's customs authority to address concerns regarding the

online registration system, and to hold an information session in Geneva on the implementation of the Decrees. The United States submitted its statement in document G/SPS/GEN/2004.

3.88. Norway remained concerned that China's measures were more trade-restrictive than necessary, and noted that there were outstanding questions and clarification needed on the new requirements and registration processes. Regarding the CIFER system, Norway stressed that the lack of information in English and occurrence of technical errors had created additional burdens on its competent authorities. Norway urged China to engage in dialogue to solve the implementation issues, and to make adjustments to the CIFER system as necessary.

3.89. Switzerland regretted that the measure included all food categories irrespective of their risk profile and seemed to be more trade-restrictive than necessary. Switzerland urged China to brief Members on the implementing rules, and to allow entry of products from registered facilities until 1 July 2023.

3.90. The United Kingdom regretted that China had not considered delaying the implementation of the measures as requested by several Members in previous Committee meetings, and believed that certain aspects of China's measures, such as the requirement to audit establishments exporting low-risk products, were overly burdensome. Recalling the provisions of Article 5.6 of the SPS Agreement, the United Kingdom requested China to review its measures for an application that would not be more trade-restrictive than necessary.

3.91. Korea reiterated its concern regarding China's administrative measures on the registration of overseas manufacturers of imported foods. In Korea's view, certain provisions of the regulation, such as those related to low-risk products, were more trade-restrictive than necessary. Highlighting the provisions of Article 5 of the SPS Agreement, Korea requested China to provide the scientific evidence underpinning the requirements. Korea urged China to reconsider its decision on the registration of establishments, and to provide a contact point to facilitate the review of online information for exporters.

3.92. Chinese Taipei stressed that the lack of information on registration requirements and operational guidance posed difficulties in the implementation of the measures. Chinese Taipei questioned the alignment of the measures with the relevant provisions of the SPS Agreement, such as those related to risk assessment and scientific justification. Chinese Taipei urged China to designate a contact point to address concerns surrounding the measures, to provide a grace period for its implementation, to temporarily allow entry of all products from registered facilities, and to hold an information session to provide further information on the implementation of the measures.

3.93. China indicated that the revision of the draft Administrative Measures for Registration of Overseas Manufacturers of Imported Foods was compliant with international rules and common practices, and that Members' comments had been adopted and a transition period had been provided. A number of supporting documents had been made available to Members, such as the interpretation of the regulation, guidance and relevant forms for registration application, and an operating manual of the registration information system. China noted that it had contacted several Members in September 2021 to provide information on the requirements and procedures for the registration process. Video conferences were held with 114 Members, and training sessions had been conducted for over 2,000 overseas manufacturers. China noted that, as of 10 March 2022, over 100 Members had provided the list of enterprises recommended for registration, and a total of 67,626 overseas manufacturers in 32 food categories had been registered. In China's view, the implementation of the measure went well.

3.2.9 Concerns with transparency, delays and due process associated with China's import requirements for agricultural goods (ID 524) – Concerns of Australia

3.94. Recalling the obligations in Article 5.8 of the SPS Agreement, Australia remained concerned with China's increased inspections and testing measures at the border which had been initiated without prior notice, did not appear to be based on scientific evidence and had led to trade constraints across a range of agricultural products. Australia would welcome bilateral engagement on these matters, and urged China to respond to its requests for information, provide details of its inspection and testing measure and engage with Australia on its proposals.

3.95. China stated that it had notified the SPS measures to the WTO and to relevant Members in a transparent and timely manner, and called on Australia to strengthen its supervision of export enterprises in accordance with bilateral agreements to ensure the safety of products.

3.96. Australia clarified it had provided information outlining its food safety and biosecurity system and was awaiting a response from China on investigations following non-compliance reports. Australia regretted that China had not engaged with Australia on these investigations, and that technical submissions had not yet been answered.

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

3.97. Australia reiterated its concerns with the long delays and lack of transparency in China's approval and administrative process for agriculture and fisheries exports. Australia noted that it was waiting for China to approve establishment registrations, and to update administrative listing changes. Australia requested China to provide information on the assessment and approval of products as well as the lifting of restrictions on suspended establishments. Australia reminded China of the obligations of Article 2.3 of the SPS Agreement, and welcomed engagement to discuss these issues.

3.98. Canada continued to experience undue delays in China's approval procedures for the import of food products and foreign establishments, and was awaiting updated information on over 10 lists of Canadian products and facilities eligible to export. The delays, lack of transparency and rationale in the approval procedures for foreign establishments led to unjustified barriers to trade and administrative burdens. Recalling the obligations in Annex C of the SPS Agreement, Canada urged China to update and publish the lists of Canadian products and establishments awaiting registration or approval; to provide timelines for approval of Canadian food products and establishments; to transmit the result of the approval procedures; to provide the reason why Canadian products and establishments had not been approved; to explain any delays; to limit information requirements to what was necessary; and to ensure transparent and predictable approval procedures.

3.99. The United Kingdom noted that its trade continued to be affected by undue delays and lack of transparency in China's approval procedures. The United Kingdom waited for China's response on the re-listing of three pork establishments following China's technical requests and the facilitation of virtual inspections. The United Kingdom requested China to apply its approval procedures in a timely and predictable manner, in accordance with Annex C of the SPS Agreement.

3.100. The European Union supported the concern and called for transparent, predictable and swift approval procedures and for the listing or re-listing of establishments in line with agreed international standards. The European Union was concerned about the focus on COVID-19 control measures in establishment audits, as well as the short notice of the announcement of these audits. The European Union requested China to ensure the application of SPS measures in a non-discriminatory and predictable manner, and to remove unnecessary barriers to trade.

3.101. China noted the recurring incidents in recent years involving Canadian and Australian products, including detection of the COVID-19 virus on Canadian aquatic products and chloramphenicol residues in imported Australian beef products. Non-compliance issues had been communicated to the exporting Members in accordance with relevant international guidelines. China urged the Members concerned to look into these cases, make the relevant rectifications and inform China of the results, in order to carry out assessments and evaluations to adjust the relevant measures.

3.102. Canada responded to China by emphasizing the adherence of all Canadian federally licensed establishments to internationally accepted standards and food safety requirements. In case of any potential food safety risks, appropriate actions were taken immediately by Canada to prevent contaminated foods from entering the domestic and international food supply.

3.103. In response to China, Australia underscored the high standards of its food system and the quality of its agricultural products. Australia regretted that China had not honoured its WTO commitments, the lack of progress on market access requests, and the unresponsiveness to the requests for engagement. Australia highlighted that it had responded to all requests for information from China and had undertaken corrective actions in a timely and transparent manner.

Noting that other trading partners had also raised concerns on delays and lack of transparency, Australia believed that China's actions were inconsistent with WTO obligations.

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

3.104. Brazil explained that since February 2020, Saudi Arabia had suspended exports from Brazilian poultry-producing plants without scientific justification. Brazil considered Saudi Arabia's policies to be at odds with Articles 2 and 5 of the SPS Agreement. Brazil informed Members that on 27 January 2022, Saudi Arabia had authorized the suspended plants to export poultry, although the suspensions had not been formally withdrawn. In Brazil's view, this demonstrated that the measures were neither justified nor based on a proper risk analysis. Brazil requested clarification on the sanitary concern which justified suspending Brazilian poultry establishments, while still allowing them to export to Saudi Arabia.

3.105. Referring to its statements in previous meetings, Saudi Arabia stressed that the measures imposed on Brazilian establishments were intended to ensure food safety and the protection of human health and were consistent with the SPS Agreement. Saudi Arabia informed Members that the issue was discussed bilaterally with Brazil in December 2021 and January 2022, and that concrete actions had been proposed and were in the final stages of implementation. Saudi Arabia urged Brazil to continue the bilateral discussion, and reaffirmed its commitment to transparency by notifying any new proposed changes to its SPS measures.

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

3.106. Peru raised its concern regarding Panama's undue delays in renewing authorizations for fishery and livestock enterprises. Peru considered Panama's actions to be inconsistent with Articles 2.2, 5.1 and 8, and Annex C of the SPS Agreement, noting that no response had been provided by Panama concerning the pending requests for authorization. Peru emphasized that Panama had not communicated the anticipated processing period, and that the timeframe to renew authorizations was uncertain. Peru requested a written response from Panama on its queries in relation to Annex C of the SPS Agreement, which were raised in February 2022 during the Trade Policy Review of Panama. Peru submitted its statement in document G/SPS/GEN/2011.

3.107. Chile expressed its concerns regarding Panama's refusal to process new authorizations, as well as the lack of clarity surrounding the renewal of establishments exporting to Panama. Noting that there were over 50 Chilean livestock and fisheries establishments with expired or expiring authorizations, or with pending requests for first-time authorizations, Chile urged Panama to respond to these requests. Chile indicated its availability to coordinate bilaterally with Panama to identify solutions, including remote inspections or documentary audits, and avoid unnecessary obstacles to trade, and urged Panama to comply with Article 8 and Annex C of the SPS Agreement.

3.108. Costa Rica supported this concern regarding Panama's trade-restrictive practices. Costa Rica called on Panama to address Members' concerns, which were indicative of an inadequate application of SPS measures and a non-observance of the obligations in the SPS Agreement.

3.109. Panama indicated that it was coordinating with capital to respond to Peru's concerns, and was also coordinating with Chile to address its concerns. Panama reiterated its willingness to work with Members in the search for mutually satisfactory solutions in this matter.

3.2.13 Bolivia's import restrictions on agricultural and livestock products (ID 530) – Concerns of Peru

3.110. Peru expressed concerns over various restrictive measures applied by Bolivia on Peruvian exports of agricultural products, such as potatoes and onions. In Peru's view, these measures were inconsistent with Article XI of the GATT 1994 and Articles 2, 3, 5, 7, 8 as well as Annexes B and C of the SPS Agreement. Peru urged Bolivia to lift the restrictions on Peruvian exports of perishable goods as well as trout. Peru submitted its statement in document G/SPS/GEN/2009.

3.111. Bolivia considered that the issues were of a technical nature and had been discussed in various bilateral meetings. Bolivia reiterated its willingness to continue open and transparent communication with Peru on this matter.

3.2.14 General import restrictions due to BSE (ID 193) – Concerns of the European Union

3.112. The European Union reiterated its concerns regarding unjustified and long delays in certain Member's approval of beef imports from the European Union in light of BSE. In its view, the delays in the approval procedures of some Members, in particular Argentina, Australia, Brazil, China, Egypt, Jordan, Korea, Malaysia, Mexico, South Africa, Chinese Taipei and the United States, were inconsistent with Article 8 and Annex C of the SPS Agreement. The European Union urged all Members to comply with their obligations under the SPS Agreement; to apply international standards; to lift remaining BSE-related restrictions; and to engage with the European Union to finalize the assessment of pending market access requests.

3.113. Switzerland supported this concern, noting for example that it had been recognized by the OIE as having negligible BSE risk for more than a decade, but continued to be on China's "list of animals and their products prohibited from being imported from countries where animal diseases are endemic". Switzerland urged trading partners to lift remaining import restrictions due to BSE, and to allow imports of beef products from Switzerland.

3.114. In response, China referred to its statement on eAgenda, which reiterated its previous position on this issue.

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

3.115. The European Union regretted that South Africa maintained country-wide bans on poultry products from 14 EU member States following HPAI outbreaks, and had not lifted the trade restrictions in line with OIE recommendations. The European Union considered the measure to be at odds with Article 6 of the SPS Agreement. South Africa had carried out inspections in certain EU member States, and was familiar with EU veterinary services and the EU policy and regionalization system. The European Union called for South Africa to respect its obligations.

3.116. South Africa referred to a technical meeting with the European Union held in November 2021, in which it had agreed to continue engagement with the European Union with a view to finding solutions.

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

3.117. The European Union raised its concern regarding China's imposition, since 2015, of country-wide bans on several EU member States on account of highly pathogenic avian influenza (HPAI). The European Union explained that there were no records that HPAI outbreaks were attributable to trade in poultry meat and by-products, which took place regularly among disease-free areas of EU member States as well as between the European Union and third countries. The European Union had repeatedly requested China to lift country-wide import restrictions in accordance with the OIE Terrestrial Code and to recognize the principle of regionalization. The European Union regretted the lack of progress towards the resolution of this longstanding issue.

3.118. China highlighted that HPAI was a serious infectious disease affecting the poultry industry which continued to occur in some EU member States, affecting both wild and domestic poultry. China had suspended imports of live poultry from the European Union to protect the safety of its poultry industry. China welcomed extensive technical exchanges with the European Union and its member States through bilateral and multilateral channels.

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

3.119. The European Union expressed its concerns regarding China's ASF-related country-wide import bans on pork products from EU member States, including from those that had successfully eradicated the disease in livestock and wildlife and regained a disease-free status in accordance with

OIE rules. The European Union explained that since 2015, China had expanded rather than lifted the unjustified trade bans, despite having the same sanitary profile as the European Union. The European Union requested clarification on the difference in the risk profile between imported and domestically-produced pork products. The European Union called on China to respect its obligations under the SPS Agreement and OIE standards, to allow trade from disease-free areas, and to engage in meaningful, solution-oriented exchanges.

3.120. China referred to recent reports of ASF. Noting the ongoing trade with some EU member States and the regional technical exchanges on ASF with France and Germany, China encouraged bilateral applications from EU member States for export licenses on the premise that the risk could be controlled. China expressed its willingness to carry out technical exchanges and to cooperate with the European Union.

3.2.18 Mexico's import restrictions on pork (ID 489) – Concerns of Brazil

3.121. Brazil reiterated concerns regarding Mexico's restrictions on pork imports from Santa Catarina. Brazil explained that Santa Catarina had been recognized by the OIE as free from FMD without vaccination for almost 15 years, and FMD had last occurred almost 30 years ago. Referring to Mexico's concerns with the guarantees offered by Brazil on export safety and regionalization, Brazil noted that Mexico imported from another country which offered similar guarantees and considered that this was discriminatory. Underscoring the effectiveness of its National Program on Swine Health, Brazil considered that exports of pig meat to Mexico presented no risk since they came from a zone free from classic swine fever and FMD, as recognized by the OIE. Brazil also informed Members that it had not received a response on its proposal for future pork imports from Brazil to be processed by Mexico's food industry before reaching Mexican households. Regarding Normative Instruction No. 52 and Santa Catarina State Law No. 17.829, Brazil emphasized that there was no conflict as both rules did not allow the entry of cattle into Santa Catarina from other Brazilian states that were subject to vaccination, and both rules allowed cattle from states that were free from FMD without vaccination, as recommended by the OIE. Brazil asked Mexico to confirm that this information was clear, and also requested Mexico to indicate the guarantees it required from countries that were not FMD-free to export to Mexico. Brazil argued that Mexico's restrictions were inconsistent with the principles of non-discrimination, harmonization and regionalization, and with Decision G/SPS/48.

3.122. Mexico noted that its measures systematically recognized the principles of the SPS Agreement, and that it remained concerned with the guarantees offered by the Brazilian authorities to demonstrate export safety with respect to regionalization. Mexico noted that in addition to a review of the technical information provided on the control of FMD in the state of Santa Catarina, a legal analysis of the normative instruments was ongoing in accordance with the SPS Agreement and the relevant international standards. Preliminary findings indicated that the epidemiological surveillance system being evaluated was not equivalent to that of Mexico. Noting differences in risk assessment methodologies, Mexico indicated that it was evaluating a request from Brazil to analyze the data using probabilistic parameters. Regarding its risk assessment procedures, Mexico noted that it took the sanitary status into account in accordance with OIE recommendations, while also applying the national legislation. In response to Brazil's queries, Mexico considered that the review of the regulations in question did not provide sufficient clarity and showed contradictions in light of OIE recommendations. Mexico also stated that it did not import pork from countries with FMD, hence the conditions for allowing entry could not be provided. Noting that risk mitigation measures for FMD must be applied and certified by, and in, the country of origin, as established by the OIE, Mexico did not consider Brazil's request as viable, as the animal health guarantees were not yet in place.

3.2.19 Chinese Taipei's import restrictions on poultry and beef (ID 521) – Concerns of Brazil

3.123. Brazil considered restrictions on poultry and beef imports to Chinese Taipei to be at odds with Articles 5, 8 and Annex C of the SPS Agreement. Brazil regretted that questions concerning animal health or food safety had been asked again although Brazil had already provided the necessary information. In February 2022, Brazil had provided responses to a questionnaire from Chinese Taipei about processed poultry, and sought clarification from Chinese Taipei regarding the completeness of the document and the time limit for the analysis of the documents submitted.

3.124. Chinese Taipei explained that, regarding poultry meat products, exporting countries had to be recognized as free from HPAI and Newcastle disease (ND). Brazil was recognized as HPAI-free, but not as ND-free, based on the results of a risk assessment. Chinese Taipei invited Brazil to conduct active surveillance and apply other measures in accordance with OIE guidelines, and to submit supplementary information for review, for recognition of ND freedom. Chinese Taipei would notify Brazil of the results of the review of the responses provided to the questionnaire of food safety on poultry, and confirmed receipt of the dossiers for market access for Brazilian heat-treated poultry meat in February 2022. Regarding beef, Brazil needed to submit a food safety questionnaire, and as a BSE-occurring country, a BSE questionnaire was also requested. Chinese Taipei acknowledged reception of the supplemental documents of the food safety and BSE questionnaires, which would be reviewed in the order of applications. Chinese Taipei explained that the progress of review depended on the completeness of documents and the reply would be given as soon as possible.

3.2.20 China's restrictions on bovine meat imports (ID 510) – Concerns of India

3.125. India reiterated its concerns on import restrictions imposed by China based on India's FMD status. The concerns persisted despite the STC raised, the bilateral Memorandum of Understanding (MoU) signed in 2013, the clearing by China in 2017 of 14 centres for the export of bovine meat from India, and the similar FMD conditions prevailing in China and India. India also emphasized that China imported bovine meat from countries that had not been listed by the OIE as free from FMD in OIE resolution No. 13. India pointed out that it had a recognized official FMD control programme and had been exporting frozen buffalo meat since 1969 to over 70 countries. India stated that its production of buffalo meat was a regulated industry and considered that China's measures were inconsistent with Articles 2.2, 2.3, 3.3 and 5.1 of the SPS Agreement, and requested China to lift the restrictions and allow bovine meat exports from India.

3.126. China explained that the ban on imports of Indian beef and its products was established in accordance with the principles of regional management of FMD and with OIE standards, in light of the outbreaks of this disease in India in recent years. China noted that, based on an expert assessment, it could not lift the ban since FMD had not been effectively controlled in India. In case India had effectively controlled FMD, China invited India to provide the corresponding information so that the relevant procedures for lifting the ban could be initiated.

3.2.21 The Philippines' trade restrictions on imports of meat (ID 466) – Concerns of the European Union

3.127. The European Union reiterated that the Philippines did not adhere to OIE international standards and maintained country-wide bans on imports of meat and meat products from EU member States on grounds of ASF and HPAI. The European Union indicated that 17 EU member States were subject to country-wide import bans imposed by the Philippines on pork meat or poultry meat and relevant products, and considered that these measures were inconsistent with Articles 2.2 and 6 of the SPS Agreement. The European Union indicated that it had provided the necessary evidence demonstrating the effectiveness of disease control measures, and called on the Philippines to respect its international obligations and allow trade from disease-free areas.

3.128. The Russian Federation expressed concerns regarding the Philippines' restrictions on imports of Russian beef and pork. Exports of pork and beef to the Philippines would only be allowed after receiving recognition from the OIE for FMD-, ASF -and lumpy skin disease-free status, as well as low-risk status for BSE. The Russian Federation had submitted information on the domestic epizootic situation to the Philippines for the diseases at issue, and had not yet received a response. Noting the proposals made to hold bilateral meetings between competent authorities, the Russian Federation urged the Philippines to comply with obligations under Articles 6 and 8, and Annex C of the SPS Agreement, to recognize the regionalization on dangerous animal diseases in the Russian territory, and to accelerate the process of gaining market access.

3.129. The Philippines noted the concerns of the European Union and assured that its measures concerning the importation of meat from EU member States affected by the spread of ASF and HPAI were regularly reviewed and updated in light of the available scientific information, in accordance with Article 5.6 of the SPS Agreement. Regarding ASF, the Philippines stated that ASF cases had been on the rise in the European Union, affecting domestic and wild pigs. The Philippines added that detections and spread of HPAI virus were also reported in several EU member States. In response to the Russian Federation, the Philippines indicated that the Russian Federation remained not

accredited to export pork and beef due to its ASF and lumpy skin disease, and emphasized that its decisions had been explained to the Russian Federations bilaterally.

3.2.22 Qatar's new import rules for dairy products (ID 529) – Concerns of the European Union

3.130. The European Union reiterated its concern regarding Qatar's establishment of new import requirements for UHT milk and white cheese, issued on 30 May 2019. The European Union noted that the scope of these measures was further expanded in August 2021, and regretted that they affected several dairy products exported to Qatar. The European Union recalled that at the previous Committee meeting, Qatar had stated that the matter was under consideration by its competent authorities. The European Union thanked Qatar for seeking solutions as discussed during bilateral exchanges, and expressed its willingness to continue the constructive dialogue.

3.131. Qatar informed the Committee that during a bilateral meeting held in February, the suspension of the Circular in question had been confirmed, pending the completion of the internal review process. Qatar reiterated that its measures were necessary for consumer protection in accordance with its international obligations and were applied equally to domestic and imported products. Qatar thanked the European Union and reiterated its willingness to continue constructive discussions.

3.2.23 Guatemala's restrictions on egg products (ID 413) – Concerns of Mexico

3.132. Mexico reiterated its concern regarding the import restrictions imposed by Guatemala on thermally processed egg products, which could be a violation of fundamental principles of the SPS Agreement and of the FTA between Mexico and Central America. While all the necessary technical information demonstrating the safety of the products had been submitted, the delay in responses had hindered the progress of negotiations. In October 2021, Guatemala had informed Mexico that it was not possible to continue with the analysis as the questionnaire submitted by Mexico was considered not compliant due to changes in the name of the responsible institution. Mexico also highlighted concerns in relation to its negotiations with Guatemala regarding an animal health certificate for export, emphasizing that the sanitary requirements that had been established for Mexico were inconsistent with Resolution 338-2014 of the Central American Customs Union. Mexico requested Guatemala to consider its questionnaire as compliant, to prioritize the resolution of this concern and continue bilateral discussions, and to allow imports of the products in question. Mexico looked forward to resolving this trade concern as soon as possible, through technical dialogue between both countries.

3.133. Guatemala reiterated that the concerns were being discussed in bilateral meetings between the relevant authorities of both countries, where various agreements had been reached. Guatemala expressed its intention to continue bilateral communications between health authorities on the matter as had been agreed.

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

3.134. The Russian Federation reiterated concerns regarding its inability to supply food products of animal origin to the Indian market, despite repeated requests and submitted materials regarding dangerous animal diseases. The Russian Federation regretted that India had not shared its view regarding regionalization for avian influenza and the access of Russian poultry products to the Indian market, and considered that there were unreasonable delays in the approval of veterinary certificates for poultry meat, fish products, feed and feed additives and sheep wool. The Russian Federation urged India to comply with Article 8 and Annex C of the SPS Agreement and requested India to complete its approval procedures without undue delay.

3.135. India was currently reviewing the responses provided by the Russian Federation and noted that the examination was at an advanced stage.

3.2.25 Delays in Thailand's approval procedures for animal products (ID 527) – Concerns of the Russian Federation

3.136. The Russian Federation expressed its concerns regarding the exportation of Russian beef and pork products to Thailand. Following the inspections of Russian establishments in 2019, Thailand had not confirmed whether the information on BSE provided in 2017 had been taken into consideration. The Russian Federation expressed regret that Thailand had not informed of the inspection results and urged Thailand to complete its approval procedures without undue delay, in accordance with Article 8 and Annex C of the SPS Agreement.

3.137. Thailand recalled that the procedures for the importation of live animals and animal products to Thailand had been notified as G/SPS/N/THA/243 in accordance with the transparency provisions of the Agreement. Thailand underscored that the importation of livestock products to Thailand was based on risk analysis for animal health and was in conformity with the SPS Agreement and OIE standards. Thailand stated that it had received the requested information from the Russian Federation in May 2021, and had provided initial results of the review to the Russian Embassy in Thailand on 10 March 2022. Thailand emphasized that it would soon inform the Russian Federation of the official results.

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

3.138. India expressed concerns that the Russian Federation had not updated its register of approved enterprises, and that newly approved enterprises had not been able to export to the Eurasian Customs Union, despite the list of approved processing establishments provided by India in accordance with a bilateral MoU. In India's view, this was in violation of the MoU and Articles 2.3, 4 and 5 of the SPS Agreement. India requested the Russian Federation to share its risk assessment to support the inspections by Russian authorities. India considered that the responses provided by the Russian Federation did not address its concerns. According to India, the Russian Federation's authority under clause 11 of the MoU to inspect approved Indian establishments was not a prerequisite for listing approved Indian establishments. Given the MoU's recognition of India's audit system, India requested that the Russian Federation register approved Indian establishments.

3.139. The Russian Federation emphasized that more than 80 Indian fish processing enterprises had the right to export into the Russian market. Following detections of residues of harmful and prohibited substances in Indian products, the Russian Federation had temporarily imposed restrictions on certain enterprises. The Eurasian Economic Commission Council Decision No. 94 established the inspection of foreign enterprises as a possible requirement prior to the authorization of fish and fish products exports. The Russian Federation argued that India had not responded to its proposal to conduct inspections of fish processing enterprises. The Russian Federation also noted that most of the registered Indian exporting enterprises had never supplied products to its territory, and that India had failed to update the existing lists. The Russian Federation expressed its readiness to include new Indian enterprises in the Register of Enterprises of third countries after the implementation of existing requirements and agreements.

3.2.27 Indonesia's approval procedures for animal and plant products (ID 441) – Concerns of the European Union and the Russian Federation

3.140. The European Union reiterated its concerns about the lack of transparency, the limited feedback on requests for information on pending export applications, and the undue delays in Indonesia's approval procedures for imports of plant and animal products. Specifically, the European Union expressed concerns with the lack of progress on export applications for beef, dairy, poultry, pork, and plant products, which in some instances had been submitted more than eight years ago. The European Union requested Indonesia to be transparent about its approval procedures and to finalize pending market access applications.

3.141. The Russian Federation expressed concerns regarding the lack of progress in Indonesia's approval of export certificates, including for poultry, cattle and goat meat, milk and dairy products obtained from cattle and small cattle, canned food, sausages, table eggs and egg products. The Russian Federation had sent several reminders on the pending approvals and had submitted questionnaires on poultry and beef establishments, but had received no response to its proposal to conduct veterinary inspections. The Russian Federation urged Indonesia to comply with Article 8 and Annex C of the SPS Agreement and to complete its approval procedures without undue delay.

3.142. Indonesia considered that the European Union's concerns with regard to undue delays were no longer relevant and referred to its responsiveness regarding the applications of each EU member State, in accordance with Articles 7 and 8 of the SPS Agreement. Indonesia explained that some applications were pending due to outstanding documents or audit fee payments. Regarding plant products, Indonesia provided updates on recognitions and approvals granted to some EU member States. Indonesia concluded that most of the applications had been processed and invited EU member States to report on the progress to the EU representative in Geneva.

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

3.143. India raised its concerns regarding China's proposed new health certificate format that would make most of India's shrimp consignments unfit for export to China. Referring to its statements in previous Committee meetings, India considered that the responses provided by China in the July 2021 Committee meeting did not address its concerns. India requested China to provide a risk assessment or indicate the less trade-restrictive measures it had taken into consideration, and enquired when the temporary preventive measure would be suspended.

3.144. China argued that preventive and control measures against shrimp-related diseases had been adopted for many years. In order to prevent risks, China had adopted temporary emergency preventive protective measures to suspend the import of related products, which was in line with the SPS Agreement and OIE standards. China added that other Members had also put forward strict disease quarantine requirements on imported shrimp products and that their measures were science-based, reasonable and did not impose excessive protection requirements. China had submitted a revised version of the health certificate to India in August and October 2021, emphasizing that it was a refinement of the original disease requirements.

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

3.145. The United States reiterated its concerns with India's measure mandating non-GM (genetically modified) origin and GM-free certificates for certain agricultural imports into India, notified as G/TBT/N/IND/168. The United States noted that the regulation was used as a basis to limit the trade of certain processed products which had not been listed in the Order in the Annex of G/TBT/N/IND/168. The United States continued to seek technical cooperation with the Food Safety and Standards Authority of India and urged India to withdraw this measure and develop alternative approaches that were less trade-restrictive and more consistent with international best practices. The United States submitted its statement in document G/SPS/GEN/2008.

3.146. Paraguay expressed its concerns that India's measure could create an unjustified assumption that GM products were less safe than non-GM food products. Paraguay noted that India had not provided a regulatory impact assessment, scientific evidence or risk analysis to support the measure, and added that the GM food products in question had undergone rigorous scientific assessments in accordance with international standards, guidelines and recommendations. Paraguay urged India to notify the measure to the SPS Committee and respond to the note it had sent to India in January 2021, together with other Members.

3.147. Acknowledging the ongoing cooperation, Australia remained concerned that India's regulation created unnecessary costs and additional regulatory burden on Australian exporters and Indian importers of products such as apples, canola, plums, and wheat. Australia requested India to notify its measure to the SPS Committee and to consider adopting a less trade-restrictive alternative arrangement. Australia looked forward to further engagement with India.

3.148. New Zealand continued to support concerns regarding India's requirement to provide non-GM origin attestations or certification per consignment and requested India to provide the scientific and risk-based justification for this measure. New Zealand reiterated that consideration should be given to the acceptance of country-wide assurances, in place of specific consignment assurances, from countries free from GMOs with standards in place to enforce these requirements.

3.149. Japan considered that the proposed requirements would create unnecessary trade barriers and have negative impacts on agricultural trade. Japan controlled the import, distribution and cultivation of GM food in order to ensure its safety. Japan considered that the requirement for a certificate of non-GM origin and GM freedom was not based on scientific principles or appropriate

risk assessment, and that this measure was more trade-restrictive than necessary. Japan urged India to waive the certification requirement for Members which managed GM food appropriately.

3.150. Brazil reiterated its concern regarding India's Order notified as G/TBT/N/IND/168 which applied to 24 crops and required official certification to attest that imported products were not genetically modified. Brazil urged India to notify any new developments on this regulation to the SPS Committee.

3.151. Uruguay considered that there was no technical justification for the certification requirement and noted that GM products approved on the basis of Codex risk assessment recommendations were considered to be equivalent to their conventional counterparts. Referring to the objective to ensure the safety of imported food, Uruguay urged India to notify the measure to the SPS Committee. Uruguay stressed that measures should be based on science, not more trade-restrictive than necessary and looked forward to India's response to its concerns, including those submitted in a joint note by several countries in January 2021.

3.152. Canada reiterated its concern about the implementation of India's Order, which would impact exports of GM-producing Members to India and unnecessarily restrict international trade. Canada welcomed India's recent decision to accept Canada's non-GM attestation for bean exports. Canada recalled its request for India to notify the non-GM Order to the SPS Committee, to suspend the implementation of this measure and to consider the robust, science-based regulatory frameworks developed in other countries. Canada looked forward to further bilateral discussion on this issue.

3.153. The European Union reported that it was still awaiting a response to comments it had provided on the TBT notification of this measure. The European Union highlighted that the measure was costly and burdensome for trading partners who were already subject to robust regulatory regimes governing the use of GMOs and had a high prevalence of non-GM foods in their domestic market. The European Union also expressed concerns with the limited number of food crops authorized to contain GMOs under the measure as well as the strict traceability and labelling requirements which would apply to food containing GMOs. In closing, the European Union asked India to waive the certificate requirement.

3.154. India reiterated that the requirement to regulate imports of GM food had already been notified to the WTO as the Environment Protection Act 1986. In India's view, the Order was not trade-restrictive as consignments of identified commodities, accompanied by the required certificate, were imported into India. So far, the Genetic Engineering Appraisal Committee had not approved any of the crop varieties of GM or GE origin listed in the Order. India informed that trade partners including the United States, United Kingdom, Australia, Canada, Turkey, Iran, China, European Union including Italy, Germany, France, and Thailand were providing requisite certificates and trade continued without hindrance. India noted that the Export Inspection Council, its nodal agency for issuing non-GMO certificates for export consignments, provided several countries with non-GMO certificates for the export of primary food crops and processed food products into India.

3.2.30 The Russian Federation's classification of tea as "fruits and vegetables" (ID 525) – Concerns of India

3.155. India raised its concern regarding the Russian Federation's classification of tea as "fruits and vegetables", which had resulted in higher levels of mould parameters. Referring to Articles 3.3 and 5.6 of the SPS Agreement, India highlighted the need for a scientific justification or a risk assessment for SPS measures deviating from international standards, and asked the Russian Federation to provide the scientific rationale for classifying tea as fruits and vegetables and the risk assessment to define higher mould parameters standards. India also considered the measure to be more trade-restrictive than necessary to achieve the ALOP. India thanked the Russian Federation for its interim reply and looked forward to a complete response on the concern raised.

3.156. The Russian Federation clarified that the EAEU did not classify tea as fruits and vegetables. The safety requirements for food products, including tea, were set out in the technical regulations of the EAEU with the ML of mould in tea set at 1,000 colony forming units per gram as defined in Appendix 2 of Regulation 021/2011. Noting the absence of a Codex standard for mould in tea, the Russian Federation highlighted that these measures were taken to protect human health from potential risks and were based on available scientific data and an assessment of risk, in accordance

with Articles 2 and 5 of the SPS Agreement. The Russian Federation indicated its willingness for comprehensive bilateral cooperation with India on this issue.

3.2.31 Proposed new EU rules on composite products (ID 504) – Concerns of Australia and Chinese Taipei

3.157. Australia reiterated its concerns about the new EU rules for shelf-stable composite products under Regulations (EU) No 2019/625 and (EU) No 2020/2235. For Australia, the new rules were not commensurate with risk and had already restricted trade in shelf-stable composite products and caused delays in border clearance for Australian exporters. In Australia's view, the requirement to source animal origin ingredients from EU-listed establishments for all composite products, irrespective of the percentage of animal ingredient in the product, was unjustified and unnecessarily trade restrictive. Australia also considered that the private attestation requirement could be eliminated without any impact on food safety. Referring to Articles 4 and 5 of the SPS Agreement, Australia asked the European Union to recognize the equivalence of third countries and to establish measures commensurate with the level of risk, and requested information on the process for consideration of alternative equivalent measures. Australia urged the European Union to reconsider the implementation of this regulation, including its provisions related to the product coverage and thresholds.

3.158. Chinese Taipei reiterated its concern and noted that the decision to treat all composite products with processed products of animal origin (PPAO) on the same level of risk was based on 2012 EFSA research, and did not take account of developments in scientific and risk assessment techniques. Chinese Taipei sought clarification of the scientific evidence supporting the new rules for all composite products with PPAO ingredients to be produced by EU approved establishments. Chinese Taipei also requested information on the practical cases of hazards caused by composite products with only trace amounts of PPAO when they were not produced in EU approved establishments, and questioned how the European Union determined that prior practice would no longer achieve the ALOP. Finally, Chinese Taipei considered the measure to be disproportional to the level of hazard, and asked the European Union to explain the rationale for adopting the measure.

3.159. Japan noted that even after the entry into force of the regulation, businesses continued to enquire about the categorization of items as composite products. Japan added that differences in the interpretation of this regulation had led to cases where customs clearance of composite products exported to the European Union had not been permitted. Japan requested the European Union to provide clarification on the products affected by the measure, and to respond to its requests for information.

3.160. China expressed its concerns with the implementation of the measure, in particular with its compliance and administrative costs. China noted that there were no EU approved dairy product manufacturers in China, which hindered exports of composite products containing local milk ingredients. China noted that exports of collagen-containing composite products had been returned by EU customs due to issues related to the EU approved residue monitoring plan. China suggested that the European Union set a level for different animal origin ingredients and offer exemptions if the products were lower than the level set; adopt the principle of equivalence for Members who have a well-established regulatory system; and cancel the requirement for food residue monitoring plans for collagen-containing composite products.

3.161. The Russian Federation shared its concerns with the uncertainty, complexity of administration, lack of scientific evidence and apparent redundancy of this EU measure. The Russian Federation was of the view that the lack of an internationally harmonized regulatory framework for the export of composite products created uncertainty, particularly during border controls. The Russian Federation also raised concerns with the scientific rationale behind the regulation and the assessment methods, and noted that traceability and certification requirements for low-risk products imposed a disproportionate burden on business operators. Noting that EFSA's risk assessment was conducted 10 years ago, the Russian Federation called for a revision of the risk assessment to look further into composite product categories and exclude low-risk composite products from stringent regulations. The Russian Federation called on Members to discuss these issues at the next SPS Committee meeting to agree on an objective classification of safe composite products, and considered it necessary to establish an international SPS standard on composite products which did not pose a serious risk to human health. The Russian Federation urged the European Union to postpone the application of the measure.

3.162. The European Union reiterated that the import conditions laid down in the new composite product legislation were all risk-based. While most of the rules remained unchanged, some of the changes related to the three-tier approach to categorizing composite products depending on their level of risk. The European Union highlighted that more flexibility was now offered, making it easier to source ingredients from other countries, with a longer list of composite products being exempted from controls at the border due to their lower risk, and through the replacement of official certificates by a private attestation for certain categories of shelf-stable and meatless composite products. The general information provided in documents G/SPS/GEN/1763, G/SPS/GEN/1786 and published in the special website on the import conditions of composite products – (https://ec.europa.eu/food/safety/international_affairs/trade/special-eu-import-conditions-composite-products_en), was still relevant. The European Union provided updates on the model animal health certificates for the entry and transit through the European Union of certain composite products, noting in particular that the Implementing Regulation (EU) 2022/36 amended the model animal health certificate for the entry of not shelf-stable and shelf-stable composite products containing any quantity of meat products except gelatine, collagen and highly refined products, and intended for human consumption. The European Union also clarified that the principle of equivalence was included in Regulation (EU) No 2017/625. The European Union remained open to continue the dialogue with interested Members.

3.2.32 India's import requirements for pulses (ID 497) – Concerns of Canada

3.163. Recognizing positive bilateral engagements with India, Canada welcomed India's announcements on fumigation options for pulse shipments and continued to engage with India on import requirements for Canadian pulses. Canada still had concerns with India's measures on weed seeds noting that India had added 26 new weed seed species to its List of Quarantine Weed Seeds in October 2019. In Canada's view, these actions were inconsistent with the principles of transparent and predicable international rules-based trade. Canada looked forward to working collaboratively with India on both matters.

3.164. India thanked Canada for its continued interest and bilateral engagement, noted the concern raised, and indicated that it would revert to Canada as soon as possible.

3.2.33 Panama's restrictions and procedure to regain access for Peruvian potatoes and onions (ID 512) – Concerns of Peru

3.165. Peru referred to its full statement on eAgenda, and provided a brief statement orally. Peru requested that Panama allow market access of Peruvian onions and potatoes to prevent violation of Articles 2, 5, 8 and Annex C of the SPS Agreement as well as unnecessary and unjustified barriers to trade. Peru also reiterated queries made during the Trade Policy Review of Panama, held in February 2022, notably in relation to Articles 2 and 5, and Annexes B and C of the SPS Agreement. Referring to paragraph 3.155 of document G/SPS/R/104, Peru requested the technical reasons for discussing this concern in the TBT Committee. Peru's full statement was circulated in G/SPS/GEN/2013.

3.166. Panama maintained that it considered the TBT Committee to be the appropriate forum to address this concern. Notwithstanding this, Panama had been addressing Members' concerns, noting that the date of entry into force for the measure affecting potatoes had been extended. Panama expressed its willingness to continue to work with Peru to find mutually satisfactory solutions.

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

3.167. Peru referred to its full statement on eAgenda, and provided a brief statement orally. Drawing attention to some provisions of Annex C of the SPS Agreement, Peru acknowledged bilateral engagement with Ecuador regarding the latter's measures on grapes, but considered that the responses from Ecuador seemed to unnecessarily delay market access. Regarding onions, Peru noted that Ecuador's measures were restrictive in the context of intra-subregional trade as indicated in Resolution 2253 of the Andean Community. Furthermore, Peru noted that Ecuador's proposed measures included the development of a new PRA which would further delay market access for Peruvian onions, and stressed that the suspension of trade to update a PRA was inconsistent with ISPMs. Peru was of the view that Ecuador's actions constituted a violation of Articles 2, 3, 5, 7 and 8, as well as Annexes B and C of the SPS Agreement. Peru requested Ecuador to avoid proposing measures which were inconsistent with the SPS Agreement and the basic principles of the WTO;

to respect previously developed technical agreements; to notify its measure and provide opportunities for comments; and to reopen the market for grapes and onions. Peru submitted its statement in document G/SPS/GEN/2012.

3.168. Regarding onions, Ecuador responded that Peru's concern in the context of the Andean Community was addressed and had resulted in Ecuador lifting its measures on onion imports. Stressing the importance of compliance with international standards and phytosanitary regulations, Ecuador emphasized the need for Peru to submit technical information to prepare the PRA and work together to meet internationally recognized phytosanitary objectives. Regarding grapes, Ecuador noted that Peru's concern on safety requirements for grape imports had also been addressed in the Andean context and that it was awaiting a response from Peru on this matter. Ecuador reiterated its willingness to continue dialogue with Peru to resolve this concern.

3.2.35 China's import suspension of fresh fruits (ID 532) – Concerns of Chinese Taipei

3.169. Chinese Taipei raised concerns about China's suspension of the importation of pineapples, sugar apples and wax apples, and requested China to resume imports in accordance with the SPS Agreement and the relevant international standards, guidelines and recommendations. Following notifications of non-compliance from China, Chinese Taipei had adopted improvement measures, provided information on inspection and quarantine requirements and urged China to engage in technical discussions on this issue. Chinese Taipei noted that scale insects were also detected in some Chinese regions and that quarantine and fumigation of consignments were accepted international practices, less restrictive than import suspension. Chinese Taipei urged China to bring its measures in conformity with Articles 2, 3 and 5 of the SPS Agreement, to conduct bilateral scientific and technical dialogue, and to share the detailed identification reports, ALOP and risk analysis reports for further analysis.

3.170. China clarified that since January 2020, quarantine pests such as *planococcus minor* had been repeatedly found on pineapples, sugar apples and wax apples imported from Chinese Taipei, which, once introduced, would pose a serious threat to China's agricultural and forestry production and ecological security. China considered that its measure to temporarily suspend the imports of the three fruits were consistent with Articles 2 and 5 of the SPS Agreement and national legislation, and noted that the improvement measures taken by Chinese Taipei could not eliminate the risk to the three fruits. China urged Chinese Taipei to take effective measures to reduce the risk of quarantine pests so that stable and sustainable development of agricultural production and trade could be resumed as soon as possible.

3.171. In response, Chinese Taipei reiterated that it was still awaiting China's detailed identification report, ALOP and risk analysis, and considered that this information would be necessary to work constructively with China to resolve the concern.

3.172. China reiterated the harmfulness of the quarantine pests in question and emphasized that the temporary import suspension was based on sufficient scientific evidence and fully consistent with the WTO rules.

3.173. Chinese Taipei expressed its appreciation for China's response and looked forward to receiving the scientific-based explanation, report and analysis.

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

3.174. The European Union regretted that the United States had not finalized the approval of imports of apples and pears under a systems approach and had not yet published the final notice to allow trade to start, despite having concluded its assessment several years ago. The European Union indicated that trade of apples and pears was hindered by the high costs associated with the existing preclearance approach, and urged the United States to base its import conditions on science and solve this matter without further delay.

3.175. The United States responded that it continued to work through its administrative procedures to process this request. Noting that the European Union was able to export apples and pears under the existing preclearance programme, the United States expressed its appreciation for the bilateral engagement on this issue, including during the October 2021 Plant Health Working Group meeting.

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

3.176. The European Union reiterated its concern regarding the US failure to recognize the EU pest-free status for Asian longhorn beetle and citrus longhorn beetle. Although it had finalized its scientific assessment, the European Union indicated that the United States had yet to finalize the administrative procedure needed to formalize the recognition of pest-free status in 21 EU member States, and publish the Final Notice. The European Union urged the United States to formally accept the pest-free areas and proceed with the immediate publication of the Final Notice.

3.177. The United States assured the European Union that it was working through its administrative procedures to process this request. The United States noted the bilateral technical engagement on the matter, including through discussions during the October 2021 Plant Health Working Group meeting, and looked forward to continued cooperation.

3.2.38 EU delays in authorizing imports of Samgyetang (Korean ginseng chicken soup) (ID 526) – Concerns of Korea

3.178. Korea expressed concerns on import approval delays imposed by the European Union regarding Korean chicken soup Samgyetang. According to Korea, the European Union had conducted an on-site inspection and had subsequently received all the data requested on the National Residue Programme report. Despite the indications by the European Union that it would proceed with the next steps for granting market access for Samgyetang, Korea had not received approval for imports. In Korea's views, the EU delays in import approvals were a violation of Article 8 and Annex C of the SPS Agreement. Korea urged the European Union to complete the procedure and to provide information on the timeframes.

3.179. The European Union clarified that the import conditions for Samgyetang soup had been extensively discussed with Korea bilaterally and reiterated its commitment to continue the cooperation on this matter.

3.3 Information on resolution of issues (G/SPS/GEN/204/Rev.22)

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

4 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

4.1 Equivalence

4.1.1 United States – Addition of Poland to list of countries eligible to export poultry products

4.1. The United States reported that following documentation review and on-site verification, the US Department of Agriculture Food Safety and Inspection Service (FSIS) had determined that Poland's poultry laws, regulations, and inspection system achieved an equivalent level of sanitary protection as that of the US food safety system for poultry. The United States would continue communication with Poland to ensure the safety of poultry products exported from Poland to the United States.

4.2 Pest- and disease-free areas (regionalization)

4.2.1 Information from Members

4.2.1.1 Brazil – Risk status for foot-and-mouth disease (FMD) and bovine spongiform encephalopathy (BSE)

4.2. Brazil informed Members that six Brazilian States had been recognized by the OIE as free from FMD without vaccination. Brazil's FMD-free zone without vaccination represented almost 1 million km^2 and more than 44 million animals. The last case of FMD had occurred in 2006 and, since 2018, the entire country was considered free from FMD. In line with OIE recommendations, protection areas in FMD-free zones had been established based on natural and geographical barriers, official quarantine and animal movement control. Brazil urged Members to accept the OIE's

recognition of Brazil as FMD-free, and reminded Members that it was recognized by the OIE as having negligible risk for BSE. Brazil asked Members to continue to comply with the recommendations of the ISSBs to allow safe trade.

4.2.1.2 Turkey – Declaration of fruit fly-free areas

4.3. Turkey informed Members that eight Turkish districts had been recognized as free of Mediterranean fruit fly. Studies carried out for the establishment of pest-free areas followed ISPMs 4 and 26. Turkey had made available the relevant information for public review through the IPPC on 15 February 2022. Turkey urged Members to facilitate trade of fresh fruit from areas free of Mediterranean fruit fly.

4.3 Operation of transparency provisions

4.3.1 Annual Report on Transparency and Specific Trade Concerns (G/SPS/GEN/804/Rev.14 and G/SPS/GEN/204/Rev.22)

4.4. The Chairperson recalled that, as had been proposed in the informal SPS consultations on 16 September 2020, the annual report on the implementation of the transparency provisions of the SPS Agreement (G/SPS/GEN/804 and revisions) was now issued in March of every year along with the annual report on specific trade concerns (G/SPS/GEN/204 and revisions). Concomitant issuance of both reports allowed the reports to cover the same reporting period and facilitate analyses and comparisons. The Secretariat presented the reports circulated in documents G/SPS/GEN/804/Rev.14 and G/SPS/GEN/204/Rev.22, highlighting the improvements and additional analysis that had been undertaken. Members were invited to review the documents and submit comments to improve subsequent versions of the reports.

4.5. The Secretariat provided an update on the new ePing SPS&TBT Platform which integrated SPS and TBT online tools. An overview and live demo of the new plaftorm had been provided by the Secretariat at the informal meeting of the Committee of 23 March 2022. The pilot version of the new platform went live on 28 March 2022. The Secretariat reminded Members that the new platform integrated the SPS and TBT IMS, SPS and TBT NSS, and the ePing SPS and TBT notification alert system. The new platform allowed users to receive alerts on notifications based on products and markets of interest, search SPS and TBT related information, submit online notifications and participate in national and international fora. The submission of notifications and management of the national and international fora required specific access rights which could be granted by the Secretariat on request. The Secretariat recalled that a pilot testing phase had taken place in February 2022, and thanked all those who provided feedback. The Secretariat informed Members of upcoming training sessions on the new platform.

4.4 Control, inspection and approval procedures

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

4.4.1 Working Group on Approval Procedures (G/SPS/W/328/Rev.1 and G/SPS/W/328/Rev.1/Add.1)

4.7. The Chairperson noted that further to the informal meeting of the Committee, a draft report on the work of the Working Group (WG) on Approval Procedures had been circulated with an opportunity for Members to provide comments by Monday, 4 April 2022. The final version of the report is included in Annex A.

4.5 Special and differential treatment

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

4.6 Monitoring of the use of international standards

4.6.1 New issues

4.6.1.1 Brazil – Application and consideration of norms from relevant international organizations

4.9. Brazil informed Members that it had published 300 norms in 2021 which took into account international food safety guidance. Brazil highlighted the need to apply the international standards developed by the ISSBs, and urged Members to keep the Committee informed of actions they were taking to internalize Codex standards.

4.6.2 Issues previously raised

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

4.10. The European Union drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting WTO Members that were connected by longstanding trade relations, and considered that it was a shared interest to maintain free and safe trade of pork and its products. Members were invited to work with the European Union on the substitution of country-wide trade bans by science-based, rational and proportionate measures.

4.6.2.2 European Union – HPAI restrictions not consistent with the OIE international standard

4.11. The European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88th OIE General Session of May 2021, the European Union asked Members to respect their obligations on regionalization under the WTO SPS Agreement; to follow the recommendations of ISSBs; and to allow trade from non-affected zones.

4.7 New Zealand – Procedure to Monitor the Process of International Harmonization

4.12. The Chairperson drew the Committee's attention to New Zealand's submissions on the Procedure to Monitor the Process of International Harmonization (G/SPS/GEN/1851, G/SPS/GEN/1877, G/SPS/GEN/1915 and G/SPS/GEN/1998) and recalled that Members had had an opportunity to discuss these submissions at the informal meeting. A draft report on the discussions had been circulated to Members with an opportunity to provide comments by Monday, 4 April. The final report of the discussions held in the informal meeting is included in Annex A. Members had a further opportunity to submit comments on New Zealand's proposals by Friday, 22 April 2022.

4.13. The United States expressed its appreciation for New Zealand's interest in the topic of monitoring the use of international standards. While noting that there was interest in improving the capacity of ISSBs to monitor the use of their standards, the United States was concerned that such shift in focus would undermine the main role of these organizations. The United States considered the ISSBs to be well positioned to work with their membership to better understand the challenges to the adoption of their standards. The United States recommended using the existing processes and agenda items of the SPS Committee to monitor the use of international standards, such as the procedure adopted in G/SPS/11/Rev.1 to submit examples of problems related to the use or non-use of relevant international standards.

4.14. Highlighting the important role of international standards in protecting plant, animal and human health and reducing trade barriers, New Zealand thanked Members for their interest on its proposal and took note of the feedback received.

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

4.8.1 Report on the Informal Meeting

4.15. The Chairperson drew the Committee's attention to the draft report on the informal meeting of the Committee of 23 March 2021, specifically referring to the summaries of the discussions on the follow-up to the Fifth Review and the upcoming Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks; the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management; and the Committee Workshop on Transparency. The draft report had been circulated to Members with an opportunity to provide comments by Monday, 4 April 2022. The final report is included in Annex A.

4.8.2 Information from Members

4.8.2.1 United States – Responding to Fall Armyworm: Integrated Pest Management and Policy Approaches – SPS Side Event (23 March 2022)

4.16. The United States thanked the presenters, Members and participants of the event titled "Responding to Fall Armyworm: Integrated Pest Management and Policy Approaches" held on 23 March 2022, which had been co-sponsored by Uganda. The United States noted that the lessons learnt from the introduction of fall armyworm in Africa could be applicable to other parts of the world. Speakers had highlighted the importance of integrated pest management to control fall armyworm, which included a variety of techniques such as scouting, cultural controls, biological controls, application of pesticides and genetic modification of both host plants and pest insects. The United States considered that additional efforts were needed to ensure that countries were well positioned to address pest outbreaks, such as collaboration at the regional and international level in the areas of field trials, data portability, joint risk assessments, regulatory determinations and mutual recognition. Finally, the United States acknowledged the role of the SPS Committee in helping to mitigate the impact of fall armyworm and other disruptive pests on food security and trade, by providing a forum to share experiences on SPS approaches that reduced unnecessary burdens while increasing the efficiency and predictability of science-based outcomes.

5 CROSS-CUTTING ISSUES

5.1 Report on the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs (G/SPS/GEN/1989/Rev.1)

5.1. The Chairperson drew the Committee's attention to the draft report on the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, which had been held on 22 March 2022. The draft report had been circulated to Members with an opportunity to provide comments by Monday, 4 April 2022. The final report is included in Annex B.

5.2. The United States recognized the diversity of speakers and viewpoints presented at the Thematic Session and considered that further dialogue would be necessary to resolve outstanding concerns and facilitate safe trade. As noted by several speakers at the session, the United States highlighted that the adoption of Codex MRLs could bridge the gap to import markets where a substance was not authorized, and that hazard-based approaches to MRLs could impede the trade of safe food by reducing consumer confidence in food producers. The United States was of the view that transparent processes for the establishment of import tolerances were an important tool to protect consumers while allowing safe trade, notably when Codex MRLs could not be adopted. The United States encouraged the Committee to maintain its focus on specific aspects of MRL policies such as science and risk-based policies, as well as the development of appropriate transition periods.

5.3. Australia appreciated the insights and experiences shared on various topics, such as the adoption of positive list approaches by several Members, the industry perspective on certain MRL regimes and the critical role of transition periods. In Australia's view, effective MRLs played a central role in addressing increasing pressures on food production brought by factors such as population

growth and climate change. Australia urged the Committee to prioritize the issue of MRL practices, calling on Members to support a paper to be circulated by the co-sponsors of the Thematic Session ahead of the next Committee meeting.

5.4. The European Union referred to the discussions under certain STCs, and noted that its MRL decisions were based on risk assessment procedures and that its alignment with Codex standards was high in comparison with other WTO Members.

5.2 Canada – Current status of the SPS Declaration: Responding to Modern SPS Challenges for the 12th WTO Ministerial Conference (G/SPS/GEN/1758/Rev.10 and G/SPS/GEN/1960)

5.5. Canada welcomed the Members of the African Group and the ACP Group as the most recent co-sponsors of the Declaration contained in document G/SPS/GEN/1758/Rev.10. The next revision of the Declaration was expected to include the support of Malaysia and Mongolia, bringing the total number of co-sponsors to 91. Canada recalled that the Declaration had been placed on the agenda of the General Council and looked forward to discussions at the General Council meeting in May. Canada highlighted that the co-sponsors continued to work with interested Members towards achieving consensus on the Declaration.

5.6. Mongolia informed the Committee that it had joined the Declaration as a co-sponsor. Mongolia invited Members to join the Declaration to achieve greater cooperation on the implementation of the Agreement.

5.7. Acknowledging the constructive exchanges held in December 2021, the European Union indicated its availability to continue dialogue towards revising the Declaration.

5.8. Norway regretted that the revisions of the Declaration did not address the concerns expressed by Members. Referring to its communication contained in document G/SPS/GEN/1969, Norway was of the view that the work programme in paragraph eight of the Declaration should include explicit text on "sustainable food systems". While flagging its reservation on the current draft Declaration, Norway expressed its willingness to contribute to the draft text for adoption at MC12.

5.3 COVID-19 and SPS issues

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

6 TECHNICAL ASSISTANCE AND COOPERATION

6.1 Information from the Secretariat

6.1.1 WTO SPS activities (G/SPS/GEN/997/Rev.12 and G/SPS/GEN/521/Rev.17)

6.1. The Secretariat drew the Committee's attention to document G/SPS/GEN/521/Rev.17, which provided an overview of technical assistance activities that had been undertaken, and document G/SPS/GEN/997/Rev.12, which provided an annual overview of planned technical assistance activities for 2022. This included a Course on Essentials for SPS Committee Participation in French, and a Transparency Champions Course in English. The Secretariat noted that the deadline to apply for these activities was Friday, 20 May 2022. In addition, the Secretariat reminded Members that a workshop on Transparency would take place in June 2022 during SPS Committee week.

6.2. The Secretariat highlighted other upcoming activities that would include general SPS training and national seminars: a Virtual Workshop on Standards to be held on 20 March 2022; a WTO Virtual Regional Trade Policy Course for Asia-Pacific to be held at the end of June 2022; and a National SPS seminar for Kenya. In addition, the Secretariat provided an overview of the technical assistance activities held since the last Committee meeting, including a virtual Regional SPS Workshop for Arab Countries in November 2021, and a virtual national SPS and TBT seminar for Thailand in February 2022.

6.3. Further information on SPS Technical Assistance activities was available on the SPS gateway of the WTO website or by contacting the Secretariat. Finally, the Secretariat noted that the

E-Learning Course on the SPS Agreement was available throughout the year, in the three official languages of the WTO.

6.4. Ecuador thanked the Secretariat and looked forward to continue benefitting from these technical assistance activities.

6.1.2 STDF (G/SPS/GEN/1994)

6.5. The STDF Secretariat reported on its recent activities detailed in G/SPS/GEN/1994. Two new projects and four project preparation grants (PPGs) had been approved since its last meeting in October. The STDF indicated that the deadline for new project applications was 12 August 2022. A new risk management report on the impact of COVID-19 on STDF workstreams, as well as the French and Spanish versions of the practical guide on good regulatory practices to improve SPS measures were available on the STDF website. Finally, the STDF Secretariat referred to its work on public-private partnerships and informed Members of upcoming events. The STDF thanked its donors for their contributions.

6.6. Ecuador thanked the STDF for its project work in the country.

6.2 Information from Members

6.2.1 European Union – SPS-related technical assistance provided by the European Union in 2019-2020

6.7. The European Union indicated that its report on SPS technical assistance would be presented in the June 2022 Committee meeting.

7 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

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

8 OBSERVERS

8.1 Information from Observer Organizations

8.1.1 ECOWAS (G/SPS/GEN/1990)

8.1. The Chairperson drew the Committee's attention to the report of activities provided by ECOWAS in document G/SPS/GEN/1990.

8.1.2 OIRSA (G/SPS/GEN/1991)

8.2. The Chairperson drew the Committee's attention to the report of activities provided by OIRSA in document G/SPS/GEN/1991.

8.1.3 IGAD (G/SPS/GEN/1992)

8.3. The Chairperson drew the Committee's attention to the report of activities provided by IGAD in document G/SPS/GEN/1992.

8.1.4 ITC (G/SPS/GEN/1997)

8.4. The Chairperson drew the Committee's attention to the report of activities provided by ITC in document G/SPS/GEN/1997.

8.1.5 GSO (G/SPS/GEN/1999)

8.5. The Chairperson drew the Committee's attention to the report of activities provided by GSO in document G/SPS/GEN/1999.

8.1.6 SADC (G/SPS/GEN/2000)

8.6. The Chairperson drew the Committee's attention to the report of activities provided by SADC in document G/SPS/GEN/2000.

8.1.7 IICA (G/SPS/GEN/1995)

8.7. IICA drew Member's attention to the report on its activities in document G/SPS/GEN/1995. IICA had concluded its third coordination session on WTO SPS Committee matters, and expressed its appreciation to Canada, the United States, Brazil and Argentina for their support in the organization of the session.

8.2 Requests for observer status

8.8. The Secretariat informed the Committee of a new request for observer status submitted by the International Olive Council. An addendum to document G/SPS/GEN/121 would be circulated providing additional information on the request. Members would be invited to consider the request in the June 2022 SPS Committee meeting.

9 ELECTION OF THE CHAIRPERSON

9.1. The Chairperson reminded the Committee that, according to the Rules of Procedure, the term of office of the SPS Committee Chairperson finishes with the conclusion of the first meeting of every year. However, the Chairperson of the CTG had not yet concluded consultations on chairpersons for the CTG subsidiary bodies in accordance with the established Guidelines for Appointment of Officers to WTO bodies (WT/L/31). The Committee therefore agreed to postpone the election of the Chairperson until the next Committee meeting in June 2022.

10 OTHER BUSINESS

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

11 DATE AND AGENDA OF NEXT MEETING

11.1. The Chairperson recalled that the next regular meeting of the Committee was scheduled for the week of 20 June 2022, which was the week after the planned dates for the Ministerial Conference. The proposed calendar of SPS Committee meetings for 2022 was contained in G/SPS/GEN/1910/Rev.1.

11.2. The Secretariat informed the Committee that it would prepare a summary report based on oral interventions at the meeting, complemented by Members' ability to download complete statements via eAgenda. In addition, statements could be circulated as GEN documents, as usual.

11.3. The Chairperson also reminded the Committee of the following deadlines:

a. For submitting statements: **Friday, 25 March 2022**;

b. For comments on the Chairperson's draft report on the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs and the informal Committee meeting: **Monday, 4 April 2022**;

c. For comments on New Zealand's submissions on the procedure to monitor the process of international harmonization (G/SPS/GEN/1851, G/SPS/GEN/1877, G/SPS/GEN/1915 and G/SPS/GEN/1998): **Friday, 22 April 2022**;

d. For comments on the proposed agenda for the upcoming Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks (G/SPS/GEN/1949/Rev.1), including suggestions of speakers: **Friday, 22 April 2022**;

e. For comments on the proposed agenda for the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management (G/SPS/GEN/1951/Rev.1): **Friday, 22 April 2022**;

f. For requesting that items, including STCs, be put on the agenda, AND for identifying new issues for consideration under the monitoring procedure: **Wednesday, 1 June 2022**; and

g. For the distribution of the annotated draft agenda: **Friday, 3 June 2022**.

ANNEX A

INFORMAL MEETING – 23 MARCH 2021

REPORT BY THE CHAIRPERSON

1 FOLLOW-UP TO THE FIFTH REVIEW

1. At the informal meeting on 23 March 2022, the Committee discussed how to take forward some of the recommendations in the Fifth Review Report, as well as ongoing work in various areas.

Exchange of experiences and continued discussions on various topics

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

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

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

Responding to Fall Armyworm: Integrated Pest Management and Policy Approaches – SPS Side Event (23 March 2022)

5. The United States provided information on a side event entitled "Responding to Fall Armyworm: Integrated Pest Management and Policy Approaches" which was being jointly organized with Uganda to build on the fall armyworm work undertaken during the Fifth Review, and which would be held on Wednesday, 23 March at 1:30pm. The side event would provide an update on the current status of fall armyworm, particularly in Africa, and an overview of ongoing policy approaches to further address this situation in Africa, and as it continued to spread across the world.

6. The United States reminded the Committee that the topic of fall armyworm had been discussed under the Fifth Review and had resulted in several recommendations. Although the Committee had not been able to meet in person over the last few years, the United States underscored the importance of the Committee reflecting on and identifying ways to respect the work undertaken during the Fifth Review, with a view to moving forward. As such, the side session had been organized on this topic.

7. By way of background, the United States drew attention to its 2018 joint submission with Brazil, Kenya, Madagascar, Paraguay and Uruguay in document G/SPS/W/305, submitted in the context of the Fifth Review. This submission, entitled "The Role of the WTO SPS Agreement in Enabling Access to Tools and Technologies and Facilitating International Trade: A Case Study on Fall Armyworm", noted that the response to fall armyworm in Africa must involve rapid dissemination of the appropriate knowledge and available tools, alongside efforts to build resilient, streamlined regulatory systems to enable access to a wider range of technologies by farmers. The United States also highlighted the impact on affected countries due to the lack of available products for sustainably managing fall armyworm, and underscored the need for governments to develop approaches to streamline regulatory processes to make these tools and technologies available to farmers in a timely manner, while safeguarding human, plant, and animal health. The submission offered viable

strategies that African Members could employ to enable greater access to the necessary tools and technologies to manage fall armyworm in an integrated approach, and the Americas was also provided as an example where relevant regulatory frameworks had been established.

8. The United States further noted that the SPS Committee could play a role in helping to mitigate the impact of fall armyworm on food security and trade by sharing experiences on SPS approaches that reduce unnecessary burdens, thereby increasing the efficiency and predictability of science-based outcomes and putting urgently needed tools in the hands of farmers, while protecting public health and the environment. In addition, this ongoing work on fall armyworm was closely aligned with that of the Working Group on Approval Procedures, and it was hoped that it would renew and reinvigorate Members to address challenges in this area and strengthen approval procedures to allow access to modern agricultural tools and technologies.

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

9. The co-stewards for the Working Group, Canada and Paraguay, provided an update on the activities of the Working Group.

10. In the first round of work (November 2020 to March 2021), participants had identified four main themes for the Working Group: (1) a common understanding of "approval procedures"; (2) key challenges of approval procedures; (3) principles of approval procedures that facilitate international trade while meeting the importing Member's ALOP; and (4) available tools and best practices in relation to approval procedures.

11. In the second and third rounds of work (March to July 2021 and July to November 2021), the discussions had focused on developing a common understanding of the term "approval procedures" for the purposes of the Working Group's discussions, assembling a collection of available tools and best practices, and discussing certain key challenges of approval procedures.

12. In its fourth round of work (November 2021 to March 2022), the Working Group continued to discuss key challenges of approval procedures that affect international trade and that the Committee should seek to address. Specifically, at its intersessional meeting of 7 February 2022, the Working Group discussed challenges associated with: (1) justification and discrimination of approval procedures; and (2) harmonization with international standards.

13. The Working Group also continued its work on the collection of available tools and best practices. New tools were added to the collection and the WTO Secretariat reached out to the international standard-setting bodies for their review and input. Finally, the Working Group invited the OECD to provide an update on its research work on approval procedures, and a few Working Group participants contributed to a questionnaire developed by the OECD as part of this work.

14. The Working Group had scheduled to meet on 21 March 2022 as part of this fourth round of work. However, due to the inability of some delegations to participate in the meeting, the co-stewards decided to postpone this meeting. In providing their update, the co-stewards indicated that they would work with the Secretariat and would endeavour to find a way forward and continue the Working Group's momentum.

15. Following the co-stewards' update, I provided an opportunity for Members to raise any questions or comments on the activities of the Working Group. No Member took the floor.

2 SPS DECLARATION FOR THE 12TH WTO MINISTERIAL CONFERENCE (G/SPS/GEN/1758/REV.10 AND G/SPS/GEN/1960)

16. The Committee also discussed the SPS Declaration for the 12th WTO Ministerial Conference. I first reminded Members that this proposal had previously been discussed in informal Committee meetings in 2020 and 2021. I also drew attention to the proposal in document G/SPS/GEN/1758/Rev.10[1], as well as a background document (G/SPS/GEN/1960).

[1] The previous version of this proposal (G/SPS/GEN/1758/Rev.9) was first submitted to the General Council as WT/GC/W/835 on 11 November 2021. The current version of the Declaration has the joint document symbol WT/GC/W/835/Rev.1 and G/SPS/GEN/1758/Rev.10.

17. I then invited the proponents to provide an update. Canada highlighted that the current version of the proposed Declaration (G/SPS/GEN/1758/Rev.10) had gained the co-sponsorship of the African Group and the ACP Group. In addition, Mongolia had recently joined as a co-sponsor, and would be reflected in the next revision of the document, bringing the total number of co-sponsors to 90. Canada explained that consideration of the proposed Declaration had shifted to the General Council in anticipation of finalizing the Declaration for the Ministerial Conference, which had originally been planned to take place in December 2021. Despite the postponement of MC-12, the co-sponsors continued to work with other interested Members, bilaterally, and in the context of the General Council, towards achieving multilateral consensus on this forward-looking Declaration.

18. Canada further noted co-sponsors' enthusiasm with the generally supportive and positive discussions, most recently at the February meeting of the General Council, as well as in ongoing bilateral discussions. Canada underscored the importance placed by the co-sponsors on proceeding in a timely manner with the work programme proposed in the Declaration to identify challenges in the implementation of the SPS Agreement and the mechanisms available to address them, and the impacts of emerging pressures on the application of the SPS Agreement.

19. Malaysia indicated that it would join the co-sponsors of the Declaration, noting that it was imperative that the benefits derived from the SPS Agreement continue to safeguard Members' rights to ensure the necessary protection of human, animal, plant life or health, while at the same time avoiding unnecessary barriers to trade. Malaysia considered the Declaration as an opportunity for Members to strengthen the implementation of the SPS Agreement, and be better positioned to manage and deal with SPS issues in the 21st century. Another Member thanked the co-sponsors for their efforts to better promote the SPS Agreement to address new challenges in the agriculture landscape and indicated that it had communicated its comments to co-sponsors and looked forward to either receiving feedback or their comments being reflected accordingly in the Declaration. One Member also requested that the co-sponsors reach out to the LDC group and provide an explanatory presentation to better understand the elements proposed in the Declaration.

20. Brazil further highlighted the need for the Declaration to be urgently implemented as it was essential to enforcing the commitment to support rural livelihood, trade facilitation and sustainable agricultural growth. The Declaration would be an important milestone to reflect on the outcomes achieved and the challenges ahead for the 21st century. Brazil welcomed the African Group and ACP Group, as well as Mongolia, and further emphasized that the growing number of Members was a reminder that the Declaration was borne out of a proactive initiative from Committee deliberations. Despite the progress achieved, Brazil hoped that more Members would support this Declaration.

21. Canada noted Members' comments and welcomed the newest co-sponsor, Malaysia. In response to Members' interventions, Canada expressed the willingness of co-sponsors to provide outreach to the LDC group and also indicated that it would follow up to ensure that any outstanding questions were appropriately addressed. Canada looked forward to ongoing discussions, especially in the context of the upcoming meeting of the General Council, and hoped that there would be a positive multilateral outcome in the near future.

22. One Member further recognized the importance of finding common ground on the SPS Declaration, noting the need for a more effective implementation of the SPS Agreement and understanding the best way to respond to new SPS challenges. The Member indicated that the current version of the proposal required a few amendments and called upon Members to accelerate work on the Declaration, while expressing its willingness to work with Members to find appropriate wording which could lead to consensus.

23. Another Member thanked the co-sponsors for the constructive exchanges leading up to MC-12, originally scheduled to be held in November 2021, and confirmed its availability to continue this constructive dialogue, as well as its commitment to the relevance and good functioning of the SPS Agreement and Committee, while maintaining its reservations on the current version of the Declaration, for the reasons expressed on previous occasions. One Member also noted its concerns that the latest revision of the Declaration had not taken into consideration Members' comments. In particular, the Member highlighted the need to include a specific reference to sustainable food systems in paragraph 8 of the proposed Declaration, and drew attention to the information presented in the joint submission G/SPS/GEN/1969. The Member flagged its reservation on the current draft, while indicating its willingness to contribute constructively to the deliberations ahead of MC-12.

24. Finally, I acknowledged the various interventions and encouraged both the proponents and other Members to have constructive engagements ahead of MC-12 with a view to reaching a consensus.

3 PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION (G/SPS/GEN/1851, G/SPS/GEN/1877, G/SPS/GEN/1915 AND G/SPS/GEN/1998)

25. I noted that ahead of the March Committee meeting, New Zealand had circulated document G/SPS/GEN/1998 which proposed that the Committee further explore and discuss several ideas for action and delivery in the period 2022-2023. I first invited the Secretariat to briefly remind us of the history of the Committee's efforts to monitor the process of international harmonization and the use of international standards.

26. The Secretariat provided an overview of past Committee efforts to monitor the use of international standards and the process of international harmonization, in accordance with articles 3.5 and 12.4 of the SPS Agreement. The Secretariat reminded Members that the first provisional procedure had been adopted in 1997 in document G/SPS/11, and at that time, Codex, OIE and IPPC were submitting lists of standards to the Committee and Members were invited to identify standards that had a major trade impact due to their non-use, misuse or absence. The Secretariat then compiled and circulated a list of standards identified by Members as having a trade impact for Members' comments, and also prepared an annual report with a compilation of the responses for adoption by the Committee. These reports were shared with Codex, OIE and IPPC to inform them of which standards had been identified. The standard-setting bodies provided updates to the Committee when the identified issues were addressed. The Secretariat reminded Members that the procedure adopted in G/SPS/11 was provisional because the Committee wanted to continue improving the procedure.

27. The Secretariat further explained that a revised version of the procedure had been adopted in November 2004 (G/SPS/11/Rev.1) and that this procedure could still be used. During the 2006 review of the procedure, the Committee had decided to extend the procedure indefinitely, and review its operation as an integral part of the periodic reviews of the SPS Agreement. The Secretariat also reminded Members that during that 2006 review, the SPS Committee had noted that the procedure had been rarely used, and that after the first few years, Members had not identified standards to be monitored. Some Members had indicated that they preferred to raise missing or problematic standards directly with the relevant ISSB.

28. In addition, the Secretariat noted that there had been periodic suggestions to revise the procedure to more closely fulfil the mandate in Article 12.4. In recent years, while the agenda item was being used more, the Committee had not been closely following the procedure set out in G/SPS/11/Rev.1, as most interventions under the monitoring agenda item were related to the non-use of certain international standards by Members, e.g. on ASF and avian influenza. The Secretariat noted that it prepared annual reports once per year for Members' consideration and also brought them to the attention of the ISSBs. However, the Secretariat no longer circulated lists of issues identified with standards for other Members to comment on, because no such issues had been identified.

29. I then invited New Zealand to present its most recent submission. New Zealand presented its proposal (G/SPS/GEN/1998), explaining that the impetus for the proposal was related to recent developments and renewed interest by the ISSBs to better understand Members' use of their standards, and the impact and benefits. New Zealand highlighted that the SPS Agreement emphasized the importance of international harmonization and the use of international standards as a basis for human, animal and plant health protection and facilitating trade. In New Zealand's view, there were clear advantages and benefits to better understanding how international standards were being used, and a clear interest for WTO Members to facilitate the development of standards and better appreciate how the objectives of the SPS Agreement were being advanced. In its proposal, New Zealand had suggested several areas to improve understanding of the international harmonization process, and also proposed a new working group to facilitate a detailed examination of the issues, which it would be able to lead. New Zealand concluded that it was timely for the SPS Committee to take a fresh look at further strengthening the monitoring process against the background of new initiatives of the ISSBs.

30. I opened the floor for comments and questions, in particular on the suggestion to create a working group to lead the work proposed in New Zealand's submission (G/SPS/GEN/1998).

31. Several Members provided comments and suggestions on New Zealand's proposal. One Member noted that the proposed actions were well considered, and the proposal would help to identify problems in the international coordination of standards, promote a more active adoption of standards and strengthen the role of the Committee in promoting international coordination. Regarding notifications, a review of the notification template would be helpful. There was also a suggestion that general principles should guide the work in this proposal, and that Members' different conditions and levels of protection should be taken into account with regard to the use and suitability of international standards. Improving the standard-setting process might help increase international harmonization.

32. Regarding the proposal for a new working group, some Members took the floor to express support for the idea and indicated their willingness to join the relevant discussions. Some Members sought clarification on the need, scope, function, and reasons for a new working group and encouraged further reflection on its objectives and intended outcomes. It was also indicated that there already existed a Working Group on Approval Procedures, and that harmonization was a key element of the discussions, as reflected in the many international standards, handbooks and guidance documents which had been included in the Working Group's list of available tools and best practices. Regarding the suggestion on annual reports from ISSBs, it was noted that the ISSBs were already providing annual reports to the Committee and reporting on their activities at each Committee meeting.

33. Some Members highlighted that many of the proposed concepts in G/SPS/GEN/1998 had been proposed in New Zealand's previous proposal (G/SPS/GEN/1877). There was also discussion on how to approach these issues within the mandate of the SPS Committee. It was highlighted that the Committee had agreed on a procedure to address the issue of monitoring and that there was a standing agenda item, which was being used differently by Members. Attention was drawn to the context of the text of the SPS Agreement, as the SPS Agreement was conceived and negotiated at a time when the SPS environment as well as the work and initiatives of the ISSBs were different. Since then, new processes had been developed within each ISSB, including to prioritize and review standards. There was interest in hearing ISSBs' views and in having further discussion of the concepts proposed, including gaining clarity on the need for a new working group.

34. New Zealand acknowledged the concerns raised and reiterated that there was renewed interest and initiatives by ISSBs in examining how the SPS Agreement could support the process to monitor international harmonization. New Zealand noted that the creation of the working group would be without prejudice to the outcome of its work, and explained that past proposals had been re-proposed for more detailed consideration; acknowledged the interest in reviewing the notification process; and noted that the ISSBs' annual report could be more informative in the context of new initiatives. New Zealand concluded that it wanted to bring this proposal to the Committee within the context of the SPS Agreement provisions to see if there was need for a closer look at the issues identified, and that it would be the Committee's decision on how it wished to proceed, including with regard to the working group.

35. I then invited the ISSBs to provide any information relevant to the discussions. The IPPC highlighted the importance of notifying how standards are being implemented and considered it critical to have an idea of the challenges faced and how these had been overcome. The IPPC indicated that it was involved in the development of standards, as well as their implementation, and encouraged the Committee to further reflect on how standards are being implemented in countries as this could be useful information for other countries seeking to implement standards.

36. The OIE also considered the importance of examining success stories and challenges regarding the implementation of international standards, noting that the value of standards was in their implementation. In the OIE's view, understanding the reasons for the successful implementation of standards by some Members was key. The OIE Observatory sought to monitor and understand challenges, and provide capacity building for Members. In light of its resources and commitment in this area, the OIE highlighted the need for the SPS Committee as well as the ISSBs to stay within their respective mandates. Regarding New Zealand's proposal, the OIE noted that some actions should be reviewed and taken forward, even if not within the SPS Committee. The OIE called to further strengthen cooperation between relevant organizations to avoid some of the proposed actions eventually coinciding with the work of the ISSBs and, subsequently, going beyond the mandate of the SPS Committee. The OIE remained respectful of the decisions of the Committee and expressed its willingness to participate in any further discussions, given the importance of its work.

37. I thanked Members for their constructive engagement and noted that the topic could be of interest, but that there were some clarifications and concerns that needed to be brought or addressed, respectively. Hence, I invited New Zealand as well as other Members to reach out to each other to see how their comments could be taken into account to revise the proposal. It is noteworthy that discussions could continue in an informal mode until there was a consensus on how to move forward. I further indicated the Chairs' readiness to eventually facilitate such interactions or consultations if deemed necessary. In this regard, I looked forward to further strengthening the work of the SPS Committee.

4 UPCOMING THEMATIC SESSIONS (G/SPS/GEN/1949/Rev.1, G/SPS/GEN/1951/Rev.1) AND COMMITTEE WORKSHOP ON TRANSPARENCY

38. I offered an opportunity for Members to provide additional feedback and comments on the proposals for the upcoming Thematic Sessions on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks, to be held in June 2022, based on the submission by Australia (G/SPS/GEN/1949/Rev.1); and on International Standards and Best Practices in Pest Risk Identification, Assessment and Management, to be held in November 2022, based on the submission by the European Union (G/SPS/GEN/1951/Rev.1). I noted that comments had been provided and shared with the proponents.

39. Regarding the Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks (G/SPS/GEN/1949/Rev.1), Australia thanked Members for their comments which it noted would be taken into account in the final programme. Australia indicated that the topic is an emerging area of innovation in regulatory practice, and the session would seek to present a diverse set of perspectives, including from exporting and importing countries, from developed and developing countries, as well as from international organizations and the private sector. Australia welcomed further comments on the proposal and suggestions on speakers, and informed the Committee that it would reach out to a diverse group of Members regarding the development of this session.

40. Some Members welcomed the draft programme circulated in G/SPS/GEN/1949/Rev.1 and indicated their willingness to share respective experiences in this area. It was noted that the topic was timely due to the COVID-19 pandemic and the work being undertaken in the ISSBs, especially the CCFICS electronic working group on Guidance on Remote Audit and Verification in Regulatory Frameworks.

41. Australia noted that comments would be taken on board and that it appreciated Members' interest in presenting their experiences at the session.

42. Regarding the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management (G/SPS/GEN/1951/Rev.1), the European Union acknowledged the interest of several Members. The European Union explained that the thematic session would provide Members with an opportunity to learn from each other on best practices in the area of plant health and that this experience-sharing among Members would be one of the main objectives. The European Union added that any concrete outcomes from the thematic session could feed into IPPC's work programme, by identifying possible gaps in the standards or new trade-related projects. The European Union noted that comments were being carefully considered and would be taken into account in the preparation of the session.

43. Some Members took the floor, expressing interest in sharing their respective experiences at the thematic session, welcoming the draft programme, and looking forward to a revised version. There was a suggestion for the IPPC to present on relevant ISPMs in relation to pest risk analysis, including a reference to its upcoming work on the reorganization and revision of the pest risk analysis standards. In addition, there was interest in exploring international standards for approval procedures for plant and plant products, and learning more about improvements in pest risk assessments and best practices by Members, as well as a suggestion to consider including a systems approach, a tool that allowed for the reduction of agrochemical products in the field.

44. The European Union indicated that it had taken note of the suggestions and would work with the Secretariat to prepare the thematic session. The IPPC thanked Members for their interest in the area of plant health and pest risks, and looked forward to working together on this thematic session in November.

45. I also reminded Members that the June 2022 SPS Committee workshop would focus on transparency. The Secretariat explained that the workshop would offer an opportunity to review the main functions of the new ePing SPS&TBT platform and provide further training. Members would also be invited to share their experiences, including on the use of new functions such as exchanging comments on notifications. The Secretariat informed the Committee that a first draft of the programme would be circulated after the March SPS Committee meeting, and Members invited to provide comments by 22 April.

5 NEW EPING SPS&TBT PLATFORM

46. The Secretariat presented the new ePing SPS&TBT Platform and indicated that it would provide a report in the formal meeting under agenda item 4(c) on the Operation of Transparency Provisions.

6 COVID-19 AND SPS ISSUES

47. I recalled that COVID-19 and SPS issues had been discussed at the dedicated information sharing session of June 2020, and in every meeting since then. The Secretariat reported that out of all WTO COVID-19 related notifications submitted by Members, 27% related to SPS. This represented 122 SPS notifications and other communications related to COVID-19. These could be extracted from the ePing SPS&TBT Platform using the "COVID-19 SPS" keyword. Finally, the Secretariat recalled that all WTO COVID-19 related documents, were available on the COVID-19 gateway of the WTO website.

48. The IPPC thanked the Standards and Trade Development Facility (STDF) for the resources and assistance provided for the development of the ePhyto solution that had allowed for the exchange of more than 2 million digital certificates between 66 active countries. Approximately another 50 countries were currently in the process of joining. The solution had contributed to the safe trade of plant and plant products during the pandemic.

ANNEX B

SPS COMMITTEE THEMATIC SESSION ON TRADE FACILITATIVE APPROACHES TO PESTICIDE MRLS, INCLUDING SUBSTANCES NOT APPROVED FOR USE IN AN IMPORT MARKET

22 MARCH 2022

REPORT BY THE CHAIRPERSON

1. A Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, Including Substances not Approved for Use in an Import Market was held on 22 March 2022, as agreed by the SPS Committee in November 2021. A draft programme was circulated in document G/SPS/GEN/1989, based on a proposal submitted by Australia, Colombia, Paraguay, and the United States in document G/SPS/GEN/1947. The final programme is contained in document G/SPS/GEN/1989/Rev.1. The thematic session was held in hybrid format, with delegates invited to attend in person or virtually through the Interprefy platform. The thematic session was also webcast live.[1]

2. The main objective of the thematic session was to explore different approaches used by Members to address issues associated with pesticide maximum residue limits (MRLs) and to provide an opportunity for Members to share experiences and best practices with regard to facilitating safe trade. The thematic session built off of recent work by the Asia-Pacific Economic Cooperation (APEC) in this area and provided Members an opportunity to learn from one another and from key private sector perspectives, including those involving transition periods and channels of trade.

3. Session 1 provided background information and context. The Secretariat began by providing an overview of key principles of the SPS Agreement relevant to pesticide MRLs, recalling recent relevant work of the SPS Committee, and briefly reporting on pesticide MRL-related specific trade concerns.

4. Session 1 continued to discuss the economic case for addressing MRLs and the impacts of risk-based and trade facilitative enforcement practices, providing Member and industry perspectives. In this context, Australia presented its policy and practice with respect to MRLs, highlighting key principles underpinning its MRL assessment framework and exploring case studies on wheat and wine. Australia underscored the central role of Codex and advocated for a global solution to enable trade, reduce costs, and contribute to food security. Next, the Almond Board of California presented trade data, pest management needs, and integrated pest management efforts with respect to California Almonds, stressing the need for trade facilitative MRL measures and looking at examples of such measures. This was followed by a presentation from the US Northwest Horticultural Council, highlighting the importance of risk-based MRL frameworks and the role of Codex in the context of fresh produce. This presentation also discussed trade disruptions in fruit between the United States and the European Union, as well as issues pertaining to missing or low MRLs and costs associated with MRL compliance.[2]

5. In Session 2, speakers discussed the role of Codex, looking at the work of the FAO/WHO Joint Meeting on Pesticide Residues (JMPR) and the Codex Committee on Pesticide Residues (CCPR). First, a JMPR expert provided an overview of JMPR composition, role, outputs, and procedures behind the establishment of MRLs based on a priority list established by the CCPR. Changes in methodologies within JMPR and recurring issues were also addressed. This was followed by a presentation from the Codex Secretariat providing an overview of the role of the CCPR. This presentation discussed the priority list of pesticides for evaluation by JMPR, establishment of MRLs and extraneous MRLs for pesticides in food and feed, and methods of analysis.

6. Session 2 continued with importing and exporting Member and industry experiences harmonizing with Codex MRLs, including as a default. In this context, the European Union provided an overview of the principles underpinning the EU pesticide MRL legislation, the process for implementation of

[1] On the day of the event, 239 connections were made to the live webcasting.

[2] Uganda was scheduled to present its perspective on trade challenges and solutions to MRLs in food commodities in Session 1. Unfortunately, due to connectivity issues, the speaker could not attend the thematic session.

Codex MRLs, EU assessment of Codex MRL proposals and reasons that may justify EU reservations. This was followed by a presentation by Brazil on its experience harmonizing with Codex MRLs. In its presentation, Brazil also discussed the work of its regulatory bodies on pesticides, the process to establish MRLs according to Good Agricultural Practice requirements as well as its pesticide residue in food analysis programme. Next, New Zealand addressed harmonization of international agrichemical assessment processes and recognition of MRLs, discussing its participation in harmonization initiatives, including CCPR. New Zealand stressed the need for more regulatory coherence, acknowledgement of existing international standards such as Codex MRLs, and mutual recognition of national MRLs. Finally, the Canada Grains Council provided an exporter perspective on pesticide regulations, noting that farmers increasingly faced a complex global patchwork of misaligned and missing MRLs. The presentation then introduced data pertaining to MRL-related food waste, including data on food waste that could be avoided by using Codex MRLs.

7. Session 3 covered the role of import tolerances. Starting with the APEC Import MRL Guideline for Pesticides, Australia addressed its development, implementation phases, and key underlying principles, e.g. its focus on, science, minimizing data requirements, and using Codex MRLs. Australia further discussed tools to support the APEC Guideline, such as the Common APEC MRL Application Template, as well as an Australian-led initiative to foster the implementation of the APEC Guideline within the Association of Southeast Asian Nations (ASEAN). The United States followed to discuss a complementary US-led pilot project to leverage the APEC Guideline for trade facilitation in ASEAN. The United States discussed underlying principles, the concept for the pilot mechanism to receive, process, and evaluate import MRL applications as well as the next steps for the project.

8. The remaining presentations in Session 3 focused on importing and exporting Member experiences with import tolerances. Korea discussed its positive list system, pursuant to which a uniform 0.01 ppm default tolerance applies when there are no established MRLs. Korea further discussed work to encourage MRL registration applications and introduced its MRL database. Next, Chile shared its perspective as an exporting country. Having discussed issues faced by exporters, Chile looked at examples of missing/lower or default MRLs in the context of the fruit industry. Chile emphasized that import tolerances were a good opportunity to facilitate trade, noting that procedures for establishing import tolerances should be uniform, transparent, science-based and aligned with Codex. Finally, Chinese Taipei presented its current practice in establishing import tolerances for pesticide residues in food. Chinese Taipei recalled broad principles for setting MRLs, presented its procedures for establishing MRLs, introduced its MRL inquiry system for applicants to check the progress of their applications online, and discussed its positive list system.

9. Session 4 on addressing MRL enforcement measures focused on Member and industry experiences with limits of detection and channels of trade/transition periods. The United States provided insights on pesticide regulatory decisions and channels of trade considerations for implementation. The US pesticide regulatory framework was presented and establishing MRLs as well as tolerance revocation were discussed. The channels of trade provision in the US Federal Food, Drug, and Cosmetic Act was introduced, as well as existing guidance regarding the general enforcement approach for revoked, suspended, or modified tolerances. The presentation also discussed showing dates and related enforcement strategies. Next, the German Hop Industry Association presented on MRL enforcement issues and experiences of the German hop industry. In particular, challenges associated with missing or restrictive MRLs in destination markets and those associated with the EU pesticide policy were set out. The presentation then focused on channels of trade case studies, concluding that concrete international channels of trade policies are needed and that international harmonization of MRLs is essential. Last but not least, Corteva Agriscience discussed low or missing MRLs and the global effects – direct and indirect – of lowering MRLs, looking at the case of banana producers in Costa Rica. Moreover, possible tools were identified, including the Organisation for Economic Co-operation and Development (OECD) Mutual Acceptance of Data, positive list systems, and the concept of one global MRL (or enhanced Codex) as an aspirational goal to facilitate trade.

10. Before closing the thematic session, I remarked that the discussions had provided a useful opportunity to increase Members' understanding of the relevance of the SPS Agreement to pesticide MRLs as well as the importance of risk-based approaches and Codex MRLs. In addition, Members learned more about the process behind setting Codex MRLs and the APEC Import MRL Guideline for Pesticides and how the Guideline is leveraged for trade facilitation purposes. Importantly, in this thematic session, Member and industry experiences and case studies were shared on various topics related to MRLs, including on harmonization with relevant international standards such as Codex MRLs, import tolerances, and MRL enforcement measures.

11. Presentations made in this thematic session and the videos of the event are available on the event's webpage: WTO | Thematic Session on Trade facilitative approaches to pesticide MRLs, including substances not approved for use in an import market.