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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 22-24 JUNE 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 83rd regular meeting on 22-24 June 2022. The proposed agenda for the meeting (JOB/SPS/21) 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, 24 June 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. The Secretariat also referred to WTO's single sign-on for its various online platforms and tools and invited delegates to register always using the same email address. Finally, the Secretariat informed Members that it will manually remove from eAgenda emails addresses that systematically bounced back.

2 ELECTION OF THE CHAIRPERSON

2.1. The Chairperson reminded Members that, according to the Rules of Procedure, the term of office of the Chairperson of the SPS Committee ended with the conclusion of the first meeting of each year. On 23 May 2022, the Council for Trade in Goods (CTG) had adopted the slate of names for the appointment of chairpersons of its subsidiary bodies in accordance with the established Guidelines for Appointment of Officers to WTO bodies (contained in document WT/L/31). On that basis, Mr Tang-Kai Wang of Chinese Taipei had been nominated as the new Chairperson of the SPS Committee. The Committee endorsed this decision by acclamation. The outcoming Chairperson thanked delegates for their support and assistance during his Chairmanship.

3 INFORMATION SHARING

3.1 Information from Members on relevant activities

3.1.1 Adoption of the SPS Declaration for MC12

3.1. Brazil, one of the initial proponents, welcomed the adoption of the SPS Declaration as an effective response to challenges affecting the agricultural landscape. The Declaration contributed to strengthening the multilateral trading system and would support the regular work of the Committee. Brazil stood ready to collaborate to ensure the implementation of the work programme towards Thirteenth Ministerial Conference (MC13).

3.2. The United States was pleased with the multilateral adoption of the SPS Declaration. This was a recognition by Ministers of the principles of the SPS Agreement and of the relevance of the SPS Committee as the body to address emerging challenges and opportunities in agricultural trade. The Declaration was an opportunity to look ahead at how the SPS Agreement could help Members facilitate safe trade. Noting the inclusive and collaborative approach leading to adoption, the United States said that the work programme reflected the shared goals of all WTO Members and looked forward to exploring with other Members the topics in the Declaration.

3.3. Colombia appreciated the work of the SPS Committee and celebrated the achievement of the adoption of the SPS Declaration. The modern challenges had to be explored through sound technical and scientific discussions in order to achieve food safety and protection of human health. The Declaration instructed the Committee to continue to promote the implementation of the SPS Agreement through a work programme examining available mechanisms to address these challenges. Colombia invited Members to continue to work to promote the work plan.

3.4. Canada reiterated the importance of the multilateral adoption of the SPS Declaration, which constituted a significant achievement. Members had united their voices to proclaim the importance of the SPS Agreement and the impacts of emerging pressures in international trade. Noting that the world had changed since the establishment of the SPS Agreement, its principles and obligations

remained as relevant, as had been recognized by Ministers. The Declaration called on the SPS Committee to examine how the implementation of SPS Agreement could respond to new and emerging challenges. Canada congratulated Members for their unity and for the valuable feedback provided to make a robust and representative Declaration. Canada believed that the Member-driven, transparent and inclusive process leading to consensus was commendable and that if could be used as a template for work in other areas. Canada would continue to play an active role to advance the work of the Committee, in the same spirit that led to the adoption of the Declaration.

3.5. The European Union appreciated the work of the SPS Committee towards the unanimous support to the forward-looking SPS Declaration. The European Union had co-sponsored the document following the inclusion in the text of sustainable food systems.

3.6. As one of the co-sponsors, Japan appreciated the adoption of the SPS Declaration and thanked Members who had coordinated the work. Japan expected the work programme to contribute to the identification of challenges in the implementation of the SPS Agreement.

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

3.7. Japan expressed its appreciation to the United Kingdom for the expected lifting of import measures on Japanese food. The latest updates on the food monitoring and study results, the marine environment around the TEPCO Fukushima Daiichi nuclear power station, and the planned discharge of ALPS (Advanced Liquid Processing System) treated water were circulated in document G/SPS/GEN/1233/Rev.5. Based on the available data, the FAO/IAEA Center had acknowledged the safety of the public food supply. Noting that 41 out of 55 countries and regions had totally lifted the import restrictions and/or measures introduced after the accident, and that 90% of WTO Members accepted Japanese products with no additional conditions, Japan encouraged other Members to revise and to remove their remaining import measures.

3.8. Regarding the controlled discharge of ALPS treated water in 2023, the IAEA had conducted reviews early in 2022, which were available in IAEA website, and further reviews were to be conducted to ensure safety and enhance transparency. The TEPCO's implementation plan for the discharge had been revised, and the discharge would not start until final approval of the pre-service inspection was granted. Having explained the process to international community through different channels, Japan expected their counterpart authorities to communicate risk based on science and facts and to engage in bilateral meetings.

3.9. Korea was monitoring the safety of fishery products originating from the prefectures subject to the import ban. Noting concerns due to the detection of fish with high level of caesium, Korea reiterated the importance of holding consultations and sharing information on the potential environmental impact of the release of contaminated water into the ocean.

3.10. In response to Korea, Japan reiterated it continuously monitored the sea area around the Fukushima Daiichi nuclear power station and reported the updates to the IAEA. Assessments by the IAEA indicated that no significant changes had been observed in the marine environment, and that the radioactivity levels were low and stable. Reiterating its transparent and science-based engagement, Japan underscored that the ALPS treated water met regulatory standards.

3.1.3 Ukraine - Information on Ukraine's SPS situation

3.11. Ukraine reported that it had simplified SPS measures and procedures in the plant health area. To date, all phytosanitary procedures were carried out by information systems that reduced the time required to process and issue phytosanitary certificates, to allow for exports of Ukrainian grain and inspections of imported plant products since February 2022. Monitoring and surveys also continued. Low quality seeds and planting material had been withdrawn from the market and destroyed in order to prevent their spread.

3.12. Concerning animal health, the State Food and Consumer Service of Ukraine and its territorial bodies had been carrying out routine vaccinations, and necessary actions and follow-up measures had been taken to eliminate animal diseases. Ukraine thanked several Members and all of their partners for their assistance to the livestock industry. Ukraine was undergoing supply difficulties in

livestock and household farms, food and veterinary care were restricted, and numerous animals had been found dead and wounded. Ukraine noted that urgent assistance was needed to restore the full functioning of several institutions of the State Food and Consumer Service. Ukraine had established a legal framework to ensure a stable epizootic situation and to create appropriate conditions for exports and imports of livestock products. Ukraine had notified the WTO of the Resolutions of the Cabinet of Ministers of Ukraine adopted and the rules of state veterinary and sanitary control approved for this purpose. Ukraine was grateful for the trust in their exported agricultural products and measures taken to resume Ukraine's ability to produce, trade and export agricultural products, and would welcome further liberalization of the SPS measures in trade with Ukraine.

3.13. Regarding food, Ukraine apprised WTO Members of possible risks of transactions of Ukrainian grain with illegal phytosanitary certificates, which might not be in compliance with current phytosanitary requirements. Ukraine submitted its statement in document G/SPS/GEN/2040.

3.14. The European Union, the United States, Canada, the United Kingdom, Australia, Japan, Switzerland, Korea and Norway strongly condemned the Russian Federation's military action in Ukraine, noting that it constituted a violation of international law and the UN Charter. Several Members noted that the invasion was further exacerbating the current food security crisis, since Ukraine was unable to export and inspect its grain, and called on the Russian Federation to withdraw its forces and cease military operations in Ukraine.

3.15. 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 including rising of world food and fertiliser prices and disruptions in global food supply chains.

3.2 Information from Codex, IPPC and OIE on relevant activities

3.2.1 Codex (G/SPS/GEN/2027)

3.16. The Chairperson drew the Committee's attention to the report presented by Codex on its relevant activities, contained in document G/SPS/GEN/2027.

3.2.2 IPPC (G/SPS/GEN/2030)

3.17. The IPPC presented its report on relevant activities in document G/SPS/GEN/2030, mainly focusing on the outcomes of the 16th session of the Commission on Phytosanitary Measures (CPM-16). New standards were adopted, which included new phytosanitary treatments and diagnose protocols. Concerning the monitoring of the implementation of standards, the IPPC was moving towards an IPPC Observatory in order to have a more sustainable mechanism. On 12 May, the IPPC had celebrated the first International Day of Plant Health Celebration, an opportunity to advocate for the importance of plant health. The IPPC informed the Committee of the ongoing calls for experts, and invited Members to share the information with their respective national plant protection organizations (NPPOs).

3.2.3 OIE (G/SPS/GEN/2032)

3.18. The OIE referred to its report on relevant activities in document G/SPS/GEN/2032 and reported on the outcomes of the 89th Annual General Session held in May 2022 in hybrid format. The OIE drew Members' attentions to changes in 11 chapters of the Terrestrial Code. In the Terrestrial Manual, two new chapters were adopted and 17 chapters were revised. Regarding the Aquatic Code, 30 chapters were revised and a new chapter was adopted, infection with tilapia lake virus was added as a new disease, and associated changes were made to articles in disease-specific chapters relevant for recommendations for self-declaration of freedom of aquatic diseases. Five revised chapters were adopted in the Aquatic Manual. In the 89th General Session, six countries or zones had received official recognition of their status for the six officially recognized diseases. A technical item and an analysis of events and trends of the current global animal health situation had also been presented. All the relevant information was available on the refreshed website of the Organization, that was now referred to with the acronym WOAH.

4 SPECIFIC TRADE CONCERNS

4.1 New issues

4.1.1 EU recognition of Mexico as a country with WOAH negligible BSE risk (ID 543) – Concerns of Mexico

4.1. Mexico complaint that the European Union had not accommodated its repeated request to recognize the negligible risk status with regard to bovine spongiform encephalopathy (BSE), granted by WOAH in 2016. Mexico had failed to obtain an official response from the European Union regarding this issue, despite the frequent discussions in the context of the Mexico - European Union Free Trade Agreement (FTA). Mexico noted it accepted the sanitary status granted by WOAH to EU member States, and objected there was no scientific justification for this delay, which was restringing trade in products of interest. Mexico requested to be included in EU Decision 2007/453/EC and asked for an official response to the communications sent since 2017.

4.2. Taking the opportunity to reaffirm support the principle of regionalization, Brazil stated that some Members, including Mexico, frequently imposed unjustified measures related to the non-recognition of the sanitary status of the Brazilian territory according to WOAH. Brazil encouraged Members to follow international guidance developed by the international standard setting bodies (ISSBs) and invited Members to comply with Articles 3 and 6 of the SPS Agreement.

4.3. Noting the ongoing technical discussions, the European Union informed the Committee that it had taken note of Mexico's status and that it was considering the request. The European Union would shortly provide an answer to the letter sent by Mexico's competent authorities in March 2022. The European Union looked forward to continuing the discussion with Mexico.

4.1.2 Peru's non-application of regionalization for African swine fever (ID 544) – Concerns of the European Union

4.4. The European Union expressed concerns on Peru's country-wide import bans imposed on EU pork products from member States that reported outbreaks of African swine fever (ASF). The European Union urged Peru to respect its international obligations and allow trade from disease-free areas, and to engage in solution-oriented exchanges.

4.5. Brazil believed that strengthening and promoting the work of the ISSBs strengthened the SPS Agreement, in particular regarding harmonization, and invited Members to recognize disease-free areas as established by WOAH.

4.6. Peru took note of the information provided by the European Union, but indicated that it had not received a specific request from the European Union nor its member States in this respect. As such, Pero invited the European Union to start the process of regionalization in accordance with Article 6 and paragraph 1b of Annex C of the SPS Agreement.

4.1.3 EU regulation on animal health/official certificates for animal origin foods (ID 545) – Concerns of China

4.7. China complaint that some EU member States had declared that, from 1 May 2022, they would no longer accept only the English version of the health certificates for food products of animal origin exported to the European Union, as had been the practice for a long time in accordance with the Regulation (EU) No 2020/2235 and other relevant regulations. Certificates in the member States' languages, or English and member States' languages together, would now be required. China was not aware of the notification of those requirements to the WTO which, in China's view, did not comply with WTO rules and restricted food trade. Regretting the lack of official response to the letter sent on 10 May, China asked the European Union to clarify the relevant requirements, to formally notify the WTO and to give a six-month transition period. China hoped to reach an agreement on this issue to avoid disruptions of China's food trade.

4.8. The European Union informed the Committee that, in January 2022, it had provided all trading partners with all the linguistic versions of the three amendments to the "New certification package". China had not received the information due to a technical problem that now seemed to be solved.

All the acts had been notified to the SPS Committee after their publication, under documents G/SPS/N/EU/537, G/SPS/N/EU/540 and G/SPS/N/EU/541. The European Union looked forward to continuing bilateral cooperation with China.

4.1.4 EU notifications of matrine and oxymatrine in honey (ID 546) – Concerns of China

4.9. China raised questions regarding the tests conducted by the European Union on honey imported from China with a residue limit of 0.01 mg/kg according to the Regulation (EC) No 396/2005. China explained that Chinese honey was mainly acacia honey and that the matrine and oxymatrine were derived from the nectar of *Sephora vicifoliai* Hence, a plant flowering at the same time as acacia, and not by artificial addition or contamination. China further indicated that there was no evidence that matrine and oxymatrine in honey might cause food safety risks. China questioned the scope and limit of application, the notification procedure and the scientific rationality of the measure, and hoped that the European Union took into account the clarifications provided.

4.10. Thanking China for sharing the relevant data, the European Union highlighted the following points from the bilateral discussions held in November: matrine and oxymatrine, used as pesticides China, were not approved for use in the European Union; a recent evaluation by the German Federal Institute for Risk Assessment (BfR) indicated that the genotoxic potential of the substances could not be excluded and, therefore, no health-based guidance value could be derived for them; the default maximum residue limit (MRL) of 0.01 mg/kg was applied in accordance to of Regulation (EC) No 396/2005. The European Union invited China to submit a request for an import tolerance for matrine and oxymatrine in honey, which would be granted if it received a favourable assessment by the European Food Safety Authority (EFSA). The European Union expressed its willingness to continue bilateral discussions.

4.1.5 Egypt's Customs Circular Decision No. 4060: Radioactivity checks on imported food (ID 547) – Concerns of the European Union

4.11. The European Union raised its concerns regarding Egypt's Customs Circular Decision No. 4060, which introduced radioactivity checks on imported products based on radioactivity limits set by the 2014 Board Decision No. 2 of the Egyptian Nuclear and Radioactive Regulatory Authority (ENRRA). The European Union noted that, despite the absence of a zero-radioactivity requirement in its Board Decision, Egypt claimed that non-listed products could not contain any level of radioactivity. The European Union stressed that this requirement resulted in import blockages of EU shipments in Egypt and was more trade restrictive than necessary, not in accordance with the relevant international standards, and not based on a risk assessment. The European Union urged Egypt to provide information on setting radioactivity requirements for food products, to notify this measure and to suspend the zero-radioactivity requirement until notifying its measure.

4.12. Egypt informed the European Union that it would inquire with the capital over this issue.

4.1.6 Morocco's import ban on ornamental plants (ID 548) – Concerns of the European Union

4.13. The European Union raised its concerns on Morocco's measures against the spreading of *Xylella fastidiosa* disease in plants, as notified in document G/SPS/N/MAR/67/Add.1. The European Union regretted that its comments on this measure had not been taken into account, and emphasized that imports from EU pest-free zones should not be contingent on the prior condition of listing of plant nurseries. The European Union requested that Morocco considered removing the phytosanitary certificate requirement, taking into account that the information on *Xylella*-free zones was provided by its NPPOs. The European Union emphasized that the phytosanitary risk analysis requirements for ornamental plants which were not host of *X. fastidiosa* and the total import ban of ornamental plants host of *X. fastidiosa* from countries infected by this bacteria were disproportionate and unjustified under the SPS Agreement.

4.14. Morocco clarified that it had responded to the EU comments in June 2022 and emphasized that it had not received any written notifications from the European Union regarding this matter. Morocco stated that it was free of *X. fastidiosa* and had temporarily banned the import of ornamental plants and plant parts from countries infested with *X. fastidiosa* in accordance with Article 5.7 of the

SPS Agreement. Morocco informed the Committee that its Law 76-17 on plant protection strengthened the national system of surveillance and phytosanitary control from harmful organisms. Morocco expressed its willingness to engage in bilateral negotiations with the European Union on this matter.

4.2 Issues previously raised

4.2.1 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, Paraguay, Guatemala, the United States, Ecuador and Costa Rica

4.15. Colombia regretted the lack of progress on the topic and reiterated its concerns on the EU hazard-based approach that could lead to pesticide regulations more restrictive than necessary. Colombia invited Members to read the questions contained in document G/SPS/GEN/2002, answers to which could indicate a possible discrimination of imported like products that required import tolerances. While sharing the European Union's legitimate objectives, Colombia asked several questions regarding the establishment of MRLs.

4.16. Paraguay was disappointed about the delay and quality of the EU responses to questions raised by Paraguay and other delegations. Noting that the European Union stated that it could not respond on behalf of EU member States regarding emergency authorizations, Paraguay mentioned the possibility of consulting them directly, since they were Members of the WTO in their own right. Finally, Paraguay regretted that the European Union could not confirm whether it would continue to grant emergency authorizations to plant protection products that it considered of general concern for which it did not grant import tolerances, and urged the European Union to take a decision on this matter and inform the Committee as soon as possible.

4.17. Guatemala reiterated its concerns regarding EU MRLs, namely chlorothalonil, chlorpyrifos and mancozeb, and the expected negative effects on tropical agricultural production for European markets. Guatemala highlighted that alternative pesticides, as efficient to those currently available in the market, were required to combat pest and diseases that were present throughout the year in tropical climates. Guatemala urged the European Union to present a proposal on the active substances that would be available to replace those currently used.

4.18. The United States noted that the European Union created trade barriers by applying the precautionary principle in its pesticide decision-making processes, and regretted that the EU responses did not address the resulting urgent problems facing agricultural producers and exporters. According to the United States, EFSA's technical reports published in November 2021, containing justifications for emergency authorizations for the use of pesticides in several EU member States, acknowledged the lack of effective alternatives or the risk of insect resistance to alternative products. Noting the importance of science-based measures, the United States called for the European Union to afford producers in third countries the same access to crop protection tools, to take the least restrictive trade actions and to apply its MRLs for both imported and domestic goods at the time of production. The United States submitted its statement in document G/SPS/GEN/2041.

4.19. Ecuador reiterated its concern on EU measures on MRL reduction of pesticides and considered that departing from Codex standards questioned the value of the work of the ISSBs. New technologies and innovation, as well as time and resources, were required to replace most of the restricted substances and for the implementation of the MRLs. Pointing to the conditions and the behaviour of pests and insects in the tropics, Ecuador stated that limiting the use of some fungicides and insecticides that were widely used on a rotational basis would affect producers' economy. Ecuador noted that, although EU producers were also affected by these bans, they could obtain emergency authorizations for the use of restricted substances, and hoped that this could be extended to countries outside the European Union. Ecuador would examine the answers provided by the European Union to the questions raised.

4.20. Costa Rica reiterated its concerns regarding the impacts on MRL reduction on their production system, in particular on the lack of conclusive scientific evidence to justify the changes and the departure of EU conclusions from findings agreed in Codex. These concerns had been supported by numerous Members in several fora. Costa Rica supported the questions raised by other Members

and would examine the EU answers. Emphasizing that its concern referred to the overall regulatory approach taken by the European Union, and not to specific substances, Costa Rica urged the European Union to reconsider its regulatory approach, to establish an effective dialogue with affected Members, and to explore measure that would limit them global impact of these regulations.

4.21. Uruguay reiterated its concern on the EU approach to MRL reduction for an increasing number of substances, specifically mancozeb, imazalil, iprodione and buprofezin, to limits lower than those established by Codex without a scientific risk assessment. Uruguay agreed with other Members that the emergency authorizations granted by EU member States to domestic producers could be in conflict with EU health protection policies and with trading conditions with third countries. Uruguay was reviewing the answers provided by the European Union in document G/SPS/GEN/2038. Highlighting that pesticide regulations should be based in scientific principles and risk assessments and applied in a non-discriminatory manner, Uruguay pointed out that sufficient periods of two years or two harvest seasons should be granted. Uruguay requested to European Union to give due consideration to these concerns, to respond to calls for dialogue and to reconsider its regulatory approach.

4.22. Emphasizing the need to base decisions on relevant risk assessment techniques, Canada was concerned with the trade implications of the EU approach to the regulation of active substances in plant protection products, specifically given the current international supply chain disruptions and the global food security crisis. Canada requested the European Union to maintain MRLs for substances that did not pose unacceptable dietary risks. Underlining the importance of providing significant advance notice between the adoption of MRLs and their entry into force, Canada asked the European Union to notify anticipated changes to MRLs to the SPS Committee earlier than the currently required 60-day notice period, clearly indicating the scientific basis of the decision and applicable transition periods, to allow Members the opportunity to provide feedback. Referring to the emergency authorizations granted to EU member States, which seemingly contradicted the EU approach, Canada requested the European Union to ensure that it did not discriminate between domestic producers and foreign exporters.

4.23. Argentina reiterated its concern, which referred to technical and structural aspects affecting all Members. Argentina insisted that the European Union should base its regulatory changes in risk assessments and on conclusive scientific evidence. Argentina insisted that the lack of solutions made trade more difficult, undermined trust and reduced developing Members options to achieve sustainable development through international trade. Argentina invited the European Union to commit to dialogue with affected Members.

4.24. Chile reiterated its concern, which mainly referred to mancozeb, and requested the European Union to reconsider its measure to maintain international trade of agricultural products.

4.25. Stating that the EU regulatory policies on MRLs disregarded Codex standards and violated the principle of harmonization, Brazil insisted on the importance of adopting measures based on scientific evidence and on risk assessment grounded in science. Brazil noted that the number of Members concerned was a clear sign of the impact of EU policies on global trade.

4.26. Peru regretted the lack of improvement regarding this concern.

4.27. Panama was particularly concerned by the reduction of MRLs for mancozeb, for which there was no substitute to control black sigatoka in tropical cultures. Thanking the European Union for the responses provided to questions raised by several Members, Panama regretted that answers referred to other documents and did not address the questions raised. Panama asked the European Union to work with other Members in a constructive manner.

4.28. The European Union pointed out to the questions that had already been answered, including in document G/SPS/GEN/2038 and in the communication explaining the ongoing review of EU MRLs of pesticides (G/SPS/GEN/1494/Rev.2). Stressing that its food safety system was based on a high level of consumer health protection, the European Union stated that MRLs should be set at the lowest achievable level consistent with good agricultural practice for each pesticide. The European Union remained among the largest importers of agricultural commodities.

4.29. The European Union elaborated on the information available in document G/SPS/GEN/1970, and referred to additional guidance available in document SANCO/10087/2013 rev.1. In particular, the European Union detailed the conditions for EU members States to authorize the placing on the market of plant protection products, established in Article 53 of Regulation (EC) No 1107/2009, which required notifying the other member States and the European Commission through the Plant Protection Products Application Management System (PPPAMS). Approximately 90% of emergency authorizations were granted for plant protection products containing active substances approved in the European Union and many of the specific uses were already authorized in another EU member State, and hence EU MRLs applied. In cases where an emergency authorization was granted for a use that would result in residues above the established EU MRL, a national temporary MRL might be needed. Consumer safety had to be ensured and specific control measures had to be put in place. This was only possible in exceptional circumstances and within the member State's territory. According to Article 18(4) of Regulation (EC) No 396/2005, such food or feed was not foreseen for trade. In rare cases, an EU-wide temporary MRL could also be established. Emergency authorizations for plant protection products could be granted for a particular crop/pest combination, usually in minor crops or for new and emerging phytosanitary risks and other phytosanitary issues in major crops, that were eventually replaced by a regular extension of an existing authorization or a new authorization. Emergency authorizations might also be granted for non-agricultural situations as stipulated in Recital 32 of Regulation (EC) No 1107/2009 to overcome dangers or threats, and not to facilitate trade. The European Union reiterated the availability to cooperate with all Members interested.

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

4.30. India stated that anthraquinone was a naturally occurring hydrocarbon. Reiterating its concerns regarding the classification of anthraquinone as a pesticide, India believed that the MRL of 0.02 mg/kg for tea was too low and affected Indian tea exports to the European Union. India referred to the results of recent studies confirming that atmospheric deposits were the major source of contamination of teas with anthraquinone. The study also concluded that these deposits on tea leaves were likely to cause a residue value higher than the EU MRL in certain tea-producing areas. India requested the European Union to postpone the proposed revision of the MRL for anthraquinone in tea.

4.31. Noting the lack of new elements on this issue, the European Union indicated that the authorization of plant protection products containing anthraquinone had been withdrawn in 2009 pursuant to Commission Decision 2008/986/EC, and that MRLs had been set at the limit of quantification (0.02 mg/kg for tea and 0.01 mg/kg for other commodities). EFSA's 2012 reasoned opinion according to Regulation (EC) No 396/2005 had not provided new elements to consider the need for further measures. Given the recent classification of anthraquinone by the European Chemicals Agency as carcinogenic category 1B, and the need to apply good practices during food production, the European Union expressed its availability to provide technical assistance to India and other non-EU countries interested on laboratory methods, if requested. The European Union remained open to provide India with additional information.

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

4.32. Paraguay regretted having to reiterate this concern that had remained unresolved since it was first raised in 2014. In Paraguay's perspective, the series of measures adopted by the European Union lacked a scientific basis and favoured producer protection over consumer protection. Paraguay urged the European Union to find means of resolving the underlying causes of this trade concern.

4.33. Ecuador supported this 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, such as dimethoate or mancozeb, included the alleged endocrine disruption effects among the reasons for the withdrawal of authorizations.

4.34. 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

identification and the regulation of endocrine disruptors was based on risk assessments, using criteria supported by sufficient scientific evidence, in line with the SPS Agreement.

4.35. Uruguay reiterated its concerns regarding the EU adoption and implementation of a hazard-based approach for products with potential 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.

4.36. Brazil recalled that the criteria for the determination of endocrine-disrupting substances had to be established in accordance with Article 5 of the SPS Agreement, in line with scientific principles and available scientific evidence and data, to avoid unnecessary trade restrictions. 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 of risk.

4.37. Peru considered that the EU regulations were inconsistent with Article 5 of the SPS Agreement, and that maintaining a hazard-based approach could lead to measures that restricted trade of food products more than necessary.

4.38. 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 commonly used substances.

4.39. Canada reiterated its request for the European Union to amend its hazard-based approach for the regulation of active substances in plant protection products, and to consider both hazards and risks in its regulatory decision-making. According to Canada, this would align the EU regulatory framework with internationally recognized approaches for risk management.

4.40. Guatemala considered the issue of endocrine disruptors to be linked to the implementation of restrictive MRLs affecting agricultural production in tropical countries. Guatemala urged the European Union to reconsider its restrictive approach and to base its measures on a risk assessment specific to tropical regions.

4.41. 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 noted that exports of the commodities potentially affected by these measures had grown since the STC was first raised in 2015, despite Members' concerns at that time on the potential socioeconomic effects of the measure and that, therefore, the alleged trade barriers had not materialized. The European Union reiterated its commitment to keep Members informed of further developments.

4.2.4 EU import tolerances for certain pesticides to achieve environmental outcomes in third countries (ID 534) – Concerns of Australia

4.42. Australia considered that decisions regarding import MRLs should only be assessed in light of food safety risks, and that taking into account environmental impacts in exporting countries poses a threat to third countries' ability to apply their own environmental policies, in contradiction with WTO rules. Australia considered that third country national authorities are the best decision maker to ensure that pesticide application is undertaken in a responsible and sustainable manner in each country, and in accordance with their unique environment. Australia asked the European Union to clarify to which WTO Committee it would notify the draft regulation and looked forward to continued engagement on the matter.

4.43. Paraguay regretted the lack of information on the implementation of some of the objectives of the EU strategies and requested clarification on the notification of the draft measure. Paraguay was of the view that the EU approach did not take into account Members' shared responsibilities, the differences in climatic conditions and production systems, and the financial support received by European producers. In addition, EU member States frequently granted emergency authorizations for the use of prohibited substances for which import tolerances were not granted. Paraguay hoped to receive clarification on EU policies.

4.44. Brazil shared the concern, as it considered that EU policies disregarded international efforts under the Joint FAO/WHO Meeting on Pesticide Residues and violated Article 3 of the SPS Agreement.

4.45. While sharing the European Commission's goals for food systems transformation, the United States was of the view that approaches to strengthen sustainability should focus on all three economic, social, and environmental dimensions. The United States noted that, in order to meet the world's growing demands, different locations and scales needed a combination of approaches, tools and technologies, and was concerned that the proposed application of EU standards would not recognize their trading partners' regulatory frameworks and competence and unnecessarily restrict trade. The United States urged the European Union to address the concerns expressed in a letter sent in April 2022, together with other Members. The United States submitted its statement in document G/SPS/GEN/2042.

4.46. Japan noted than any reduction of EU MRLs for the neonicotinoid pesticides clothianidin and thiamethoxam should be made in a manner consistent with WTO rules. Regulations for environmental protection should be set by each Member, reflecting its particular environment, and should be harmonized with international standards. Japan requested the European Union to notify the draft of new regulations at an early stage and to provide other Members ample opportunity to comment on the new regulations prior to the introduction.

4.47. Ecuador shared the concern the European Union's extraterritorial objectives, which did not seem to follow WTO rules. The legislation, production systems, climatic conditions and development status of trading partners were not taken into account. Ecuador invited the European Union to continue the dialogue on these measures, in order to protect human health and avoid unnecessary trade restrictions.

4.48. Colombia stated that this was part of its systemic concerns over EU policies. While Colombia was a pioneer in the region of environmental protection and of the three pillars of sustainability, it lacked subsidizing capacity. Colombia was of the view that climatic, soil, social and economic conditions, as well as biodiversity in third countries, should be taken into account when talking about import tolerances for certain pesticides in third countries. Concerning the protection of animal and plant health, regional conditions had to be taken into account to avoid inconsistencies with WTO rules and to ensure that measures did not result in practical ban of imports from developing countries. Talking about neonicotinoids, Colombia expressed concerns and asked the EU to scrutinize justifications, particularly about territorial scope of its protection and the protection of pollinizers.

4.49. While sharing the concerns over environmental challenges facing the international community, Argentina was concerned about the European Union's unilateral and extraterritorial approach to environmental issues. Argentina highlighted the methodological weaknesses of the approach, which also disregarded the principles of permanent sovereignty over natural resources and of common but differentiated responsibilities. Argentina hoped to receive an answer to the communications sent to the Commission.

4.50. Uruguay was of the view that issues related to import tolerances were under the realm of the SPS Committee, and recalled that SPS measures adopted or implemented by WTO Members should be in line with the objectives states in Annex A and other substantive obligations of the SPS Agreement. Uruguay reiterated its willingness to cooperate towards reaching the shared objective of protecting the environment and pollinizers, while recognizing the full capacity of authorities of third countries to adopt measures to balance the objective of food production with other legitimate objectives such as protection of the environment and human, animal and plant health. Uruguay urged the European Union to fulfil its WTO obligations when adopting measures with trade effects.

4.51. Canada was concerned by the implications of the EU announcement of the consideration of global environmental impacts in the import tolerance decisions. Noting the robustness of its regulatory system, Canada believed that the European Union was applying its domestic legislation extraterritorially, thus breaching its WTO obligations, by reducing neonicotinoid MRLs to default values in the absence of an identified dietary risk. Canada asked how the European Union planned to apply environmental considerations in the dietary risk assessment for active substances.

4.52. The European Union recalled the submission of document G/SPS/GEN/1868 on this topic solely for transparency purposes, and reiterated that the issue fell outside of the scope of the SPS Agreement. The European Union stated that it would take into account environmental aspects when setting MRL for substances no longer approved in the European Union due to environmental concerns of global nature, while respecting WTO and international obligations. The European Union intended to address this matter on an incremental basis, founded on best available scientific evidence, ensuring its measures were not more trade restrictive than necessary to achieve their objective. While the new EU approach would not prohibit the use of pesticides in other countries, crops destinated to the EU market would need to comply with EU MRLs.

4.53. On the differences in geoclimatic conditions, the European Union acknowledged that non-EU countries faced production conditions and pest pressures different to those in Europe. Article 6 of Regulation (EC) No 396/2005 included the provision on import tolerances. In line with the commitments in the Green Deal and the Farm to Fork strategy, environmental issues of global concern would be taken into account in the process of setting MRLs. The European Union remained available for further discussions on the issue.

4.2.5 EU restrictions on spice imports and other food products due to European Commission Implementing Regulation (EU) 2021/2246 of 15 December 2021 (ID 533) – Concerns of India

4.54. India was of the view that the MRL of 0.02 mg/kg for chilli and ginger and 0.1 mg/kg for other spices, fixed for ethylene oxide (EtO) and its metabolite 2-chloroethanol or ethylene chlorhydrin (ECH) together, lacked sufficient scientific basis. India stated that, given the possibility of the natural occurrence of EtO, establishing an MRL for EtO at the level of quantification constituted a trade barrier. India regretted that the notification G/SPS/N/EU/538 had not provided the possibility for comments and that the information circulated by the European Union in document G/SPS/GEN/1968 provided only the process from a broad perspective, without specific information about the increase of official controls. Likewise, the transitional period provided by the European Union was inadequate and was subject to the condition of 100% testing of such consignments at EU ports, which had caused the significant additional cost to the exporters.

4.55. India also noted that the EU MRL for EtO residues was more stringent that the limits in other countries, and considered that MRLs for all spices, including chilli and ginger (which presented similar consumption patterns as other species), might be unified at 0.1 mg/kg. Finally, India noted that many of the spice items subject to increased official controls did not have any notification in the Rapid Alert System for Food and Feed (RASFF) showing contamination with EtO during the financial year 2021-22.

4.56. The European Union reported that several incidents related to foodstuffs contaminated with EtO had occurred since September 2020. EtO was classified as a mutagen, category 1B, a carcinogen, category 1B, and a reproductive toxicant, category 1B, in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council, and was not approved as an active substance in plant protection products in the European Union, which had led to a high number of RASFF notifications, also concerning India. Despite having provided regular information to the Indian authorities, the European Union indicated that non-compliant consignments from India had continued to arrive. The European Union referred to the relevant legislation in Commission Implementing Regulation (EU) 2019/1793, amended by Regulation (EU) 2021/2246, and clarified that the measures under discussion had been notified in G/SPS/N/EU/538 and that the process of increased controls had been circulated in document G/SPS/GEN/1968. The EU member States had reached an agreement for the continuation of safe trade in response to requests for smooth transition periods. Where appropriate, control measures would be adjusted following the revision of the list of commodities included in relevant regulation and the information on results of official controls at the border control posts. The European Union remained available to continue technical discussions.

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

4.57. 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 was of the view that the EU regulation violated Article 2 of the SPS Agreement and created unnecessary barriers to trade. Peru considered that the European Union had not taken into account the opinion of the joint FAO/WHO Expert Committee on Food Additives (JECFA) in document JECFA/91/SC, dated 5 March 2021, nor the endorsement of the JECFA position at the 15th meeting of the Codex Committee on Contaminants in Foods (CCCF) in May 2022. 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/2052.

4.58. The European Union noted that no new elements had become available since the March 2022 SPS Committee meeting. The European Union emphasized that it had granted a transition period of five years to comply with the legal requirements of the measure concerning cocoa and chocolate products, and 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 exceedance of the tolerable weekly intake (TWI) of cadmium by EU consumers justified setting limits for chocolate and cocoa products and other commodities. On the basis of the most recently updated JECFA assessment, the European Union considered it necessary to maintain the existing MLs to limit the exposure of consumers to cadmium from cocoa products. The European Union also noted that the EU ML for chocolate over 50% total dry cocoa solids was in line with the recently agreed Codex levels, and stricter limits had only been introduced to the extent necessary to protect human health. The European Union was aware that other Members' competent authorities had set stricter MLs for cadmium in cocoa beans, in addition to those set for final products. While the European Union was aware that some private operators applied strict limits for cadmium in imported cocoa beans instead of finished products, it argued that WTO Members did not have jurisdiction over contractual arrangements between private parties.

4.59. The European Union was providing targeted technical assistance on low cadmium and climate relevant innovation to promote sustainable cocoa production in Peru. The European Union noted that it was also providing funding for the development, implementation and scaling of low cadmium and climate relevant production practices and technologies in Colombia, Ecuador and Peru within the framework of the Clima-LoCa initiative. The European Union reiterated its commitment to work constructively with Members to address outstanding issues.

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

4.60. 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 MLs for contaminants in many food products. Canada reiterated that the MLs did not align with international standards and would negatively impact trade for many products exported to the European Union. 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; ochratoxin A in cereals; and cyanogenic glycosides in linseed. Canada indicated that it had provided comments and a scientific review on a draft EU regulation notified to the WTO that cited new and lower MLs for hydrocyanic acid for certain food stuffs. Canada had requested the delay of the entry into force of the EU measure, and was optimistic that the European Union would consider adjusting or removing the MLs for hydrocyanic acid in food grade linseed until further evidence was available. Canada stressed that the transition periods for changes to MLs should be of a minimum of two years, to allow sufficient time for adaptation and reduce uncertainty amongst exporters. Canada welcomed further technical discussions with the European Union on this matter.

4.61. Brazil expressed its concerns with the EU approach to MLs in food products under Regulation (EC) No 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.

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

4.63. 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.

4.64. 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. The European Union stated that the established level was readily achievable by applying good practices, and 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 linseed, the European Union noted that the draft regulation had been notified in document G/SPS/N/EU/546, and that Canada's comments had been considered in the process. The European Union reiterated its commitment to discuss the issue bilaterally with Canada.

4.2.8 Indonesia's draft regulation on heavy metals contaminants in processed food (ID 537) – Concerns of China

4.65. China reiterated its concerns regarding Indonesia's draft regulation on heavy metals contaminants in processed food. China underlined that the arsenic limit of 0.15 mg/kg in yeast was too strict, substantially different from international common practice, and that no different arsenic limit was set for different yeast types. China requested Indonesia to clarify the reason for not specifying arsenic limits for different yeast types, and suggested that the draft regulation be formulated for different yeast types and in line with international standards or common practice.

4.66. Indonesia thanked China for the interest in its draft regulation notified in document G/SPS/N/IDN/142, and clarified that the draft regulation replaced Regulations No 23 and No 5 of the Indonesian Food and Drug Authority, which had also been notified to the WTO. Indonesia underlined that the regulation was published taking into account regulations from relevant ministries, Codex standards, and public consultations. Regulations No 23 and No 5 had set the limit of arsenic in yeast at 0.15 mg/kg, which was maintained in the draft regulation. The limit of arsenic was set for each food category including yeast, and referred to the Codex General Standard for Food Additives (Codex STAN 192-1995). Indonesia indicated that the risk assessment was in accordance with Article 5 of the Agreement, and that the determination of food safety standards was applied domestically, in line with WTO's national treatment principle.

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

4.67. Referring to its previous statements, the United States reiterated its concerns regarding the implementation of article 118 of Regulation (EU) No 2019/6, and pointed to notification G/SPS/N/EU/557 listing antimicrobials reserved for human use. The United States remained concerned with the application of health standards by the European Union to imported agriculture and agri-food products from third countries, which the United States considered would undermine

the competency of national authorities to establish measures necessary for the protection of animals within their territory. The United States requested the scientific justification for the restrictions on antimicrobial drugs for growth promotion that were not medically important for humans, and encouraged the European Union to harmonize its approach with relevant international standards. The United States also urged the European Union to be mindful of the impact of its SPS measures on global animal health, food security, international trade and agricultural sustainability. The United States submitted its statement in document G/SPS/GEN/2046.

4.68. 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 antimicrobial resistance (AMR), Brazil urged the European Union to consider the ongoing global efforts by the WHO, WOAH 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.

4.69. Canada expressed its support for the coordinated international efforts to address AMR. Acknowledging that the list of antimicrobials reserved for human use notified to the WTO was founded on scientific evidence and appeared to be not more trade restrictive than necessary, Canada requested the European Union to provide clarification on the process of future modifications to the list. Canada also requested the European Union to share and notify the import rules for third countries related to veterinary medicinal products, to allow comments, and to take these comments into account when finalizing the measure. Canada urged the European Union to provide a sufficient transition period of five years or more, based on the realities of production systems and product storage.

4.70. Noting that the EU regulation applied to livestock and marine products imported under article 118, Japan underlined that the European Union had not provided information on the delegated regulation for import procedures, and had not clarified the information needed by Members to adapt. In particular, Japan was concerned about the listing of phosphonic acid derivatives in the implementing regulation, while no alternative antimicrobials existed to prevent infections from *Edwardsiellosis* in fish. Japan requested the European Union to provide a sufficient transitional period of three years, taking into account the preparation needed by the relevant sectors, to share the draft regulation on the import procedure of animals and animal-derived products, and to clarify the procedures for certifying the non-use of antimicrobials.

4.71. Paraguay requested the European Union to provide an update on the status of the third delegated act establishing new requirements for third countries. Paraguay recalled that measures should not be more trade-restrictive than necessary to fulfil a legitimate objective, and expressed its concern regarding the list of antimicrobials reserved for human use in light of recent developments in the European Parliament.

4.72. Noting that it had no veterinary products containing the antimicrobials listed, Australia had no objections to the proposed reserved list by the European Union. Reiterating the work of international organizations on AMR, Australia sought assurance that revisions to the list would follow a science-based, consultative, and inclusive process. Australia requested the European Union to provide third countries with sufficient transition periods if it implemented antimicrobial controls on imported products which differed from international standards. Australia reiterated its concern regarding the potential future classification of antimicrobials for treatment, control and prevention of infections or diseases in animals in the proposed regulation, noting that these needed to be retained in order to support animal welfare and health, and food security.

4.73. Uruguay thanked the European Union for its notification G/SPS/N/EU/557 containing the draft regulation designating the antimicrobial groups reserved for human use and its corresponding list, and requested information on the next steps in the regulatory process. Uruguay asked when 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, to allow sufficient time for comments, and to 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.

4.74. 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 imposed 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. A dedicated webpage had been made available to provide stakeholders with the status of each of the delegated or implementing acts from Regulation (EU) No 2019/6. The European Union provided a detailed state-of-play regarding the preparation of the draft legal acts, and committed to keep Members informed of any future developments to address AMR while minimizing trade impacts. Regarding the implementing act under article 37 (5) on the list of antimicrobials reserved for human use, the European Union thanked those Members which had provided comments to the draft implementing regulation, and indicated that it would request the opinion of EU member States on the final draft text. The European Union clarified that the list of antimicrobials or groups of antimicrobials would be kept under review in light of emerging scientific evidence or information. The European Union noted that the delegated act under article 118 on imports from third countries would be notified to the SPS Committee. 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.

4.2.10 EU restrictions on the importation of collagen for human consumption (ID 535) – Concerns of China

4.75. China reiterated its concern regarding EU Commission Decision 2002/994/EC restricting imports of collagen and other products of animal origin into the European Union. The Commission Decision had been revised and successive regulations had been issued. The European Union had approved the registration of Chinese collagen production enterprises in 2016, with an official website listing the registered Chinese enterprises and export products. China underlined that the European Union had blocked Chinese collagen from customs clearance, and that the official website displayed a warning of Chinese collagen not being listed in the Annex to Commission Decision 2002/994/EC. China asked the European Union to add Chinese collagen to the Annex of its Decision to ensure their consistency with subsequent amendments.

4.76. 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. The Commission Decision prevailed on other existing EU legislation related to collagen proceeding from China.

4.2.11 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

4.77. Australia reiterated its concerns that China's COVID-19 emergency measures were not based on scientific evidence, unnecessarily restricted trade, lacked clear timeframes for their review, and did not follow a clear process for the reinstatement of suspended establishments. Noting that certain export establishments had been suspended for close to two years, Australia requested China to provide guidance on lifting these suspensions including through remote inspection or other means. 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.

4.78. Referring to its statements in previous meetings, Canada reiterated its concern regarding China's measures related to COVID-19, which it considered to negatively impact trade in food and agricultural products. Canada highlighted that the WHO/FAO guidance on COVID-19 indicated no risk of transmission of COVID-19 through food, food packaging or food handling. 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 without undue delays. Canada called on China to work collaboratively with its trading partners to avoid unnecessary trade barriers.

4.79. Reiterating its concern regarding China's measures, the United States referred to recent FAO guidance, and encouraged China to withdraw its measures and to support the guidance of international organizations on COVID-19. The United States considered China's measures to be discriminatory, and underlined that SPS measures should not constitute a barrier to trade to the advantage of Members domestic producers. The United States submitted its statement in document G/SPS/GEN/2043.

4.80. India reiterated its concern regarding the suspension of exports from over 101 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. India considered China's measures to be inconsistent with Articles 2.2 and 5.1 of the SPS Agreement. Following the WHO/FAO guidance, Indian exporters had implemented stringent preventive controls, and staff of fishery establishments were vaccinated against COVID-19. India noted that corrective measures had been taken by 44 of the 77 fishery establishments subject to video inspections by General Administration of Customs of China (GACC) in June 2022, but 41 of these establishments continued to be suspended. India requested China to share the relevant reports that had led to the export restrictions, and to allow exports from Indian establishments that had implemented corrective measures.

4.81. The United Kingdom expressed its concern regarding China's measures related to COVID-19 on cold food chain commodities. The United Kingdom referred to FAO guidance indicating that SARS-CoV-2 and other respiratory illness-causing viruses were not a direct food safety hazard, and were not transmitted by food or food packaging. 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 2.1 of the SPS Agreement, the United Kingdom requested China to lift its COVID-19 related import measures, and invited China to share the findings of any relevant risk assessment with Members.

4.82. Expressing its concern regarding the consistency of China's measures with international guidance, Chinese Taipei urged China to base its measures on scientific principles and to clarify the risk assessment and scientific evidence supporting its measures.

4.83. Japan reiterated its concerns regarding the COVID-19 related measures implemented by China since July 2020 which, in Japan's view, lacked scientific basis. Noting the potential negative impact on trade of those measures, Japan requested China to clarify the risk assessments and to share scientific evidence supporting their measures.

4.84. Referring to the FAO guidance, the European Union considered that Chinese policies for agri-food products were not proportionate, based on science, nor in line with China's WTO obligations. Expressing concerns regarding China's public statements on the alleged risk of contamination with COVID-19 from imported products, the European Union asked China to lift its COVID-19 related import measures on cold-chain food in light of the recent scientific evidence and international guidance. The European Union stated that unnecessary verification measures were harmful to food security, food prices and global trade and may undermine public trust.

4.85. Switzerland expressed concerns 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 WTO obligations.

4.86. China responded that international guidance highlighted the importance of regulating the food industry to protect workers proportionately to the expected level of exposure to SARS-CoV-2, and the need for international guidance to be read in conjunction with national public health guidelines. Referring to data as of May 2022, China noted that it had detected 302 positive COVID-19 specimens from consignments from India. Certain exporting Members had taken protective measures, such as strengthening their monitoring systems and environmental disinfection. China added that imports

from a particular company would resume once the company had taken effective actions to eliminate the relevant risk. China underlined the effectiveness of its prevention and control measures, which had been taken following international standards, guidelines and recommendations.

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

4.87. Australia reiterated its concerns regarding delays and requirements in the registration processes of China's Regulation on Registration and Administration of Overseas Manufacturers of Imported Foods (Decree 248), in particular for low-risk processed food products. Australia reminded China of its transparency obligations to notify all future regulation changes, and highlighted a number of current challenges relating to the registration of food producers in China Import Food Enterprise Registration (CIFER) system, including the uncertainty in the length and requirements of new registrations approvals. Australia expressed its willingness to work collaboratively with China to ensure food safety while facilitating undisrupted trade.

4.88. Japan reported problems with the registration of its facilities for which information had been filed at the time of application. Recalling the obligations established in the SPS Agreement, Japan highlighted that China had not provided scientific justification or risk assessment for its new regulation, which lacked transparency, was burdensome, and restricted trade more than necessary. Japan requested China to allow registered facilities to export any items regardless of the registered product codes until 1 July 2023; to facilitate the registration of new facilities and the correction process; to ensure that registration of facilities or product codes was completed without undue delay; to provide appropriate explanations, time frames, and detailed guidelines about the operation of the regulation; and to establish an enquiry point for interested parties.

4.89. Canada reiterated its concern regarding China's administrative measures that, in its view, were overly burdensome and went beyond the extent necessary to protect against food safety risks. China had not notified the implementation of the online CIFER system, which would create further barriers to trade. Stressing that the registration process in the CIFER system was overly detailed and confusing, Canada requested China to establish a single enquiry point or to work directly with establishments for the completion of their registration. Canada urged China to add to the CIFER system all Canadian products and establishments previously approved by China without undue delay, and to provide further information and clarifications on the implementation of Decrees 248 and 249 and on the CIFER system.

4.90. 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. The United States requested China to use existing government-to-government facility registration processes, 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/2044.

4.91. The European Union reiterated its concerns and stressed that China had set the lengthy and burdensome mechanism to register exporting businesses. The European Union emphasized the lack of clarity regarding the expansion of product coverage, and the frequent changes introduced in the CIFER system. The European Union urged China to maintain an open dialogue to solve implementation issues, to provide guidelines on registration in English and on the verification of establishments registered under the fast-track procedure, and to facilitate amendments to existing registrations and the management of changes to existing registrations in order to solve this issue before 1 July 2023.

4.92. The United Kingdom regretted that China had not considered the requests to delay the implementation of the measures, and believed that certain aspects of China's measures, such as the requirement to audit establishments exporting low-risk products, were overly burdensome. The United Kingdom requested China to apply its measures in a risk-proportionate way, considering the UK's rigorous food safety processes and controls.

4.93. Norway considered that Chinese Decrees 248 and 249 were more trade restrictive than necessary to ensure the safety of imported food products. Regardless of the efforts to meet China's administrative requirements, Norway stressed that insufficient information from Chinese authorities, lack of information in English, uncertainties regarding the implementation of the Decrees and the work of CIFER system imposed a significant burden on both industry and competent authority. Norway asked China to review its measures and the CIFER system, and to engage in an open dialogue.

4.94. Korea reiterated its concern regarding China's measures and was of the view that certain provisions of the regulation, such as those related to low-risk products, were unnecessarily burdensome. Korea requested China to provide the scientific evidence underpinning the selection of product categories in Decree 248. Korea stressed that the registration requirements of its establishments on the GACC website were imposing additional burden on the relevant authorities and negatively affecting bilateral trade. To avoid repeating the entire registration process to add a new product, Korea suggested China to consider a streamlined process for establishments already registered.

4.95. 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 an enquiry 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.

4.96. 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 allow entry of products from registered facilities until 1 July 2023.

4.97. China indicated that the revision of the draft Administrative Measures for Registration of Overseas Manufacturers of Imported Foods was based on the law of China, and was compliant with international rules and common practices. China explained that the measure strengthened the supervision of food safety while taking trade facilitation principles into account. Before the implementation of the regulations, GACC had issued the interpretation of the regulations, the guide and supporting documents for registration application, launched the registration information system for overseas enterprises, and formally notified exporting Members through various channels. Specifically, China had held video conferences, conducted training, resolved urgent registration issues and answered questions from a number of Members through various means. As of 13 June 2022, more than 100 members had provided the list of enterprises recommended for registration, a total of 73,027 overseas producers in 32 food categories had registered. China underlined the effectiveness of the implementation of its measure and invited Members to contact GACC for registration queries.

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

4.98. Australia remained concerned with China's increased intervention on imported products at the border without prior notice, which did not appear to be based on scientific evidence and had led to trade constraints across a range of agricultural products. Australia requested China to ensure that agricultural imports continued in a transparent manner and without undue delays in inspection procedures and to notify changes to its measures, which should be applied in a manner proportionate to the risk. Australia would welcome bilateral engagement on these matters, and urged China to respond to its requests for information, to provide details of its inspection and testing measure, and to engage with Australia on its proposals.

4.99. China stated that it always notified the SPS measures to the WTO and to relevant Members in a transparent and timely manner, prior to implementation. Referring to the detection of live quarantine pests and heavy metals in Australian products, China called on Australia to strengthen its supervision of export enterprises in accordance with bilateral agreements to ensure the safety of products.

4.100. In response to China, Australia clarified it was awaiting an answer from China on investigations following non-compliance reports. Australia was looking forward to continuing bilateral dialogue and emphasized the absence of feedback from China.

4.2.14 China's delay in approving requests for new listing and reinstatement of export establishments (ID 516) – Concerns of Canada, Australia and the European Union

4.101. 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 and the lack of transparency and of rationale in the approval procedures for foreign establishments led to unjustified barriers to trade and administrative burdens. Emphasizing the lack of progress on market access requests for several commodities since 2018, 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 limit information requirements to what was necessary, and to ensure transparent and predictable approval procedures.

4.102. Australia reiterated its concerns with the long delays and lack of transparency in China's approval and administrative process for Australian agriculture and fisheries exports. Australia noted that it was waiting for China to approve, update or publish the listing of audited Australian food businesses. Australia requested China to provide information, including timeframes, on the assessment and approval of products as well as the lifting of restrictions on suspended establishments, and reiterated that it welcomed discussions on these issues.

4.103. 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, including the management of non-compliances. 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, transparent and predictable manner, and to remove unnecessary barriers to trade.

4.104. 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 several establishments following China's technical requests and the facilitation of video inspections, and stressed that over 20 fisheries establishments were awaiting export approval from China. The United Kingdom requested China to apply its approval procedures in a timely and predictable manner in accordance with the SPS Agreement.

4.105. China noted that it handled market access and enterprise registration in accordance with its domestic laws and regulations, and that its measures were in line with the bilateral agreements and the SPS Agreement. China stated that it had timely reported non-compliance issues of Australian and Canadian companies to the competent authorities, and urged the Members concerned to conduct investigations on the violations, to make relevant corrections and to inform China of the results, in order to carry out evaluations to adjust the relevant actions.

4.106. 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.

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

4.107. Brazil regretted that Saudi Arabia had not provided supporting documentations regarding the ongoing suspension of Brazilian exports alleging sanitary problems. In Brazil's view, Saudi Arabia was not respecting Articles 2 and 5 of the SPS Agreement. In 2022, Saudi Arabia's had authorized

the resumption of imports from the suspended establishments, without the withdrawal of the suspension. Brazil asked Saudi Arabia to explain the sanitary reason for suspending the establishments while allowing exports, entry and consumption of Brazilian's poultry meat in the country. Brazil kindly requested Saudi Arabia to remove the restrictions if no sanitary problems were identified.

4.108. Assuring it spared no efforts in removing trade barriers with WTO Members, Saudi Arabia indicated that the temporary measures had been adopted in compliance with the provisions of the SPS Agreement. The Saudi Food and Drug Authority had provided Brazil with details of the detected violations in Brazilian consignments of poultry meat and its products, and looked forward to receiving the requested corrective actions to review the lifting of the temporary suspension. Furthermore, imports of poultry meat and poultry products from some suspended Brazilian establishments were allowed under specific conditions.

4.109. In response to Saudi Arabia, Brazil reiterated its questions regarding the sanitary reason for suspending the establishments while allowing exports, entry and consumption of Brazilian's poultry meat in the country. In Brazil's view, the letter sent by Saudi Arabia with certificates of analysis of Brazilian products contained inconsistencies in the data presented, suggesting that there was no evidence to maintain the suspension for some of the Brazilian establishments.

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

4.110. Peru was concerned that Panama's undue delays violated Annex C and Article 8 of the SPS Agreement and regretted the lack of information regarding the anticipated processing period and timeline regarding the renewal of authorizations of Peruvian enterprises. While in bilateral meetings Panama had stated that it had the necessary information to renew the authorization of some of the pending companies, no information had been provided regarding the initiation of a "zoosanitary eligibility process". Peru also noted that Panama had not indicated the sanitary reasons for not renewing the authorizations or granting new authorizations to Peruvian enterprises, in violation of Articles 2.2 and 5.1 of the SPS Agreement. Peru asked Panama to renew the authorizations of Peruvian export plants and to avoid further delays that, in practice, constituted unnecessary barriers to trade. Peru submitted its statement in document G/SPS/GEN/2050.

4.111. Costa Rica was of the view that Panama's practices totally restricted access of agricultural products to the Panamanian market, and regretted the lack of information and of amendments to the measures. Costa Rica asked Panama to take into consideration Members' concerns, which reflected an inadequate implementation of SPS measures and a failure to comply with obligations established in the SPS Agreement.

4.112. Chile reiterated that it was not possible to register Chilean establishments in Panama and emphasized the lack of a clear and expedited procedure to renew expired authorizations. Regretting the lack of response, Chile urged Panama to provide an answer to the communication requesting a bilateral meeting with the Panamanian Food Agency to reach a solution.

4.113. The European Union regretted that, since 2019, Panama blocked the requests to obtain market access for agricultural and livestock products to Panama and to update the list of plants authorized to export. The European Union invited Panama to establish transparent, predictable and swift procedures in line with agreed international standards, to remove unnecessary trade barriers, and to apply SPS measures in a non-discriminatory and predictable manner.

4.114. Noting it would convey the information to capital, Panama indicated that it had been working bilaterally with Peru, including a high-level bilateral meeting during MC12 in which it was agreed to hold a technical meeting of the administrative commission of the FTA. Panama hoped to find a mutually satisfactory solution and expressed its willingness to work constructively with Peru.

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

4.115. Peru stated that Bolivia's measures blocked access to the Bolivian market for Peruvian exports such as potatoes, onions and black trout. Peru requested Bolivia to comply with the

provisions of Resolution No 2264 on the investigation procedure presented by Peru to Bolivia, issued by the General Secretariat of the Andean Community. Peru also noted that, despite the approval of the harmonized health certificate in 2017, Bolivia had not complied with the corresponding commitments for the exportation of trout. Peru considered that Bolivia was breaching provisions of Article XI of the GATT 1994, as well as Articles 2, 3, 5, 7 and 8, as well as Annexes B and C of the SPS Agreement, and asked Bolivia to rescind restrictions in place on Peruvian exports. Peru submitted its statement in document G/SPS/GEN/2048.

4.116. Taking note of the information provided, Bolivia indicated that Peru had activated the regional dispute settlement mechanism within the frame of the Andean Community. Since an opinion had already been placed, Bolivia was of the view that a reasonable time should be granted to allow for compliance with the decision.

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

4.117. The European Union recalled that there had been no cases of classical BSE in the territory of the European Union since 2019, and reiterated its concerns regarding the 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, South 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.

4.118. Switzerland supported this concern, noting that, although it had been recognized by WOAH as having negligible BSE risk for more than a decade, it 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.

4.119. The United States considered that the current concerns related to the equivalence administrative process, and not animal health. The United States explained that, in order to resume exporting bovine meat products for human consumption, EU member States had to obtain an equivalence determination by the USDA Food Safety and Inspection Service (FSIS). FSIS was actively working through its equivalence process and remained available for technical engagements with EU member States.

4.120. China was cautious about importing cattle and related products from countries or regions where BSE occurred, since no cases of BSE had ever been detected in the country. China indicated that, if the risk of BSE could be controlled, the European Union and its member States could apply for an export license through bilateral channels, and China would carry out a risk assessment based on the application.

4.121. Argentina recalled the long bilateral cooperation with the European Union on this topic and that it was respectful of the status recognized by WOAH for each member State, which had been the basis for establishing requirements for many products. Argentina invited the European Union to continue bilateral dialogue to resolve this issue.

4.2.19 Korea's lack of progress on pending applications for authorization of beef imports (ID 490) – Concerns of the European Union

4.122. Referring to the re-opening by Korea in 2019 for imports of bovine products from two EU member States, the European Union noted that the EU policy on food safety and animal health was harmonized at EU level and, therefore, identical food safety and animal health control conditions prevailed in all EU member States. The European Union urged Korea to conclude the approval procedures for the pending applications.

4.123. The Russian Federation regretted that Korea had not authorized beef imports from any Russian region, despite the fact that WOAH had restored Russia's foot and mouth disease (FMD)

status as a country with a free zone without vaccination in 2019. Russia urged Korea to finalize the market access procedures without undue delay and expressed its readiness for bilateral cooperation.

4.124. Korea stated that it carried out risk assessments in accordance with the SPS Agreement and WOAH and Codex standards, and approved the imports without any discrimination. Korea had approved imports of Dutch and Danish beef in 2019 and, although it had completed the procedures for French and Irish beef, the National Assembly was still deliberating on the import health requirements. Regarding market access of beef from Russia, Korea would provide a response as soon as it concluded the review of the information received.

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

4.125. The European Union regretted that South Africa maintained country-wide bans on poultry products from 14 EU member States following highly pathogenic avian influenza (HPAI) outbreaks, and had not lifted the trade restrictions in line with WOAH 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.

4.126. South Africa clarified that it had received reports from Denmark and Spain, but that no other EU member States had submitted reports as required and communicated.

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

4.127. The European Union raised its concern regarding China's imposition, since 2015, of country-wide bans on several EU member States on account of HPAI. The European Union 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 WOAH Terrestrial Code and to recognize the principle of regionalization. The European Union regretted the lack of progress towards the resolution of this longstanding issue.

4.128. China highlighted that HPAI continued to occur in some EU member States, including in poultry farms. China had suspended imports of live poultry from the European Union to protect the safety of its poultry industry, which are in accordance with the SPS Agreement. China recognized progress by EU member States in the prevention and control of HPAI, and noted that it would evaluate the effectiveness of the measures. China indicated its willingness to cooperate with the European Union to resolve the technical issues in question.

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

4.129. 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 WOAH 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 WOAH standards, to allow trade from disease-free areas, and to engage in meaningful, solution-oriented exchanges.

4.130. China considered that there were different levels of prevention and control of ASF in EU member States. China reported that it had signed a cooperation agreement on the regionalized management of ASF with France, and had been conducting technical exchanges on the regionalization of ASF with Germany. China encouraged bilateral applications from EU member

States for export licenses on the premise that the risk could be controlled, adding that it would consider whether trade could be conducted on the basis of an onsite risk assessment.

4.2.23 Chinese Taipei's new procedure for the recognition of infectious animal disease-free status of a foreign country (ID 538) – Concerns of the European Union

4.131. The European Union expressed its concerns with Chinese Taipei's new procedure for the recognition of infectious animal disease-free status of a foreign country, 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 WOAH. The European Union expressed regret that, despite its comments, the new procedure had entered into force in December 2021. In the view of the European Union, the procedure was burdensome and inconsistent with Article 5.6 of the SPS Agreement.

4.132. Chinese Taipei explained that the procedure was established in 1992 and was most recently amended in 2021, in order to comply with WOAH 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.

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

4.133. Brazil noted that Mexico did not recognize its FMD status despite having received the guarantees necessary for the achievement of its appropriate level of protection (ALOP). In particular, Brazil regretted that it could not export animal products from Santa Catarina, despite WOAH recognition as FMD-free. Brazil further highlighted that Mexico only accepted pork destined exclusively for industrial thermoprocessing in Mexico. In Brazil's view, Mexico had continuously disregarded Articles 2, 5 and 6 and Annex C of the SPS Agreement, and did not accept the equivalence of Brazil's system for FMD vigilance. In response to Mexico's indication of the need to further analyze Brazilian legislation, based on the allegation that conflicts therein could create risk for products, Brazil reiterated that there was no conflict in its legislation. Brazil also noted that Mexico was still evaluating its request for a reassessment of epidemiological data, which had been carried out by Mexico following a methodology that differed from the one recommended by international guidelines.

4.134. Mexico continued to have concerns with the guarantees offered by Brazil to demonstrate the safety of Brazilian exports on the basis of the principle of regionalization. Mexico emphasized the difference in the sanitary status of both countries, noting that vaccination against FMD was still applied in some regions of Brazil while Mexico was FMD-free without vaccination. Mexico explained that its evaluation took into consideration the recognition of animal health status in accordance with WOAH recommendations as well as its national legislation, in particular the Federal Law on Animal Health. Mexico clarified that Brazil had requested to export pork "*in natura*" to Mexico, only from the state of Santa Catarina, and that it had not received an official request to recognize any other region nor to consider any other type of product.

4.135. Reiterating its guarantees to export the product in question, Brazil emphasized that it had the capacity to inspect and trace animals born and raised in Santa Catarina, which was the first FMD-free state of Brazil. Brazil considered that some additional guarantees requested by Mexico were not justified under the SPS Agreement.

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

4.136. Brazil believed that Chinese Taipei's restrictions on poultry and beef violated Articles 5 and 8 and Annex C of the SPS Agreement. Acknowledging their bilateral exchanges, Brazil noted that Chinese Taipei was requesting information already provided, as well as additional questionnaires. Brazil asked for clarification on the time estimate for the final analysis of the latest documents and

on the number of stages in the approval procedures for animal products of animal original. Brazil hoped to see significant progress on this topic.

4.137. Chinese Taipei explained that countries had to be recognized as free from HPAI and Newcastle disease (ND) to export poultry meat products, and free from HPAI to export heat-treated poultry meat products. Brazil was recognized as HPAI-free, but not as ND-free, based on the results of a risk assessment. Regarding poultry meat, Chinese Taipei invited Brazil to conduct active surveillance and apply other measures in accordance with WOAH guidelines, and to submit supplementary information for review. Chinese Taipei would inform Brazil upon completion of the review of the information regarding heat-treated poultry meat. Regarding beef, Brazil needed to submit a food safety questionnaire; 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 that an on-site audit would normally follow the completion of the review.

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

4.138. The European Union reiterated its concern that the Philippines did not adhere to WOAH 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 to allow trade from disease-free areas.

4.139. 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 WOAH 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. 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.

4.140. The Philippines reported that it regularly reviewed the ASF and HPAI status on the basis of information from WOAH. In order for it to consider lifting the ban, an official request had to be submitted, which would need to undergo a validation procedure. The Philippines further noted that the Russian Federation continued not to be accredited to export pork and beef due to ASF and lumpy skin disease, and emphasized that its decisions had been explained bilaterally.

4.2.27 Nigeria's import restrictions on meat, pork, poultry, milk and dairy products, genetic material and live cattle (ID 523) – Concerns of Brazil

4.141. Brazil regretted the lack of responses and information by Nigeria regarding this STC affecting many different products, which had been raised in several WTO fora. Brazil disagreed with Nigeria's previous indications that the issue was not within the scope of the SPS Committee and that it would have no obligation to negotiate sanitary certificate proposals sent by a WTO Member, since it believed this was an obligation set forth on the principle of non-discrimination. In Brazil's view, Nigeria's lack of response disregarded Articles 2, 5, 7 and 8 and Annex C of the SPS Agreement. Brazil hoped to receive responses from Nigeria regarding pending proposals for sanitary certificates, as well as information on health requirements for the export of dry bovine skin.

4.142. Nigeria responded that the import restrictions of several products from Brazil were not SPS related and, therefore, the SPS Committee might not be the appropriate forum for discussion. Nigeria noted that it had discussed this issue bilaterally with Brazil in March 2021. The import restrictions were temporary measures applied to address Nigeria's economic difficulties. Nigeria further noted that several questions had been raised on this issue in the Committee on

Agriculture and that it had been providing responses. Nigeria acknowledged receipt of a proposal from Brazil regarding certification procedures, which was being reviewed in its capital.

4.143. Brazil considered that the SPS Committee was the appropriate forum to address Nigeria's lack of response on its proposals for buffalo, live cattle, genetic material, beef, pork, poultry meat, hatching eggs and day-old chickens. Brazil would continue to try to engage bilaterally with Nigeria and would continue raising this concern with a view to finding a solution on this issue.

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

4.144. The European Union referred to the Qatar's Ministry of Public Health Circular of 30 May 2019, which established new import requirements for milk and white cheese that had entered into force in 2019. In the EU view, Qatar's Council of Ministers instructions issued in August 2021 further expanded the scope of the measures, affecting several dairy products exported to Qatar. The European Union expressed its concerns with the lack of predictability on the rules that operators had to follow, as well as the lack of sufficient time to adapt to regulatory changes. Highlighting the need to notify proposed measures at a draft stage, the European Union requested clarification on any currently applicable exceptions for the exports of dairy products, and urged Qatar to adopt a permanent solution to avoid trade disruptions.

4.145. Qatar subsequently submitted its replies in document G/SPS/GEN/2047.

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

4.146. Mexico reiterated its concern regarding the import restrictions imposed by Guatemala on thermally processed egg products. 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. High-level discussions held the previous year had instructed both Ministries of Economy to settle the situation promptly, but no technical solution had been reached yet. In October 2021, Guatemala had informed Mexico that the questionnaire submitted was considered not compliant due to changes in the name of the responsible institution. Mexico had clarified that the changes only affected the name and that they had been notified to the WTO and published in the Official Journal of the Federation. In Mexico's view, Guatemala's restrictions could be a violation of fundamental principles of the SPS Agreement and of the FTA between Mexico and Central America. Mexico also highlighted concerns regarding the negotiations on 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 considered that the additional information requested by Guatemala on the technical reports for the declaration of several Mexican regions as free from avian influenza and ND generated undue delays. Mexico further noted that WOAH indicated that these commodities were safe for trade, regardless of the sanitary status of the country of origin. 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.

4.147. Guatemala had taken note of Mexico's intervention and would convey it to capital. Guatemala was waiting for a response from the health authority before it could provide an answer to Mexico. Guatemala expressed its willingness to continue bilateral discussions on this issue.

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

4.148. The European Union acknowledged the recent publication by the United States of the final rule regarding the "Importation of Sheep, Goats, and Certain Other Ruminants", noting that this would allow Members to start the relevant procedure with the US competent authority, to obtain approval for the export of small ruminant meat. The European Union looked forward to a prompt assessment of applications from EU member States and hoped that market access for meat from small ruminants would be granted as soon as possible.

4.149. The United States reported that it was working through its equivalence process to ensure an appropriate level of sanitary protection was achieved for small ruminant meat products intended for human consumption. Recognizing that this was a priority issue for the European Union, the United States reported that it was working through the technical review process for current requests. The United States looked forward to continued cooperation with the European Union and encouraged engagement by other EU member States interested in exporting small ruminant meat products to the United States.

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

4.150. The Russian Federation reiterated concerns regarding its inability to supply food products of animal origin to the Indian market, despite repeated requests and submission of materials on 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.

4.151. India was reviewing the information provided by the Russian Federation and noted that the examination was at an advanced stage.

4.2.32 Thailand's sanitary requirements on "wet blue" leather imports (ID 539) – Concerns of Brazil

4.152. Brazil acknowledged Thailand's indication in the March 2022 Committee meeting that it was considering amending its Animal Epidemics Act B.E. 2558 (2015), which restricted imports of wet blue leather, to correct the requirement of an international health certificate for allowing imports of this category of products. Brazil referred to article 8.8.27 of WOAH Terrestrial Code regarding the authorization, without requiring additional certification, of imports of wet blue leather, and stated that the Thai legislation provided no obstacle to consider WOAH guidelines for wet blue. Brazil asked whether the Animal Epidemics Act B.E. 2558 (2015) was based on any international standard or guideline, and about the scientific justification used by the Department of Livestock Development (DLD) for the definition of "carcass" and for the inclusion of "finished artificial items made from carcasses as prescribed in the Notifications by the Minister"? Brazil also asked which official publication stated that wet blue leather should be considered as carcass, and requested clarification regarding the notification of the legislation. Brazil expected Thailand to provide answers to these questions and to withdraw the measure without undue delay.

4.153. Referring to article 8.8.27 of the WOAH Terrestrial Code, Thailand reported that it would revise the relevant procedures of its sanitary requirements on wet blue leather.

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

4.154. The European Union acknowledged the progress in some market access applications from EU member States, but noted that many had remained pending for years, and considered that Indonesia had not clarified the rationale for the lack of progress and the delays. Specifically, the European Union expressed concerns with the lack of progress on export applications for dairy, beef, 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 applications.

4.155. 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 about the pending approvals, and had also submitted questionnaires on poultry and beef establishments. The Russian Federation also noted that Indonesia had not responded to its proposal to conduct veterinary inspections nor to its requests

for a bilateral meeting. 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.

4.156. Indonesia responded that its Ministerial Decree No 15 of 2021, notified in G/SPS/N/IDN/143, regulated business licenses in the agricultural sector. Indonesia explained that information on its approval procedures had been communicated to the EU SPS enquiry point in November 2021, and considered that its procedures were consistent with Articles 5 and 6 of the SPS Agreement. Indonesia also provided updates on the progress of EU member States' applications, and noted that it would provide information on the progress of applications from the Russian Federation through diplomatic channels. Indonesia considered that the EU 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.

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

4.157. India raised its concerns with the new health certificate format proposed by China for shrimp imports from India, which required every consignment to be tested for WOAH-listed pathogens, including White Spot Syndrome Virus (WSSV) and Infectious Hypodermal and Hematopoietic Necrosis Virus (IHHNV). India explained that this would lead to delays and significant costs for exporters. India was of the view that the prevalence of WSSV and IHHNV was similar in India and China, and asked China to share the scientific objective of the proposed certificate. India regretted having to reiterate its concern on China's actions on this respect, which had affected the export of its fish and fishery products.

4.158. China had adopted temporary emergency measures suspending the import of shrimp-related products to prevent the introduction of WSSV and IHHNV from India. In China's view, the measures were consistent with the SPS Agreement and WOAH standards, and were common practice in other countries and regions. The measures are scientific, reasonable and no excessive protection requirements.

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

4.159. The United States regretted that, despite its numerous requests, India had provided neither scientific justification nor a risk assessment in support of this measure. In the view of the United States, India's assertion that the Order was not trade-restrictive was not justified. The United States reiterated its willingness for bilateral technical cooperation and urged India to withdraw this temporary measure and apply an alternative, less trade-restrictive approach. The United States submitted its statement in document G/SPS/GEN/2045.

4.160. Paraguay supported this concern and referred to its previous interventions under this STC. Paraguay reiterated that it looked forward to a response to the requests that it had submitted to India together with other Members.

4.161. New Zealand supported this concern, referred to its previous interventions under this STC and requested India to provide the scientific and risk-based justification for this measure.

4.162. Japan shared the concern that India's measure was not based on scientific principles nor a proper risk assessment, was more trade-restrictive than necessary, and could have a negative impact on agricultural trade. Japan regretted that the measure had been enacted in March without responses to comments and concerns raised by WTO Members. Japan explained that, under their domestic laws, genetically modified (GM) agricultural products for human consumption were subject to safety evaluations, and agricultural products that were not approved could not be imported nor distributed domestically. In Japan's view, requiring a non-GM origin and GM-free certificate for items under appropriate control in the origin country restricted trade more than necessary and, therefore, urged India not to continue to require certificates for such items.

4.163. Canada welcomed India's recent decision to accept Canada's non-GM attestation for bean exports, but remained concerned that the Order would impact exports of GM-producing Members to India and unnecessarily restrict international trade. 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.

4.164. Acknowledging the ongoing cooperation, Australia noted that it was common international practice to maintain regulatory oversight and controls on agricultural crops subject to genetic modification, and considered that the requirement for GM assurances on each consignment did not improve regulatory outcomes. To avoid unnecessary costs and additional regulatory burdens for both exporters and importers, Australia asked India to recognize the regulatory systems other countries had put in place to control GM exports. Australia indicated its willingness to work towards a mutually agreeable solution, referring to the principles of the recently signed Australia-India Economic Cooperation and Trade Agreement.

4.165. 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.

4.166. 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 enquired as to why the measure had still not been notified to the SPS Committee. Uruguay stressed that measures should be based on science and 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.

4.167. Argentina reiterated its concerns on this measure, highlighting that the measure should be based on science and a risk analysis, as well as on international standards. Argentina sought clarification on the scientific evidence underpinning the measure and the criteria used by India to deviate from the principle of substantial equivalence.

4.168. 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.

4.169. India referred to its previous responses on this STC, reiterating that the requirement to regulate imports of GM food had been notified to the WTO as the Environment Protection Act 1986. In India's view, the Order was not trade-restrictive as consignments of the identified commodities, accompanied by the requested certificate, were being imported in 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 reported that trading partners, including the European Union, United States, Japan, Canada, Thailand and Germany, had been complying with the requirement to issue a non-GMO certificate and that trade continued without hindrance.

4.170. In response, Canada welcomed India's recent decision to accept Canada's non-GM attestation for exports of beans, but noted this was only one of the 24 commodities impacted by the Order. Canada continued to have concerns with the potential trade impact on the other crops covered by the Order.

4.171. In response to India, the United States argued that trade had been affected, and reiterated its willingness to engage in technical dialogue on this issue.

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

4.172. India indicated that it had received documents in Russian, which were under examination in its capital.

4.173. The Russian Federation expressed its willingness to provide India with an official translation of the documentation. The Russian Federation reiterated that the Eurasian Economic Union (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. Highlighting the health risks of mould and 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 noted that if India would like to revise the section on SPS requirements for tea in Regulation 021/2011, it should submit a proposal to the Eurasian Economic Commission for consideration. The Russian Federation indicated its willingness for bilateral cooperation with India on this issue.

4.174. India looked forward to receiving the English version of the documents.

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

4.175. Australia reiterated its concerns about the new EU rules for shelf-stable composite products in Regulations (EU) No 2019/625 and (EU) No 2020/2235. Specifically, Australia considered that the private attestation requirements for shelf-stable composite products not containing meat added cost and complexity for traders, particularly for SMEs, was a disincentive to trade, and was not commensurate with the risk of the product. 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 urged the European Union to reconsider the private attestation requirements and to expand the list of low-risk shelf-stable foods which would not require checks at borders.

4.176. Chinese Taipei was of the view that recent amendments to the EU regulation did not address its concerns. Chinese Taipei considered that the 2012 EFSA research underpinning the decision to treat all composite products with processed products of animal origin on the same level of risk did not take account of advances in food processing technology. In particular, Chinese Taipei had concerns with the requirements that each processed product of animal origin with only trace amounts had to come from EU-approved establishments, and requested practical illustration of the related hazards. Chinese Taipei also sought clarification on the use of international standards for risk assessments of composite products with processed products of animal origin, and whether there was any recent scientific evidence supporting the measure.

4.177. China sought clarification on the definition of composite food, and highlighted complexities in the regulations related to the use of raw materials. In China's view, compound foods containing a small proportion of animal-derived ingredients were not harmful to human health, and recommended that the European Union determined its risk management measures using the content ratio and simplified requirements or provided guidance for countries that were EU-approved and had residue monitoring plans. China also reported that, although it had resumed gelatine trade with the European Union, it experienced customs clearance delays, which it considered to be linked to the misinterpretation of information related to residue monitoring plans.

4.178. The Russian Federation shared its concerns about the uncertainty, complexity of administration, lack of scientific evidence and apparent redundancy of this EU measure. In particular, the Russian Federation considered that the requirements on low-risk composite products suitable for long-term storage were excessive and more trade-restrictive than necessary to achieve the ALOP. The Russian Federation reported that the European Commission's lack of progress on inspections and auditing in its milk and dairy sector had limited exports of Russian confectionery products to the European Union. The Russian Federation additionally noted that the EU definition and classification of composite products were not internationally recognized, and that the lack of an internationally

harmonized regulatory framework for exports of composite products created uncertainty for those wishing to comply with the new EU regulation. The Russian Federation called on Members to establish an international SPS standard on composite products which did not pose a serious risk to human health.

4.179. 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 products. Additional information explaining the new rules on composite products had been submitted in documents G/SPS/GEN/1763 and G/SPS/GEN/1786, and was 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). The European Union noted that it had notified all the draft measures and responded to all the comments. The European Union specified that the Delegated Regulation (EU) 2020/692, which was notified to the SPS Committee in 2019, laid down the animal health requirements for the entry of shelf-stable composite products (without colostrum-based products or meat products other than gelatine, collagen and highly refined products), which were subject to a derogation from the basic certification requirement, thus facilitating their entry into the European Union.

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

4.180. Recognizing some progress, Canada welcomed India's recent longer-term announcements on fumigation options for pulse shipments and looked forward to having continued bilateral engagement on import requirements for Canadian pulses. Canada still had concerns with India's measures on weed seeds and noted 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, science-based and predicable international rules-based trade. Canada looked forward to working collaboratively with India on both matters.

4.181. India referred to the interception of quarantine weed seeds in pulse consignments from Canada. India informed the Committee that Canada had agreed to revise its systems approach and to submit a revised pilot programme proposal. Canada had also been asked to share its mitigation measures for the pests identified by India through the revised pest risk analysis (PRA) conducted on nine pulses, following which India would consider the proposed pilot programme. In India's view, Canada's concerns regarding the import of pulses requiring fumigation with methyl bromide had been addressed and, once the ongoing processing of the "import of pulses through systems approach from Canada" was finalized, it would permanently address Canada's concerns.

4.182. In response to India, Canada clarified that it had provided detailed information regarding the measures in place as part of its system-based pest management approach. Canada further noted that it had promptly provided the information requested by India, including a revised proposal for the pilot pest management systems approach for pulses. Canada looked forward to working collaboratively with India this issue.

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

4.183. Peru expressed its concerns regarding Panama's suspension of imports of onions and potatoes from Peru, and the related undue delays to restore trade. Highlighting the negative impact of the measures on its onion and potato exports, Peru requested Panama to allow market access for these products to prevent violation of Articles 2, 5 and 8 and Annex C of the SPS Agreement, as well as unnecessary and unjustified barriers to trade. Peru's full statement was circulated in G/SPS/GEN/2051.

4.184. Panama maintained that it considered the TBT Committee to be the appropriate forum to address this concern. Panama also noted that this issue had been discussed as part of a high-level bilateral discussion, during which it was decided that another technical meeting in the context of the

FTA between both countries would be held. Against that background, Panama looked forward to mutually satisfactory solutions.

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

4.185. Peru expressed its concerns regarding Ecuador's trade restrictive measures on Peruvian grapes and onions. Regarding onions, Peru reported that a technical meeting had been held in April 2022 during which Ecuador had indicated that it would reopen its market for Peruvian onions in July 2022. Concerning grapes, Peru regretted that, despite its compliance with Ecuador's sanitary requirements, the restrictions on Peruvian grapes remained in force. 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, and to reopen the market for Peruvian grapes and onions. Peru submitted its statement in G/SPS/GEN/2049.

4.186. Ecuador responded that Peru's concern in the context of the Andean Community had concluded and resulted in Ecuador maintaining its decision to lift its measures on onion imports from Peru. Ecuador asked Peru to initiate the process of establishing phytosanitary requirements in accordance with international standards and phytosanitary regulations. Regarding grapes, Ecuador noted that the safety requirements for the import of grapes had been addressed in the Andean context, and Ecuador looked forward to coming to an agreement with Peru. Ecuador reiterated its willingness to continue dialogue with Peru to resolve this concern.

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

4.187. Chinese Taipei reiterated its concerns about China's import suspension 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. Noting the effective risk-preventing measures adopted to facilitate the export of these fruits, Chinese Taipei regretted that it had not received substantive responses from China regarding its requests for scientific and technical dialogue nor for detailed identification reports, the adopted ALOP and the risk assessment reports. Chinese Taipei urged China to bring its measures in conformity with Articles 2, 3 and 5 of the SPS Agreement, to provide the necessary scientific identification and risk assessment reports, and to conduct bilateral scientific and technical dialogue to resolve this issue.

4.188. China explained 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, and that imports of these fruits had been temporarily suspended on the basis of a risk assessment. In China's view, its measures were consistent with the transparency provisions of the SPS Agreement, the principles of risk assessment of the IPPC, and requirements related to control, inspection and approval procedures. China urged Chinese Taipei to take effective measures to improve the situation and reduce the quarantine risk affecting the fruits at issue.

4.2.42 US undue delays in opening its citrus market (ID 542) – Concerns of Brazil

4.189. Acknowledging their bilateral exchanges, Brazil pointed out that the US Animal and Plant Health Inspection Service (APHIS) had not opened the public consultation prescribed in the PRA process, despite the procedural details provided in August 2020. In June 2021, APHIS had reported that the PRA was complete, and Brazil considered that the lack of publication constituted an undue delay. Noting that, in the meantime, the US market had been open for other products in the *Citrus* genus, Brazil queried what were the steps needed before publishing the PRA for Brazilian lime and what was preventing progress on this issue. Finally, Brazil regretted the failure to obtain a response from APHIS to their requests for technical meetings and hoped to hear from the United States to progress towards the resolution of the issue.

4.190. The United States clarified that it had sought technical engagement with Brazil on this issue, including as part of plant health meetings between US and Brazilian authorities. The United States reiterated that the publication of the PRA involved several steps, and the United States was working

through its administrative procedures on this request. The United States encouraged Brazil to remain engaged with APHIS on this issue.

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

4.191. 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 to solve this matter without further delay.

4.192. 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 May 2022 Plant Health Working Group meeting.

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

4.193. 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. The European Union indicated that, although the United Stated had concluded its scientific assessment, it 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 to proceed with the immediate publication of the Final Notice.

4.194. 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 May 2022 Plant Health Working Group meeting, and looked forward to continued cooperation.

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

4.195. Korea expressed concerns on import approval delays imposed by the European Union on Korean chicken soup Samgyetang. Korea regretted that, despite the numerous actions it had taken to comply with EU requests, it had still 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.

4.196. 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.

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

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

4.198. The Secretariat announced its intention to contact Members who had outstanding STCs that had not been discussed in several years to find out if the concern had been resolved. The results of this exercise would be reported in the November SPS Committee meeting.

5 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

5.1 Equivalence

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

5.2 Pest- and disease-free areas

5.2.1 Information from Members

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

5.2.2 Annual report in accordance with the Guidelines to Further the Practical Implementation of Article 6 in G/SPS/48 (G/SPS/GEN/2021)

5.3. The annual report covering the period from 1 April 2021 until 31 March 2022 was circulated as document G/SPS/GEN/2021. The Secretariat explained that the annual report summarized information on Members' requests for recognition of pest or disease-free areas or areas of low pest or disease prevalence, their determinations on whether to recognize such areas, and Members' experiences in the implementation of Article 6, based on information provided in notifications and at Committee meetings under this and other agenda items.

5.3 Operation of transparency provisions

5.3.1 Information from Members

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

5.3.2 Report on the Workshop on Transparency

5.5. The Chairperson drew the Committee's attention to the draft report on the Workshop on Transparency, which had been held on 20 June 2022.[2] The draft report had been circulated to Members with an opportunity to provide comments by Friday, 1 July 2022. The final report is included in Annex A.

5.6. The Secretariat thanked Members for their participation in the Workshop on Transparency, as well as the comments and feedback received during the "Notifications Clinic". The Secretariat also provided updates on the new ePing SPS&TBT Platform, which had gone live on 28 March 2022. An official launch would take place on 13 July 2022 with officials from the WTO, UNDESA, and ITC. Following the replacement of the SPS Information Management System (SPS IMS), and the SPS Notification Submission System (SPS NSS), the Secretariat would prepare a technical revision of document G/SPS/7/Rev.4 to update outdated information related to online tools. The proposed technical changes would be circulated ahead of the November SPS Committee meeting for discussion and possible adoption. The Practical manual for SPS national notification authorities and national enquiry points would also be updated. The Secretariat drew Member's attention to the upcoming SPS Transparency Champions Course beginning in October 2022, and invited interested Members to volunteer to provide mentorship to participants on the implementation of the transparency provisions of the SPS Agreement. Additional details on the role of mentors would be circulated in due course.

5.4 Control, inspection and approval procedures

5.4.1 Information from Members

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

5.4.2 Report on the Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks

5.8. The Chairperson drew the Committee's attention to the draft report on the Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks, which had been

[2] The dedicated webpage for the Workshop can be accessed here: https://www.wto.org/english/tratop_e/sps_e/workshop_transparency_20jun22_e.htm. The report of the Workshop was circulated as G/SPS/R/106 on 2 September 2022.

held on 21 June 2022.[3] The draft report had been circulated to Members with an opportunity to provide comments by Friday, 1 July 2022. The final report is included in Annex B.

5.9. Australia thanked participants, speakers and panellists of the Thematic Session for the insights and experiences shared. Highlighting the extent to which participants agreed with the benefits and challenges of remote audits, Australia expected this to translate into successful policy outcomes in the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS), and elsewhere. Australia underlined the relevance of the topic of remote audit to the current work of the Committee, including the Working Group (WG) on Approval Procedures and the work programme of the SPS Declaration.

5.10. Thanking Australia, the speakers and the Secretariat for their work, Chile noted that remote audits had been successfully implemented on several occasions as alternative and complementary options to onsite audits. The experiences shared highlighted the need for harmonization of procedures, and for greater availability of international guidelines and recommendations. Chile underlined the work undertaken by the CCFICS regarding the use of remote audits and verifications in regulatory frameworks.

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

5.11. The Chairperson drew the Committee's attention to the draft report on the informal meeting of the WG on Approval Procedures, which had been held on 20 June 2022. The draft report had been circulated to Members with an opportunity to provide comments by Friday, 1 July 2022. The final report is included in Annex C.

5.5 Special and differential treatment

5.5.1 Information from Members

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

5.6 Monitoring of the use of international standards

5.6.1 New issues

5.6.1.1 Canada - Update on response to highly pathogenic avian influenza (HPAI): Importance of WOAH guidelines

5.13. Noting the challenges associated to the global spread of H5N1 HPAI in farmed birds, Canada highlighted the importance of working collaboratively and basing trade measures on WOAH's guidelines. Following detections, the Canadian Food Inspection Agency (CFIA) implemented control measures including establishing appropriate control zones, and reported findings to WOAH and key trading partners directly and through missions abroad. Up-to-date information was available on the CFIA website. Canada requested its trading partners to limit trade restrictions to the established controlled zones, based on WOAH guidelines, and remained available to respond to questions from Members on Canada's HPAI situation.

5.6.1.2 Canada - Update on WOAH BSE negligible risk status

5.14. Canada thanked Members who had approved Canadian cattle, beef and beef products based on Canada's previous controlled risk status, following its official recognition by WOAH as having negligible risk for BSE in May 2021. Canada noted that, in May 2022, WOAH had reaffirmed Canada's status, what demonstrated the appropriateness and effectiveness of its BSE response. Canada requested other Members to lift remaining restrictions, in accordance with the Terrestrial Code.

[3] The dedicated webpage for the Thematic Session can be accessed here: https://www.wto.org/english/tratop_e/sps_e/thematic_session_21jun22_e.htm.

5.6.2 Issues previously raised

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

5.15. The European Union drew the Committee's attention to inconsistencies in the application of WOAH international standards related to ASF. The European Union considered that many Members did not follow WOAH 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 several WTO Members, 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.

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

5.16. The European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. The European Union referred to Canada's comments regarding the need to apply and respect international standards on zoning. 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 at the 88th WOAH General Session of May 2021, the European Union asked Members to respect their obligations on regionalization under the SPS Agreement, and to follow WOAH recommendations.

5.6.3 Procedure to monitor the process of international harmonization

5.17. Referring to the discussions in the informal Committee meeting, New Zealand thanked Members and the ISSBs for their inputs. While Members and the ISSBs had acknowledged the importance of the procedure to monitor the process of international harmonization, New Zealand noted that the topic was currently not seen as a priority for Members. New Zealand invited the Secretariat to encourage the ISSBs to provide brief reports under the agenda item on harmonization in future SPS Committee meetings. New Zealand indicated that it did not intend to make further proposals on this matter.

5.18. Noting that the Committee was to address matters of key importance linked to the work plan of the SPS Declaration, Chile recognized that addressing issues related to the procedure to monitor the process of international harmonization could be complex and counterproductive. Notwithstanding, Chile recalled that the procedure to monitor the process of international harmonization was a commitment established in the Agreement, which it considered could be addressed as part of the work plan of the SPS Declaration, or as part of the Sixth Review of the Operation and Implementation of the SPS Agreement.

5.19. The Chairperson invited the Secretariat to consult with the ISSBs on this matter, and suggested deleting this agenda item for the next informal SPS Committee meeting.

5.20. The Chairperson also drew the Committee's attention to the draft report of the informal meeting held on 23 June 2022. The draft report had been circulated to Members with an opportunity to provide comments by Friday, 1 July 2022. The final report is included in Annex C.

5.6.4 Annual report in accordance with the Procedure to Monitor the Process of International Harmonization in G/SPS/11/Rev.1 (G/SPS/GEN/2022)

5.21. The annual report on the Procedure to Monitor the Process of International Harmonization had been circulated as document G/SPS/GEN/2022. The Secretariat explained that the report summarized the discussions under this agenda item over the past year. In accordance with the monitoring procedure, the Secretariat would bring these issues to the attention of the international standard setting bodies and also remind them of the Committee's suggestion to provide a report on their efforts to monitor the use of the international standards at its next meeting.

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

5.7.1 Report on the informal meeting

5.22. The Chairperson drew the Committee's attention to the draft report on the informal meeting of the Committee of 22 June 2022, specifically referring to the summaries of the discussions on the follow-up to the Fifth Review and the upcoming Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management, the draft SPS Ministerial Declaration, trade facilitative approaches to pesticide MRLs, and COVID-19 and SPS issues. The final report is included in Annex C.

5.7.2 Information from Members

5.7.2.1 United States - Summary of March 2022 Seminar on Responding to Fall Armyworm: Integrated Pest Management and Policy Approaches

5.23. The United States drew Members' attention to document G/SPS/GEN/2039, submitted jointly with Paraguay, which summarized the March 2022 seminar titled "Responding to Fall Armyworm: Integrated Pest Management and Policy Approaches". The United States thanked participants and speakers of the event, as well as Uganda for co-hosting the seminar. Speakers had identified that the availability, affordability, adaptability and timely approval processes and technologies were common challenges to address pest outbreaks and develop robust integrated pest management programmes. Speakers had shared methods and technologies to respond to fall armyworm outbreaks including effective risk communication strategies, responsible pesticide use, and genetically improved varieties of crops. Speakers had also suggested further aspects to explore, including sharing of information and best practices in international platforms, developing and strengthening rapid alert systems for plant pests and diseases, as well as developing robust and affordable integrated pest management programmes. Recognizing the importance and challenges associated with the access to and approval of technologies, the United States encouraged Members to engage in the discussions of the WG on Approval Procedures to develop outcomes that would assist Members in addressing current and emerging issues.

6 CROSS-CUTTING ISSUES

6.1 SPS Declaration for the 12th WTO Ministerial Conference (WT/MIN(22)/27 and G/SPS/GEN/1960)

6.1.1 Canada - A Sanitary and Phytosanitary Measure-related Declaration at the 12th WTO Ministerial Conference (MC12 Declaration)

6.1. Canada congratulated the Committee for the ministerial support received by the SPS Declaration. The adoption of the Declaration at the Ministerial Conference provided an opportunity to work collaboratively in implementing the work programme set forth in the Declaration, while recognizing the proposed timeline. Canada thanked the Secretariat for the proposed timeline, and indicated it looked forward to would provide comments if needed. Referring to document RD/SPS/210, Canada further noted that it was essential for Members wishing to be stewards of the proposed groups to take part in the structuring of these groups beyond the Secretariats' proposal, given the capacity constraints of Members and the Secretariat.

6.2. The Secretariat provided an overview of document RD/SPS/210 containing an initial timeline for the work programme of the SPS Declaration. The proposed timeline took into account the suggestion of creating small groups for the specific themes identified in paragraph 8 of the Declaration. Members had until 22 July 2022 to express interest in participating in the work or act as a steward of these groups. The Secretariat also welcomed suggestions on the term used to refer to the groups. Feedback on the timeline and organization of the work programme would also be possible after the November 2022 Committee meeting. The Secretariat indicated that the groups would be encouraged to put forward initial ideas based on their discussions in September, which would be compiled and circulated for information purposes. Informal consultations in hybrid format could also take place in September, where Members would discuss the work programme going

forward. The Secretariat suggested October as the deadline for groups to present formal proposals, which would be discussed at the informal November Committee meeting.

6.3. Referring to document RD/SPS/210, Brazil suggested employing the term "informal working groups" to refer to the groups identified in the document, and expressed their willingness to contribute to the achievement of the proposed timelines. Brazil underlined that these groups should be open and inclusive for Members to join at any point in time.

6.4. The European Union expressed its appreciation for the successful SPS Declaration, highlighting that the work programme provided an opportunity to reflect and reach a common understanding on important issues. The European Union thanked the Secretariat for the initial timeline for the work programme, and indicated it would provide comments and suggestions in due course.

6.5. Uruguay welcomed the adoption of the SPS Declaration at MC12 and expressed its willingness to commence the implementation of the work programme, taking into account the ideas presented by Members in the Committee.

6.6. The United States acknowledged the Committee's support in delivering the SPS Declaration as a ministerial outcome. The Declaration reaffirmed the role of the Committee as a relevant body to address emerging challenges and opportunities in agricultural trade, and the United States looked forward to working with Members to address these timely questions. The United States indicated it would submit suggestions to document RD/SPS/210. The United States highlighted that the groups were expected to be open to all Members at any point in time, and expressed its flexibility regarding the term to be used to refer to the groups. The United States recalled that the results of the discussions in the groups would be agreed by consensus by the Committee, and encouraged Members leading the work to constantly follow up via intersessional or informal meetings, and to keep to the membership informed.

6.7. Switzerland expressed its gratification over the adoption of the SPS Declaration at MC12 and looked forward to contributing to the work programme and the identified themes. Switzerland thanked the Secretariat for the initial timeline contained in document RD/SPS/210 and supported the establishment of thematic working groups.

6.8. Australia welcomed the SPS Declaration and looked forward to work alongside Members to explore the issues identified in the work programme. Australia thanked the Secretariat for the proposed timeline, and agreed with Members' comments regarding the need for groups to be open for participation at any point in time, working towards a consensus-based report at the MC13.

6.9. Norway welcomed the adoption of the SPS Declaration at MC12 and looked forward to working alongside Members in the deliberations of the work programme in the context of the SPS Committee. Norway considered the proposed timeline circulated by the Secretariat to be a good starting point.

6.10. Noting that Members could encounter capacity constraints to participate in the group discussions of the work programme, India suggested assembling several themes identified in paragraph 8 of the Declaration under one group, or having all themes under a single group. India would provide additional comments on the proposed timeline in due course.

6.11. Türkiye welcomed the successful SPS Declaration and thanked the Secretariat for the proposed timeline contained in document RD/SPS/210.

6.2 Australia, the United States, Uruguay and Canada – Trade Facilitative Approaches to Pesticide MRLs (G/SPS/GEN/2034/Rev.1)

6.12. The Chairperson drew Members' attention to the proposal contained in document G/SPS/GEN/2034/Rev.1, submitted by Australia, Canada, Colombia, Paraguay and the United States following the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs held in March 2022.

6.13. Australia thanked Members for the feedback provided during the informal SPS Committee meeting. Noting Members' interest in the topic, Australia recognized the different views regarding the creation of a working group as an appropriate mechanism to pursue the issue. Australia indicated

that the co-sponsors would hold consultations on the best mechanism to carry the work, and would update the SPS Committee at its next meeting.

6.14. The United States drew Members' attention to document G/SPS/GEN/2034/Rev.1, submitted jointly with Australia, Canada, Colombia, and Paraguay following the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs. The United States highlighted that MRLs remained an important topic for the SPS Committee, and that Members should pursue constructive ways of dialogue for the resolution of related issues. The document offered suggestions to foster trade facilitative approaches to pesticide MRLs for the consideration of the SPS Committee, as well as the creation of a working group to address these considerations. Acknowledging the limitations of the Committee to undertake another working group, the United States encouraged Members to work together to identify and apply appropriate mechanisms to address longstanding issues.

6.15. Recognizing the importance of the matter at issue, the European Union noted that the increasing number of initiatives by the Committee, including the working programme following the SPS Declaration, raised questions regarding the availability of resources and potential duplication of efforts. The European Union considered that there were relevant ongoing procedures in the Committee where Members should focus their efforts prior to engaging in new initiatives, and invited Members to reflect on possible ways to optimize limited resource availability.

6.16. Uruguay thanked Australia, Canada, Colombia, Paraguay and the United States for the proposal contained in document G/SPS/GEN/2034/Rev.1. Highlighting the importance of the topic, Uruguay supported exploring the elements contained in the proposal, in particular those specified in paragraph 8. Uruguay expressed its availability to work on the matters at issue through the mechanisms to be established.

6.17. Canada highlighted the need to address the matter, while noting the resource constraints of the Committee to undertake a working group. Canada expressed its willingness to engage in discussions with Members to identify mechanisms to facilitate progress on the topic.

6.18. The Chairperson invited the proponents to work informally with interested Members and report back to the Committee at the next meeting. Members would have an opportunity to provide comments on the proposal by Friday, 22 July 2022.

6.3 COVID-19 and SPS issues

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

6.20. The Chairperson noted that there had not been interventions under this agenda item in recent Committee meetings. The Committee agreed to delete this agenda item for the next SPS Committee meeting.

7 TECHNICAL ASSISTANCE AND COOPERATION

7.1 Information from the Secretariat

7.1.1 WTO SPS Activities

7.1. The Secretariat provided Members with an overview of the technical assistance activities held since March 2022. These activities included a national SPS seminar held in Nairobi, Kenya on 10-12 May 2022. The following more general training on the SPS Agreement had been provided in: a Southern African Customs Union (SACU) training on SPS, TBT, and Non-Tariff Barriers held on 29 March 2022; a study tour to Geneva from Azerbaijan in the context of its accession to the WTO held on 28 April; and an UNCTAD Virtual Session on Trade Facilitation and the SPS Agreement held for Equatorial Guinea on 17 May 2022. The Secretariat highlighted upcoming activities that would include a National Seminar on SPS and TBT, to be held in person for Mongolia in September; a WTO Regional Trade Policy Course to be held virtually for Asia-Pacific from 27 June to 1 July; and a WTO Advanced Trade Policy Course to be held in person at the WTO on 7-8 July.

7.2. Regarding the WTO technical assistance activities outlined in document G/SPS/GEN/997/Rev.12, the scheduled activities were: the Workshop on Transparency, held on

20 June; the SPS Transparency Champions Course; and the Virtual Course on Essentials for SPS Committee Participation. The SPS Transparency Champions Course would be held in English, and was targeted at government officials from SPS national notification authorities and/or SPS national enquiry points from English-speaking African countries. The course would be held from October 2022 to March/May 2023, with the first week taking place from 3-7 October in Geneva. The Virtual Course on Essentials for SPS Committee Participation would be held in French in November 2022, and would consist of several sessions held over two weeks on 15-24 November. The application deadline for the SPS Transparency Champions Course and the Course on Essentials for SPS Committee Participation had closed on 3 June. The Secretariat would undertake the selection process for these courses and inform the respective Missions of the proposed selection of candidates from their government before the final selection.

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

7.1.2 STDF (G/SPS/GEN/2031)

7.4. The STDF secretariat reported on its recent activities detailed in document G/SPS/GEN/2031. At its June meeting, the STDF working group approved several project preparation grants (PPGs) and project proposals. The STDF noted that the deadline for new project applications was 12 August 2022. A series of webinars exploring the challenges of climate change and emerging SPS risks had been organized in May in collaboration with STDF's partners. Additional information on these webinars, as well as presentations and recordings, were available on the STDF website. Presentations on a gender assessment across STDF's workstream, a new standards compliance analytics platform, and a new APEC food safety risk communication framework were also shared at the last STDF working group meeting. The STDF referred to its Annual Report for 2021 outlining the results achieved and lessons learned during the year. Finally, the STDF conducted an online survey with SPS delegates to help improve STDF's work programme. The STDF thanked its donors for their contributions.

7.2 Information from Members

7.5. No Member provided information under this agenda item.

8 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

8.1. No Member provided information under this agenda item.

9 OBSERVERS

9.1 Information from Observer Organizations

9.1.1 IICA (G/SPS/GEN/2033)

9.1. IICA reported on its activities, detailed in document G/SPS/GEN/2033. IICA had concluded its fourth virtual coordination session on WTO SPS Committee matters, addressing discussions on the WG on Approval Procedures, STCs and the SPS Declaration for MC12. IICA had hosted a series of coordination colloquia addressing several Codex Committees in collaboration with the United States Codex office and the African Union's Inter-African Bureau for Animal Resources (AU-IBAR). Recent coordination colloquia had taken place in preparation for the Codex Committee on Food Hygiene (CCFH), in March, and in preparation for the CCCF, in April. Regarding animal health, IICA and USDA had organized the 10th edition of the WOAH strategy session to discuss matters related to the WOAH General Session, AMR, animal welfare and fish diseases. Under the umbrella of the GF-TADs, IICA had led capacity building activities for the prevention of ASF in the Americas and Caribbean, hosting eight thematic webinars on ASF preparedness.

9.1.2 ECOWAS (G/SPS/GEN/2019)

9.2. ECOWAS reported on its activities, detailed in document G/SPS/GEN/2019. ECOWAS had conducted training in Senegal, Niger, and Guinea-Bissau on the harmonized phytosanitary inspection and decision-making guide, to improve member's inspection processes. An online training on inspection procedures had also been conducted, benefiting 46 plant quarantine inspectors and technicians from ECOWAS member states. The West Africa NPPOs and partners' taskforce annual meeting had taken place in preparation for the meeting of the CPM-16. Discussion included ECOWAS's request for recognition by the IPPC as a regional plant protection organization. A national training of technicians in the establishment and monitoring of fruit fly surveillance system had been held in Liberia, in line with the project of the regional innovative fruit fly control system in West Africa (SyRIMAO). ECOWAS thanked the European Union for its support on this matter. A regional and continental meeting was also organized to discuss and agree on a common position for the draft guidelines for developing harmonized food safety legislation for the CCAFRICA region. Regarding animal health, ECOWAS had organized a regional training on GIS and risk assessment for the optimization of surveillance and control systems for transboundary animal diseases. ECOWAS thanked its partners for their support, and called for additional collaboration and resources.

9.1.3 OECD (G/SPS/GEN/2017)

9.3. The report of OECD's activities is contained in document G/SPS/GEN/2017.

9.1.4 IGAD (G/SPS/GEN/2020)

9.4. The report of IGAD's activities is contained in document G/SPS/GEN/2020.

9.1.5 GSO (G/SPS/GEN/2023)

9.5. The report of GSO's activities is contained in document G/SPS/GEN/2023.

9.1.6 OIRSA (G/SPS/GEN/2024)

9.6. The report of OIRSA's activities is contained in document G/SPS/GEN/2024.

9.1.7 SADC (G/SPS/GEN/2025)

9.7. The report of SACD's activities is contained in document G/SPS/GEN/2025.

9.1.8 ITC (G/SPS/GEN/2028)

9.8. The report of ITC's activities is contained in document G/SPS/GEN/2028.

9.1.9 CAHFSA (G/SPS/GEN/2029)

9.9. The report of CAHFSA's activities is contained in document G/SPS/GEN/2029.

9.2 Requests for observer status

9.2.1 New requests

9.2.1.1 International Olive Council (IOC) (G/SPS/GEN/121/Add.20)

9.10. The Chairperson indicated that the Secretariat had received a new request for observer status from the IOC, as contained in document G/SPS/GEN/121/Add.20.

9.11. Welcoming the request for observer status, Tunisia highlighted IOC's role as the only intergovernmental organization in the field responsible for administering the 2015 International Agreement on Olive Oil and Table Olive Oil. The IOC was the global forum where members discussed technical issues, and addressed current and future challenges in the sector. Tunisia invited Members

to consider IOC's request, underlining IOC's role in safeguarding product authenticity, safe trade, and the harmonization of national and international legislation with standards for olive oil.

9.12. The Chairperson indicated that he had been informed that it would not be possible to reach consensus status on IOC's request. The Secretariat would inform the IOC of that there had been no consensus to accept their request.

9.2.2 Pending requests

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

10 OTHER BUSINESS

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

11 DATE AND AGENDA OF NEXT MEETING

11.1. The Chairperson recalled that the next regular meeting of the Committee was scheduled for the week of 7 November 2022. The proposed calendar of SPS Committee meetings for 2022 was contained in G/SPS/GEN/1910/Rev.1. The Chairperson invited Members to inform the Secretariat on conflicts between the calendar of meetings proposed for 2023[4] and other related SPS-events.

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, circulated by email:

a. For submitting statements: **Friday, 24 June 2022**;

b. For submitting comments on the draft summaries of the Workshop on Transparency, the Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks; and the informal Committee meeting: **Friday, 1 July 2022**;

c. For submitting comments on the draft initial timeline for the Work Programme of the SPS Declaration (RD/SPS/210, later circulated as G/SPS/W/329): **Friday, 1 July 2022**;

d. For submitting comments on the organization of the work programme of the SPS Declaration until MC13: **Friday, 22 July 2022**;[5]

e. For submitting comments on the proposal for the upcoming Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management (G/SPS/GEN/1951/Rev.1), including suggestions of speakers: **Friday, 22 July 2022**;

f. For submitting comments on the joint submission on trade facilitative approaches to MRLs (G/SPS/GEN/2034/Rev.1): **Friday, 22 July 2022**;

g. For requesting that items, including STCs, be put on the agenda, and for identifying new issues for consideration under the monitoring procedure: **Wednesday, 19 October 2022**; and

h. For the distribution of the annotated draft agenda: **Friday, 21 October 2022**.

[4] The proposed calendar is contained in document G/SPS/GEN/2036.

[5] The Secretariat subsequently circulated a Proposed Process for the Work Programme on 1 August 2022 in G/SPS/W/330, and invited Members to submit comments by 16 September 2022.

ANNEX A

WORKSHOP ON TRANSPARENCY

20 JUNE 2022

REPORT BY THE CHAIRPERSON

1. A workshop on transparency was held on 20 June 2022, as agreed by the SPS Committee in November 2021. A dedicated webpage for the workshop had been made available ahead of the event, with relevant information, including the programme, circulated on 15 June 2022 as document G/SPS/GEN/2015/Rev.1. The workshop was held in hybrid format, with around 30 participants attending in person and over 200 connections on Zoom.

2. The purpose of the workshop was to provide training on the new ePing SPS&TBT Platform, that went live on 28 March 2022. It also presented relevant work on transparency in the TBT Committee, as well as experiences from an ITC project on the use of the ePing alert system. In addition, a "notifications clinic" was held in the afternoon, on Zoom only, providing SPS notification authorities and enquiry points with an opportunity to address any concerns on the notification submission functionalities of the Platform.

3. The workshop began with an overview of the transparency provisions in the SPS Agreement, the recommended transparency procedures, and relevant discussions in the SPS Committee. Session 2 provided a snapshot of the transparency recommendations resulting from the triennial reviews of the TBT Agreement. Half of the recommendations adopted in the 9th Triennial Review related to transparency, including on developing new formats and guidelines, improving coordination through the ePing Platform, and exploring the use of IT tools for translation purposes. On this last point, it was clarified that any initiative that could benefit the SPS Committee would be shared.

4. In Session 3, the WTO Secretariat presented relevant sources of SPS-related information, including: (i) Documents Online, repository of all WTO documents, including SPS; (ii) Trade Concerns Database, which provides information on trade concerns; (iii) eAgenda, for authorized users to submit online agenda items ahead of SPS Committee meetings; and (iv) the new ePing SPS&TBT Platform, which integrates all SPS and TBT transparency tools, as well as the ePing alert system, into a single platform. The next session presented in detail, through a live demo, the main functions of the new ePing SPS&TBT Platform, including: (i) searching of information on notifications and specific trade concerns; (ii) submission of notifications; and (iii) communication/outreach functions. In addition, registered users benefit from additional features, and can receive email alerts on notifications on products and/or markets of interest, as well as reach out to notification authorities and enquiry points. Certain functions, such as the submission of notifications, are password protected. Some of the benefits highlighted included: extracting data from a single source, reducing errors and maintenance costs; searching information across the SPS and TBT committees; and using the WTO single sign-on authentication system. As next steps, it was highlighted that the official launch of the Platform, with senior officials from the three partner organizations, WTO, UNDESA and ITC, was tentatively planned for 13 July 2022.

5. In the last session, the International Trade Centre shared its experiences on a project implemented in Viet Nam to help traders comply with SPS and TBT requirements by receiving alerts on regulatory changes in foreign markets, using the ePing alert system.

6. In concluding, the Chairperson remarked that the workshop had proven to be informative and interesting, and that it had provided important updates on the work of the WTO Secretariat to facilitate the implementation of transparency provisions, through the new ePing SPS&TBT Platform. The Secretariat would welcome Members' feedback and comments on the use of this new SPS&TBT Platform.

7. All presentations, as well as the video recordings in English, French and Spanish, would be made available on the WTO | Thematic SPS workshop on transparency.

8. In addition to the workshop, a "notifications clinic" targeted to SPS notification authorities and enquiry points was held virtually via Zoom on 20 June 2022 afternoon. The WTO Secretariat provided a brief overview of the main functions of the ePing SPS&TBT Platform, and presented through a live demo the notifications submission and outreach functions. Many questions were discussed, including on the different notification access rights, email alerts, advanced search filters, multiple notification administrators, domestic coordination, and the development of a mobile application to facilitate private sector use of the Platform. There were over 150 connections to the "notifications clinic".

ANNEX B

SPS COMMITTEE THEMATIC SESSION ON THE USE OF REMOTE (VIRTUAL) AUDIT AND VERIFICATION IN REGULATORY FRAMEWORKS

21 JUNE 2022

REPORT BY THE CHAIRPERSON

1. A Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks was held on 21 June 2022, as agreed by the SPS Committee in November 2021. The final programme was circulated on 15 June 2022 as document G/SPS/GEN/2016/Rev.1, which built on the proposal submitted by Australia in document G/SPS/GEN/1949/Rev.1 and incorporated comments from Members. The session was held in hybrid format, with Members invited to attend in person or virtually through the Interprefy platform. The thematic session was also webcast live on the WTO website.

2. The purpose of the thematic session was to provide an opportunity to share experiences on the use of remote assessment methods, discuss how such approaches may assist Members with their obligations under Annex C of the SPS Agreement, and take a closer look at the relevance and scope for future use. It also sought to provide insight on ongoing initiatives including guidance being developed by Codex under its Committee on Food Import and Export Inspection and Certification Systems (CCFICS), and allow Members and industry representatives to discuss the benefits and challenges of remote audit, drawing from their experiences.

3. In Session 1, the Secretariat provided an overview of the provisions of the SPS Agreement which could be relevant in the context of remote audit and inspection, namely the provisions of Article 8 and Annex C related to control, inspection and approval procedures to check and ensure the fulfilment of SPS measures. It also provided examples of SPS notifications referring to remote inspection and virtual verification, and of specific trade concerns (STCs) discussed in the SPS Committee which made reference to remote inspection or virtual audit.

4. Session 2 shed light on the forms of remote assessment, including those used during the COVID-19 pandemic, and the link with regulatory frameworks. A speaker from Brazil explained that in 2021, all international audits in the animal food origin industry were conducted remotely, but onsite audits were resuming in 2022. He provided insights on the steps and forms of remote assessments; highlighted the importance of preparation, training, auditor/auditee competence; and informed that a regulatory framework was under review. A speaker from Singapore[1] then shared that it used various forms of remote audits for imports before the COVID-19 pandemic, such as questionnaires and videos as a supplement to onsite visits. Since the pandemic, Singapore was conducting remote audits virtually for both imports and exports, as new tools and technology had become available. The speaker highlighted several benefits of remote audit such as reduced travel costs but also referred to challenges such as connection issues, inability to use all senses and read body language. In the third presentation, a speaker from the European Union shared that 154 fully remote SPS audits had been conducted between March 2020 and December 2021. The speaker discussed some of the commonalities and differences with onsite audits, underlining that the principles of audit had not changed. In the EU experience, connectivity, interpretation, and ensuring that the right persons were present, were some of the main challenges to conducting remote audits, and some topics were considered more suitable for remote audits than others. In the final presentation of this session, a speaker from UNIDO presented preliminary findings from an STDF/UNIDO survey on remote inspection and audit practices. It was noted that for 90 per cent of the survey respondents, remote practices began in the past two years due to the COVID-19 pandemic, but several barriers persisted such as the absence of harmonized protocols and guidelines, and terminology issues.

[1] There was a change in the speaker from Singapore. The name of the speaker who delivered the presentation is provided on the webpage of the thematic session: https://www.wto.org/english/tratop_e/sps_e/thematic_session_21jun22_e.htm.

5. Session 3 provided an update on relevant international standards, guidelines and recommendations, as well as other ongoing work related to remote audit and other forms of remote assessment. As the current Chair of CCFICS, a speaker from Australia offered insights on the development of guidance by CCFICS on the use of remote audit and verification in regulatory frameworks, which would take into account existing Codex guidance and the use of information and communication (ICT) technologies with a view to facilitating trade. At its 25th meeting, CCFICS had agreed to develop a discussion paper on guidance on remote audit and verification in regulatory frameworks, for discussion at the November 2022 CCFICS meeting. Session 3 continued with a presentation from the Organization for Economic Co-operation and Development (OECD) on its ongoing work on remote audit, which offered preliminary insights from interviews held with some OECD member States. In particular, remote audit had enabled trade to continue during the COVID-19 pandemic, and reduced some of the costs associated with onsite audits. Several challenges were noted such as limitations in terms of language, technology and skills. This was followed by a presentation from the Global Food Safety Initiative (GFSI) on the use of ICTs in the food safety supply chain for third-party audits. The speakers from GFSI noted that 73 per cent of the food business operators it had surveyed considered that using ICTs in audits was important, and over 40 percent considered that ICTs positively impacted the food safety outcomes of certified food business operators. GFSI found that blended audits were effective for the purposes of documentation review, while onsite audits were particularly useful for the verification of activities related to food safety.

6. Session 4 was a roundtable discussion, moderated by the speaker from Australia, in which Members and an industry representative discussed their experiences and the benefits of using remote assessment methods to facilitate international trade, as well as the associated challenges, such as privacy and security issues. The discussion started with a speaker from New Zealand explaining that issues surrounding security and privacy went beyond intellectual property (IP) concerns, and a pre-determined protocol with provisions on the use of ICT images, for example in sensitive IP areas and to protect worker identities was important. He also discussed the differences between domestic and international audits, noting the availability of Codex guidance for international audits. In view of the differences between remote and onsite audit, the speaker considered that complementary guidance was needed for privacy/IP issues and the process and use of ICT. Speakers from Canada then noted that preplanning, prior documentary review and knowledge of a country's compliance history could contribute to successful remote audits. They also referred to livestreaming limitations, explaining that virtual audits did not allow for "stumble upon" situations as in onsite audits. To further enhance its use, the speakers from Canada considered that there was a need to improve regulatory capacity and technology, increase trust by various stakeholders, and show flexibility. The speakers also emphasized that virtual audits or inspections were not always appropriate, highlighting that it would be important to consider if technology was fit for use, connectivity was reliable, and privacy concerns were respected.

7. Session 4 continued with a speaker from Tesco PLC providing insights on the use of a new technology to increase supply chain auditing capabilities. She explained that the technology had allowed Tesco to continue its audit programme when it was unable to do so physically, and offered benefits such as secure cloud services, livestreaming, interpretation in over 20 languages, and GPS localization to ensure that the audit was being conducted in the right location. While physical verification of compliance remained the priority, Tesco PLC considered that technology was part of the future of auditing, was needed in some regions where pandemic restrictions were still in place, and would be helpful in case of potential future pandemics. A speaker from Türkiye then shared its experiences on the use of remote audit. She explained that remote audits offered several advantages such as reduced travel costs, and greater scheduling flexibility. In her view, it was important to consider whether a virtual audit was the best approach, as in some cases a hybrid approach would be more appropriate. The speaker highlighted the importance of having a detailed audit plan, sending documents for advance review, sharing information on technology requirements, and scheduling test sessions to ensure good connectivity, among others.

8. In Session 5, Members and an industry representative presented case studies on the use of remote audit, highlighting the associated benefits and challenges. Speakers from Chile presented on its experience with using remote audits in animal and plant products processing establishments. The process of conducting remote audits included documentation review, information analysis, meetings with parties involved, and the sharing of results and observations. In Chile's experience, remote audits enabled access to remote locations, thereby reaching a larger number of audited establishments. However, challenges related to the technological aspects of the process, such as those linked to connectivity, audio and video issues, could affect the use of remote audits.

In the second presentation, a speaker from Korea shared its experience on alternative approaches to sanitary controls via a two-tier process of document and video inspections, and highlighted that the legal framework on food safety control had been amended to include relevant provisions on remote inspection in special circumstances. Korea's standard operating procedure to remote inspection comprised four steps, covering the selection of facilities, the assessment of relevant documents, the conducting of video inspections, followed by results. Remote inspection was considered an additional assessment tool, and not a substitute to onsite inspections, and challenges associated with disruptions in digital communication were also highlighted. Following this, a speaker from Red Tractor presented on the use of remote audit by a UK voluntary third-party assurance scheme, elaborating on two-part approach to remote audits, namely an online cabinet to enable the pre-assessment of documents and records, and live streaming on-farm or in factory. He highlighted the importance for assessors and businesses to agree on the technologies to be used, and the issues associated with connectivity. Challenges arose from limited visibility and difficulties in interpretation of body language. While physical assessments remained the preferred audit approach, remote audits remained part of the available tools, and a blended approach of both onsite and remote audit would most likely be used in the future.

9. Session 6 was a panel discussion, moderated by the speaker from Australia, which focused on the opportunities and challenges related to the future use of remote audit. The speaker from Brazil elaborated on how remote audits could improve the standardization of procedures, given the increased number of auditors, specialists and teams participating in the process. Looking ahead, he added that audits could also be recorded and therefore be used to review and improve procedures. The speaker from European Union discussed some of the challenges in auditing non-EU member States which were mainly related to technology and interpretation, and similar to challenges experienced in conventional audits. In terms of new market access applications, the European Union did not solely rely on remote techniques. Going forward, the speaker emphasized that aspects of remote auditing would be maintained, but this would be supplementary to physical audit. The speakers from Chile considered that remote audit could help improve regulatory alignment with the inspections conducted by different institutions for different products. It was also noted that remote audits supplemented physical audits, and that Members should determine under which circumstances remote audits should be conducted, for example, for first time certification or revalidation.

10. Session 6 continued with the OECD speaker discussing how differences in approaches taken by different economies may cause challenges for others if they were to be widely adopted. As part of its ongoing research, the OECD found that some countries had prescriptive approaches to remote audit while others had risk-based or outcome-focused approaches. A second issue related to definitions, as some countries used the term hybrid for audits undertaken partly online partly onsite, while others used the term for audits conducted either entirely virtually or entirely in person. The OECD speaker added that situations where remote audits and subsequent in person audits were conducted to verify the same information, increased the compliance burden, especially for developing countries and smaller businesses. From its interviews with government officials and regulators so far, the OECD also learned that the use of innovative technologies was limited, and that data security was not among the respondents' main concerns. Referring to the findings from the STDF/UNIDO survey, the OECD speaker also noted that the use of remote audit before the COVID pandemic was modest, and noted that there was a clear preference for a hybrid form of remote audit in the future.

11. There was also discussion in the Q&A session on data breaches and documentation review, with speakers highlighting that documents could be reviewed virtually or in person, that the principles of audit remained the same, and that upstream documentation review helped auditors better prepare for virtual audits. At the end of the panel discussion, a speaker from Australia highlighted some of its key takeaways from the thematic session, such as the importance of planning, logistics, training, connectivity, clear communication, and understanding the circumstances under which remote audit could be used. The speaker from Australia also referred to the ongoing work of CCFICS, STDF/UNIDO and the OECD, and took note of comments on scientific robustness to further support the case for remote audit.

12. In concluding, I remarked that the discussions and presentations of the thematic session had proven to be interesting and informative, and had provided insight on the various forms of remote assessment, ongoing initiatives and experiences related to the use of remote assessment methods, as well as the benefits and challenges.

13. Presentations from the thematic session would be made available on the SPS TA Gateway.

ANNEX C

INFORMAL MEETING – 22 JUNE 2022

REPORT BY THE CHAIRPERSON

1 FOLLOW-UP ON THE ADOPTION OF THE REPORT OF THE FIFTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT (G/SPS/64 AND G/SPS/64/ADD.1)

1. At the informal meeting on 22 June 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 first addressed the recommendations that encourage Members to continue to discuss or exchange experiences. 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 March 2022 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 MC12 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 further recalled that no comments had been received from Members in subsequent informal meetings.

4. At this week's informal meeting, I again invited Members to provide any further comments or suggestions on the identified recommendations. One Member provided comments on the Committee's progress with regard to the recommendations laid out in the Fifth Review, highlighting the hard work undertaken by the Committee during the Review process, and also that it had benefitted from the inputs of many Members. He noted that all Members were responsible for helping the Committee make progress on its recommendations, and further provided an overview of the follow-up work to be undertaken.

5. In relation to the appropriate level of protection, risk assessment and science, the Member highlighted that although the Committee had addressed some issues in its regular meetings and discussions, one of the recommendations invited the international standard setting bodies (ISSBs) to share guidance documents, international standards, guidelines and recommendations pertaining to the consideration of scientific uncertainty and/or insufficiency of scientific evidence in risk analysis. This information sharing could be useful to Members. He also encouraged the ISSBs to consider how they could address this recommendation.

6. With respect to fall armyworm, the Member referred to the March 2022 side event co-sponsored by Uganda and the United States, and the themes covered in that event, including recognition of the importance of access to tools and technologies. In addition, Members had also been encouraged to engage in the Working Group on Approval Procedures to aid Members in addressing current and emerging issues, such as simplification and streamlining of regulatory assessments.

7. In relation to MRLs for plant protection products, the Member indicated that the Committee had been active in this area, highlighting the successful Thematic Session on Trade Facilitative Approaches to MRLs held in March 2022. Subsequently, a group of Members has circulated a joint follow-up paper (G/SPS/GEN/2034/Rev.1) aimed at advancing several suggestions, including one to support the Review's recommendations to encourage Members to engage in national discussions of options that could enable a more productive Codex MRL system.

8. Regarding regionalization, which was of particular relevance since some Members were dealing with animal disease outbreaks, one of the recommendations indicated that the Committee should further discuss issues related to Article 6, including the Committee Guidelines, through future thematic sessions. The Member noted that the last thematic session on this topic had been held in 2017.

9. Finally, the Member underscored that the Committee had made progress on the Fifth Review, but that there continued to be opportunities to support the recommendations, such as through the recent SPS Declaration. He encouraged Members to contemplate their possible contributions towards this task.

10. In concluding, I drew attention to the summary document submitted by a couple of Members on the March 2022 Seminar on Responding to Fall Armyworm, which had been circulated in document G/SPS/GEN/2039.

11. Another Member reiterated that much work had been put into the Fifth Review and thanked the previous Member for drawing attention to the several follow-up items remaining under the Fifth Review, apart from the Working Group on Approval Procedures.

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

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

13. 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 the term "approval procedures"; (2) key challenges of approval procedures; (3) principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection (ALOP); and (4) available tools and best practices in relation to approval procedures.

14. In the second, third and fourth rounds of work (March to July 2021, July to November 2021, and November 2021 to March 2022), 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.

15. The Working Group had scheduled to meet on 21 March 2022 as part of its fourth round of work. However, due to the inability of some delegations to participate in the meeting, the co-stewards had decided to postpone this meeting. Following consultations with participants and the Secretariat, the May 2022 intersessional meeting had been held to continue the Working Group's momentum, although some participants had indicated that they did not see the meeting as "business as usual".

16. In its fifth round of work (March to June 2022), the Working Group had concluded the discussion on key challenges of approval procedures that affect international trade and that the Committee should seek to address. Specifically, at its intersessional meeting of 20 May 2022, the Working Group discussed challenges associated with: (1) timing and undue delays; and (2) other challenges not previously discussed, such as COVID-19.

17. The Working Group had also held preliminary discussions on possible outcomes of the Working Group. Based on Working Group meetings and discussions, it was noted that potential outcomes of the Working Group included the collection of available tools and best practices, a factual report of the work of the Working Group to the SPS Committee, and the recommendation to develop SPS Committee recommendations or guidelines around the themes of transparency, information sharing, communication and e-tools.

18. At its June 2022 meeting, the Working Group had commenced the discussion on the principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection and the Committee's role in highlighting

these principles. Participants had highlighted the need for approval procedures to be conducted without undue delays and in a timely manner, to have information on process and timelines in advance, the need for requirements to be limited to the extent necessary, and the importance of approval procedures to be harmonized with international standards or be based on a risk assessment. The Working Group had also continued the discussions on possible outcomes. In addition to the collection of available tools and best practices, participants had explored the development of SPS Committee guidelines as a possible outcome of the Working Group.

19. 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 (WT/MIN(22)/27)

20. The Committee also discussed the SPS Declaration for the 12th WTO Ministerial Conference, adopted by Ministers at the Ministerial Conference held the previous week. The final version of the Declaration had been circulated with a new symbol in document WT/MIN(22)/27. I congratulated the co-sponsors and all Members on this achievement.

21. I underscored that the Declaration recognized the work of the SPS Committee as being instrumental in advancing the implementation of the SPS Agreement, particularly as it related to improving transparency. Looking ahead, the Declaration affirmed that the SPS Committee would continue to undertake valuable work, and that Members remained committed to the continued enhancement of the implementation of the SPS Agreement.

22. I further recalled that Ministers had given us homework. They had instructed the SPS Committee to undertake a work programme consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement. In particular, I highlighted that paragraph 6 of the Declaration listed a number of these challenges, as well as new opportunities.

23. The Declaration also contained a list of themes in paragraph 8 and envisioned that the SPS Committee should explore how the implementation of the SPS Agreement could be of support in these areas. The Declaration clarified that the work programme did not launch the negotiation of new obligations, nor re-opened or amended the SPS Agreement. It also stated that the Committee would address the outcomes of this work programme and report on key findings and actions undertaken as a result of this work to MC13 with recommendations, as appropriate.

24. Several Members expressed their appreciation for the successful outcome of the Declaration and its significance, noting that it reaffirmed the commitment to strengthen the SPS Agreement, and a constructive approach to addressing numerous challenges and opportunities to the modern agriculture landscape. Members also noted the excellent cooperation with the proponents throughout the entire process in shaping the text, which allowed additional Members to become co-sponsors. In addition, the tireless work of Members and collaborative efforts to reach consensus were underscored.

25. Some Members noted that the overall number of co-sponsors was rare and impressive, and that with the adoption of the Declaration it now represented an endorsement by all 164 WTO Members.

26. In relation to the process, the one Member shared some ideas on how to move forward with the work programme, recognizing that there was much work to be done. The work programme was intended to reflect the interest and priorities of Members, and the idea was that Members should drive the completion of this work on this basis. In WT/MIN(22)/27, Ministers had directed the Committee to address the outcomes of the work programme and report to MC13 with recommendations, as appropriate, which would be a considerable task within a short timeline. The Member indicated that the Committee would need to agree on an effective manner to conduct its work, suggesting that either Members or ideally groups of Members could develop perspectives and recommendations which could be presented to the Committee, perhaps in informal sessions on the margins of the Committee. Stewards and co-stewards could be appointed to assist in facilitating this work. Throughout the process, Members would receive updates and provide feedback.

27. Given the limited time and resources, this approach would require Members to focus on one or two issues, but all Members could provide feedback on all the proposals throughout its development. This approach would allow the Committee to work on several proposals simultaneously, in order to meet the ambitious timeline. If Members agreed, they could indicate the topics of interest in the work programme to the Secretariat after the current meeting. Further to the establishment of a deadline, the Secretariat could communicate which Members had indicated interest in various parts of the work programme. The Member further encouraged the Committee to have these discussions and address some of these questions during the present Committee week, in order to ensure that progress was made before the November 2022 Committee meeting.

28. The Member further suggested that intersessional work would likely be required outside of the Committee meetings and that Members or group of Members could explore the questions in the work programme and develop their views to share with the Committee, including any recommendations. In terms of timing, the Committee could then discuss progress on the work programme on the margins of the November 2022 and March 2023 SPS Committee meetings with the goal of presenting a first draft of the report to MC13 at the June 2023 SPS Committee meeting.

29. Another Member supported starting the process before the next Committee meeting and before the summer break, proposing that the Chairperson initiate consultations with Members on this issue.

30. Various Members indicated that they looked forward to moving ahead in modelling the next steps, and to working with other Members and the Secretariat in implementing this important work programme, whether via a working group(s) or other mechanisms.

31. I then underscored that the SPS text was the only text at MC12 that had been adopted with unanimity without discussion in any of the thematic sessions, which demonstrated the merit of the Committee's work. I lauded this great achievement, congratulated the Committee and invited Members to share in a round of applause.

32. I then invited the Secretariat to provide some preliminary considerations on organizing the work in moving ahead. The Secretariat recalled that the SPS Committee had been instructed to carry out the work programme, and to report back to MC13, which could be considered as the working deadline. According to current plans, MC13 would be held between December 2023 and March 2024, which did not provide a lengthy period of time to undertake the work. In terms of timing, the Secretariat suggested that the Committee could aim to have a draft report with recommendations ready by November 2023, and further encouraged Members to take a closer look at timelines starting with MC13 as the target.

33. In addition, the Secretariat noted that the themes and topics in paragraphs 6 and 8 of the Declaration would presumably define the area of work, but that it would be important to decide on which ones to undertake, given time and resource constraints. With respect to the format of the meetings, various options could be considered by Members, such as holding discussions during the Committee week or intersessional meetings with smaller groups or with the whole Committee. The Secretariat also drew attention to the Sixth Review, which would be due in 2024, given that the last Review had been concluded in 2020. In this regard, it would also be important to consider the relationship and possible linkages with the Sixth Review when planning the topics/proposals to be undertaken as part of the work programme for the Declaration.

34. In closing the discussions on this topic, I encouraged Members to submit their suggestions in writing to the Secretariat.

3 TRADE FACILITATIVE APPROACHES TO PESTICIDE MRLS (G/SPS/GEN/2034/REV.1)

35. I reminded Members of the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs held in March 2022, based on a proposal submitted by Australia, Colombia, Paraguay, and the United States. Further to this thematic session, Australia, Canada, Colombia, Paraguay and the United States had submitted a follow-up proposal in document G/SPS/GEN/2034/Rev.1.

36. Australia indicated that the aim for submitting the paper was to highlight the importance of the topic. Noting that 20% of notifications submitted by Members and 8% of specific trade concerns

(STCs) discussed in the Committee referred to MRLs, Australia explained that the paper proposed four actions for the Committee to explore, possibly through a dedicated working group.

37. Canada noted the importance of the topic, as shown by the amount of time allocated to MRL-related issues. The discussions set up in the paper were a useful way of speaking at a more general level and to explore ways to move forward with regards to trade impacts of MRL-related processes. Canada noted the ongoing work of the Working Group on Approval Procedures and recognized the priority of the work programme of the MC12 Declaration. While some elements of the proposed work might be captured in those fora, there were important elements that could only be carried out in a dedicated discussion.

38. The United States noted that issues on pesticides were the most commonly raised in the Committee, and the increasing number of STCs in the agenda, the United States was of the view that there needed to be a rationale between the issues Members face and the items in the agenda. The work programme could be a way to address topics under a different lens. Acknowledging the limitation on resources, the United States was open to alternative solutions that could be more effective than a working group.

39. Several Members recognized the importance of the matter, as confirmed by the extensive discussions in formal meetings. However, the ongoing Working Group (WG) on Approval Procedures, the upcoming Sixth Review, and the work programme on the MC12 SPS Declaration raised concerns in terms of resources, potential duplication and overlaps. A couple of Members highlighted the need to evaluate the added value of this new work in light of the current work by Codex and other relevant institutions, and highlighted the need to seek a balanced approach to target the whole spectrum of SPS issues. Should all Members agree to launch this new work, the Member was of the view that agreement should also be reached to allocate less time to these matters in formal sessions.

40. Several Members called for further reflection on the best way optimize the use of limited resources; one Member suggested extending this reflection to the suggested working group to monitor the process of international harmonization.

41. One Member proposed to hold an informal meeting in July to give the Secretariat time to consult Members and circulate a paper with general elements. This would allow for a clearer view to start the process before the November Committee meeting.

42. Another Member supported the proposal to further deepen work on some elements, such as those identified in paragraph 8 on harmonization, transition periods and channels of trade. Another Member asked proponents for clarification on paragraph 8 regarding the proposal to develop guidance on transition periods for changed import MRLs, given the existing provisions in document WT/MIN(01)/17 on the reasonable interval between the publication of SPS regulations and their entry into force.

43. Two Members sought a clarification on a previous Member's suggestion to spend less time in discussions of these topics in the formal sessions. Noting that the extensive discussions on this topic in the Committee was the reason for putting forward this proposal, one of these Members asked which agenda items in the formal should be allocated less time.

44. In concluding, I noted the general interest in this topic, but concluded that there did not seem to be agreement at this point on establishing a working group. I called on proponents to reach out to other Members for further consultations, and offered the Chairperson's assistance as necessary. I invited Members to submit comments on the joint submission by 22 July.

4 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)

45. I reminded Members about the New Zealand's submissions on the procedure to monitor the process of international harmonization in documents G/SPS/GEN/1851, G/SPS/GEN/1877, G/SPS/GEN/1915 and G/SPS/GEN/1998. I noted that some of the themes contained in these documents had been explored in the November 2021 thematic session.

46. New Zealand provided an overview of its various proposals, highlighting the Thematic Session on the Procedure to Monitor the Process of International Harmonization held in November 2021. While noting the initial overall support for its proposal, New Zealand reported that, based on the comments received, Members and the ISSBs had acknowledged the importance of the procedure to monitor the process of international harmonization, but did not consider its review to be a priority at this time.

47. New Zealand underscored that the purpose of its proposal was to highlight the issues faced by ISSBs in the implementation of their standards by Members, and that this goal has been achieved. New Zealand suggested that the Secretariat encourage the ISSBs to provide brief reports during the agenda item on harmonization in future SPS Committee meetings. New Zealand further indicated that it did not intend to make any subsequent proposals on this topic, and thanked the ISSBs and Members for their inputs on the process to date.

48. One Member indicated its general support for the proposed ideas in G/SPS/GEN/1998, which dealt with the work indicated in Article 12.4 and the 3 ISSBs. The Member suggested that the current IT tools used for the Committee could further the implementation of Article 12.4 in a meaningful way, and recalled the mandate in Article 12.4 for the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations. Article 12.4 indicated that the Committee should, in conjunction with the relevant international organizations, establish a list of international standards, guidelines or recommendations relating to SPS measures which the Committee determined to have a major trade impact.

49. The Member reminded the Committee that a provisional mechanism had been developed and reviewed each year, but noted that this mechanism did not meet the requirements of Article 12.4, since the mechanism was only a forum for Members to express their difficulties with a particular standard. The Member further indicated that there could be other ways to move forward, relying on information technology to collect and process data. In addition, the advances made by the ISSBs in relation to the general oversight of the implementation of standards could be useful, both in relation to notifications and STCs.

50. In drawing attention to the work being undertaken by the ISSBs, the Member also underscored the possibility of coordinating certain areas of work with the WTO, such as the sharing of information in notifications – for example, information provided in item 8 of the notification template which refers to whether there is a relevant international standard and if the proposed regulation conforms to the relevant international standard. The Member reiterated its support for Ne Zealand's proposal, while recognizing the need to further assess its viability and engage in additional discussions, and also further indicated that if it were not possible to discuss a work programme for the moment, then other alternatives could be discussed. In addition, the Member noted that whether a working group or some other mechanism was used, there was need to complete the mandate in Article 12.4 using all available WTO tools and mechanisms to avoid duplication, and with coordination between the Secretariat and the ISSBs.

51. Regarding the proposal to create a working group to monitor the process of international harmonization, another Member indicated that considering the limited time and resources, and potential overlap, that the Committee should further reflect before committing to additional working groups.

52. I thanked Members for their inputs on the proposals and acknowledged New Zealand's statement. I encouraged Members and ISSBs to provide regular updates on this item.

5 upcoming thematic session (G/SPS/GEN/1951/Rev.1)

53. Regarding the upcoming Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management, based on the submission by the European Union (G/SPS/GEN/1951/Rev.1), I noted that comments received from Members had been shared with the European Union.

54. The European Union indicated that the aim of the proposal was to further explore views and best practices on this important topic, also in view of the increasing number of STCs on plant health.

The European Union thanked Canada, Chile, Egypt, Indonesia and the United States for having provided comments and offered to share experiences. The European Union had also exchanged preliminary ideas with the IPPC. The European Union invited Members to provide further suggestions to the planned programme and looked forward to starting concrete work with other Members, the Secretariat and the IPPC.

55. One Member thanked the European Union for the proposal and confirmed its support for the initiative and its participation.

56. I invited Members to submit comments on the proposal and/or suggestions of speakers by 22 July.

6 COVID-19 AND SPS ISSUES

57. I recalled that COVID-19 and SPS issues had been discussed at the dedicated information sharing session of June 2020, and at every meeting since then. I noted that only one COVID-related notification had been submitted since the previous SPS Committee meeting in March. No Member or observer organization provided updates on this topic.