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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 12-13 JULY 2018

NOTE BY THE SECRETARIAT[1]

Revision

[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 72nd regular meeting on 12-13 July 2018. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/22).

1.2. The Secretariat reminded the Committee that, for the second time, the agenda had been circulated with the convening airgram, one week earlier than previous practice, as agreed by the Committee. The Secretariat thanked Members for the early submission of documents and requested them to provide speaking notes in advance for interpretation. Document G/SPS/GEN/1619 included planned dates for meetings for the following year. Members were asked to inform of conflicts with other major engagements of SPS officials. Likewise, new delegates were invited to approach the Secretariat to be included in the relevant mailing lists. Finally, the Secretariat presented the new compilation of all the major decisions and documents, updated after the adoption of the Catalogue of Instruments available to WTO Members to manage SPS issues (G/SPS/63) and the Fourth Review of the Operation and Implementation of the SPS Agreement (G/SPS/62), available in the three official languages as well as electronically on the WTO website.

2 ELECTION OF THE CHAIRPERSON

2.1. Recalling the Committee's Rules of Procedure, the Chairperson noted that the term of office of the Chairperson of the SPS Committee finished with the conclusion of the first meeting of each year. At the time of the regular SPS Committee meeting held in March 2018, the Chairperson of the Council for Trade in Goods had not yet concluded the consultations on chairpersons for the subsidiary bodies of the Council for Trade in Goods in accordance with the Guidelines for Appointment of Officers to WTO bodies (WT/L/31).

2.2. At its meeting of 23 March 2018, the Council for Trade in Goods had agreed to the election of Ms Noncedo Vutula of South Africa as the new Chairperson of the SPS Committee. The Committee endorsed the election of Ms Vutula by acclamation, and voiced its appreciated to Mr Espinola for his work during the past year. Mr Espinola thanked all delegates for their constructive engagement that allowed for the adoption of two documents, revitalising the work of the Committee. He highlighted the number of proposals received for the Fifth Review, and encouraged Members to continue their important work, which had a real impact on producers, consumers and other stakeholders. He finally thanked Members and the WTO Secretariat for their support and assistance during his period as Chairperson of this Committee, and welcomed the new Chairperson. He was particularly pleased about the gender balance of the Committee's chairmanship. Ms Vutula commended Mr Espinola for his work and looked forward to working with all Members of the Committee.

3 INFORMATION SHARING

3.1 Information from Members on relevant activities

3.1.1 Japan - Update on the situation surrounding Japanese food after the Fukushima Daiichi nuclear power plant accident

3.1. Japan thanked the Russian Federation, the United Arab Emirates and the United States of America for relaxing their import restrictions. Japan also provided an update on the most recent data from its food monitoring programme and highlighted that Japanese standard limits had been set very conservatively taking into consideration the accident and the food intake of Japanese citizens, and foods exceeding the limits were not allowed to enter the food supply chain. The data showed that the rate of products exceeding the Japanese standard limits had decreased and all the test results, with the exception of wild edible fungi, wild plants and game meats, had been within the Codex guidelines levels for more than five years. Notably, the annual effective doses of radiocesium in foods had been estimated as far below the Codex intervention exemption level. Japan also recalled that the FAO and IAEA had acknowledged and evaluated the efforts made by Japan to ensure food safety. Japan reported that 51 out of the 54 Members who had introduced import restrictions on Japanese foods had either lifted or eased import restrictions. However, out of 27 Members who kept import restrictions, some continued to impose import bans at prefectural level and some required additional test certificates. Japan urged Members with import restrictions on Japanese food to base their measures on scientific principles.

3.1.2 European Union – New phytosanitary rules for importing plants, plant products and other regulated objects

3.2. The European Union provided an update on the new Plant Health Regulation (EU) No 2016/2031, applicable as of December 2019. The European Union had previously reported to the Committee about this Regulation in March 2017 and circulated document G/SPS/GEN/1541 with further information. The European Union informed the Committee of the on-going developments of implementing measures in two areas: high-risk plants and phytosanitary certificates. Imports into the European Union of plants which showed an unacceptable level of risk following a preliminary risk assessment would require a full risk assessment. Countries interested in exporting high-risk plants to the European Union would have to submit a dossier following the guidance that was being developed by the European Food Safety Authority (EFSA). The Regulation established that all plants imported into the European Union had to be accompanied by a phytosanitary certificate and provided for possible derogations for low-risk commodities. The list of high-risk plants and low-risk commodities would be included in a single legal act. The deadline for the adoption of implementing acts was 14 December 2018, and while discussions with EU member States continued, the European Union would undertake a four-week public consultation. After this consultation, the single act would be notified to the SPS Committee with a comment period. Finally, the European Union would conduct a meeting open to all interested trading partners in autumn in Brussels. The European Union invited Members to visit the EU website on Better Regulation.

3.3. Nigeria raised a question on the extent to which feedback and comments would be taken into consideration in the review process of the legal acts, as well as on the time-frame of the notification.

3.4. The European Union explained that the feedback mechanism and public consultation was part of EU good regulatory practice and that comments would be duly considered by the regulators. In terms of sequencing, the public consultation would take place first and, once the comments had been considered, there would be a second opportunity for comments in the context of the notification under the SPS Agreement.

3.1.3 European Union – Legislative measures on veterinary medicinal products

3.5. The European Union informed the Committee that EU co-legislators had agreed on the text of the new Regulation on Veterinary Medicinal Products, a new legal framework for the authorisation and use of veterinary drugs in the European Union. The European Union explained that the European Commission had issued a proposal for the Regulation in September 2014, which had been notified under the TBT Agreement in April 2015 as document G/TBT/N/EU/279. The Regulation would enter into force in November 2018, and would take effect at the end of 2021, three years after its entry into force. The European Union explained that one of the key objectives of the new Regulation was to address the public health risk of antimicrobial resistance (AMR), following the One Health approach. The European Union elaborated that the Regulation laid down several actions to fight AMR, including: strengthening the principles behind the prudent use of antimicrobials, for example by avoiding the routine prophylactic and metaphylactic use; reserving certain antimicrobials for treatment of infections in humans only; and banning the use of antimicrobials in animals for growth promotion or yield increase. The European Union noted that the new Regulation was part of a package which included a new regulation on medicated feed, which contained measures aimed at fighting the misuse of antimicrobials, including a ban on their use in medicated feed for prophylaxis, and limiting treatment duration.

3.6. The European Union recalled that in 1999 the EU Scientific Steering Committee had recommended phasing-out and ultimately abolishing the use of antimicrobials as growth promoters, and in 2006, a general ban on the use of antibiotics as feed additives for growth promotion had been introduced. The new Regulation would refuse the marketing authorization for antimicrobial products presented as growth promoters or to increase yield, regardless of the route of administration, and prohibited the use of such antimicrobial medicinal products in animals. The European Union added that the new Regulation would also envisage the possibility of reserving the use of certain antimicrobials for use on humans only, based on scientific risk assessments. To date, no antimicrobial had been so reserved in the European Union.

3.7. The European Union stressed the concern that AMR organisms and resistance determinants could spread to humans and animals through food and feed originating within or outside the

European Union. Therefore, the new Regulation would require, in a non-discriminatory and proportional manner, that operators in non-EU countries refrain from using antimicrobials for growth promotion or antimicrobials designated in the European Union as reserved for human use only, in respect of animals or products of animal origin exported to the European Union. The European Union further explained that detailed rules on how to implement these provisions would be available in implementing acts, which would respect international agreements, including WTO obligations, and would be legally sound, proportionate, non-discriminatory and based on scientific evidence. The European Union expressed its intention to keep the Committee duly informed of new developments on its antimicrobial measures, in particular on delegated acts on measures concerning non-EU countries, and that draft acts would be notified in due course to the WTO. Finally, the European Union reinforced its commitment to engage with its trading partners and to promote and support effective strategies to prevent and contain the global threat of AMR.

3.8. Japan expressed its appreciation on the overview provided by the European Union, and looked forward to receiving more information on the implementation of the new Regulation in delegated and implementing acts.

3.9. The United States requested clarification on the rationale for the notification as a TBT measure in 2015. In addition, the United States requested assurances that the measures in delegated and implementing acts would be notified to the SPS Committee.

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

3.1.4 Senegal – Establishment of a national pest risk analysis system; management of fruit fly interceptions in mangoes; launch of a trade information portal

3.11. Senegal reported on the establishment of a national system for phytosanitary risk analysis, which grouped its NPPO, research institutes, universities and other related organisms. Skilled centres had been identified and priority sectors had been targeted to carry out detailed risk assessments to respond to market requirements and to bring the country into line with new legislation in the European Union, Senegal's main produce market. Senegal further shared that the European Union had requested ECOWAS countries to implement corrective measures in the mango sector, given fruit fly infestations and the non-conformity notifications received from EU markets. Senegal had therefore introduced new provisions and revised its inspection and certification procedure manual, which would be available on its new trade information portal, in accordance with obligations arising from the Trade Facilitation Agreement. All relevant information, in particular with regard to regulatory texts and import and export procedures as well as procedures for the transit of goods, could be found in https://senegalcommerce.gouv.sn/.

3.12. Nigeria queried whether the new trade information portal provided a single window platform which connected all border agencies and whether it also served as an Enquiry Point for specific requests.

3.13. Senegal confirmed that the new platform captured all the regulations, standards and procedures that were required for investment in any area of activity; and connected all domestic stakeholders.

3.1.5 The Russian Federation – Information on voluntary labelling

3.14. The Russian Federation informed the Committee of the new food labelling system, intended to provide detailed information to consumers on contents of salt, sugar and fat in the most accessible way. The labelling did not reflect lack of safety of the products for human health or life. The voluntary labelling had been launched on 1 June 2018 and involved a colour indication (green, yellow or red) on the food package. It did not have a time-limit; manufacturers could join at any time. The Russian Federation added that further information on the system, as well as the list of products that were not covered by the voluntary labelling, were publicly available on the official website of the

Rospotrebnadzor (the Russian Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing).

3.1.6 Canada - Update on the final publication of the Safe Food for Canadians Regulation

3.15. Canada announced to the Committee that the Safe Food for Canadians Regulation had been published on 13 June 2018. The new regulatory framework incorporated 14 existing regulations into a single, more outcome-based Regulation. Canada reminded Members that since 2012 it had been undertaking activities to modernize its food safety framework, which had been notified to the WTO through five notifications: G/SPS/N/CAN/700; G/SPS/N/CAN/700/Rev.1; G/SPS/N/CAN/700/Rev.2; G/SPS/N/CAN/700/Rev.2/Add.1; and G/SPS/N/CAN/938. Canada noted that throughout this process it had consulted with domestic and foreign stakeholders, which included two information sessions on the margins of two SPS Committee meetings, in July 2014 and in March 2017. Canada explained that the new Regulation incorporated key changes that had been the result of comments received during the pre-publication period. The Regulation established three key food safety elements: licensing, traceability and safety requirements related to the preparation of food and preventive control plants; elements that applied to all food imported or prepared for exports or entrepreneurial trade. Canada also stated that Canadian and international stakeholders would have a period of approximately six months to prepare and meet the new requirements before they would come into force on 15 January 2019. Canada encouraged Members to visit http://www.inspection.gc.ca/safefood for more information.

3.1.7 Belize Electronic Licence and Permit System (BELAPS)

3.16. Belize provided information to the Committee regarding the assistance it had received from Chinese Taipei through the International Cooperation and Development Fund (ICDF), to transition from a physical paper-based system to a fully electronic system for the issuance of import and export licences and permits, the Belize Electronic Licence and Permit System (BELAPS). Belize explained that the project had completed the electronic process for the issuance of import and export licences for the Bureau of Standards and the Fisheries Department between November 2010 and November 2014; the component for the Forestry Department in October 2017; and had been fully completed in June 2018. Belize noted that the system included specific components for the Ministry of Agriculture and incorporated the Belize Agricultural Health Authority and an interface with ASYCUDA World (Customs and Exercise Department); and that the project had been developed by a Chinese Taipei company and had been coordinated by the Central Information Technology Office (CITO), under the Belize Ministry of Finance. Finally, Belize took the opportunity to thank Chinese Taipei for funding this phase of the project and looked forward to additional assistance for a second phase to cover the remaining commodities.

3.17. Chinese Taipei thanked Belize for the presentation provided during the Workshop on Control, Inspection and Approval Procedures (Annex C) and expressed its willingness to continue to cooperate with Belize in agricultural, sanitary and phytosanitary matters.

3.2 Information from CODEX, IPPC and OIE on relevant activities

3.2.1 IPPC

3.18. The IPPC provided an outline of its activities organized around five main areas of work, as detailed in G/SPS/GEN/1623. The IPPC highlighted that five new international standards had been adopted and two diagnostic protocols had been noted, raising the number of phytosanitary standards to over 100. The IPPC also shared with the Committee the preparations for the IPPC Regional Workshops to be held in 2018, the implementation of a phytosanitary capacity evaluation project, and the development of IPPC guidance on pest-free areas and risk communication. The ePhyto Hub was now functioning; the IPPC Generic National System (GeNS) was being improved; and the entire ePhyto Solution would be functioning by early 2019. The IPPC also reported on its collaboration with the World Customs Organization (WCO) on e-commerce and a possible dedicated project; and on the work of the Sea Containers Task Force. Finally, on international cooperation, the IPPC referred to an agreement signed with WCO to promote cooperation on border controls and single window in the areas of ePhyto, eCommerce and Sea Containers.

3.19. The United States thanked the IPPC for its update and expressed interest and support for the ePhyto project on electronic phytosanitary certification. The United States highlighted that the system had the potential to bring enormous benefits to all IPPC members through faster and cheaper issuance of phytosanitary certificates, reduced potential for fraud, smoother clearance of shipments upon arrival at port of import and greater international harmonization. The United States further explained its financial and technical contributions to the project and reported that it had participated with other IPPC Member countries in a pilot project established in October 2017 to test the operation of the ePhyto Hub. Finally, the United States encouraged IPPC members to support the ePhyto project.

3.20. Ecuador, one of the pilot countries involved in the establishments of the ePhyto system, thanked the IPPC for being included in the project and the donors for supporting the initiative.

3.21. Nigeria expressed its appreciation for the update and queried whether African countries had been involved in the pilot project and how the pilot project would be replicated in the rest of the world.

3.22. The IPPC thanked the United States for its continuous generous support in human resources and funds. Likewise, the IPPC thanked Ecuador for its active participation in the pilot project. The IPPC also shared with the Committee that regional workshops on ePhyto would be held in 2018 in Latin America as well as in Africa and in the Near East region.

3.2.2 Codex

3.23. Codex provided an outline of its activities, as detailed in G/SPS/GEN/1631, highlighting meetings held since the last SPS Committee meeting. In particular, Codex referred to the recent discussions in the Codex Commission on the decision of the Chairperson of the Codex Committee on Residues of Veterinary Drugs in Food (CCRVDF) not to move the MRLs for Zilpaterol to step 5 for intermediate adoption, despite the completed JECFA risk assessment and Members' consensus on the science.

3.24. Codex explained that consensus had not been reached due to objections by a group of Members in whose jurisdiction the use of the compound was not authorized, and who feared that setting a Codex MRL could encourage the use of the compound and who also mentioned animal welfare concerns. Codex noted that these reasons were not within its mandate. Codex further highlighted that other Members who also did not authorize use of the compound had indicated that they had no objections to Codex setting an MRL.[2]

3.25. Codex further explained that this issue seemed to be linked to the lack of a clear possibility for a Member to opt out of a Codex standard without blocking its adoption and the abolishment of the acceptance procedure in 2005. The acceptance procedure had been abolished, due to the change in the status of Codex standards following the creation of the WTO. Since Codex standards had become a reference in the SPS Agreement, Members were concerned about being vulnerable to disputes if certain standards were adopted. This concern had affected Members' discussions on the adoption of Codex standards.

3.26. Codex further explained that there was uncertainty about the effect of Members expressing an explicit reservation to the adoption of a standard. Codex also noted that the relevant paragraph in the Codex Statements of Principle could be considered outdated.[3]

[2] The Codex representative subsequently provided additional information noting that in accordance with a legal opinion provided at the CCEXEC75 (2018), "*there is no reason to suggest that the decisions taken at the CCRVDF breached any rule of Codex.*"

[3] The Codex representative subsequently clarified that as with reservations there was also uncertainty about the implications of statement 4 of the *Statements of Principle on the Role of Science in the Codex Decision-Making Process and the Extent to which other Factors are taken into Account* as contained in the Codex Procedural Manual. In addition, there were questions about the application of statement 4 which had been considered outdated because it uses the word "acceptance" and could thus be seen as linked to the Codex acceptance procedure which had been abolished in 2005. Subsequent research had shown however, that the *Codex Committee on General Principles* had discussed this matter in 2005 and concluded that

3.27. In recognition of the issue, which was periodically blocking adoption of standards in Codex, and in seeking to find a way forward, the Commission had tasked the Secretariat in cooperation with the Legal Offices of WHO and FAO, and the Chair and Vice-Chairs of the CAC to prepare a paper for submission to the next sessions of the Executive Committee and the CAC.

3.28. Codex also informed the Committee of ongoing work on AMR; the adopted guidelines on histamine control in fish; values for cadmium in chocolate; methylmercury in fish; food additives; pesticide residues; a risk management recommendation for gentian violet; and a proposal on endocrine disruptors with regards to pesticides. Finally, it noted that the UN General Assembly would discuss a proposal by Costa Rica to create a World Food Safety Day to raise awareness of food safety, which had already been endorsed by the FAO Conference, and supported by the WHO.

3.2.3 OIE

3.29. The OIE outlined its report, as detailed in G/SPS/GEN/1633. The OIE announced that Saint Lucia had become its 182nd member country and that Dr Mark Schipp, OIE Delegate for Australia, had been elected as the new OIE president. The OIE also highlighted the new procedures for self-declarations of disease freedom by countries and that OIE member countries could also apply for official OIE endorsement of their national control programmes for certain diseases. Regarding AMR, new and revised definitions of "veterinary medical use", "non-veterinary medical use" of antimicrobials, as well as "growth promotion" had been introduced into the Terrestrial Code, to clarify the way countries should report on their use of antimicrobial agents in animals and thereby contribute to the global effort to contain AMR. The OIE added that these definitions emphasized the essential role of the veterinary prescription, which should be mandatory for any veterinary use. The OIE also informed the Committee that the second OIE Global Conference would be held in Morocco on 29-31 October 2018 aiming at better implementation of OIE standards on AMR. A Memorandum of Understanding had been signed between OIE, FAO and WHO on joint action to combat health threats associated with interactions between humans, animals and the environment.

3.30. Nigeria requested further clarification on capacity building, the challenges related to the implementation of the OIE requirements, and on the results of the OIE survey on the implementation of international standards.

3.31. The OIE welcomed Nigeria's interest and invited them to attend the side event on the Observatory Project and the results of the OIE survey.

4 SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.18)

4.1 New issues

4.1. Before the adoption of the agenda, China withdrew a specific trade concern regarding India's suspension of imports of apples, pears and marigold seeds. This item had been included in the proposed agenda for the meeting, and was withdrawn because progress had been made in bilateral meetings held prior to the SPS Committee meeting.

4.1.1 New Zealand's draft import health standard for vehicles, machinery and equipment - Concerns of Japan

4.2. Japan raised a concern regarding New Zealand's Import Health Standard for Vehicles, Machinery and Equipment from Japan, notified in document G/SPS/N/NZL/570/Add.1 on 30 May 2018. Japan noted that only nine days had been granted to provide comments and 93 days between the notification and its entry into force. Approximately 300,000 new and used vehicles and machinery were exported to New Zealand every year. Satisfying the new requirements implied extensive costs and efforts and, thus, also sufficient time to prepare. Japan expressed appreciation to New Zealand's efforts to extend the deadline for comments (up to 33 days). However, Japan regretted that its request for the extension up to six months of the entry into force had not been accepted. Japan argued that New Zealand's measures should be based on scientific principles in

"acceptance" in the Statements of Principle "should not be understood as a formal reference to the acceptance procedure and the Committee therefore agreed to retain the four Statements of Principles without any change." (ALINORM 05/28/33A, Paragraph 89). The document under preparation for the next sessions of CCEXEC and CAC will look into these matters.

accordance with the SPS Agreement, and assumed that the basis of the new measures proposed by New Zealand referred to the report "Risk analysis of *Halyomorpha halys* (brown marmorated stink bug) on all pathways" issued by New Zealand in November 2012. However, Japan noted that the mentioned report did not provide any explicit scientific evidence to justify the new measures on new vehicles and machinery imported from Japan. In addition, Japan recalled that SPS measures should not arbitrarily or unjustifiably discriminate among Members. Whereas fumigation or heat treatments on used vehicles and machinery from Japan would be mandatory from 1 September to 30 April every year; they would not be mandatory for products from the United States or Italy. Finally, Japan requested that New Zealand provide at least 60 days for comments, and to ensure at least six months between the notification and the entry into force of the measure.

4.3. New Zealand noted that the notification mentioned by Japan was an addendum to the previous notification which had been notified in December 2017, providing 60 days for comments. New Zealand acknowledged Japan's comments and emphasised the significant risk to New Zealand, which led to measures being taken to ensure safe trade, while adhering to all SPS Agreement obligations. New Zealand added that a technical meeting in Tokyo as well as bilateral meetings on the margins of the current meeting had been held on this issue.

4.1.2 Lack of transparency and undue delays in Indonesia's approval procedures for animal products – Concerns of the European Union

4.4. The European Union raised a concern over the lack of transparency and undue delays in Indonesia's approval procedures for animal products, reporting that, for many years, European member States had not received feedback from Indonesia on their export applications, some of them filed in 2013. The European Union noted that members States which had applied for market access to export several products of animal origin, such as beef, dairy and poultry products, had not received any reply from Indonesia to simple questions, such as applicable questionnaires, next steps in the approval process, timeline for audits and whether additional information was required.

4.5. According to the European Union, as Indonesian import approval procedures and standards processing periods were unknown, they were inconsistent with Article 8 and Annex C. The European Union stressed that WTO Members should ensure that approval procedures were undertaken without undue delays and in no less favourable manner for imported than for domestic products. Further, the European Union added that WTO Members should promptly examine the completeness of applications and provide the necessary feedback in case of any decision on the application and, upon request, provide information on the standard processing periods.

4.6. The European Union expressed appreciation for the preliminary feedback received from Indonesia on market access applications for plant products. However, the European Union regretted that it had so far been unable to make progress on some of the delays faced by EU members States on market access applications. The European Union was particularly concerned by the lack of feedback on market access applications for animal products and regarding restrictions related to outbreaks of highly pathogenic avian influenza and requested clarification on the procedures to lift these restrictions. The European Union regretted the lack of answers to EU comments on notification G/SPS/N/IDN/121, as well as the lack of feedback on the rationale behind the new Indonesian fees regulation, and asked for clarification on the procedures. The European Union urged Indonesia to engage in discussions with the European Union and to finalize pending market access applications from EU members States.

4.7. Brazil expressed its interest on this concern, from a systemic point of view.

4.8. Indonesia stated that this specific trade concern demonstrated the close trade ties between the European Union and Indonesia, and thanked the European Union for the regular bilateral consultations, including the last bilateral meeting that had recently been conducted in Jakarta. Indonesia reaffirmed its commitment to implementing the SPS Agreement and to respect the reciprocal treatment between Indonesia and EU members States. Indonesia explained that its procedures to import animal products were based on legal instruments formulated in response to the increasing need for risk analyses due to the global movement of animal products, aimed at consumer health protection. Indonesia added that the risk analyses on the health status of imported animal products took into consideration the status of communicable diseases in the products' country of origin, in line with Articles 2 and 5 of the SPS Agreement; and that the risk analyses, including

the arrangement for payment of related fees, was in conformity with Annex C of the SPS Agreement. Moreover, Indonesia clarified that its licensing scheme was applied to all importing entities, following the MFN principle. Addressing the EU concern on transparency in Indonesia's approval procedures, Indonesia drew Members' attention to its efforts to raise its capacity in this area; including regular monitoring of its import approval procedures, inter alia on animal products. Indonesia had also invited various WTO Members to a forum on the implementation of SPS measures in Indonesia, underlining that inputs from Members would be essential to further develop its import approval procedures.

4.1.3 EU Commission Decision 2002/994/EC on animal products – Concerns of China

4.9. China raised a concern over EU Commission Decision 2002/994/EC, explaining that each consignment of aquaculture fish, shrimp, crayfish, rabbit meat, poultry meat products, eggs and eggs products, bee products and casings from China had to be tested by Chinese competent authorities for chloramphenicol and nitrofurans before being exported to the EU market. In addition, China explained that testing and certificates for malachite green and crystal violet were also required by the European Union for imports of aquaculture products. China informed the Committee that a formal letter had been sent to the EU delegation on 14 October 2016, requesting the withdrawal of these requirements. Likewise, China had also provided a report on the quality of products of animal origin, including poultry meat and casings, exported from China to the European Union. However, China regretted that no comments on the submitted document had been received. China conducted strict inspections on around 40,000 batches of the products mentioned. In 2017, only one batch of products had been positive to one residue, and since 2010, the maximum number of relevant Rapid Alert System for Food and Feed (RASFF) notifications per year had been eight, which represented 0.02% of the total number of all exported batches. China urged the European Union to amend Decision 2002/994/EC and to withdraw the unreasonable restrictions.

4.10. The European Union recalled that the measures contained in Decision 2002/994/EC had been introduced due to the detection of forbidden substances in animal products from China. The European Union clarified that the exports of the products were still allowed, with additional requirements, for safety reasons. The measure had been implemented as an instrument to protect EU consumers. Since 2002, it had been repeatedly reviewed on the basis of Chinese requests and the progress made in residue controls, leading to a reduction in the number of products to which the measure applied. The European Union argued that the repeated amendments were the expression of the EU commitment to adapt the measure based on information and guarantees provided by China; and considered data on RASFF notifications an important element in the risk assessment. This issue had also been discussed in a recent meeting between the EU Agriculture Commissioner and the Minister of General Administration of Customs of China. The European Union expressed its willingness to adapt the measure at the request of the Chinese authorities and supported by related information on control inspections.

4.1.4 EU restrictions on poultry meat and poultry meat preparation (Regulation (EU) No. 2018/700) – Concerns of Brazil

4.11. Brazil reported that since the adoption of Regulation (EU) No. 2018/700, shipments from 21 Brazilian establishments, with sanitary certificates issued after 16 May 2018, had been denied access to the European Union. Regulation (EU) No. 2018/700 had justified the delisting of Brazilian establishments based on on-going investigations and on recent actions of the judiciary in Brazil, arguing that the establishments affected by those measures would not comply with relevant EU requirements. This Regulation had then led to the EU suspension of imports from specific establishments due to alleged cases of non-compliance due to the presence of salmonella in poultry meat and poultry meat preparations originating from Brazilian establishments, which was the subject of a separate specific trade concern, STC No. 432, presented by Brazil. In this concern, Brazil addressed the decision to suspend exports from specific establishments, due to an alleged lack of guarantees related to judicial investigations.

4.12. Brazil stated that EU restrictions in Regulation (EU) No. 2018/700 targeted specific private companies, leading to 12 exporting establishments being delisted. Between January 2017 and March 2018, two of the delisted establishments had not exported to the European Union. The remaining ten establishments had 8,417 sanitary certificates issued for exports to the European Union, and 41 RASFF notifications throughout the whole period, representing a 0.5% rate of non-conformities in total shipments and a 1.35% rate in inspected shipments. Brazil therefore questioned

the scientific principle and the sanitary basis of the EU Regulation (EU) No. 2018/700. Brazil emphasised that it had adopted a strict stance in the prevention and punishment of crime against food safety, adding that through regular inspections the Federal Police and the Ministry of Agriculture had punished individuals and companies not complying with sanitary measures. Finally, Brazil requested the European Union to withdraw Regulation (EU) No. 2018/700.

4.13. The European Union drew the Committee's attention to the EU prelisting system based on a systems audit approach that relied on guarantees provided by the competent authorities of the exporting country that the exports met the level of sanitary protection set by the European Union. On that basis, the European Union accepted the list of the exporting establishments proposed by the authorities of the exporting country without prior audits or inspections, and the system was applied to all EU trading partners. The European Union believed that its approach facilitated trade flows by avoiding undue delays, burdensome procedures and unnecessary costs. However, the European Union clarified that when an exporting country failed to deliver on the guarantees provided, the European Union needed to take actions to ensure that the level of protection was maintained. The decision to withdraw the authorisation of certain Brazilian establishments to export specified products of animal origin to the European Union had been taken on the basis of serious concerns, and after careful consideration of recurrent salmonella findings at EU borders, despite pre-export testing and certification; the failure of the competent authorities to take effective corrective measures; and cases of fraud both involving Brazilian authorities and concerning laboratory results supporting certification of meat and meat products exported to the European Union. As a result, the confidence of the European Union on the reliability of the Brazilian official control system had been seriously affected. In this regard, the European Union considered that products from the concerned establishments could constitute a health risk and, therefore, could not continue to be authorised to enter the EU market. The measures had been proportionate and least trade restrictive as instead of banning the imports of the concerned products from Brazil, protective measures had been applied only to those establishments that had been either involved in fraud cases, or had shown serious and repeated salmonella-positive results. In this respect, the European Union believed that the adopted measures were consistent with the provisions of the SPS Agreement. The measures would be reviewed in light of new information and further developments.

4.1.5 Panama's restrictions on beef and poultry meat – Concerns of Brazil

4.14. Brazil informed the Committee that following a 2016 inspection mission carried out by Panama to audit Brazilian thermo-processed beef and poultry, seven audited establishments had been cleared for export. However, shortly afterwards, Panama had published seven resolutions suspending the previous approvals. Brazil regretted that, despite its requests, Panama had not presented technical justifications for these resolutions. Brazil pointed to a statement made by the Panamanian Authority for Food Safety, explaining that one of the objectives of the suspensions was the promote the strengthening of the national agricultural sector. Brazil argued that the restrictions did not have a scientific basis, and did not take into account human, animal and plant health. Finally, Brazil urged Panama to re-evaluate the decision to suspend the authorizations of Brazilian establishments based on their 2016 approval.

4.15. Panama regretted that this item had been included in the agenda, and noted the preliminary nature of its response as it had only recently been informed of this concern. In a bilateral meeting held, Panama had expressed its openness to dialogue. The relevant processes and evaluations were being examined to grant export permits to business, provided the corresponding sanitary measures had been met. After visiting the facilities of the company whose permit had been withdrawn because the appropriate sanitary conditions had not been in place, Panamanian authorities were assessing the renewal of the authorisation.

4.16. Brazil thanked Panama for engaging in constructive dialogue and for the reply to its specific trade concern. Brazil recalled that its authorities had requested bilaterally clarifications on this issue and had also requested bilateral meetings with Panama on the margins of the SPS Committee.

4.1.6 The Russian Federation's restrictions on beef and swine meat (G/SPS/N/RUS/145) – Concerns of Brazil

4.17. Brazil raised concerns on the Russian Federation's restrictions on beef and swine meat notified in G/SPS/N/RUS/145. Brazilian exports of swine and bovine meat to the Russian Federation had

been suspended from 60 establishments since 1 December 2017, due to the alleged detection of ractopamine in shipments from four establishments. After the measure had been notified in 20 November 2017, Brazil opened an investigation and despite not identifying any non-conformity, it had increased its controls on the four establishments. Brazil had further sent the Russian Federation the reports with negative results for ractopamine from the four investigated establishments; evaluations of the segregation process in swine production; and reports on increased official and private controls and laboratory tests. Brazil added that Russian authorities had been invited to Brazil to visit local producers, and that it had radically revised its legislation on the use of hormones as growth promoters. The use of ractopamine in breeding cattle was prohibited. Therefore, Brazil argued that there was no basis to restrict the import of bovine meat by the Russian Federation. Regarding the production of swine meat, Brazil noted that the segregation system had been implemented, and had been providing ractopamine-free meat exports to the Russian Federation since 2013. Brazil regretted that despite dialogue with the Russian Federation, it had been impossible to establish effective measures to return to a normal trade flow. Brazil reaffirmed its commitment to establishing control systems and processes that guaranteed the compliance and fulfilment of sanitary requirements of Brazilian meat products exported to the Russian Federation and all other markets.

4.18. The Russian Federation expressed its willingness to resolve this issue with Brazil. The Russian Federation explained that the food and safety regulations of the Russian Federation and the Eurasian Economic Union allowed no residues of ractopamine in meat or meat products. In this context, an arrangement had been made between the Russian Federation and Brazil, establishing that the Brazilian Secretariat of Animal and Plant Health would check each batch of meat products to ensure that no ractopamine residues were present in products for export to the Russian Federation. In November 2017, the Russian Federal Service for Veterinary and Phytosanitary Surveillance informed the Brazilian Secretariat for Animal and Plant Health that ractopamine had been detected in meat products originating from Brazil, and due to a lack of remedial actions by Brazil, the Russian Federation had suspended imports of meat products from Brazil. The Russian Federation had not received sufficient assurances that the causes of this situation had been investigated and further recurrences ruled out, and in particular, the source of ractopamine in meat products destined for the Russian Federation had been not identified.

4.1.7 EU review of legislation on veterinary medicinal products – Concerns of Argentina and the United States

4.19. Argentina raised concerns regarding the European Union's proposed regulation on veterinary medicinal products, stating that the adoption of provisions regarding the use of antimicrobials in the veterinary sector would have a significant impact on international trade. Argentina reiterated its commitment to the fight against AMR; its active participation in Codex Alimentarius and OIE work; and its conviction that an appropriate solution should be reached by consensus within a multilateral setting in a manner compatible to the WTO SPS Agreement.

4.20. Argentina was concerned that the proposed text, which was to be formally adopted by the European Parliament and the Council of Europe, would require exporters of animals and animal products to meet EU standards concerning the use of certain antimicrobial medicinal products, as well as specific usage provisions, as a condition for maintaining access to the EU market, despite the differences in the prevailing sanitary conditions. Argentina further added that recommendations from international organizations such as Codex Alimentarius, did not suggest that measures of this type should be taken with regard to antimicrobials, which implied a lack of certainty as to the results that could be achieved through these measures, a lack of scientific basis and a disproportionate reaction to the risk.

4.21. Argentina contended that the provisions that the European Union deemed appropriate to resolve sanitary matters, specific to the European Union and its regions, could not be applied on an extraterritorial basis to countries that did not share the same sanitary conditions. Further, through this new regulation, the European Union would be applying a reciprocity approach that lacked scientific basis, preventing access to the EU market for animal products from third countries where antimicrobial medicinal products were subject to different usage authorization standards.

4.22. Argentina requested the European Union to consider the equivalence of third country regulations on the use of antimicrobial medicines in the veterinary sector based on rigorous scientific assessment vis-à-vis the level of sanitary protection set by the European Union; clarify the criteria

used to list antimicrobial medicinal products to which this reciprocity policy would apply; and take appropriate steps to avoid undue restrictions on international trade of animals and foods of animal origin as a consequence of the application of new provisions on the use of antimicrobial medicinal products in the veterinary sector.

4.23. The United States shared this concern, emphasising that the measure would require foreign producers to abide by EU production methodology requirements related to antibiotic use restrictions in livestock, and would not target residues of concern, or the presence of resistance genes. The United States also informed the Committee that it had joined several WTO Members in addressing concerns over this measure in a joint letter to EU Commission President Juncker. The EU restrictions would require other Members to adopt essentially the same comprehensive EU regulatory programme, without taking into consideration different conditions present in their territories. Applied extraterritorially, these restrictions would undermine multilateral efforts to combat AMR, such as those undertaken through the Codex Task Force on Antimicrobial Resistance, established to develop science-based guidelines on the management of foodborne AMR and to consider development of guidance on integrated surveillance of AMR, among others. In light of the ongoing multilateral efforts to develop standards on AMR, the United States urged the European Union to delay the adoption of new legislation until the guidelines were made available by Codex.

4.24. Colombia shared the concern and thanked the European Union for the information provided under item 3(a)(iii).

4.25. Chile also expressed interest in this topic, given its potential consequences for international trade. Chile trusted that, through the comments from Members in this Committee, the European Union would take into consideration the work of the OIE and Codex Alimentarius in line with Article 3 of the SPS Agreement on harmonization, as well as science-based risk assessments, as per Article 5 of the SPS Agreement.

4.26. Canada expressed concerns that the EU proposed approach would likely have an unnecessary restrictive impact on international trade and that it would undermine the ongoing multilateral efforts to combat this problem. Canada was of the view that AMR was a complex global issue and that tackling AMR requires a coordinated international approach. Canada recognised the coordinated efforts taken by several international bodies, and supported the collaborative leadership of the WHO, OIE, the FAO and Codex to promote a prudent use of antimicrobials in animals and public health to address AMR. Canada was concerned that despite the significant potential impact on trade, the draft regulation had not been notified to the SPS Committee. Canada urged the European Union to notify this measure to allow Members the opportunity to provide comments and to take these comments into account. Different conditions and disease prevalence in third countries could result in approved usages of drugs that differed from those in the European Union. Canada requested that the European Union provide the rationale and scientific justification for prohibiting certain veterinary antimicrobial drugs in the European Union and imports from third countries; the considerations that would be taken into account when preparing the list of medically important antimicrobials to be prohibited for veterinary uses in the European Union and third countries exporting to the European Union; and that the list be shared with third countries at the earliest opportunity.

4.27. Brazil shared the concern, underlining that the proposed amendments to the EU legislation could significantly impact trade. Brazil had previously shared its concerns with the European Union, in coordination with other WTO Members. Brazil regretted that the European Union had moved forward with a proposal that might prohibit exporting companies to engage in trade with the European Union if their national governments authorized the use of certain veterinary antimicrobial drugs under different conditions than those permitted by the European Union, or if the exporters did not comply with certain EU requirements. The adoption of these measures could undermine the on-going work of international standard-setting organizations developing multilateral harmonized guidelines to deal with AMR. It was unclear how the EU proposed legislation would converge with the international criteria for maximum residue levels (MRLs) already established in accordance with a scientific risk assessment. Finally, Brazil requested the European Union to take into consideration the multilateral efforts on AMR regulation, particularly the on-going work of international standard-setting organizations to establish international standards on the use of veterinary medicinal products.

4.28. Australia expressed its support to the joint work of WHO, OIE and FAO in setting international standards for AMR. The application of risk measures to prevent and reduce AMR should be based on

internationally agreed standards, and supported by scientific data. Australia also stressed the importance of retaining access to effective antimicrobials to protect animal health and to avoid adverse animal welfare outcomes. Australia strongly discouraged regional and individual countries' efforts to introduce AMR-related risk management measures inconsistent with agreed standards and not supported by science that could distort trade. Australia encouraged all countries to adhere to their international obligations, stressing that unilateral procedures related to AMR trade policies outside the international standard-setting organizations had the potential to undermine collaborative global efforts. Australia emphasized its commitment to an effective and robust system for the prevention and containment of AMR, and explained that it had adopted one of the most conservative approaches to the use of antimicrobials in livestock production in the world. However, Australia stressed that antimicrobials were important for animal health and welfare, biosecurity and production, and that it was critical for the Australian livestock sector to retain access to these antimicrobials to treat, prevent and control diseases. Australia underlined its low rate of AMR in food animals due to its favourable animal health status, extensive farming systems, stringent border controls, good biosecurity measures to prevent the introduction, establishment and spread of endemic and exotic diseases, and strong regulations governing the registration and the use of antimicrobials. Finally, Australia expressed its concern that any measures to restrict access to the prophylactic use of antimicrobials in food animals would have significant adverse impact on exports of Australian and other livestock animal products.

4.29. The European Union recalled the information provided under agenda item 3 (a)(iii), and expressed appreciation for Members' shared recognition of the importance of AMR for global health. The European Union stressed that it promoted prudent and responsible use of antimicrobials worldwide and highlighted the growing international consensus on the need to phase out the use of antimicrobials as growth promoters. The European Union reiterated that the original proposal had been notified under the TBT Agreement because at that time it did not include SPS elements relevant to international trade. In addition, the European Union explained that it had not had the opportunity to notify the current version of the Regulation under any WTO Agreements because the EU co-legislators had introduced import-related AMR measures in the draft Regulation at the latest stage of the legislative process. The European Union emphasized that the measure would be notified. Concerning the criteria for antimicrobials reserved for humans, the European Union observed that no decision had been taken yet. However, the European Union emphasised that any implementation would be based on risk assessments provided by the European Medicine Agency, the European Food Safety Authority and other relevant EU agencies, taking into account relevant recommendations from international organizations.

4.30. Regarding the impact and the consistency with WTO requirements, the European Union reiterated that detailed rules on how to apply these measures would be available in delegated acts meeting all the relevant requirements, compatible with all the international agreements, including WTO obligations, and would be legally sound, proportionate, non-discriminatory and based on science. The European Union expressed its willingness to continue its engagement with Codex, WHO, FAO and OIE on the development of a consistent international framework and standards related to AMR. Finally, the European Union stated that this Regulation would contribute to the fight against the global spread of AMR.

4.1.8 Private application of Regulation (EU) No. 488/2014 on maximum levels of cadmium in foodstuffs – Concerns of Ecuador

4.31. Ecuador raised a concern on the private application of Regulation (EU) No. 488/2014, modifying a previous regulation on maximum levels of cadmium in foodstuffs (including chocolate and certain cocoa based products). Although the implementation of the measure had been scheduled to take place as of 1 January 2019, Ecuadorian exporters had been reporting that EU importers seemed to be applying it already and incorrectly, that is, not to the finished products (chocolates and certain cocoa-based products) as provided in the measure, but to the input material (cocoa beans). Ecuador explained that while this was not a private standard, it referred to the incorrect application by private entities of Regulation (EU) No. 488/2014. Therefore, Ecuador requested the European Union to offer the necessary monitoring guarantees to ensure the proper application of this Regulation, to avoid an unnecessary barrier to trade, much more burdensome that what the Regulation provided for, even prior to its official implementation. Finally, Ecuador expressed its willingness to the share the reports from its exporters with the European Union.

4.32. Colombia expressed its interest in the topic and provided further details under STC No. 430, with which this concern was related. Guatemala also shared the concern.

4.33. The European Union underlined its understanding and sympathy towards Ecuador's concern. EU Regulation (EU) No. 488/2014 established maximum levels of cadmium for finished products directly sold to consumers, and did not apply to cocoa beans or intermediate cocoa products, which were the products exported from Latin America to the European Union. The European Union reminded Members of the exceptionally long transitional period of five years exclusively granted for cocoa and chocolate products, until 1 January 2019. Private operators applied cadmium limits to imported cocoa beans instead of to finished products, without respecting the transitional period of five years granted by the Regulation, which was incorrect and not in line with the Regulation. However, the European Union considered that this concern went beyond the scope SPS Agreement. In this regard, the European Union pointed out that the concern focused on actions of commercial operators, over whom official authorities from the European Union did not have jurisdiction. The European Union believed that this concern should be raised in other fora, such as the International Cocoa Organization. In the area of technical assistance, there was an on-going STDF project preparation grant to develop regional strategies and a project proposal to establish mitigation and remediation methods for cadmium contamination in cocoa beans in Latin America and the Caribbean, specifically targeted to assist in complying with EU requirements. In addition, the recently launched EU initiative Development-Smart Innovation through Research in Agriculture (DeSIRA) included two proposals on climate-relevant innovation for sustainable cocoa production, with activities related to cadmium. The European Union explained that these two projects were scheduled to start during 2019 and would focus on Colombia, Côte d'Ivoire, Ecuador and Peru.

4.1.9 New EU definition of the fungicide folpet – Concerns of China

4.34. China raised a concern on the new definition and MRL for folpet contained in Regulation (EU) No. 2016/156. China explained that the Regulation defined the residue of folpet as the sum of folpet and phthalimide, whereas China stated that phthalimide was not only the metabolite of folpet, and that folpet was not only the result of phthalimide, which meant that the presence of phthalimide might be irrelevant to folpet. Further, China argued that the Regulation's residue definition for folpet did not comply with the Codex definition. China noted that EFSA had published on its website a notification on the period for public consultation on folpet and that its evaluation report recommended a revision of the residue definition for monitoring purposes. China encouraged the European Union to issue relevant regulations to review the definition and MRLs contained in the Regulation.

4.35. The European Union replied that the current EU definition of the fungicide folpet was "the sum of folpet and phthalimide, expressed as folpet equivalents". The European Union explained that the definition was so formulated because folpet was known to be extensively metabolised in plants to phthalimide as the only relevant metabolite, and that phthalimide was formed by the degradation of folpet. However, the European Union indicated that internal discussions had been taking place to review the definition of the residue folpet in light of the findings that phthalimide might originate from several sources other than folpet. This would be considered during the on-going renewal procedure of the approval of the active substance folpet. The European Union also added that EFSA expected to finalize by 2019 a peer review procedure based on the draft renewal report prepared by the rapporteur member State. Finally, the European Union expressed its commitment to keep China updated on further developments on this issue.

4.2 Issues previously raised

4.2.1 US import restrictions on apples and pears - Concerns of the European Union (No. 439)

4.36. The European Union reiterated its concern regarding the US import restrictions on apples and pears, and regretted that it had not received confirmation on the final phase of the applications of eight EU member States to export apples and pears to the United States under a systems approach, despite many years of joint technical work. The European Union added that in practice the US pre-clearance system hindered EU exports, as demonstrated by the limited volumes exported from the European Union to the United States. As an alternative, in 2008 the European Union had applied to export apples and pears to the United States under a systems approach, to replace the pre-clearance

system. The last administrative step towards the adoption of the final rule by the US Administration had been pending for over one year without scientific justification, which was inconsistent with the SPS Agreement, particularly in relation to avoiding undue delays in approval procedures. The European Union requested the United States to respect its obligations and to allow trade of apples and pears to start immediately under the agreed systems approach conditions, to immediately publish the final rule, and to communicate to the European Union the planned date for adoption.

4.37. The United States highlighted the considerable progress made on several requests by the European Union to establish and expand access for EU apple and pear exports to the US market. The United States explained that the USDA Animal and Plant Health Inspection Service (APHIS) had published a proposed rule in 2016 to authorize imports of apples and pears from eight EU member States (Italy, Spain, France, Germany, Netherlands, Portugal, Belgium and Poland) under a systems approach that minimized pest risk; and that in 2017, it had conducted a site visit to several of the EU members States included in the proposed rule. The United States had worked with the European Commission and interested members States to finalize the work plan to implement the regulatory changes in the proposed rule, and hoped that USDA APHIS would publish the final rule soon. Finally, the United States highlighted that EU exports of apples and pears to the United States had exhibited a rising trend since 2012.

4.2.2 Thailand's import restriction on papaya seeds - Concerns of Chinese Taipei (No. 421)

4.38. Chinese Taipei reiterated its concern regarding Thailand's import restriction on papaya seeds imposed since 2008. Chinese Taipei expressed appreciation to Thailand for the on-site visit by an expert delegation in May 2018. However, Chinese Taipei regretted that the issue had not been resolved, and urged Thailand to comply with Articles 2, 3 and 5 of the SPS Agreement and Article 7.2 of the International Plant Protection Convention and to finalise the legislative process to grant access to its papaya seeds as soon as possible.

4.39. Thailand reported on the progress made to resolve this issue, including a draft import protocol that had been agreed to by both sides and an on-site inspection in Chinese Taipei. Thailand added that it would propose the draft import protocol to the Committee on Plant Quarantine for approval, after which it would notify the measure to allow the importation of papaya seeds from Chinese Taipei.

4.2.3 India's fumigation requirements for cashew nuts - Concerns of Madagascar and Senegal (No. 427)

4.40. Madagascar informed the Committee of its bilateral discussions with India regarding the fumigation of plant products exports and of the 26 June 2018 Memorandum of the Indian Undersecretary on the relaxation of fumigation regulations for imports of agricultural commodities. Madagascar reiterated its request that India officially recognise aluminium phosphide (phospine) as an equivalent product to methyl bromide for the fumigation of vegetable products for importation, in accordance with the IPPC's 2017 recommendations; grant African countries (including Madagascar) the same rights conferred to other Members to use phospine to fumigate their products exported to the Indian market; and finalise a Memorandum of Understating (MoU) with each African partner on the phytosanitary conditions applicable to exports of plant products, as it had with other trading partners (Mauritius and Russia). The current practice of the Indian Ministry of Agriculture to extend the export authorization for plant products every six months reduced predictability and did not comply with the SPS principle of transparency. Madagascar finally expressed its willingness to continue dialogue and trade with India, and its hope to sign a Memorandum of Understanding with India before the end of September 2018.

4.41. Senegal expressed appreciation to India for its collaboration on this issue, and hoped that, following positive bilateral consultations with India, the specific trade concern would be resolved.

4.42. Ukraine shared the concerns and thanked India for its efforts to reflect on alternative methods and for allowing a temporary extension. However, Ukraine expressed wished to find a permanent solution. Ukraine had provided scientific information regarding the efficacy of alternative fumigants to the Indian NPPO in December 2016 and during bilateral meetings on the margins of the SPS Committee meeting in July 2017. Ukraine requested clarification from India regarding

exceptions granted to some countries and urged India to recognise alternative phytosanitary measures.

4.43. Kenya observed that India represented an important market for many countries, and expressed its willingness to find a pragmatic, global solution on this matter. Kenya also requested India to allow an alternative to methyl bromide.

4.44. Mali echoed the concerns expressed and invited India to review its measure.

4.45. Ghana requested India to provide further information regarding the agreement reached with Senegal and to extend it to other African countries.

4.46. India informed the Committee that cashew nuts had been shifted to Schedule VII of the Plant Quarantine (Regulation of Import into India) Order of 2003, by which pest-free consignments with a phytosanitary certificate could be ensured through various means by exporting countries. Methyl bromide fumigation was not the only means to do so, but if pest concerns were found in consignments upon arrival to India, methyl bromide fumigation was required. This was a general order, applicable to all trading partners. Regarding other agricultural products, India recalled that until 31 December 2018, agricultural imports from other countries, whose products had not been fumigated with methyl bromide at the port of export, could be fumigated upon arrival in India. India added that the Montreal Protocol allowed for the use of methyl bromide for quarantine purposes; and indicated that more information could be found on the website http://agricoop.nic.in/.

4.47. Regarding Madagascar's request, India regretted that Madagascar had provided generic information instead of scientific data to prove other fumigation molecules as effective against various stages of insects in imported consignments, soil nematodes and plant pathogens. India further reported that an Indian delegation had visited Madagascar in February 2018 and the issue had been further discussed with Madagascar's NPPO.

4.2.4 Viet Nam's suspension of groundnut seed imports – Concerns of Senegal (No. 418)

4.48. Senegal reiterated its concerns regarding Viet Nam's temporary suspension of groundnut seed imports for quarantine purposes since 2016. Senegal reported on the documentation it had submitted and requested Viet Nam to follow-up on this issue to ensure that its operators received the appropriate information.

4.49. Viet Nam informed the Committee that it had recently received a technical information package on pest risk analysis in French from Senegal's NPPO, after translation, was under assessment by the Plant Protection Department.

4.2.5 General import restrictions due to BSE – Concerns of the European Union (No. 193)

4.50. The European Union reiterated the importance of this concern, noting that there was no longer an BSE-related crisis, and that science had proven that safe trade of beef could take place regardless of the BSE country risk status. The European Union requested WTO Members to lift BSE-related import bans, not to require overly burdensome information, nor to treat safe commodities, as defined by OIE, as non-safe commodities. The European Union urged Members to observe international standards, or to provide a risk assessment to justify deviations, and not to discriminate between countries with the same BSE status. The European Union regretted the undue delays faced regarding approval procedures in many countries, and urged countries to lift remaining BSE-related restrictions on imports for all EU members States and to apply international standards. The European Union appreciated the positive developments in China, Chinese Taipei and Japan regarding EU member States' applications for beef, and hoped that they would proceed with other pending market access applications. The European Union also urged Korea to finalize EU member States applications which have been pending for a very long time.

4.2.6 South Africa's import restrictions on poultry due to highly pathogenic avian influenza – Concerns of the European Union (No. 431)

4.51. The European Union regretted to report that South Africa still did not apply regionalization, and maintained country-wide bans on imports of poultry products from several EU members States

due to HPAI. The European Union stressed that all but one of the EU member States concerned had been recognized as free from HPAI for months; that OIE standards stated that HPAI-related trade restrictive measures could be lifted three months after the whole country, or part of it, regained freedom of HPAI, following the application of a stamping-out policy; and that OIE requirements had been strictly applied by the European Union. The European Union further reported that South Africa had audited three EU member States: Spain, Poland and Hungary. The European Union also stressed that the HPAI outbreak in the European Union had been the result of the movement of migratory birds, and not the result of international trade in poultry products. Finally, the European Union urged South Africa to lift the remaining country-wide bans to EU member States.

4.52. South Africa repeated its concerns on the effectiveness of HPAI-related controls and preventive measures in the European Union. Preliminary inspections had been conducted in Hungary, Poland and Spain, and reports had been sent to each country, requesting factual corrections and additional information. The inspections had shown differences in the implementation of OIE standards by EU members States. Finally, South Africa informed the Committee that it was considering ways to progress with the remaining EU member countries still affected by trade bans.

4.2.7 China's import restrictions due to highly pathogenic avian influenza – Concerns of the United States (No. 406)

4.53. The United States reiterated its concerns over China's HPAI-related restrictions on US poultry products and requested China to follow OIE standards, particularly on regionalization. The United States regretted that despite being HPAI-free according to OIE guidelines, China still maintained the restriction. China had not requested any additional information to lift the restrictions, after its audit in 2017. The United States urged China to remove all HPAI-related import restrictions and indicated its commitment to maintain its rigorous and effective surveillance for HPAI.

4.54. China informed the Committee of the technical communications held with the United States, and explained that, in September 2017, the United States had been informed of problems found during the field inspection conducted in July 2017. China expressed its hope that both sides continue to facilitate technical communication on the issue.

4.2.8 Mexico's restrictions on imports of swine meat - Concerns of Brazil (No. 271)

4.55. Brazil informed the Committee of the continuous bilateral dialogue with Mexico since 2007 on its sanitary requirements to export swine meat, following the OIE recognition of the State of Santa Catarina as free of foot and mouth disease without vaccination. Brazil also added that it had unsuccessfully suggested the use of the good offices of the SPS Committee Chair under Article 12.2 of the SPS Agreement and paragraph 6 of the SPS Committee's working procedures, with the presence of an OIE specialist. Brazil acknowledged the steps taken by Mexico, including inspections of slaughter sites in 2010 and 2014, as well as new proposals for joint sanitary certification for swine meat since 2015. However, Brazil regretted that no slaughterhouses had since been certified for exports and that the Mexican market remained effectively closed. Mexico had recently requested additional time to assess the documentation provided and to schedule a new inspection mission. Brazil urged Mexico to address the technical obstacles related to this issue without further delay, in compliance with Annex C of the SPS Agreement.

4.56. Mexico informed the Committee of the bilateral meeting held with Brazil prior to the SPS Committee meeting, where it had explained the status of the request and the following steps. The sanitary authorities of both countries had held productive meetings since the last SPS Committee meeting.

4.2.9 EU restrictions on poultry meat due to *Salmonella* detection - Concerns of Brazil (No. 432)

4.57. Brazil reiterated its concerns over the reinforced border testing controls in the European Union due to alleged salmonella detections in poultry. Brazil argued that the European Union authorities had intensified microbiological inspection procedures for Brazilian poultry without technical or scientific justification. Brazil drew Members' attention to the changes in EU sanitary measures introduced after the WTO dispute on poultry meat in 2002. The European Union had banned the same two types of salmonella banned by Brazil with regards to fresh chicken, while for salted poultry

it banned more than 2.000 types of salmonella, which were deactivated by cooking processes. The European Union applied separate microbiological criteria for fresh chicken and processed chicken meat even though both were intended to be cooked before consumption and had identical intrinsic characteristics with regards to food safety. Brazil had regularly submitted inspection reports related to the detection of salmonella in shipments entering the European Union, with investigations on the RASFF notification system in cooperation with European authorities. According to recent data from the European Union, only 326 of the 5,508 shipments of poultry meat and poultry meat preparations that had been sampled and analysed at EU border posts for salmonella detection were found to be affected by salmonella. Less than 10% of those cases had been related to the two types of salmonella that justified the rejection of the product or its withdrawal from the market according to Regulation (EC) No. 2073/2005. Therefore, Brazil considered that risks to human health would not justify the measure in place.

4.58. The European Union recalled the EU criteria based on the 2003 scientific opinion of the Scientific Committee on Veterinary Measures relating to public health on salmonella in foodstuffs published in 2003, which took into account consumption patterns and behaviours and the risk of cross-contamination. The European Union stressed that these requirements were equally applied to domestic and imported products. Adding salt to poultry meat changed the tariff rate but also the legal status of the products in the European Union. Shipments from Brazil were subject to testing at 20% frequency at EU borders, in addition to pre-export checks that had to be carried out by the Brazilian authorities. The frequency of these controls had increased after the meat fraud scandal in 2017 and audits of the European Commission. According to EU findings, despite the attestation by Brazilian authorities certifying the absence of salmonella accompanying the consignments, the prevalence of salmonella in poultry meat detected at the EU border was still close to 6%, which was considered a matter of concern. The European Union concluded that both the microbiological criteria and the reinforced controls were fully justified and consistent with the SPS Agreement.

4.2.10 The Russian Federation's import restrictions on processed fishery products from Estonia – Concerns of the European Union (No. 390)

4.59. The European Union reiterated its view that these measures were inconsistent with the SPS Agreement and with WTO accession commitments of the Russian Federation. Estonia had held several bilateral discussions with the Russian Federation, without much progress. The European Union welcomed the re-authorization for exports of one establishment, but regretted the continuous ban on every other establishment. Estonia had accepted Russia's proposal for a third round of inspections, without receiving a confirmation on the date of the audit from the Russian Federation. The European Union urged the Russian Federation to immediately repeal the measure.

4.60. The Russian Federation recalled that the measure had been put in place after inspections conducted by the competent Russian authority in 2016. In February 2018, the Russian Federation had informed the Estonian Veterinary and Food Board of an inspection visit to evaluate the corrective actions that had been taken. In July 2018 Estonia had agreed to receive the inspection visit. However, the Russian Federation explained that the visit had been postponed due to other commitments of inspectors, and had been tentatively rescheduled for September 2018.

4.61. The European Union clarified that the inspections and the ban on Estonian fish processing plants had been in place since 2015, not 2016, as indicated by the Russian Federation.

4.2.11 The Russian Federation's import restrictions on certain animal products from Germany – Concerns of the European Union (No. 411)

4.62. The European Union reiterated its views regarding the inconsistency with the SPS Agreement of the restrictions imposed since 2013. The European Union expressed its appreciation for the Russian Federation's decision to lift the restrictions on three dairy plants in two German Federal States, and three more which had been recently announced. The European Union however regretted that bans remained in force despite the efforts made by Germany and the European Union, and further considered unreasonable the request by the Russian Federation for a fourth round of inspections. A systems audit approach following Codex guidelines would be more efficient and proportionate than the inspection of individual establishments. The European Union requested the Russian Federation to repeal its measures without further delay.

4.63. The Russian Federation observed that at the time the restriction had been put in place, there had been 66 dairy plants and 28 meat plants authorised to export products to the Russian Federation. Following the inspections carried out by Germany, aimed at checking the conformity of those establishments with the relevant regulatory requirements of the Russian Federation and the Eurasian Economic Union, Germany had requested the delisting of 20 dairy plants and 20 meat plants. Therefore, 28 dairy plants and eight meat plants had remained on the list. In order to lift the restrictions from those reaming establishments, the Russian authorities had requested that the violations identified in those establishments be adequately addressed. Restrictions on three dairy plants had been lifted in January 2018, and on three more in July 2018, following the reception of complete information on corrective actions taken for those establishments. Of the remaining 22 dairy plants, some information had been provided regarding eight establishments, with some missing information, while no information had been provided for the remaining 14. Concerning meat processing plants, of the eight establishments on the list, partial information had only been provided regarding two of them. The Russian Federation looked forward to receiving the pending information from Germany on the remaining establishments.

4.2.12 China's AQSIQ official certification requirements for food imports (G/TBT/N/CHN/1209) – Concerns of the United States (No. 184)

4.64. The United States appreciated China's September 2017 announcement of the two-year transitional period before enforcement of the official certification requirements. The United States understood that China was planning further changes and clarifications to the measure and requested confirmation of China's intention to notify a revised measure to the WTO SPS and TBT Committees concurrently. The revised notification should identify the risk to be mitigated by the certification requirements, and clarify the scope of products subject to certification. The United States further reiterated its concern on several issues, including the scope of the products covered by the measure, which appeared to include processed, shelf-stable food that ordinarily posed little or no risk for food-borne illness; the lack of scientific justification for the requirement, or evidence that official certification would address an identified public health concern; that the requirement appeared to deviate from the relevant Codex guidelines and principles on official certification requirements; and that there appeared to be no requirements for domestic production corresponding to those imposed on imports. Finally, the United States expressed its willingness to continue to cooperate with China to assess whether the requirements were consistent with legitimate food safety and health protection goals.

4.65. Guatemala expressed appreciation to China for its presentation in the SPS workshop on Annex C and the explanation of their domestic restructuring process with regards to AQSIQ and Customs. Guatemala requested China to clarify whether the restructuring would cause changes in the regulations notified in 2017 and whether the new structure would be notified to the WTO, as a notification would allow for a better understanding of the processes, stages and respective actions. Guatemala also requested China to consider reviewing the measure regarding low risk products such as processed products.

4.66. The European Union welcomed the objective of the new General Administration of Customs of China to simplify and accelerate procedures of custom clearance for imported goods. In this context, the European Union wondered if the new requirement would not create an administrative burden which would be disproportionate to the risk. Recalling its previous intervention, the European Union stressed that official certifications should be required only to manage real risks, and, therefore, should be limited to high-risk products.

4.67. Switzerland informed the Committee of the productive meeting held with China and welcomed China's decision to delay the enforcement of the measure to 1 October 2019, which demonstrated its willingness to consider feedback from Members, to make the measure more effective and practical, and to minimize negative effects on trade. The measure was scheduled to enter in force in approximately 14 months, providing time for Swiss competent authorities and private operators exporting to China to prepare. Switzerland encouraged China to use this time to engage in discussions to reply to questions and comments received.

4.68. Japan expressed concerns regarding the measure's scientific background and the avoidance of duplication of certificates.

4.69. Thailand pointed out that the measure covered a wide range of imported foods, including processed and shelf-stable foods, which posed low or no risk to human health, thus going beyond international standards. Thailand also requested China to align the measure with Codex guidelines and principles and to notify it to the SPS Committee.

4.70. Korea requested China to clarify the risk addressed by the measure. Korea also considered that requiring certification for all foods, including low-risk processed, shelf-stable foods on a batch-by-batch basis, as stated in China's notification of this measure to the WTO TBT Committee in June 2017, was inconsistent with Codex guidelines and principles. Korea requested China to revise the measure and notify it to the SPS Committee.

4.71. Singapore expressed its interest in this issue and looked forward to further discussions with China to minimize any potential disruptions to trade.

4.72. China emphasised that food safety was a current global challenge, and that only cooperation among countries could ensure safety of the global food supply chain. Regarding certification requirements, China highlighted that international organizations such as OIE, IPPC and Codex, had developed relevant certification requirements and guidelines, and that some Members had similar regulations. After taking full consideration of Member's comments, China had decided to postpone the enforcement of its measure to 1 October 2019. However, China noted that some Members believed that governments should not issue certificates for low-risk foods, while not being able to provide the legal basis to define low-risk foods. Further, China added that some Members did not supervise foods meant for export. Thus, China wondered who would guarantee the safety of food imported into China. The certificates under consideration included veterinary health certificates and certain sanitary certificates which had been widely accepted to certify that the production, processing, storage, transportation and export processes of foods had been under the effective supervision of competent authorities of the exporting parties. This way, China argued that the frequency of inspections and sampling could be reduced, allowing a quick clearance, facilitating trade and enhancing consumer confidence. China also informed the Committee that the institutional restructuring plan of the State Council had been reviewed and approved in March 2018, clarifying that the responsibilities for the exit, entry, inspection and quarantine of the former AQSIQ would be integrated to the General Administration of Customs, pending formal approval, once the institutional restructuring had been completed.

4.2.13 EU maximum level of cadmium in foodstuffs – Concerns of Colombia, Madagascar and Peru (G/SPS/GEN/1624) (No. 430)

4.73. Peru reiterated its concern over the maximum levels of cadmium in chocolates and other cocoa products proposed by Regulation (EU) No. 488/2014, highlighting the potential negative impact on trade of cocoa beans with the European Union and other international markets. Peru highlighted that JECFA, at its 77th meeting, had not considered the contribution of products containing cocoa or cocoa products to total cadmium dietary exposure for high consumers of such products to be of concern. The EU Regulation, which was based on a hazard approach, had set a very low maximum level of cadmium in chocolate and other cocoa products. Peru observed that the entry into force of the regulation on 1 January 2019 would harm Peruvian cocoa producers and exporters, and many other WTO Members, as well as undermine alternative development farming programmes being implemented with the help of international partners, such as the European Union. Peru reiterated its request for the European Union to exclude chocolate and other cocoa products from the scope of its regulation until there was updated scientific information regarding the level of risk to human health from cadmium. If the consideration of this request was not possible, Peru further urged the European Union to extend the entry into force of the regulation to 1 January 2022, pending the adoption of Codex maximum levels of cadmium.

4.74. Colombia echoed Peru's concerns on this issue, also highlighting the significant economic and social impact to its cocoa sector. Colombia outlined its national agricultural policy for cocoa cultivation that sought to replace illegal products by incentivizing producers to change their crops, which was supported by the European Union and other WTO Members. Colombia remained concerned that the results of these efforts could be undermined due to the regulation. Colombia further highlighted other national and international initiatives to address the issue of cadmium, including an STDF-funded project for Latin America and the Caribbean. In accordance with Article 10 of the SPS Agreement, Colombia requested a longer transition time-frame for the implementation of the regulation and urged the European Union to consider excluding chocolate from the scope of its

regulation, bearing in mind that there were no Codex maximum levels for cadmium in chocolate. Colombia also requested the European Union to provide additional resources to continue their research on cadmium in cocoa and to implement the necessary mitigation measures.

4.75. Madagascar supported the concerns raised and requested the European Union to consider a new transitional period for the implementation of Regulation (EU) No. 488/2014. This would give Codex the time to finalize and publish their ongoing work on the definition of maximum levels of cadmium in chocolate and cocoa products. In addition, it would allow countries exporting to the European Union time to adjust to the new regulatory standards. Madagascar further emphasized that the current date for adoption of the regulation (i.e. 1 January 2019), would have a significant economic impact on its producers.

4.76. Brazil, Costa Rica, Ecuador, Ghana, Guatemala, Nicaragua, Nigeria, Panama, and Trinidad and Tobago shared the concerns, and requested that the European Union exclude chocolate and cocoa products from its regulation and/or postpone the implementation of the regulation until the development of Codex standards on maximum levels of cadmium. Indonesia and the United States also echoed the concerns and urged the European Union to set its maximum levels in accordance with scientific evidence. Trinidad and Tobago further noted the research conducted on the mitigation of cadmium bioaccumulation in cocoa beans, which had showed encouraging results with respect to the use of genetic and soil enhancement strategies. However, Trinidad and Tobago also highlighted that mitigation methods were constrained by their costs and the timing of the results, which further underscored the negative impact that the proposed regulation would have on the international market price for cocoa beans and overall cocoa bean trade.

4.77. Codex informed the Committee that two maximum levels for cadmium[4] had already been adopted at the Commission's meeting held the previous week, one had been discontinued[5] due to lack of data, and that Codex would continue work on two other maximum levels. Codex also informed the Committee that Peru had noted its reservation on the adoption of the two maximum levels as it considered the levels too strict.

4.78. The European Union recalled its previous interventions, highlighting that the limits in Regulation (EU) No. 488/2014 were based on risk assessments and scientific opinions from EFSA, which clearly concluded that cadmium exposure should be reduced and that certain population subgroups already exceeded the tolerable weekly intake. The European Union thanked Codex for the information provided and noted that the EU limits for chocolate containing a high amount of cocoa (>50%) were consistent with the adopted Codex maximum levels. The European Union reminded Members of its efforts to alleviate the difficulties of trading partners in complying with this measure, such as agreeing to a transitional period of five years, which had deferred the application date to January 2019, and setting maximum levels for blended products instead of cocoa beans to facilitate trade. The European Union further explained that this health protection measure could not be delayed any longer. In relation to technical assistance, the European Union recalled the STDF project, among other initiatives, to mitigate the impact of the measure. Regarding problems with importers, the European Union referred to its previous statements. The European Union remained open to bilateral discussions with Members.

4.2.14 EU revised proposal for categorization of compounds as endocrine disruptors – Concerns of Argentina, China, India and the United States (No. 382)

4.79. The United States reiterated its concern on the European Union's hazard-based approach to regulating substances identified as endocrine disruptors, and noted that on 20 April 2018 the European Commission had formally adopted criteria for identifying endocrine disruptors in plant protection products, that would be implemented as of 10 November 2018. The United States requested clarification on how the interim criteria would be applied between now and November 2018, in light of the EU Commissioner's 2017 statement which called into question whether the interim criteria were fit for purpose. The United States also drew Members' attention to the EU notification (G/TBT/N/EU/554) of a proposal to withdraw authorization for the active substance pymetrozine, which was considered to have endocrine disrupting properties in accordance with Regulation (EC) No. 1107/2009, despite not having a final EFSA assessment on the potential for

[4] Maximum levels for cadmium in: chocolate containing or declaring ≥50% to <70% total cocoa solids on a dry-matter basis; and chocolate containing or declaring ≥70% total cocoa solids on a dry-matter basis.

[5] Maximum levels for cadmium in dry mixtures of cocoa and sugars sold for final consumption.

endocrine disruption. The United States requested clarification on the appropriate level of protection that these actions would achieve, underscoring that the identification of hazards without identifying potential risks would likely be more trade-restrictive than necessary.

4.80. The United States noted the European Union's efforts to clarify its policy for managing import tolerances for substances that triggered the hazard-based cut-offs. However, the case-by-case approach to consider import tolerances, while factoring in legitimate factors and the precautionary principle, would not address Members' concerns, and would cause considerable uncertainty for applicants and producers. The United States requested clarification on the "legitimate factors", other than risk, that would be considered by the European Union in establishing import tolerances and how these other factors related to achieving an appropriate level of protection. The United States recalled the Dispute Settlement Body rulings which indicated that precaution did not override Members' risk assessment obligations arising from Articles 5.1 and 5.2. The United States also queried how the European Union's reliance on the precautionary principle would conform with the requirement in Regulation (EC) No. 396/2005 to conduct risk assessments in establishing import tolerances. The United States further highlighted that many of the substances impacted by the EU regulation were effectively and transparently managed under risk-based systems in other countries, thus querying the European approach to manage these substances through a ban or by establishing limited case-by-case import tolerances.

4.81. The United States also expressed concerns regarding the newly proposed revisions to the European Union's transitional arrangements for products that had been produced prior to the modification of MRLs.[6] According to this proposal, domestic products could still be placed on the EU market under previous MRLs, even after new MRLs had been implemented, unlike imported products which would not be able to benefit from previous MRLs. The United States explained that this revision would particularly affect products with long production and distribution cycles, since the proposed transition periods were insufficient for these products to clear the channels of trade. In particular, this would create cases where third-country products, legally produced in accordance with EU standards, would no longer be eligible for import into the European Union. The United States emphasized the existence of other approaches that could provide the high level of human health and environmental protection being sought by the European Union, without posing unnecessary barriers to trade. Finally, the United States noted that it remained unclear how the European Union would ensure consistency of its regulatory approach with the SPS Agreement.

4.82. China echoed the concerns of the United States, noting that the criteria in Regulation (EU) No. 2018/605 appeared to be based on a hazard assessment. EFSA had published the Guidance for the Identification of Endocrine Disruptors in the context of Regulations (EU) No. 528/2012 and (EC) No. 1107/2009 on 7 June 2018, in collaboration with the European Chemicals Agency (ECHA). China urged the European Union to notify the EFSA Guidance to WTO Members with a comment period, and to adopt Codex MRLs to minimize the impact on international trade.

4.83. India shared the concerns raised, and requested the European Union to adopt a risk assessment approach for regulating pesticides and establishing import tolerances, without creating unnecessary barriers to trade. India also reminded Members that Codex followed a risk assessment approach for the safety evaluation of pesticides, and that approach ensured health protection of consumers. Finally, India emphasized that a hazard-based approach was unjustified and would create unnecessary barriers to trade.

4.84. Argentina reiterated its concern over the European Union's policy on pesticides and the adoption of a hazard-based approach for identifying substances with endocrine disrupting properties. Argentina noted the adoption of Regulation (EU) No. 2018/605, modifying Annex II to Regulation (EC) No. 1107/2009, which would come into force as of 10 November 2018. Argentina expressed concern about the systemic and trade impact of the measure, which violated core provisions of the SPS Agreement, such as the obligation to undertake a risk assessment and to apply the least trade restrictive measure. Argentina indicated that following the discussions in the June meeting of the EU Standing Committee on Plants, Animals, Food and Feed, the procedures for granting import tolerances under Regulation (EC) No. 396/2005 would continue to be applied, including the undertaking of risk assessments by the relevant member State and EFSA, on a case-by-case basis. Argentina urged the European Union to comply with this requirement. Argentina argued that import tolerances should be maintained both for substances that would ultimately be covered by the criteria

[6] G/SPS/N/EU/247 and G/SPS/N/EU/248.

for determining endocrine disrupting properties, and for any other substance banned by the European Union on the basis of the hazard identification criteria set forth in Regulation (EC) No. 1107/2009. Argentina asked the European Union to provide information on the approach that would finally be applied, and to examine the proposal on waivers in order to at least exempt the substances that represented a minimal risk to public health, due to low exposure levels. In this regard, Argentina reminded the European Union of its statements at previous SPS Committee meetings.

4.85. Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Ghana, Guatemala, Kenya, Korea, New Zealand, Nigeria, Panama, Peru, Chinese Taipei, Thailand and Uruguay indicated that they shared this concern and called upon the European Union to reconsider the measure considering the significant negative impact that it would have on trade. They also called upon the European Union to base its measures on adequate scientific risk assessments and to consider Codex MRLs. Brazil reminded the Committee that the WHO International Programme on Chemical Safety's definition of endocrine disruptors could serve as a basis for discussions. Australia, New Zealand and Thailand also sought additional information on the Commission's plans for the derogation. In particular, Thailand requested the European Union to develop draft criteria for derogation by defining the meaning of negligible risk and establishing negligible risk criteria. Ghana and Kenya stressed that the EU policy would lead to the withdrawal of many important pesticides currently used in commodity-producing countries. As a result, farmers would have to use expensive alternatives which were not readily available in developing countries. Ghana underscored that this would have far-reaching consequences on the pest management gains made over the years and also negatively impact food security, distort trade in agriculture and lead to socio-economic losses, which would be in contradiction with the UN Millennium Development Goals, aimed at reducing poverty and eliminating hunger.

4.86. Canada reiterated its disappointment that the technical amendment for derogation based on negligible risk had not been included in the final regulatory amendment of Regulation (EU) No. 2018/605. Canada explained that without the inclusion of this technical amendment, default MRLs for food and feeds would be required once a substance was identified as an endocrine disrupting chemical, regardless of the actual risk under real world exposure scenario. Canada sought assurances from the European Union that once a substance was identified as an endocrine disruptor, import tolerances would continue to be based on complete risk assessments, as set out in Regulation (EC) No. 396/2005. Canada expressed its appreciation for EU efforts to inform the Committee on developments in this area, but also sought information on how the European Union planned to work with its trading partners to implement the measure in a manner consistent with its international obligations and without unnecessary disruptions to market access.

4.87. The European Union explained that the adoption of the criteria for plant protection products had been notified in G/SPS/N/EU/166/Add.2 and would apply as of 10 November 2018, also to ongoing approvals or renewals of active substances. The European Union also confirmed that the guidance document for the implementation of the adopted criteria had been published by EFSA and ECHA on 7 June 2018. The criteria were the same for biocides as for plant protection products in order to ensure a harmonized approach. The European Union recalled that the criteria were based on the WHO definition, required consideration of all relevant scientific information, and applied a weight of evidence approach. Regarding the proposals for derogation (i.e. the technical amendment to the clause on negligible exposure), discussions with member States would begin soon. In relation to import tolerances, the European Union confirmed that the procedures of Regulation (EC) No. 396/2005 would apply, including a full risk assessment, followed by a case-by-case decision, taking into account the scientific advice and other relevant legitimate factors, in accordance with risk analysis principles. The European Union also explained that the consideration of other legitimate factors was not new, as it was already included in Article 14.2(f) of Regulation (EC) No. 396/2005. The procedure for import tolerances would be published on the Commission website.

4.2.15 France's dimethoate-related restrictions on imported cherries - Concerns of the United States (No. 422)

4.88. The United States reiterated its concern raised in previous SPS Committee meetings regarding actions taken by France in 2016 and 2017 to ban the importation of fresh cherries from the United States and other countries that had approved the use of the pesticide dimethoate on cherries. The United States expressed regret that France had renewed this ban for 2018 and noted its concern that a precedent was being set where the decision to restrict imports of commodities was solely

being based on the authorization of a pesticide in the country of origin, regardless of whether pesticide residues were actually present in the imported commodities. The United States indicated that it had provided France with usage data, showing that dimethoate had not been used in the State of California for over five years. Furthermore, the United States argued that in regions where dimethoate might be used, it had been applied as a post-harvest application, which was unlikely to result in residues on the fruit. The United States requested France to explain how the health of French consumers was enhanced by restricting US cherries that had never been treated with dimethoate and contained no dimethoate residues. The United States further requested France to clarify whether less trade restrictive measures had been considered. The United States noted that the ban had been notified as an emergency measure on 4 May 2018, and invited France to explain how the current scientific evidence was insufficient and to identify the actions undertaken over the past years to obtain the scientific evidence that could justify the emergency measure. The United States indicated that US cherry producers were able to supply French consumers with high quality products that complied with the European food safety standards, and urged France to minimize unnecessary trade barriers by ensuring that measures were only applied to the extent necessary to protect health.

4.89. Canada echoed the US concern regarding France's renewal of the measure, noting that dimethoate was authorized for use in Canada to control a wide number of pests on agricultural crops, including cherries. While Canada acknowledged France's right to take SPS measures, Canada had concerns regarding the scientific basis and the unnecessary trade-restrictive nature of the renewed measure. Between 2016 to 2018, Canada had submitted comments on France's emergency measures, indicating its concerns with the lack of evidence provided by France to demonstrate that the current EU MRL was insufficient to protect consumers, and with the lack of consideration of an appropriate MRL for dimethoate. Canada noted that if there was a scientific basis for the zero-tolerance approach to dimethoate, WTO Members should only require that the product be free of any residues of that substance, and not ban imports from countries that allow the use of the substance. Given that this emergency measure had been notified for the third time since 2016, Canada urged France to conduct a comprehensive risk assessment to determine if the current EU MRL was insufficient before implementing the trade restrictive measure. Canada also requested that, if the current MRL was found to be insufficient, that France conduct a risk assessment to determine a more appropriate MRL.

4.90. The European Union explained that France had published on 6 April 2018, a protective measure suspending the importation and placing on the market of fresh cherries from member States or non-EU countries where the use of plant protection products containing the active substance dimethoate was authorized for the treatment of cherry trees. The measure had entered into force on 11 April 2018 and would expire after 12 months. The measure had been notified and the French authorities would shortly send a response to the comments received from Canada. The European Union explained that France had justified the measure on the basis of concerns related to the unacceptable toxicological risk of certain metabolites. In terms of the next steps, the European Union indicated that EFSA would evaluate new studies, particularly in view of the open questions on the metabolites, and that an EFSA conclusion was expected later in 2018. Following which, the measure would be reviewed in light of the EFSA conclusions.

4.2.16 China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs – Concerns of the United States (No. 395)

4.91. The United States reiterated its concern regarding China's biotech approval system and its consistency with WTO SPS obligations. The United States expressed its disappointment with the lengthy delays and extensive data requirements for product approvals by China, noting that there were currently ten products poised for final adoption, some of which had been under review since 2011. The United States highlighted Members' obligation under the SPS Agreement to provide precise and timely information to applicants on the processing periods, information requirements, and also to explain any delays in the process. The United States indicated that in March 2018 it had requested China to provide this information to applicants. China had held a meeting of its National Biosafety Committee to review applications, and the results of the meeting were expected within 270 days. The United States requested China to provide precise and complete information to applicants on the results of that meeting, highlighting that any lack of communication of these results would have a damaging impact on agriculture for the United States, but also on all China's trading partners. The United States further expressed its concern regarding the new data requirements imposed by China in March 2018 for some products that were pending final approval. The United

States urged China to refrain from revising regulations that resulted in increased timelines, decreased transparency and predictability. The United States also requested China to inform all applicants of any new data requirements, to notify these to the WTO, as well as to publish these requirements. The United States looked forward to continuing discussions with China on this important issue.

4.92. China explained that the measure had been amended on the basis of scientific assessment principles. China indicated that it had notified to the WTO and trading partners a proposed amendment, taking into account other countries' practices and Members comments. China indicated its willingness to continue bilateral discussions with the United States.

4.2.17 US seafood import monitoring programme - Concerns of China (No. 415)

4.93. China reiterated its concern on the Seafood Import Monitoring Programme (SIMP), noting that the United States insisted that SIMP aimed to combat illegal, unreported and unregulated (IUU) fishing and seafood fraud. However, based on its review, China considered that the requirements of the programme were SPS-related, according to the definition of SPS measures in Annex A(1) of the SPS Agreement. China also considered that the traceability of aquaculture products outside the United States did not help to prevent IUU fishing and fraud in aquatic products. China understood from the TBT Committee meeting that the United States was planning to extend the measure to prawns and abalones in December 2018. China requested clarification on the rationale for indicating that the requirements were not SPS-related, and including additional species into the programme's scope of application. China urged the United States to consider removing aquaculture products and delaying the implementation of the measures on prawns and abalones.

4.94. The Russian Federation expressed interest in the issue.

4.95. The United States thanked China for the bilateral discussions and for its continued interest in SIMP, which aimed at combating IUU fishing and seafood fraud. The United States underscored that the final rule was not an SPS measure and therefore fell outside the scope of the SPS Agreement.

4.3 Information on resolution of issues in G/SPS/GEN/204/Rev.18

4.3.1 Ukraine's import restrictions on poultry and poultry products – Information from Mexico (No. 315)

4.96. Mexico announced that its concern regarding STC 315 on Ukraine's import restrictions on poultry and poultry products was now resolved. Mexico expressed its gratitude to Ukraine.

4.97. Ukraine indicated that it had held constructive discussions with Mexico and confirmed that the issue was resolved.

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 Annual report in accordance with G/SPS/48 (G/SPS/GEN/1618)

5.2. The Secretariat introduced the annual report prepared in accordance with the Committee's Guidelines to Further the Practical Implementation of Article 6 of the SPS Agreement (G/SPS/48). The report covered the period from 1 April 2017 until 31 March 2018, and was based on information provided by Members through notifications and reports provided during the Committee meetings (G/SPS/GEN/1618). The Secretariat further explained that an additional section had been included in the report which provided information on the thematic sessions held on regionalization in July 2017 and March 2018.

5.3. The Secretariat noted that it was not always obvious to determine in which sections of the report to place information provided by Members, as information on a new area free of a pest or disease could be an experience, but often implied a request for recognition. The Secretariat recalled that Members had been invited to submit suggestions on the format of the report in the July 2017 Committee meeting, however, no comments had been received. The Secretariat further explained that the current report had been structured using the guiding principle that once a Member announced a relatively recent pest/disease-free status, this information had been included under the section on requests for recognition. Where Members referred to its pest/disease-free status, which had not been recently gained, and only announced as a reminder in relation to a trade-related concern, this information had been included under the section on experiences. In an effort to make the report more user-friendly, the Secretariat had also included sub-headings indicating the Members providing information, in alphabetical order.

5.2.2 Information from Members

5.2.2.1 Mexico – Declaration of an area free from fruit flies of the genus *Anastrepha* (G/SPS/GEN/1616)

5.4. Mexico informed the Committee of the declaration of several areas as free from fruit flies of the quarantine-significant genus *Anastrepha*, as circulated in document G/SPS/GEN/1616. These areas included the municipalities of San Dimas and the northern and south-eastern region of the municipality of Pueblo Nuevo in the State of Durango; Burgos and Méndez in the State of Tamaulipas; and Monte Escobedo in the State of Zacatecas. Phytosanitary measures would be applied according to the Regulation implementing the Federal Law on Plant Health and the Mexican Official Standard (NOM-075-FITO-1997). Mexico further noted that the Decisions declaring the free areas had entered into force on 24 April 2018, one day after their publication in the Official Journal, and were available for consultation in Spanish.

5.2.2.2 South Africa – Update on the listeria outbreak

5.5. South Africa provided an update on the situation surrounding South African food after the *Listeria* outbreak. In December 2017, a listeria outbreak had been declared by the Minister of Health, following an increase in laboratory-confirmed cases of listeria in July 2017. South Africa indicated that 91% of the cases were caused by *Listeria monocytogenes* sequence type 6 (ST6), and the remaining 9% by other sequence types. After extensive investigation of many food processing facilities, slaughter houses, farms and other sources of raw materials, the source of the ST6 outbreak had been identified as ready-to-eat processed meat products manufactured at a single production facility, which received raw materials from many countries. South Africa reported that the facility had immediately been closed, follow-up actions had been instituted and affected products had been recalled as of 1 March 2018. Over 4000 tons of affected products had been destroyed by thermal treatment or dumping in landfills. Since the recall of products, the number of reported cases per week had drastically decreased. South Africa noted that a number of Members had introduced trade restrictions on South African food products due to the outbreak, and further observed that in July 2018, some had either lifted or eased these trade restrictions. South Africa requested that Members observe the provisions of the International Health Regulations (IHR, 2005) and lift the trade restrictions. Finally, South Africa expressed its willingness to continue bilateral discussions.

5.2.2.3 Madagascar – OIE recognition of freedom from peste des petits ruminants

5.6. Madagascar informed the Committee that it had been officially declared as free from peste des petits ruminants during the 86th General Session of the World Assembly of OIE Delegates. To date, there had never been any suspected cases of the disease in the country. Madagascar thanked all of its partners who had provided technical and financial assistance in achieving the outcome, namely OIE, FAO, Indian Ocean Commission (IOC), and SADC through the Africa Solidarity Trust Fund.

5.2.2.4 Botswana – Suspected FMD outbreak in Ngamiland (G/SPS/GEN/1622)

5.7. Botswana informed Members of the suspected outbreak of foot and mouth disease in Naune Crush, Sehithwa in Ngamiland district. Botswana reported that following information provided by farmers, the Department of Veterinary Services had found five animals that showed clinical signs of the disease. As a result of these findings, the slaughter and movement of all cloven-hoofed animals,

as well as trade of these animals and their fresh products from the affected areas, had been suspended. Botswana further indicated that vaccinations had since commenced and that farmers had been encouraged to cooperate with Ministry officials to contain the situation. Botswana expressed its commitment to keep the Committee informed as more information became available.

5.2.2.5 Brazil – Freedom from FMD with vaccination

5.8. Brazil drew the Committee's attention to OIE Resolution No. 22 of May 2018 regarding the recognition of the FMD status of OIE members, highlighting the designation of the entire territory of Brazil as an area free of the disease where vaccination was practised, with the exception of the State of Santa Catarina, which had maintained the status of free zone without vaccination since 2008. Brazil also informed the Committee that it expected to be recognized as a FMD-free country without vaccination by 2023.

5.2.2.6 Chile – Recognition of animal health status and regionalization criteria for quarantine pests

5.9. Chile informed the Committee that in 2017 it had recognized the FMD status of various countries, namely: Paraguay, as FMD-free with vaccination; Nicaragua, as FMD-free without vaccination; Peru, as an FMD-free zone without vaccination in 98.36% of the country, and FMD-free with vaccination in the remaining 1.64%. In relation to the recent outbreak of low pathogenic avian influenza, Chile indicated that a small number of countries had reacted in a disproportionate manner to its non-compulsory notification of the outbreak to the OIE and trading partners. Chile further requested Members to be cautious when reviewing notified measures to ensure that they did not penalize Members for their transparent approach.

5.10. Chile drew the Committee's attention to document G/SPS/GEN/1615 which provided information on its measures aimed at establishing regionalization criteria for quarantine pests in Chile. Chile reminded Members that it was the only country in the region recognized by the IPPC as free of all species of fruit fly, despite isolated outbreaks which had been rapidly reported and eradicated. Chile further noted that although most of its trading partners had recognized this status, which had facilitated its worldwide exports of fruits and vegetables, a few countries maintained certain restrictions and had not recognized the entire territory as fruit fly-free. Chile urged those countries to recognize its status.

5.3 Operation of transparency provisions

5.3.1 Nigeria – Update on SPS notifications (G/SPS/GEN/1614)

5.11. Nigeria highlighted transparency as one of the fundamental WTO principles, and underscored Members' obligation to notify SPS measures. In this regard, Nigeria provided an update on the 12 SPS measures notified to the WTO in May 2018.

5.3.2 Madagascar – Emergency notification on imports of breeding poultry from avian influenza free zones

5.12. Madagascar indicated that it had notified an emergency measure, Decree No. 2018-398, adopted on 2 May 2018, which aimed at preventing the introduction of highly pathogenic avian influenza. This Decree aimed to facilitate trade in day-old chicks and hatching eggs, as well as animal feed products, from areas recognized as HPAI-free for a period of at least 12 months. In addition, the Decree sought to guarantee the supply to industrial enterprises of day-old chicks and hatching eggs from OIE recognized HPAI-free areas.

5.4 Special and Differential Treatment

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

5.5 Monitoring of the use of International Standards

5.5.1 New issues

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

5.14. The European Union noted inconsistencies in the application of the OIE standard in relation to African swine fever (ASF) and reminded Members that it had previously raised this issue under the agenda item on specific trade concerns, which still had not been addressed by its trading partners. The European Union drew Members' attention to the revisions of the OIE Terrestrial Animal Health Code, which had been adopted at the General Assembly in May 2018, and in particular Chapter 15, which contained ASF guidelines and clear criteria for the designation of disease-free zones, among other guidance. The European Union emphasized that ASF could be effectively managed and safe trade guaranteed. The European Union also remained concerned that the importance of international standard-setting bodies in global trade would be undermined if countries ignored these recommendations, without provision of a scientific justification.

5.15. The European Union further highlighted its transparent approach to disease control and regionalization measures, which had also been acknowledged by the OIE in the 2018 World Assembly. The OIE had also recognized the contribution of the EU Standing Group of Experts on ASF to improving regional dialogue, and had encouraged its members to replicate this model in other regions, and for other diseases. The European Union further expressed regret that its trading partners were putting in place unnecessary and unjustified trade restrictions, such as country-wide bans and excessive heat treatment requirements. The European Union noted that its member States fully complied with international standards and urged other Members to evaluate import requests accordingly, and in line with the SPS Agreement. Finally, the European Union reiterated its willingness to cooperate with other Members.

5.5.2 Issues previously raised

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

5.16. The European Union reiterated its concerns regarding inconsistencies in the use of OIE standards on regionalization in relation to HPAI outbreaks. The European Union highlighted its strict and transparent system of control, and acknowledged that many Members recognized EU regionalization measures for HPAI. The European Union further explained that it applied the same policies and guarantees to its intra-European Union trade, as to its exports to non-European Union countries. In addition, regular audit reports were published on the European Commission website, which ensured that trading partners could be fully aware of the animal health situation in all EU member States.

5.17. The European Union expressed regret that some Members applied country-wide bans whenever there was an outbreak, noting that this type of measure was not science-based and that there was no justification to maintain such bans after EU member States had regained freedom from the disease, according to OIE standards. The European Union acknowledged OIE's ongoing work in distinguishing between HPAI and low pathogenic avian influenza (LPAI), which avoided unjustified barriers to trade due to LPAI outbreaks. The European Union regretted that its comprehensive surveillance programmes and transparent approach resulted in trading partners imposing unjustified restrictions. The European Union reiterated its call for Members to respect their regionalization obligations and to lift all existing unjustified bans and restrictions, as well as to refrain from imposing trade restrictions in cases where HPAI was detected in wild birds, and low pathogenic avian influenza in poultry. The European Union reiterated its willingness to continue discussions on regionalization, to ensure the implementation of OIE standards.

5.18. The Russian Federation echoed the European Union's call for Members to observe the OIE standard on HPAI. The Russian Federation underscored its transparent approach in reporting its epizootic situation to WAHIS, and indicated that it provided its trading partners with information to support its regionalization requests that far exceeded the requirements of the Terrestrial Code guidelines. The Russian Federation further noted that its regionalization measures for diseases such

as HPAI, were in some respects more stringent than those provided for under the Terrestrial Code. Nevertheless, some Members continued to apply country-wide bans which lacked scientific justification. The Russian Federation urged members to lift unjustified bans on poultry products and to respect the regionalization principles provided for in the Terrestrial Code and the SPS Agreement.

5.19. Ukraine supported the concerns raised, noting that despite having been recognized as free of HPAI by the OIE, certain Members had maintained their import restrictions on poultry products. Detailed information on the measures taken and its surveillance strategy had been transmitted to all its trading partners. Ukraine called on Members to respect OIE standards and the regionalization principle, and to lift restrictions from the whole territory of Ukraine.

5.20. The United States supported the concerns raised by the European Union, and reminded Members that the OIE guidelines for HPAI had contributed greatly to facilitating safe trade in live poultry and poultry products. The United States indicated that it was free of HPAI, according to OIE guidelines, and further encouraged trading partners to remove any HPAI-related restrictions on imports of live poultry and poultry products from the United States.

5.5.2.2 United States – BSE restrictions not consistent with the OIE international standard

5.21. The United States reiterated its commitment to aligning its import regulations governing BSE with OIE guidelines. In this regard, the USDA's Animal and Plant Health Inspection Service (APHIS) had published a Notice in the Federal Register on 24 April 2018 that advised the public of the preliminary concurrence with the OIE BSE risk designations for four regions, and solicited public comment by 25 June 2018. The four regions designated by the OIE as negligible risk for BSE included Croatia, Poland, Northern Ireland and Scotland. The United States indicated that its action had demonstrated that it had put in place a process to align its regulations with the OIE international standard for BSE. The United States noted that it was also recognized as negligible risk for BSE by the OIE, yet still faced some restrictions on certain meat exports. The United States urged Members to remove any remaining BSE-related import prohibitions on US bovines and bovine products. The United States also reminded Members that certain products such as protein-free tallow and blood products were deemed safe by the OIE regardless of a country's BSE risk status and thus should not be subject to BSE-related import restrictions.

5.5.2.3 United States – ISPM 38 on international movement of seeds

5.22. The United States thanked Indonesia and Nigeria for drawing Members' attention to ISPM 38 on the international movement of seeds in the March 2018 SPS Committee meeting. ISPM 38, which had been adopted by the IPPC in April 2017, provided guidance to assist national plant protection organizations (NPPOs) in identifying, assessing and managing pest risks associated with the international movement of seeds (as a commodity class). In addition, the standard provided guidance on other topics such as procedures to establish phytosanitary import requirements to facilitate the international movement of seeds; and a list of acceptable phytosanitary treatments that included crop treatment, seed treatment, systems approach and prohibition. The United States highlighted the importance of systems approaches, as they provided the opportunity to implement risk reduction measures along the entire seed supply chain. The United States echoed Indonesia's and Nigeria's view that ISPM 38 was particularly timely given the rapid growth of the international seed trade and its increasing complexity. The United States also informed Members that a hemispheric workshop was being planned for early 2019, through the North American Plant Protection Organization (NAPPO), along with the United States, Canada and Mexico to focus on the effective implementation of ISPM 38. The United States encouraged Members to fully implement ISPM 38 to ensure a harmonized approach for managing phytosanitary risks and to facilitate the safe international movement of seeds in commerce. In addition, the United States invited Members and the IPPC to provide any reports or updates on the implementation of this standard.

5.23. Australia echoed the importance of ISPM 38 in helping Members undertake risk analysis and to apply justified measures, only to the extent necessary to achieve their ALOP. Australia indicated that it had reviewed the risks posed by a number of vegetable seeds, with a particular focus on seed-transmitted disease risks, the results of which had been published on its website. Australia stated that regulators needed to clearly define import requirements and ensure that they were technically justified, as an international clean seed trading system managing both seed quality

and health would significantly facilitate the safe trade in clean seeds. Australia encouraged countries and seed companies to progress that concept as a platform for harmonization of measures and facilitating safe trade in seeds, in recognition of ISPM 38 guidelines.

5.24. Canada reminded Members that seeds could act as a pathway for the introduction of plant pests into countries, and outlined the important guidance provided by ISPM 38 in helping NPPOs to identify, assess and manage pest risks for the international movement of seeds. Canada highlighted its active role in the development of ISPM 38, and noted its involvement in the organization of the NAPPO workshop. This workshop was targeted at regulatory agencies in NAPPO countries, other regional plant protection organizations from the Americas, as well as the seed industry and technical experts, in order to ensure the proper implementation of the standard at the national and regional level.

5.25. The IPPC informed the Committee that it was working closely with the International Seed Federation to implement the new standard. An IPPC regional workshop was also being organized in 2018 on how to implement the standards, among other topics.

5.5.3 Annual report in accordance with G/SPS/11/Rev.1 (G/SPS/GEN/1617)

5.26. The Secretariat introduced the Annual Report on the Procedure to Monitor the Process of International Harmonization, as contained in G/SPS/GEN/1617. The report reflected the issues that had been discussed under this agenda item over the past year, both on new issues raised and issues previously raised for further discussion. The Secretariat indicated that, in accordance with the monitoring procedure, it would bring these issues to the attention of the three sister organizations, who would be invited to report on any developments on these and other issues raised in the past.

5.27. Indonesia welcomed the report and appreciated the Secretariat's work in its preparation. Specifically, Indonesia drew Members' attention to the issue of risk management related to the global movement in plant seeds, which it had raised in the last Committee meeting and which had been included in the report. Indonesia expressed its appreciation to the Secretariat for ensuring the inclusion of this issue in the report, despite the confusion Indonesia had experienced regarding the change in deadlines to submit agenda items for the March 2018 Committee meeting. Indonesia further encouraged the Secretariat to continue to find ways to ensure that the voice of all Members was heard and formally recorded.

5.6 Fifth Review

5.6.1 Report of the Informal Meeting

5.28. The Chairperson drew the Committee's attention to the draft report on the informal meeting held on 11 July 2018 (JOB/SPS/2), paper copies of which had been circulated to Members during the formal meeting. The Chairperson recalled, as had been explained by the previous Chairperson in the informal meeting, that the report would not be read out in the meeting as normally done. Instead, a slightly different way of reporting on the Fifth Review would be adopted, similar to the procedure used by the TBT Committee, in the context of the Eighth Triennial Review of the TBT Agreement. This new reporting procedure entailed circulating paper copies of the draft report to delegations during the meeting, as well as the electronic distribution of the draft report after the formal meeting, to facilitate Members' review of the draft report and submission of comments. Following which, the Chairperson would take Members' comments into account when preparing the final version of the report, which would be circulated as a restricted document. The Chairperson invited Members to make comments on the draft report either during the meeting, or to send them to the Secretariat by the deadline of Friday, 20 July 2018.

5.29. The previous Chairperson, Marcial Espínola, reminded the Committee that the new reporting procedure was being used on a trial basis. He also reiterated the deadline of 20 July 2018 for the submission of Members' comments, explaining that the submitted comments would be reviewed and included in the final version of the report. In addition, he underscored that the new reporting procedure would create a useful record of the discussion of all the proposals submitted under the Fifth Review.

5.30. The United States welcomed the new process for documenting the discussions in the informal meeting and requested further clarification on the process moving forward, in particular whether Members would be advised of the entirety of the submitted comments or whether a revised version of the report would be circulated.

5.31. In response, the Secretariat explained the nature of the document, highlighting that it was the previous Chairperson's report of the informal meeting, issued on his own responsibility. Members would have the opportunity to submit comments, such as factual errors or omissions in the report, and the Chairperson would take these into account before issuing a final version of the report.

5.32. Peru requested the Secretariat to clarify the process for drafting the Chairperson's report of the informal meeting, in view of the fact that Members were identified by name in the report and that the report had a document symbol.

5.33. The Secretariat reminded Members of the new format for the Chairpersons' report of the informal meeting on the Fifth Review, explaining that the previous Chairperson had sought to test the reporting procedure being used in the ongoing TBT Triennial Review. This report would identify Members, to have a useful record of the discussions, which would then be updated at the next informal meeting, and subsequently form the basis for the Fifth Review Report. The Chairperson's report would then be circulated as a restricted document.

5.34. The Secretariat also reminded Members that several proposals for workshops or thematic sessions had been discussed in the informal meeting, namely: equivalence, national SPS committees, notifications under the SPS vs TBT Agreement, and regionalization. A few Members had expressed preliminary thoughts on how to prioritize the topics, and the Chairperson had proposed that the issue could again be addressed at the formal meeting for further discussion and to decide in what order to take up the topics. In addition, the Secretariat recalled that Members had also exchanged views on which topics would be best suited for a thematic session or for a workshop.

5.35. Belize reminded the Committee that in the informal meeting it had indicated its support for having a workshop or a thematic session on strengthening national SPS committees. However, it had also noted that, based on previous Committee discussions, it had become clear that it was not always possible for Members to have a national SPS Committee. Instead, importance should be placed on how to encourage national coordination. In this regard, Belize asked that their statement be reflected in the Chairperson's report. Belize also queried how the Committee would address the situation of whether to focus on national SPS committees or national coordination.

5.36. The Chairperson indicated that Belize's statement would be reflected in the report. The Chairperson also recalled the clarification provided in the informal meeting that the SPS Agreement did not make specific reference to national SPS committees. As such, the Chairperson noted that the focus could be on the broader topic of national coordination.

5.37. Canada indicated its support for a workshop on equivalence, to encourage wider participation, and also bearing in mind the interest expressed by Members. Canada also conveyed its willingness to consider a thematic session on equivalence. Madagascar also indicated its support for holding a workshop on topics such as equivalence, regionalization (which would cover both animal and plant health issues), and national SPS Committees, as these topics required more time and discussion. However, in its view transparency could be discussed in a thematic session.

5.38. Mexico reiterated its support for organizing workshops on issues such as equivalence, regionalization and transparency, which in its view were directly related to the implementation of the SPS Agreement. In relation to the topic of national SPS committees, Mexico indicated its support for a thematic session.

5.39. Chile supported the transparency workshop as proposed by Brazil, highlighting that other related topics could also be considered and welcoming the funding of transparency contact points. In relation to thematic sessions, Chile suggested the topics of equivalence and national committees. Chile noted that equivalence was a broad topic and that it would be challenging to identify officials to participate. Concerning regionalization, Chile suggested having Members exchange experiences under the relevant agenda item in the regular Committee meeting.

5.40. Brazil indicated its appreciation for the new reporting procedure, and echoed the importance of addressing the issues of equivalence and transparency. Brazil proposed to hold a workshop on transparency and notification procedures, and asked the Secretariat whether there was a possibility of organizing a back-to-back session of the SPS and TBT Committees. In Brazil's view, this would provide an opportunity to reach many focal points and stakeholders.

5.41. The Secretariat indicated that the TBT meeting dates for 2019 had not yet been determined, but that given early indications, it seemed possible that the TBT Committee could be held back to back with the SPS Committee meeting in November 2019. In addition, the Secretariat informed the Committee that the TBT Committee was planning to organize a workshop on transparency in November 2019.

5.42. Kenya expressed appreciation for the new and innovative reporting procedure. Kenya suggested that the Committee take a focused approach to experience-sharing on SPS issues which would allow as many delegates as possible to participate and share experiences, especially those from developing countries and LDCs. Kenya noted that SPS coordination was a cross-cutting issue, and that developing countries and LDCs needed assistance on notifications, among other topics.

5.43. The United States indicated its flexibility on how to approach the various topics. In particular, the United States queried whether it would be possible to have two workshops before the conclusion of the Fifth Review and whether the topics of transparency and coordination could be combined, given their cross-cutting nature.

5.44. The Secretariat explained that it would be difficult for the Committee to have two workshops before the end of the Review period, given the existing timeline for finalizing the Fifth Review by March 2020, and since only one workshop could be funded each year through the WTO Global Trust Fund. In relation to transparency and coordination, the Secretariat recalled that these subjects had been addressed in one workshop before, which had facilitated the participation and funding of enquiry points, who also played an important role in coordination at the national level.

5.45. Nigeria suggested that national SPS coordination through SPS committees could be addressed in a workshop. This would enable delegates from developing countries and LDCs to strengthen their coordination activities and deepen their understanding. Nigeria indicated that a workshop would also be important for transparency and regionalization issues.

5.46. The European Union expressed its flexibility on the format and on the timing, as long as the four topics were addressed. The European Union sought clarification on whether the workshop on transparency would take place in 2019, as usual. If this was the case, then it would solve the problem of deciding the topic for the workshop.

5.47. The Secretariat explained that the SPS Committee normally held a workshop on transparency every two or three years. The last one was held in 2017, so the next one could take place in 2019 or 2020.

5.48. The OIE updated the Committee on its activities related to some of the proposals presented by the European Union and the United States. In particular, the OIE highlighted several ideas following the results of the OIE survey, such as broadening the range of capacity building activities and development of tools; exploring the development of a high-level communication strategy; providing more detailed guidance on how national labelling frameworks should address SPS principles to facilitate market access (e.g. zoning and compartmentalization, official recognition of disease status); and organizing one-day workshops back-to-back with regional commission meetings on the OIE standard setting process, among others. The OIE also noted that the proposals submitted by Australia and Canada were in line with the OIE's view on the need to expand existing guidance in the area of equivalence. The OIE welcomed further discussions in the SPS Committee that would assist in this area. In relation to the proposals for a transparency workshop, the OIE indicated its interest in participating, given the obligation for OIE members to notify disease outbreaks and the potential negative impact on trade.

5.49. The Chairperson provided a summary of Members' responses, indicating that although further consultations would take place, Members had expressed interest in holding a workshop on transparency and coordination in 2019, and a thematic session on equivalence in October 2018.

5.50. The European Union sought clarification on whether the Chairperson's intervention was a specific proposal for the Committee on the timing and topics to be covered. The Chairperson clarified that it was a summary of the proposals heard from Members, for further reaction by Members.

5.51. Nigeria indicated its interest in capacity building in relation to how Members assess and respond to notifications. Nigeria noted the capacity constraints at the national level in the area of transparency and national coordination, and queried whether these areas could be fully addressed within the context of a workshop. The Secretariat suggested that a workshop on transparency and coordination could help in that regard, and further invited Nigeria to request a national seminar to address any specific needs on the subject.

5.52. The United States queried whether further consultations would be held or whether the Committee needed to make a decision during the current meeting. The Chairperson clarified that there would be a further opportunity for consultations and that Members could also submit comments by 31 July 2018.

5.53. Mexico agreed with having a deadline at the end of the month for Members to express their preferences. Chile also agreed with the Chairperson's proposal, and reminded the Committee to include the topic of regionalization for animal and plant health, so that Members could share experiences.

5.54. The European Union queried whether regionalization would be addressed through other avenues, such as through informal meetings. In response, the Chairperson confirmed that regionalization could be addressed as part of the regular agenda or informal meetings.

5.55. Brazil indicated its appreciation for the deadline and thanked the Secretariat for the information provided on a possible TBT workshop on transparency that could be held back to back with the SPS Committee. Brazil requested that the workshop on transparency and coordination also cover the issue of SPS-TBT notifications. The Chairperson indicated that this would be considered in discussions with TBT colleagues.

6 CROSS-CUTTING ISSUES

6.1. No issue was raised under this agenda item.

7 TECHNICAL ASSISTANCE AND COOPERATION

7.1 Information from the Secretariat

7.1.1 Report on the Workshop on Control, Inspection and Approval Procedures (Annex C)

7.1. The Secretariat reported on the Workshop on Control, Inspection and Approval Procedures (Article 8 and Annex C of the SPS Agreement) held on 9-10 July 2018 (programme in document G/SPS/GEN/1613/Rev.2).[7] The WTO Global Trust Fund had sponsored 32 participants selected from developing and least-developed countries for the two-day workshop. In addition, the WTO had funded the participation of four external speakers.

7.2. The main objective of the workshop had been to bring together officials responsible for participation in and implementation of the SPS Agreement, as well as the relevant international standard-setting bodies and other international organizations, for discussion and experience-sharing on developments, challenges and practices in implementing Article 8 and Annex C of the SPS Agreement. Through presentations, practical case stories and discussions, the workshop had aimed to expand Members' understanding of the relevant WTO Agreements and provisions; highlight the economic rationale for strengthening the implementation of Annex C in order to reduce trade

[7] A more detailed summary report of the workshop will be circulated.

transaction costs; and explain how the WTO Trade Facilitation (TF) Agreement linked to and complemented the SPS Agreement.

7.3. The workshop had explored the main WTO rules and related jurisprudence on Article 8 and Annex C of the SPS Agreement, and had explained the relationship between the TF and SPS Agreements. Presenters had emphasized that the TFA's requirements to rationalize border procedures did not undermine Members' ability to enforce SPS measures necessary to protect human, animal and plant health. All the workshop sessions had examined SPS controls, inspections and approvals through the lens of trade facilitation with the objective to define ways to promote safe and efficient trade. Presentations by the World Bank, the STDF, and COMESA had depicted experiences on the ground, given estimates on SPS-related trade transaction costs, and identified win-win opportunities to facilitate safe trade, such as interagency collaboration and increased transparency.

7.4. Several Members had also shared their experiences. In the field of food safety, the European Union had presented its approach to systems-based audits of exporting countries control systems as opposed to individual inspections of exporting establishments. The United States had presented their risk-based approaches to import procedures and inspections, supported by modern predictive models and databases to focus inspections on areas of higher risks. Canada had presented their risk-based approach to inspections, supported by outcome-based regulations, uniform inspection procedures, and risk assessment models to focus inspections on areas of higher risks. China had updated participants on its reforms in the inspection and supervision systems for food imports, having centralized entry and quality inspection, as well as quarantine under the country's General Customs Administration.

7.5. The workshop had also benefited from presentations by Turkey - on its inspection system for animal and animal products; Zambia - on its interagency collaboration for phytosanitary controls and document checks; and Belize - on its experiences with third party certification to access export markets. Although the level of resources allocated to SPS controls, inspections and approvals varied greatly between countries, it had been recognized that innovative and cooperative approaches, such as those implemented in Zambia, could result in functional and effective systems.

7.6. E-certification had been addressed in a dedicated session of the workshop. First, the IPPC had presented its ePhyto project, initially funded by the STDF, to facilitate the electronic exchange of phytosanitary certificates through the creation of a web-based global system. Then UNCTAD had presented Rwanda's case in establishing an e-Portal for facilitating the issuance of SPS certificates. Finally, the OIE and Codex had provided an update on their nascent work in the field of electronic certification, and Brazil, the European Union and the United States had shared their national experiences in implementing e-certification systems. Overall, participants had recognized the benefits of e-certification, such as reduced costs, improved security and expedited clearance of commodities. However, it had also been emphasized that a well-functioning e-certification system required effective interagency co-operation, political will, and sustainable financing.

7.7. Finally, the workshop had ended with a roundtable, in which representatives from the World Bank, UNCTAD, the International Trade Centre, the World Customs Organization, and the WTO's Trade Facilitation Agreement Facility had discussed their ongoing capacity building programmes. Panelists had pointed out the synergies between SPS and trade facilitation, highlighting opportunities to leverage resources available for trade facilitation in order to strengthen the implementation of Annex C, as long as SPS agencies were appropriately integrated in trade facilitation work and priority setting at the national level. All the presentations had been made available on the SPS gateway (https://www.wto.org/english/tratop_e/sps_e/workshop910718_e.htm).

7.8. Nigeria expressed its appreciation for the workshop, and highlighted the sessions dedicated to understanding the relationship between the SPS Agreement and the Trade Facilitation Agreement, as well as to national experience-sharing.

7.9. Chile suggested that the document drafted by the Secretariat in 2014, on the relationship between the Trade Facilitation and SPS Agreements (RD/SPS/3/Rev.1), could be updated. In addition, Chile noted that the topic of undue delay had been mentioned, but not sufficiently covered. This was an important topic for continued discussion, regarding which delays could be justified and how unjustified delays could be reduced.

7.10. The European Union expressed its appreciation for the successful workshop, and further highlighted the importance of the Trade Facilitation Agreement and its links with the SPS Agreement. In this regard, the European Union echoed Chile's suggestions to request the Secretariat to update document RD/SPS/3/Rev.1, and to continue discussions on the issue of undue delay, which was also of particular interest to the European Union.

7.11. Belize thanked the Secretariat for funding its participation in the workshop, and also indicated its appreciation for the structure of the workshop and the comprehensive report presented by the Secretariat.

7.12. The Chairperson suggested requesting the Secretariat to update document RD/SPS/3/Rev.1. The Committee agreed to request this update.

7.1.2 WTO SPS activities

7.13. The Secretariat provided Members with an overview of the technical assistance activities held since the last SPS Committee meeting in March 2018. These activities had included two regional workshops for: (i) Arab countries, which was co-organized with the IMF-Middle East Centre for Economics and Finance (IMF-CEF), held in Kuwait; and (ii) French-speaking Africa on Agriculture and SPS issues, held in Cotonou, Benin. The Secretariat thanked the IMF-CEF for their assistance in coordinating the regional workshop, as well as Kuwait and Benin for hosting the two activities, and for all their collaborative efforts in this regard.

7.14. The Secretariat also announced that national seminars had been held in Bolivia and Tonga. In addition, more general training on the SPS Agreement had also been provided in the following activities: two WTO Advanced Trade Policy Courses (in English and Spanish); an Introductory LDC Course (in English); three Regional Trade Policy Courses held in Kazakhstan, Mauritius and Côte d'Ivoire; an Advanced TBT Course; a FES Course for journalists (in French); an APEC Workshop in Lima; a SASEC Workshop in New Delhi; a training session for government officials from Pakistan; a training session for officials from Afghanistan, organized with ITC; a training session organized with IICA; and several training sessions held in Geneva with students from the Russian Federation, Duke University and the American University Washington College of Law.

7.15. The Secretariat drew Members' attention to document G/SPS/GEN/997/Rev.8, which provided information on all SPS specific technical assistance activities scheduled to take place in 2018. The activities included the Workshop on Control, Inspection and Approval Procedures (Annex C of the SPS Agreement) which had been held on 9-10 July 2018 in the three official working languages of the WTO; and the Advanced Course on the SPS Agreement to be held (in Spanish) from 22 October to 9 November 2018. The Secretariat informed the Committee that it had received 350 applications for the planned technical assistance activities: over 100 applications for the Advanced SPS Course; and approximately 250 applications for the Thematic Workshop. The Secretariat further informed Members about the selection process for the activities and indicated that it was currently in the process of finalizing the selection of candidates for the Advanced SPS Course. The Secretariat also drew Member's attention to the Follow-up Session to the 2017 Advanced SPS Course which had started on 3 July and would end on 13 July 2018. The 19 participants, together with their coaches João Magalhães and Kevin Walker, had been present during the Committee meetings.

7.16. The Secretariat also informed Members of upcoming national activities that were being scheduled for Chile, Costa Rica, Côte d'Ivoire, Republic of Moldova, Saint Kitts and Nevis, and Chinese Taipei. General SPS training would also be included in the WTO Regional Trade Policy Course to be held for Asia and the Pacific (Bangkok, Thailand) and the Advanced Trade Policy Course in English, in Geneva. In addition, a Regional SPS Workshop was being planned with the Gulf Co-operation Council Standardization Organization (GSO) in October 2018, at the request of this organization. Finally, the E-Learning Course on the SPS Agreement was available all year-round in the three WTO official languages. Further information on SPS technical assistance could be obtained on the WTO website or by contacting the Secretariat.

7.17. Nigeria noted the limited funding available for participation in Geneva-based activities and the rotation principle for the selection of candidates. Nigeria also highlighted the resource constraints faced by Members in organizing national seminars, and queried whether the WTO would be able to

assist in this regard. Nigeria emphasized the importance of regional workshops in addressing SPS topics, such as coordination, indicating the need for more capacity building activities at the regional level for African countries. Nigeria further queried the process for Members to request regional SPS workshops. Finally, Nigeria observed the increased engagement from the African region on SPS issues and underscored the need to sustain that engagement, despite the funding constraints.

7.18. The Secretariat indicated its willingness to discuss any specific requests for regional SPS workshops with Nigeria, and also invited Nigeria to contact ITTC in order to discuss its concerns regarding the current funding procedures for the organization of national seminars.

7.1.3 STDF (G/SPS/GEN/1627)

7.19. The STDF Secretariat provided an overview of its activities undertaken since March 2018, as circulated in document G/SPS/GEN/1627. The STDF highlighted the publication of its 2017 Annual Report (http://www.standardsfacility.org/sites/default/files/STDF_Annual_Report_2017.pdf) which had been released in June 2018. The report showed how the STDF partnership continued to build safe trade and inclusive trade opportunities by supporting developing countries to meet international SPS standards and access regional and global markets. This work had primarily focused on areas such as electronic certification, public-private collaboration, good regulatory practice, as well as project development and implementation.

7.20. The STDF also highlighted its work in the area of trade facilitation and SPS. A session had been held at the March 2018 STDF working group on single windows and the role of SPS agencies. In addition, the STDF had participated in the recent Workshop on Annex C, where it had shared experiences from its work in facilitating safe trade. A new briefing note had also been published (http://www.standardsfacility.org/sites/default/files/Briefing_Facilitating_safe_trade.pdf), which identified best practices on how to apply SPS measures in a way that ensured health protection and minimized trade transaction costs.

7.21. The STDF provided information on its work on public-private partnerships in the SPS area, indicating that the Working Group had agreed in March 2018 to undertake further work on the subject (http://www.standardsfacility.org/public-private-partnerships). Finally, the STDF provided information on its projects and PPGs, noting that the STDF had approved two new projects and two new PPGs in March 2018. More information was available on the STDF website (http://www.standardsfacility.org/). The STDF thanked its current donors for their support, and encouraged new potential donors to support the work of the STDF.

7.22. Nigeria acknowledged the good work of the STDF, but also noted the challenges faced in the recent past to take advantage of the Facility, due to funding constraints. Nigeria requested further assistance from donors in this regard. In addition, Nigeria noted that a regional approach would be complementary to national activities, and encouraged the use of this type of approach to STDF projects. Nigeria further underscored the challenges faced in preparing eligible PPGs, due to constraints in technical capacity, and requested assistance in this area.

7.23. The STDF indicated that it encouraged regional projects, highlighting that 30 to 40% of its resources had been allocated to regional projects. The STDF further underlined that the purpose of the PPG mechanism was to support LDCs and developing countries to develop project applications, emphasizing that this might take time as the STDF worked with beneficiaries in developing PPGs. The STDF invited Nigeria to contact STDF for further information and discussion on preparing PPGs.

7.2 Information from Members

7.2.1 Nigeria – Technical assistance received

7.24. Nigeria informed Members that it had received technical assistance from UNIDO, with EU-funded support, to undertake activities leading to the identification of all outstanding SPS-related regulations for notification. The cooperation with UNIDO was aimed at establishing a sustainable SPS-TBT notification system to avoid delays in submitting notifications to the WTO, and also to improve the efficiency of the NNA and NEP. Nigeria further acknowledged AU-IBAR's consistent support in providing technical guidance, which had facilitated Nigeria's participation in the

SPS Committee, as well as USDA's support in the review of the Nigerian Food Safety Policy. FAO and UNIDO, with EU-funding, also continued to support capacity building in the food safety area. Nigeria further encouraged donors to provide more support to Nigeria and other African Members in need of capacity building and infrastructure facilities.

7.2.2 Japan – Technical assistance to developing countries (G/SPS/GEN/1160/Add.6)

7.25. Japan informed Members about its SPS-related technical assistance provided to developing countries between 1 April 2017 and 31 March 2018, outlined in document G/SPS/GEN/1160/Add.6. As described in the document, the total value of the assistance provided by Japan amounted to approximately 488 million Japanese yen (US$4.4 million), with an accumulated amount of Japanese assistance since 1 April 2009 of approximately 6.2 billion Japanese yen (US$56.5 million). Japan informed the Committee that it had provided 74 relevant technical assistance programmes, since 1 April 2009, to more than 50 countries in various regions, including Asia, the Pacific Region, Central America, South America, Central Asia and Africa. Japan also noted that most of the assistance had been carried out by the Japan International Co-operation Agency (JICA), and that it was not only directed at individual countries, but also to groups of countries, regions and the world. In addition, the Government of Japan was itself engaged in SPS-related technical assistance for the Asia and Pacific region through Official Development Assistance. Finally, Japan expressed its willingness to continue providing technical assistance to developing Members.

7.2.3 Senegal – Technical assistance requested from the European Union for implementation of the new phytosanitary legislation, in particular Directive 2017/1279 and Implementing Decision 2018/638 on *Spodoptera frugiperda*

7.26. Senegal noted the burdensome requirements of the EU phytosanitary legislation, in particular Regulation (EU) No. 2016/2031 and Directive (EU) No. 2017/1279, as well as Implementing Decision (EU) No. 2018/638 with regards to access to certain agricultural products, in terms of risk assessment and post-harvest treatment for the monitoring of certain quarantine pests. Senegal noted that while countries undertook steps to strengthen their pest control activities to meet the EU phytosanitary requirements, the European Union also had obligations under Article 9 of the SPS Agreement. In particular, Senegal indicated that where substantial investment was needed to conform to EU requirements, the European Union should consider granting technical assistance to Senegal in order to facilitate the preservation or growth in market access for the targeted products. The main sectors concerned were mango (for *Bactrocera dorsalis*); sweet corn (for *Spodoptera frugiperda*); and the solanaceous and capsicum family (for *Keiferia lycopersicella* and *Thaumatotibia leucotreta*). Senegal called for the support of EU partners (such as COLEACP, among others) in providing infrastructure for post-harvest activities and increasing technical capacity to align products with EU requirements.

7.27. The European Union indicated that it was aware of Senegal's concerns, which had been communicated through COLEACP, within the framework of the Fit for Market (FFM) Programme. The European Union informed Members that it had a specific project on integrated pest management strategies to counter the threat of invasive fall army worm for food security in Eastern Africa, and that it was prepared to explore other options which could benefit Senegal. In this regard, the European Union invited Senegal to formulate their needs in a more specific manner and to submit this request through the EU delegation in Senegal.

7.28. Senegal thanked the European Union for the information provided and further indicated that it would follow-up on this issue.

7.2.4 Senegal – Cooperation with Malaysia on a phytosanitary protocol

7.29. Senegal expressed its satisfaction with the positive developments in the market access request for agricultural products to Malaysia. In June 2018, the Ministry of Agriculture had undertaken a mission to Kuala Lumpur to finalize the SPS market access document for agricultural products (peanuts, processed mango and cashew nuts). Further to these meetings, Senegal noted Malaysia's commitment to finalize Senegal's market access request for peanuts within six months, its readiness to take on board a market access request for processed mango and cashew nuts, and its willingness to invite Senegal's Ministry of Agriculture and Rural Infrastructure to participate in the MAHA Agriculture Show (22 November – 2 December 2018).

7.30. Malaysia thanked Senegal for the submission of additional information on peanuts. Malaysia also recalled that the Department of Agriculture was processing Senegal's application for market access and that the pest risk analysis would be completed in due course. Malaysia looked forward to continued co-operation with Senegal.

7.2.5 Madagascar – Support for the use of the PIMA tool to set priorities for SPS activities

7.31. Madagascar thanked the STDF for the valuable technical assistance it had provided in relation to the use of the P-IMA tool for prioritization of SPS investments. The project, which had started in the first quarter of 2018, aimed to have agreed priorities for SPS activities by various stakeholders and the key value chains identified which require public or private investments, in order to increase international market access.

7.2.6 Madagascar – Technical assistance received from the European Union and the United States

7.32. Madagascar provided information on the technical assistance received from the European Union for compliance with its new SPS regulations. In December 2017, a COLEACP mission in Madagascar had launched the new EU programme for ACP countries known as Fit for Market, which aimed to strengthen competitiveness and sustainability in the horticulture sector. Information sessions were organized for exporting companies and competent authorities on the need to comply with the new EU Regulation No. 2016/2031. As part of the implementation of the National Indicative Programme (NIP), under the 11th European Development Fund (EDF), more targeted technical assistance activities were planned in the food safety, animal and plant health areas.

7.33. Madagascar also informed Members of the technical assistance provided by the United States, in relation to the implementation of regulatory texts on food safety, under the Food Safety Modernization Act. A training of trainers for East African countries had taken place in March 2018, in Tanzania, to assist exporting countries in complying with the new US regulations, particularly regarding preventive controls for food. At the national level, training sessions had also been held since mid-June 2018, for more than 70% of the companies exporting foodstuffs to US markets. A programme of continuous training and awareness raising was being established, in order to ensure that exporting firms were informed about the regulation. Madagascar further requested the provision of USAID's technical support to its exporters, whether implemented by COMESA or the East Africa Trade and Investment Hub, to facilitate trade development.

7.2.7 Belize – Workshop on regional pest risk analysis for khapra beetle (*Trogoderma granarium*) (G/SPS/GEN/1636)

7.34. Belize informed Members that it had attended a workshop on regional pest risk analysis for the khapra beetle (*Trogoderma granarium*) held in Veracruz, Mexico on 25-26 June 2018. The workshop was followed by an epidemiological simulation exercise which had been conducted in and near the Port of Veracruz (27-29 June 2018). Belize thanked OIRSA for sponsoring its participation in both events which was important in trying to keep the OIRSA region free from the pest.

7.35. Belize also thanked the WTO for funding its participation, as well as the other 18 participants, in the Follow-up session of the 2017 SPS Advanced Course. In addition, Belize expressed its appreciation to IICA for partially funding its attendance at the Committee meeting.

8 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

8.1. Belize informed the Committee of its participation in government to government, and government to business meetings held in Japan in March 2018, with the support of FAO (G/SPS/GEN/1637). Belize thanked the governments of Canada and Japan for the invitation, as well as the Global Food Safety Initiative for waiving the registration fee to the Global Food Safety Conference. On the margins of the Food Safety Conference, Belize had had the opportunity to express its concerns on issues related to private and commercial standards, and their negative impact on exporting companies in Belize.

8.2. Belize observed that since concerns with private and commercial standards had first been raised in the SPS Committee in 2005, the following points had been noted by the private sector: (i) audits to maintain certification continued to be done annually by the certification bodies; (ii) audits by buyers were now at an average of two per annum; (iii) financial costs associated with the audits continued to be the sole responsibility of the exporting company; (iv) the scientific basis for some requirements continued to be lacking; and (v) MRLs and limits for microbiological contaminants were still not aligned with those of Codex.

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

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

8.5. Argentina and Brazil thanked Belize for the information provided, and expressed their interest in the topic. Argentina further indicated that it would carefully assess the points made by Belize.

8.6. Ecuador recalled that the Committee' discussions on private standards had continued for some time and that document G/SPS/55, which had been adopted by the Committee in March 2011, continued to apply. Ecuador further noted that the application of standards and measures by private entities could have a disproportionate effect on trade for goods produced and exported by developing countries. Ecuador indicated its continued interest in discussing this topic in the Committee, in order to reach an agreement on the best way to regulate these types of standards and ensure compliance with Article 13 of the SPS Agreement.

9 OBSERVERS

9.1 Information from observer organizations

9.1.1 ECOWAS

9.1. ECOWAS reported on recent activities of its member States, detailed in document G/SPS/GEN/1620. ECOWAS informed the Committee that the recent introduction of the fall armyworm (FAW), and the discovery of the new alien invasive pest in West Africa were growing threats of concern to agriculture and food security in 44 countries in the sub-Saharan region, including 15 West African countries. ECOWAS highlighted the crop-destroying nature of the pest and outlined a number of efforts which had already been undertaken to address the issue. In particular, ECOWAS noted that in March 2018, a high-level study tour had taken place in Brazil, which had been organized with the support of USAID, in collaboration with USDA, EMBRAPA, CIMMYT, and the Brazilian Cooperation Agency (ABC). Ten member States, as well as international and private sector organizations had participated. ECOWAS provided an overview of the objectives of the study tour and the existing technologies that had been demonstrated to successfully combat FAW. Several next steps were also outlined which included organizing a regional meeting to update member States on the outcomes of the study tour and piloting biological control technologies for selected member States. Finally, ECOWAS thanked the support provided by USAID, USAID-APHIS, the European Union

and AU-IBAR, among other partners, and requested further support for the future implementation of SPS-related activities in the ECOWAS region.

9.2. Brazil underscored the serious nature of fall army worm and its impact in Africa. Brazil highlighted its experience in dealing with the problem, its on-going technical support to African countries to combat fall army worm through an integrated pest approach and the successful results obtained. Brazil indicated that expanding implementation activities was being considered, together with USAID and FAO. Brazil further emphasized that this initiative was a good example of the existing tools and technologies which could be used to address SPS issues being faced in the African region.

9.3. The United States reiterated its commitment, in particular USAID's support, to collaborate with other partners and countries in addressing this pest, especially in the context of addressing the ongoing issue in Africa.

9.1.2 OIRSA

9.4. OIRSA reported on recent activities of interest to the Committee, detailed in document G/SPS/GEN/1621. OIRSA indicated that their 2018-2022 work plan had been approved in January 2018, with the main objective of supporting its member States to improve their SPS conditions and status of the OIRSA region, in accordance with WTO, Codex, IPPC and OIE principles. OIRSA highlighted the guidelines to create and articulate a regional agricultural health intelligence system that provides updated information to assess possible risks that may affect agriculture and livestock production. OIRSA also enumerated a number of SPS-related projects and activities being undertaken in the region.

9.1.3 IGAD

9.5. The Chairperson drew attention to the report submitted by IGAD contained in G/SPS/GEN/1626.

9.1.4 IICA

9.6. IICA reported on its main activities of interest, detailed in document G/SPS/GEN/1628. IICA indicated its continued support to build capacity in its member countries with activities related to the multilateral trade system. IICA thanked the United States, Canada and New Zealand for the technical and financial support provided, as well as the WTO Secretariat for the collaborative work undertaken.

9.1.5 ITC

9.7. ITC reported on recent activities of interest to the Committee, detailed in document G/SPS/GEN/1634.[8] ITC provided an update on several of its SPS-related projects for the period March-July 2018 which included: (i) an EU-funded project on advancing Afghan trade; (ii) an STDF-funded project in Myanmar on food safety and compliance; (iii) an STDF-funded PPG for a feasibility study on value addition in the fruit and vegetable sector in Sri Lanka; (iv) an inclusive tourism project in Myanmar, funded by the Dutch Government; (v) an STDF-funded project on enabling market access for agricultural products in Tajikistan; (vi) the Gambia youth empowerment project, funded by the European Union; (vii) a project in Sudan related to WTO accession, financially supported by Japan; (viii) a project to provide support to the facilitation of trade between CEFTA parties; and (ix) the Burundi Market Access Upgrade Programme (MARKUP), funded by the European Union.

9.1.6 The African Union

9.8. The African Union (AU) reported on its activities, detailed in document G/SPS/GEN/1629. The African Union informed the Committee that the Executive Council of the African Union Heads of States had considered the challenges presented by fall army worm, and that an emergency fund was being established for this topic. The African Union Commission and FAO had also signed a Technical Cooperation Project in October 2017, focused on the reinforcement of plant health

[8] Document G/SPS/GEN/1634/Rev.1 was subsequently circulated after the Committee meeting.

governance in Africa through coordinated management of fall army worm. Other awareness activities related to fall army worm had been undertaken, such as within the context of the 14th Comprehensive Africa Agriculture Development Programme Partnership Platform (CAADP), held in Gabon.

9.9. In relation to animal health, the African Union outlined the various activities undertaken to develop an Animal Health Strategy for Africa; develop an African-wide Antimicrobial Resistance Framework, in collaboration with the Africa Centres for Disease Control and Prevention (ACDC), AU-IBAR and other AU technical institutions; and eradicate peste des petits ruminants (PPR) from Africa, through the involvement of AU-IBAR, the African Union Pan-African Vaccine Centre (AU-PANVAC), in collaboration with FAO and OIE, through an EU-sponsored project. With respect to food safety, AU-IBAR had also organized in 2018, the Annual Pan-African meeting of National Codex Contact Point Officers to prepare common positions that were presented in the 41st session of the Codex Alimentarius in July 2018. Finally, AU-IBAR continued to coordinate electronic forum discussions on SPS issues prior to WTO SPS Committee meetings and support the participation of AU member States in meetings, as well as promote the organization of SPS activities by its member States.

9.10. ECOWAS thanked the AU for funding its participation in the SPS Committee meeting and the Codex Alimentarius Commission meeting held in July 2018, and underscored the importance of this funding support. In addition, ECOWAS recognized AU's support in funding the participation of African member States in the Committee meeting.

9.1.7 CAHFSA

9.11. The Chairperson drew attention to the report submitted by CAHFSA contained in G/SPS/GEN/1630.

9.1.8 ISO

9.12. The Chairperson drew attention to the report submitted by ISO contained in G/SPS/GEN/1632.

9.2 Requests for observer status (G/SPS/W/78/Rev.14)

9.2.1 New requests

9.13. There were no new requests received by the Secretariat.

9.2.2 Outstanding requests

9.14. The Chairperson noted that there was still no consensus on the six outstanding requests for observer status for the Convention on Biological Diversity (CBD); CABI International; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Organisation Internationale de la Vigne et du Vin (OIV); the Asian and Pacific Coconut Community (APCC); and the International Cocoa Organization (ICCO).

9.15. The Chairperson thanked the representatives of observer organizations for their contributions to the work of the Committee and for their assistance to Members. The Chairperson further encouraged observer organizations to provide written reports on their relevant activities in advance of the October 2018 meeting.

10 OTHER BUSINESS

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

11 DATE AND AGENDA FOR NEXT MEETINGS

11.1. The Secretariat drew Members' attention to the proposed dates for the 2019 meetings of the SPS Committee, as circulated in document G/SPS/GEN/1619. The 2019 regular meetings of the Committee were tentatively scheduled for the weeks of 18 March; 8 July; and 4 November 2019.

The Secretariat noted that the July meeting had been scheduled to be held back-to-back with the Codex Alimentarius Commission, which would take place in Geneva during the week of 1 July 2019. The Secretariat requested Members to indicate whether the tentative dates conflicted with other major engagements in other fora. No Member indicated any such conflict in dates.

11.2. The next regular meeting of the Committee was tentatively scheduled for the week of 29 October 2018, with an informal meeting and two days of regular meetings. In addition, a thematic session would possibly take place during this week, subject to Members' agreement. This would require adding an additional day of meetings. The Committee's meetings that week would thus most likely last from Tuesday 30 October until Friday 2 November. The Chairperson informed Members that a provisional agenda for the October/November 2018 meeting would be circulated via e-mail.

11.3. Members were asked to take note of the following deadlines:

- For circulating the draft version of the Chairperson's report of the informal meeting held on 11 July 2018 to the SPS delegates' list: **Friday, 13 July 2018**;
- For submitting comments on the Chairperson's report of the informal meeting:[9] **Friday, 20 July 2018**;
- For submitting comments on the Committee's prioritization of topics for workshops and/or thematic sessions,[10] including the scheduling of these Committee activities: **Tuesday, 31 July 2018**;
- For identifying additional issues to be considered under the Fifth Review: **Monday, 10 September 2018**;
- For submitting papers/proposals under the Fifth Review: **Monday, 10 September 2018**;[11]
- For circulating a revised background document for the Fifth Review: The Secretariat explained that since no comments were submitted by Members on the draft background document, a revised version of the document would not be circulated on Monday, 10 September 2018, as previously scheduled. Instead, a new opportunity for comments would be provided once the background section was incorporated into the Report of the Fifth Review as the descriptive section;
- For submitting comments on papers/proposals received under the Fifth Review: **Monday, 8 October 2018**;
- For identifying new issues for consideration under the monitoring procedure and for requesting that items be included on the agenda: **Thursday, 11 October 2018**;
- For the distribution of the Airgram: **Friday, 12 October 2018**; and
- For circulating a compilation of comments submitted on proposals received under the Fifth Review: **Monday, 15 October 2018**.[12]

[9] Further to the comments received by the deadline of 20 July 2018, a revised version of the Chairperson's report (JOB/SPS/2) was circulated on 24 July 2018.

[10] A list of topics can be found in paragraph 3(c) of the Chairperson's report of the informal meeting (JOB/SPS/2).

[11] Further to the submission of new papers/proposals, the Secretariat will subsequently circulate a revised version of G/SPS/GEN/1625, which provides an overview of papers and proposals submitted by Members.

[12] Additional deadlines related to the process for the Fifth Review of the Operation and Implementation of the SPS Agreement can be found in G/SPS/W/296/Rev.1.