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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 30 JUNE – 1 JULY 2016

NOTE BY THE SECRETARIAT[1]

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

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 66th regular meeting on 30 June - 1 July 2016. The Committee agreed to include Brazil's proposal to create a working group on the implementation of the SPS Agreement under the agenda item titled "Cross-Cutting Issues". The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/10).

2 ELECTION OF THE CHAIRPERSON

2.1. The Chairperson informed the Committee that the Council for Trade in Goods had agreed to the election of Ms Marcela Otero of Chile as the new Chairperson of the Committee on Sanitary and Phytosanitary Measures. The Committee endorsed the election of Ms Otero by acclamation, and voiced its appreciation to Mr Hees for his efforts as chairperson during the past year.

2.2. Mr Hees expressed his gratitude to Members of the SPS Committee and the Secretariat for their hard work. Ms Otero thanked the SPS Committee for the opportunity to serve as Chairperson and acknowledged the arduous work undertaken by Mr Hees, as well as the support received from the Secretariat. Ms Otero further signalled her willingness to engage in consultations with Members.

3 INFORMATION ON RELEVANT ACTIVITIES

3.1 Information from Members

3.1.1 Ukraine – Information on the Food Safety and Consumer Protection Service

3.1. Ukraine provided information on progress made in the restructuring of previously independent agencies into a single competent authority, the Food Safety and Consumer Protection Service. The Service's organization structure had been finalized, but the restructuring process had not yet been fully completed. Ukraine indicated that information on the Service was being made available on its primary website (http://www.consumer.gov.ua) as quickly as possible. To date, the information was only available in Ukrainian; however, the most critical trade-related information would subsequently be posted in English. Ukraine underscored its efforts to strengthen its SPS regulatory system and to facilitate transparency in trade. Ukraine further expressed its appreciation for the continued interest shown by Members in the development of this State Service on Food Safety and Consumer Protection, highlighting the number of questions raised on this issue in the April Trade Policy Review. Ukraine informed the Committee that a more detailed, written communication on the Service would be provided in the near future.

3.1.2 Russian Federation – National online resource on consumer rights protection

3.2. The Russian Federation provided information on its national online resource on consumer rights protection, which had been developed by the Russian Federal Service Rospotrebnadzor under its mandate to carry out federal sanitary and epidemiological surveillance, and federal monitoring in the field of consumer rights protection. The online resource sought to fully implement the right of consumers to protect their legal interests, as well as to ensure their right to life and health. The resource was available for use by any interested person and contained information on legal frameworks for consumer protection, such as international and regional legal acts. Special attention would also be given to providing information on cases where the requirements of sanitary legislation had been violated, as well as specific evidence on product non-compliance with mandatory requirements. The Russian Federation highlighted its efforts to actively improve and implement its nutrition policy and underscored that relevant information and tutorial videos on healthy nutrition were also available via the online resource.

3.1.3 United States – Update on implementation of the Food Safety Modernization Act

3.3. The United States provided an update on the Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA), highlighting that the FDA had now finalized its seven risk-based foundational rules to implement FSMA. Two of these rules had been finalized after the last SPS Committee meeting in March 2016: (i) sanitary transportation, notified as

G/SPS/N/USA/2631/Add.2; and (ii) intentional adulteration, notified as G/SPS/N/USA/2610/Add.2. Firstly, on 5 April 2016, the FDA had finalized the Sanitary Transportation rule which built on current food transportation best practices and focused on ensuring that the individuals transporting food, which was at the greatest risk for contamination during transportation, followed appropriate sanitary transportation practices. The rule only applied to firms engaged in the transportation of food by motor and rail vehicle, i.e., shippers, carriers, loaders and receivers. In addition, the rule applies to exporters in other countries shipping food and arranging for transportation of the food within the United States directly by motor or rail vehicle (from Canada or Mexico), or by ship or air, and for the transfer of the intact container into a motor or rail vehicle for transportation within the United States for consumption or distribution in the United States. Secondly, on 27 May 2016, the FDA had finalized the Intentional Adulteration rule which required covered food facilities to complete and maintain a written food defence plan that assessed vulnerabilities to intentional adulteration with intent to cause wide scale public health harm. The United States explained the key aspects of the rule, highlighting the requirements embodied in the food defence plan, as well as the overall objective of the rule. The United States highlighted that the rule also included a number of exceptions, of which the exception based on business size would have the most impact.

3.4. Lastly, the United States indicated that the FDA was providing longer timelines for smaller facilities and businesses to comply with these two rules. Specific information on compliance dates and exemptions could be found on the FDA website (http://www.fda.gov/fsma). The FDA had also established an electronic technical assistance network, where all FSMA-related questions could be submitted (http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm). The United States further emphasized that FSMA only applied to food products under the regulatory jurisdiction of the FDA and that the rules had been shaped by extensive outreach with the general public, trading partners and foreign producers.

3.1.4 Peru - Sanitary requirements for imports of processed foods

3.5. Peru informed Members of the recent revision of its sanitary requirements governing the importation of processed foods, other than fishery and aquaculture products. These new requirements sought to facilitate trade in processed products and improve transparency in this area. Information on these requirements could be found on the website: http://www.digesa.sld.pe/Orientacion/Requisitos_Sanitarios.asp. Peru further requested that Members address general and specific queries related to the import of processed foods directly to the Directorate-General of Environmental Health and Food Safety (DIGESA): foodsafety-peru@digesa.minsa.gob.pe. More information is available in G/SPS/GEN/1496.

3.1.5 European Union - Ongoing review of Maximum Residue Levels for pesticides in the European Union

3.6. The European Union informed the Committee of its ongoing process to review the current MRLs for pesticides, including how countries outside the European Union could contribute to the process. The European Union referred to its document (G/SPS/GEN/1494) highlighting the specific stages of the process at which non-EU countries could intervene if they wished to support specific uses of pesticides that were no longer approved in the European Union, and the steps to be taken. The document also included a list of active substances subject to the review (http://www.efsa.europa.eu/sites/default/files/event/140619ax1.pdf). The European Union invited non-EU countries to consult these lists to identify substances for which they might have a particular interest. Further information could be found on several EU websites indicated in the document, including: http://ec.europa.eu/food/plant/pesticides/index_en.htm.

3.7. The United States thanked the European Union for providing information on its ongoing review of pesticide MRLs and underscored the importance of this process to US producers. The United States noted that G/SPS/GEN/1494 urged non-EU countries to consult at an early stage of the process, with respect to submitting contributions to the evaluation dossiers of EU member States. In this regard, the United States requested further clarification on the mechanism by which the United States and other WTO Members could be informed of when and which EU member State would be undertaking those evaluations of dossiers.

3.8. The European Union referred to the tables included in document G/SPS/GEN/1494, which provided a listing of all of the substances to be reviewed under the process, as well as the designated rapporteur member State responsible for undertaking the first evaluation of the file. The European Union further clarified that countries should establish contact with the member State identified as a rapporteur for the particular substance. Any Member interested in a particular substance could also contact the European Commission in order to be put in contact with the relevant authorities of the member State responsible for the assessment.

3.1.6 European Union - EU proposals for scientific criteria to identify endocrine disruptors in the field of plant protection products and biocides

3.9. The European Union provided an update on the scientific criteria to identify endocrine disruptors in the context of the implementation of the EU legislation on pesticides and biocides. The European Union recalled that in response to a judgement of the EU General Court in December 2015, the European Commission had committed to present scientific criteria before the summer of 2016. As such, on 15 June 2016, the Commission had endorsed two draft legal acts containing the scientific criteria to identify endocrine disruptors in relation to the: (i) the Plant Protection Products Regulation; and (ii) the Biocidal Products Regulation. The Commission had also adopted a communication on endocrine disruptors, accompanied by a thorough impact assessment. All of these documents could be accessed from the Commission's website. The European Union further indicated that the proposal on plant protection products had been notified under the SPS and TBT Agreements, and the proposal on biocides under the TBT Agreement.

3.10. The European Union explained that the scientific criteria put forward by the Commission were based on the widely agreed WHO definition of an endocrine disruptor. The scientific criteria also specified how the identification of an endocrine disruptor should be carried out, including steps such as making use of all relevant scientific evidence, using a "weight of evidence approach" and applying a robust systematic review. In addition, the Commission had proposed to adjust the plant protection product derogations so that they would be based on science and make best use of available scientific evidence, including information on hazard, exposure and risk. The European Union indicated that this would allow for appropriate and proportionate decisions on endocrine disruptors, while complying with international obligations.

3.11. The European Union informed the Committee that the two draft measures would need to be adopted under the relevant regulatory procedures. In particular, the measures falling under the pesticides legislation would be first discussed and then voted in the Standing Committee by EU member States delegations, but not before having considered the comments received in response to the SPS and TBT notifications. The European Union further explained that after the vote, the draft measure would be subject to scrutiny in the European Parliament and the Council before its adoption by the Commission. Detailed information on the substance and procedure of the proposals could be found on the European Commission webpage.

3.1.7 Japan – Update on the situation surrounding Japanese food after the Fukushima Daiichi nuclear power plant accident

3.12. Japan provided an update on the developments since the last SPS Committee, highlighting the most recent data from its food monitoring exercise, its ongoing efforts to ensure food safety, and the latest assessment by the International Atomic Energy Agency (IAEA), which indicated that the situation remained stable. Japan informed the Committee that products exceeding the regulatory limits had decreased from 0.85% in 2012 to 0.09% in 2015, and that all of the test results in 2015 had been beneath the Codex guideline level, with the exception of wild animal products. Japan indicated that it had established a legal framework which made it possible to restrict the distribution of products in the market according to areas, based on the test results. The current legal framework also included measures such as penalties to prevent distribution of foods exceeding the Japanese standard limits. In addition, the assessment by the IAEA had confirmed that Japan's food supply chain was under effective control of the relevant authorities. Japan expressed its appreciation to Brunei, Kuwait and the United States for either lifting or easing import restrictions. Lastly, Japan emphasized its commitment to comply with WTO rules and with the SPS Agreement, and referred to the relevant sections of the declaration of the G7 Agriculture Ministers' Meeting, held in April 2016.

3.1.8 European Union – New animal health law (G/SPS/GEN/1492)

3.13. The European Union provided an overview of its new Animal Health Law which had been adopted on 9 March 2016 as Regulation 2016/429, and notified under the SPS Agreement as G/SPS/N/EU/45/Add.2. The European Union explained that this Regulation represented a single legal framework for animal health, providing comprehensive, simple and clear rules for the prevention and control of transmissible animal diseases. It would apply from 21 April 2021. The Regulation will apply to kept and wild terrestrial, aquatic and other animals, germinal products and products of animal origin and contained various rules for the prevention, control and eradication of transmissible animal diseases for intra-EU trade and trade into the European Union. The European Union highlighted that with respect to the conditions for entry of animals, germinal products and products of animal origin into the European Union, the current system remained largely unchanged. However, the Regulation established more transparent international trade requirements aligned with the international standards set out by the OIE. The framework Regulation would be complemented by a series of implementing measures which would be notified to the SPS Committee in due course. The European Union further outlined the steps for the systematic review of the list of animal diseases by the European Commission, explaining that appropriate measures would be defined for each of the listed diseases according to the new Regulation. The deadline to develop the priority implementing measures and to list animal diseases was set for 2019, in order to make the new rules fully applicable by 2021. Additional information on the animal health law was available in G/SPS/GEN/1492.

3.1.9 Russian Federation – Possible scenario on African swine fever spread in the Eurasian region

3.14. The Russian Federation provided an update on the spread of African swine fever (ASF) in the Eurasian region, noting the number of outbreaks that had occurred in domestic pigs and wild boars in Estonia, Latvia, Lithuania and Poland since 2014. The Russian Federation observed that ASF had spread towards southern Ukraine, highlighting the potential threats of the introduction of the transboundary agent to neighbouring countries such as Moldova and Romania. The Russian Federation noted that the large proportion of small-scale pig production with low biosecurity levels in these countries would be potential contributing factors. The Russian Federation also indicated its concerns related to wild boar surveillance, and the increased risk of the disease further spreading to Eastern, Southern and Central Europe and becoming a pan-European problem, posing a threat to Bulgaria and Balkan countries. The Russian Federation noted that the only way to combat this threat was to coordinate the efforts of the concerned countries and international organizations. The standing group of ASF Experts which had been established to discuss disease control was still expanding and now included the competent authorities of Hungary, Moldova, Romania and the Slovak Republic. The Russian Federation noted the last outbreak in Poland and queried the effectiveness of the control measures for domestic pigs and wild boars. The Russian Federation further encouraged all concerned Members to combine their efforts in order to control the disease.

3.15. The Chairperson reminded Members that information provided under agenda item 3 was aimed at sharing national experiences and information on relevant national SPS activities.

3.16. Ukraine indicated its concerns regarding the conclusions drawn by the Russian Federation on the general spread of ASF in the Eurasian region and more specifically in Ukraine. Ukraine queried the reliability of the data and subsequent analysis, and further stated that the relevant countries should have been consulted in order to ensure the accuracy of the data.

3.17. The European Union reiterated its view that the use of this agenda item for purposes other than providing information on relevant activities was inappropriate and stated that, because of the ongoing dispute settlement case, it would not respond to the Russian Federation's allegations. The European Union recalled some of the information previously presented to the Committee, highlighting that the European Union had applied regionalization in accordance with OIE principles. Moreover, the European Union stated that the effectiveness of its measures had been demonstrated by the limited geographical spread of the disease, in terms of location of the outbreaks and by the occurrence of all new findings of the disease within the restricted areas covered by regionalization measures. The European Union further highlighted the homology between the strain detected in the European Union and the virus strains that had circulated in Belarus and the Russian Federation in the previous years. The European Union informed the Committee that the EFSA report of July 2015 had also confirmed the appropriateness of the

EU measures. The European Union indicated that it had taken a number of measures to promote the effective prevention, early detection and appropriate reaction in ASF-free territories that were at risk of introduction of ASF via the borders with infected countries. Since 2015, financial support for ASF surveillance programmes had been provided to the affected, as well as three other EU member States. All relevant information was available on the website of the Commission Services. Finally, the European Union urged other Members to demonstrate the same level of transparency and reiterated its commitment to work collaboratively with all affected Members and trading partners.

3.1.10 Turkey – Recent developments in the field of plant health

3.18. Turkey informed the Committee of its integrated pest management programmes which were being implemented for various plant products. Turkey highlighted that it had published more than 500 plant protection technical instructions, over 400 standard and non-standard test methods of plant protection products, all of which had been distributed to its stakeholders. Priority had been placed on the use of alternative methods for chemical control, such as biological control, biotechnical methods, as well as mechanical and physical controls. As a result, Turkey had significantly reduced its use of pesticides, through this environment-friendly approach, and had experienced successful results with respect to controlling certain pests and diseases. Finally, Turkey expressed its commitment to continue the balanced use of all control techniques, in order to protect biological diversity, human health and the environment.

3.2 Information from the relevant SPS standard-setting bodies

3.2.1 CODEX

3.19. The Chairperson drew attention to a written report submitted by Codex (G/SPS/GEN/1501).

3.2.2 OIE

3.20. The OIE outlined its report, as contained in document G/SPS/GEN/1499. The OIE updated the Committee on recent developments in its OIE standard-setting work. Several revisions to the text of the Terrestrial Animal Health Code had been adopted, including: the amendment of the user guide to clarify that zoning and compartmentalization should be considered as tools to control diseases and to facilitate safe trade; and the addition of "reptiles" to the definition of "animal" in the glossary. In relation to the Aquatic Code, Chapter 4.3 on "Disinfection of aquaculture establishments and equipment" had been comprehensively revised. The online versions of the 2016 editions of the Terrestrial and Aquatic Codes were available from the OIE public website at: http://www.oie.int/en/international-standard-setting/terrestrial-code/access-online/ and http://www.oie.int/en/international-standard-setting/aquatic-code/access-online/ respectively.
The OIE also informed the Committee that several diseases had been specifically highlighted in the discussions at the General Session, such as: highly pathogenic avian influenza; bluetongue and lumpy skin disease; and peste des petits ruminants virus (PPR). In addition, the OIE highlighted two technical items which had been discussed at the General Session: "The Economics of Animal Health: Direct and Indirect Costs of Animal Disease Outbreaks"; and "Combatting Antimicrobial Resistance through a One Health Approach". The OIE further noted that the Assembly had adopted a resolution endorsing the basic principles of the OIE global strategy against antimicrobial resistance.

3.21. Kenya requested clarification on OIE's work on private standards, particularly with reference to India's specific trade concern regarding the US non acceptance of OIE categorization of India as a "negligible risk country" for BSE.

3.22. The OIE indicated that the implementation of OIE standards was the responsibility of member countries, while noting that the OIE encouraged its members to follow OIE standards. The OIE further indicated that while it was not in a position to comment on particular issues raised between countries, it was willing to address other queries from Kenya.

3.2.3 IPPC

3.23. The Chairperson drew attention to a written report submitted by IPPC (G/SPS/GEN/1504).

4 SPECIFIC TRADE CONCERNS

4.1 New issues

4.1. Before the adoption of the agenda, Brazil withdrew a new specific trade concern on Mexico's non-recognition of regional conditions including disease-free areas which had been included on the proposed agenda for the meeting.

4.1.1 Russian Federation import measures - Concerns of Ukraine

4.2. Ukraine expressed its concerns regarding two specific import measures of the Russian Federation affecting (i) confectionary products; and (ii) edible salt. First, Ukraine recalled that it had previously voiced its concerns regarding the Russian Federation's introduction of Resolution No. 01/8612-13-23 on 29 July 2013, which prohibited imports of Ukrainian confectionary products. Despite the requests by Ukrainian producers for relevant documentation from the Rospotrebnadzor, no official evidence concerning the alleged presence of benzopyrene in milk chocolate had been submitted to Ukraine. Ukraine further noted that the Russian Federation's claim regarding toxic impurities in the confectionary products was subsequently replaced by allegations of violations related to confectionary labelling. Ukraine considered that the unfounded claims could arbitrarily block the imports of Ukrainian products into the Russian Federation and further highlighted that no substantive evidence had been submitted to support the labelling claim. Ukraine noted the impact of the measure on its confectionary exports and also highlighted the changing nature of the types of restrictions placed on various confectionary producers, as well as the rules applied to Ukrainian confectionary products in transit through the Russian Federation to third countries. Despite bilateral consultations, the import restrictions were still in place. Ukraine underscored its various efforts to find a positive solution which had included interventions in the SPS and Agriculture Committees, and the General Council.

4.3. Secondly, Ukraine raised its concerns regarding the Russian Federation's prohibition of imports of edible salt, which had been introduced on 26 January 2015, which Ukraine has also raised in the TBT Committee. This measure had directly impacted major Ukrainian edible salt producers and had resulted in a drastic decrease in exports. Ukraine further emphasized that its producers were well established suppliers of high quality edible salt, exporting to the Russian Federation as a primary supplier for many decades and to more than 30 markets, including other countries of the Eurasian Economic Union such as Belarus and Kazakhstan. No similar concerns from these export destinations had been raised. Ukraine noted that no official evidence concerning the alleged breach of import requirements regarding the additive iodine or unacceptable organoleptic indices had been submitted. Ukraine further observed that its examination of Russian import requirements for edible salt and its repeated testing of the targeted product had demonstrated full conformity with the Russian Federation's requirements. These conformity assessment results had been provided to the competent Russian authorities. Ukraine queried the basis for the import restrictions and sought clarification of the perceived non-compliance. Finally, Ukraine requested the Russian Federation to respond, within a reasonable period of time, to the list of detailed questions that it had submitted.

4.4. The Russian Federation stated that the legal nature of its imposed measure had been misunderstood and explained that the temporary suspension of the imports of certain Ukrainian products was outside the scope of the SPS Agreement. The measures were related to the long-term detection of labelling violations in certain goods, such as confectionary products, and the fight against deceptive trade practices which violated the Eurasian Economic Union technical regulation requirements on the labelling of food products adopted on 9 December 2011. The Russian Federation indicated that it had responded to Ukraine's concerns in a transparent manner and had informed the competent authorities of the relevant necessary steps. The Russian Federation signalled its willingness to further discuss this issue.

4.1.2 Costa Rica's regulation on registration, use and control of pesticides and related substances (G/SPS/N/CRI/48/Add.1) - Concerns of Israel

4.5. Israel raised its concern on Costa Rica's regulation on registration, use and control of pesticides, which had been notified to the SPS Committee as G/SPS/N/CRI/48/Add.1. This regulation implemented new requirements for the re-registration of pesticides in current use

and the registration of new pesticides. Israel was concerned that the registration process had become inefficient and prohibitive to trade, as the prescribed timeframes for the processing of registration requests indicated in the regulation were not being respected by the relevant Costa Rican authorities. According to the regulation, the requests were first processed by the Ministry of Agriculture and then the Ministry of Health and Environment, which each had up to 60 working days to analyse, evaluate and resolve requests. However, no response or feedback on the assessment and progress of requests had been received in relation to numerous outstanding requests from Israel since 2011. Israel reminded Costa Rica of its obligation to ensure that SPS measures were not applied in a manner which could constitute a disguised restriction on international trade and that procedures were undertaken and completed without undue delay, including the transmission of relevant information to applicants in a timely manner. Israel recognized Costa Rica's right to regulate and to take into account environmental considerations, but observed that Israeli companies had not been able to register their products since the implementation of the new regulation. Israel requested that Costa Rica adhere to the timeframes mandated in its regulation and provide the necessary feedback to applicants.

4.6. Costa Rica explained that it had faced a number of difficulties related to the registration of pesticides, which had led to a significant delay in the processing of applications. In order to resolve these difficulties, the government of Costa Rica had been given the task of proposing reforms to the applicable rules of the registration process. This process was in its final stages and the resulting proposal would be notified in the coming weeks to both the SPS and TBT Committees in order to provide Members with an opportunity to submit comments within an identified deadline. Costa Rica expressed its willingness to engage with Israel and other interested Members.

4.1.3 Russian Federation import restrictions on certain animal products from Germany – Concerns of the European Union

4.7. The European Union stated that since February 2013, the Russian Federation had introduced a complete ban on imports of fresh and chilled pig meat, beef and poultry meat from the entire territory of Germany, followed by a ban on imports of finished meat and milk products from three German federal states: Bavaria, Lower Saxony and North Rhine Westphalia. These import restrictions had been implemented due to claims by the Russian Federation that German veterinary services had not undertaken proper controls on the exports of such products. The European Union noted that the restrictions were not based on scientific evidence or a risk assessment and were inconsistent with several provisions of the SPS Agreement. The European Union further indicated that in 2013 it had communicated its concerns with respect to these restrictions in its officially submitted comments on the notified Russian Federation measure, as well as in document G/SPS/GEN/1216. Continuous efforts had been made by German authorities to address the issue, including conducting supervisory controls of the official veterinarians responsible for establishments listed for Russian export, and establishing an export coordination unit as a contact point for the Russian authorities and the private sector. Inspection visits had also been carried out by Russian authorities. Despite all efforts, the restrictions still remained in place. The European Union argued that there was no justification for the restrictions and requested the Russian Federation to promptly repeal these measures. The European Union indicated its willingness to engage in discussions with the Russian authorities.

4.8. The Russian Federation stated that more than 600 German processing plants producing animal products were authorized to export to the Russian Federation under the guarantees of the German competent authorities. However, more than 90% had never been inspected by Russian authorities. The Russian Federation observed that due to several factors, such as unfavourable laboratory monitoring results, border control violations, and errors in the certification of animal products, the Russian authorities had arranged several audits of the processing plants and elements of the system, in order to ensure the safety of animal products exported from Germany. Inspections had been carried out between 2012 and 2015, during which time several restrictions were imposed on imports to the Russian market from individual firms and some regions due to non-compliance with Russian SPS requirements. The Russian Federation noted that it subsequently implemented a ban, following the failure of all German states to meet its SPS requirements. The Russian Federation indicated that although it had informed the German authorities of the recorded violations and requested appropriate measures be taken to prevent export of unsafe products to the Russian market, no proper response had been received from the German veterinarian authorities. The Russian Federation further expressed concerns with the reliability of the guarantees of the German authorities, based on subsequent Russian inspections. Cooperation

efforts between the Russian Federation and Germany had resulted in an update of the list of German exporting establishments, delisting more than 300 non-compliant plants. In parallel, measures had been taken to resume imports from establishments which had addressed identified deficiencies and from plants previously subject to restrictions due to laboratory monitoring results. The Rospotrebnadzor had been involved in the drafting of guidelines concerning inspection of German plants, in order to facilitate compliance with the Russian requirements. The Russian Federation further noted that consideration of the removal of the ban would be dependent on the implementation of the guidelines by the German Veterinary Services, submission of a document confirming the removal of deficiencies, and re-inspection by officials from the Rospotrebnadzor, taking into account other ongoing inspections. The Russian Federation emphasized that the upcoming work would heavily rely on collaboration between German and Russian authorities.

4.2 Issues previously raised

4.9. Before the adoption of the agenda, India withdrew two previously raised specific trade concerns regarding: (i) US non acceptance of OIE categorization of India as "negligible risk country" for BSE; and (ii) China's measures on bovine meat.

4.2.1 China's import restrictions due to Highly Pathogenic Avian Influenza – Concerns of the European Union (No. 406)

4.10. The European Union reiterated its concerns regarding China's import restrictions on HPAI, highlighting that China still maintained a country-wide ban on several EU member States, despite the European Union's regionalization efforts. Recalling China's intervention in the March 2016 SPS Committee reaffirming that its measures were consistent with international practice and the SPS Agreement, the European requested China and other Members to lift their country-wide bans and to recognize EU regionalization measures. The European Union reminded the Committee that the OIE standard stated that HPAI measures could be lifted after the application of a stamping out policy. This policy was strictly implemented in the European Union whenever an outbreak occurred. The European Union considered China's policy as overly trade restrictive as it did not recognize the concept of pest- or disease-free areas. Trading partners, including China had been kept informed of the measures implemented to ensure safe trade, as well as other information on latest developments. The European Union requested China to clarify its scientific basis for the country-wide bans and its procedures to recognize regionalization, especially given that China faced domestic HPAI outbreaks and that it also implemented its own regionalization policies. The European Union further urged China to review its import policy in order to comply with its transparency and regionalization obligations under the SPS Agreement. The European Union remained open to continuing discussions with China in order to find a timely solution.

4.11. China explained that the measure had been taken in 2015 after several EU member States had reported HPAI outbreaks. China noted that the outbreak of HPAI in the European Union had still not ended, as an outbreak of HPAI had been reported in France in early 2016. Two of the HPAI strains (H5N8 and H5N9), previously reported in outbreaks in EU member States in 2015 had never been detected in China. China indicated that it had started the process to remove the ban and in particular, the HPAI ban for Spain had been lifted on the basis of the results of a risk assessment. China noted that its experts would shortly conduct an on-site risk assessment in the Netherlands and further invited EU member States to submit an official note to Chinese authorities indicating their intention to export poultry products to China, following which the ban release procedure would commence, taking into account the risk control measures.

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

4.12. The European Union reiterated the importance of this long-standing concern. A few countries still kept BSE-related bans in place on imports of beef and beef products even though the scientific evidence had proven that safe trade of beef could take place regardless of BSE country risk status. The European Union reminded the Committee that the OIE had issued international standards that guaranteed safe trade. The European Union regretted the fact that many countries never provided a risk assessment justifying their deviations from the international standards and further observed that some of the bans had been in place for more than 15 years. The European Union urged those Members to respect their obligations under the SPS Agreement,

including those related to transparency in the approval procedures. The European Union called on Members to stop the discrimination of exports from various EU member States as a harmonized SPS framework had been strictly implemented in all EU member States and was supervised by an independent audit system. The European Union welcomed the recent lifting of the ban by Japan for two further EU member States, making a total of seven EU member States that could now export beef to Japan. In relation to China and the United States, the European Union welcomed the start of exports from some EU member States and further urged China and the United States to expedite the completion of the procedures that would allow beef exports from other EU member States. Finally, the European Union encouraged all Members, such as Australia, Korea and Ukraine, to proceed in a swift manner to ensure that beef from the European Union could be exported and hoped that the backlog of applications submitted by EU member States would soon disappear.

4.2.3 China's import restrictions due to African swine fever – Concerns of the European Union (No. 392)

4.13. The European Union again raised its concern regarding China's country-wide ban on Poland due to the outbreak of African swine fever (ASF) in early 2014. Firstly, the European Union noted that the ban must be in line with the SPS Agreement which required Members to recognize the concept of pest- or disease-free areas in their legislation, as confirmed by the panel report in *India – Agricultural Products* (DS430). Secondly, the European Union argued that China had not provided information on its procedures, including its processing period, to recognize regionalization and further urged China to provide this information. Thirdly, the European Union requested China to provide a risk assessment justifying the country-wide ban and non-recognition of the EU zoning measures. The European Union further underscored the effectiveness of its regionalization measures and highlighted its efforts to provide all the necessary evidence to China in order to demonstrate that safe trade could take place. The European Union urged China to respect its obligations under the SPS Agreement and to allow trade of all safe products from disease-free zones without further delay.

4.14. China replied that its measures were entirely based on science and safety considerations, highlighting that before the ASF outbreaks, the trade of pig and pig products between China and the European Union had been smooth. China noted that it was the largest pig producer in the world and as such subject to great losses in case the disease entered the country. Therefore, the ban had been imposed in line with relevant Chinese laws and regulations, as well as the SPS Agreement. China clarified that its measures prohibited the import of relevant animals and animal products from all ASF-infected Members, and were not targeted at any individual Member. In 2016, ASF outbreaks in domestic and wild pigs had been reported in Poland, and as such, China had found it necessary to conduct a further evaluation of the measures taken by the European Union to control the disease, including its inspection range and sampling distribution. China indicated its willingness to continue discussions at a technical level.

4.2.4 Korea's import restrictions due to African swine fever – Concerns of the European Union (No. 393)

4.15. The European Union stressed the importance of the recognition of regionalization measures by trading partners, and in that context reiterated its concern regarding Korea's import restrictions on pork and pork products due to ASF. The European Union stated that despite having raised this concern at previous SPS Committee meetings and having had several bilateral discussions, import restrictions still remained. Korea had informed the European Union in October 2015 that, as result of a preliminary risk assessment, it had decided to proceed to the next step of its process and assess the possibility of applying regionalization. The European Union explained that in practice this represented the second step in an eight step process which, based on its understanding, would need to be satisfactorily concluded before Poland would be able to export pork meat to Korea from disease-free zones. The European Union emphasized that it regularly provided Korea with detailed information regarding its stringent control, surveillance, and monitoring measures. After two and a half years of deliberation and information sharing, including on-site inspection, Korea had not provided the timeline for concluding the final import risk analysis. The European Union requested Korea to limit its numerous information requests to what was necessary to complete the risk assessment and to allow trade of safe products from disease-free areas in Poland, or provide clarification on the scientific basis for the maintenance of the ban.

4.16. The Russian Federation drew Member's attention to the epidemic ASF situation and called for bilateral cooperation on this issue.

4.17. Korea stated that it was reviewing Poland's responses to the questionnaire which had been submitted in May 2016. Korea noted the highly contagious nature of the disease and the lack of a preventive vaccine to halt ASF spread, while underscoring that it remained ASF-free. Since the March 2016 SPS Committee meeting, Korea and the European Commission had held a bilateral meeting, on the margins of the 84th OIE General Session, to discuss progress in the risk assessment process and the way forward. Korea further indicated that on 24 June, the European Commission had notified the fourth ASF outbreak in pigs in Poland. A comprehensive review of the situation, including this recent information, was currently being undertaken. Korea requested that the European Union cooperate fully in order to expedite the risk assessment process.

4.2.5 EU restrictions on exports of pork from the State of Santa Catarina – Concerns of Brazil (No. 407)

4.18. Brazil reiterated its concerns about the restrictions on pork exports from the State of Santa Catarina. Brazil had been requesting access to the EU market for over a decade, and had implemented a ractopamine-free segregated production (RFP) scheme in order to comply with EU regulations. However, this scheme was not recognized by the European Union. Based on available scientific evidence and the implementation of effective control measures, Brazil had been able to ensure that its pork exports to the European Union were free from ractopamine residues. Brazil urged the European Union to lift its restrictions and to allow Brazilian pork exports under the RFP scheme.

4.19. The European Union recalled that the split system for pig production in the State of Santa Catarina had been assessed by the audit services of the European Commission in 2011 and 2013. These audits had concluded that Brazil could not provide the necessary guarantees that pig meat produced in Santa Catarina would comply with EU requirements. The European Union informed the Committee of the bilateral exchanges between the European Commission and Brazilian authorities, including a March 2016 written request for Brazil to provide more information on its residue monitoring plan on porcine animals, particularly on any new developments in its split system. The European Commission was currently awaiting a reply to this letter or any additional information on the monitoring plan. The European Union indicated that it had also informed Brazil that an on-site audit of the implementation of the residue monitoring plan would be necessary to re-assess the split system. The European Union remained open for further bilateral discussions on the basis of any new information provided by Brazil.

4.2.6 US high cost of certification for mango exports – Concerns of India (No. 373)

4.20. India provided an update on the recent developments regarding its previously raised concern on the high cost of US certification for mango exports. India reported that a USDA APHIS inspector had visited India in April 2016 in order to approve two additional irradiation facilities. One irradiation facility had been approved by USDA APHIS on 7 April 2016, following which exports of irradiated mangos from the facility to the United States had commenced. The certification of the second facility had been approved on 22 June 2016, and the first consignment of irradiated mangoes had been exported to the United States on 23 June 2016. India recognized the substantial progress made on the issue and thanked the United States for approving the two facilities for mango exports. India further stated that a meeting had been held between the United States and Indian technical authorities in February 2016, where it had been agreed to develop a proposed work plan for irradiating mangoes upon arrival in the United States. India noted that it was currently in the process of putting together the technical details requested by the US authorities and further requested the United States to continue its cooperation on this issue.

4.21. The United States recalled that Indian mangoes had been exported to the United States since April 2007, and that this trade had been facilitated through a bilateral arrangement for pre-clearance based on irradiation in India. The United States also noted that the USDA was in the process of certifying two new irradiation facilities, which would be fully up and running by the end of 2016. The United States highlighted that its requirements for inspection and irradiation of mangoes from India were fully consistent with its obligations under the SPS agreement, and that its experts had closely worked with India on this trade facilitating bilateral arrangement.

The United States further noted that subsequent discussions on this matter in the Committee would not be appropriate given the fruitful progress.

4.2.7 Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados (G/SPS/N/CRI/160, G/SPS/N/CRI/160/Add.1 and G/SPS/N/CRI/162) – Concerns of Mexico (No. 394)

4.22. Mexico reiterated its concern regarding Costa Rica's suspension of the issuing of phytosanitary certificates for avocado imports originating from Mexico. Mexico considered the measure to be in violation of fundamental principles of technical and scientific justification based on international standards, most-favoured nation, proportionality and transparency principles as enshrined in the SPS Agreement and the SPS Chapter of NAFTA. Mexico noted its preference to promote dialogue between authorities in various consultative formats; however, these efforts had not been successful as no response had been received from Costa Rican authorities in regard to the issue. Mexico indicated that its avocado exports continued to be significantly affected by the restrictions imposed by Costa Rica and further reiterated its request for Costa Rica to immediately withdraw its measure in order to resume avocado trade between the two countries.

4.23. The United States shared Mexico's concerns and urged Costa Rica to take steps to recommence issuing phytosanitary import permits, since the suspension was not consistent with international standards and guidelines, nor scientifically justified. The United States also expressed concerns regarding other agricultural trade issues with Costa Rica, including those affecting rice, onions and potatoes. While recent progress had been made with respect to potatoes, some importers continued to be denied import permits for onions, despite the absence of phytosanitary restrictions.

4.24. Guatemala supported Mexico's concerns and expressed a systemic interest, given the measure's lack of consistency with international rules, as well as lack of clarity regarding the scientific justification of the measure.

4.25. Costa Rica explained that its state phytosanitary service (SFE) had proposed the measure in order to minimize the risk of introduction of the avocado sunblotch viroid. SFE had continued its analysis of collected scientific evidence with the aim of proposing measures that guaranteed its appropriate level of protection, while at the same time being least trade restrictive. Costa Rica reiterated its willingness and interest to continue technical discussions on a bilateral level in order to clarify any doubts regarding the applied measure.

4.2.8 EU ban on certain vegetables from India – Concerns of India (No. 374)

4.26. India recalled its concern regarding the EU ban on four types of vegetables, highlighting that this ban had been extended to December 2016. During the period of March 2015 to March 2016, the number of interceptions by the European Union on exported fruits and vegetables had decreased from 33 to nine. India emphasized that its implementation of various control measures had led to the decrease in the number of interceptions, which further warranted the European Union's consideration of removing the ban on the four vegetable exports. India also indicated that there had been an improvement in the exporter certification system implemented by its NPPO, which had adopted the sampling procedures as per international SPS standards ISPM 7, ISPM 23 and ISPM 31. With reference to these developments, India requested the European Union to revisit the issue and to review the ban imposed on the four vegetables.

4.27. The European Union confirmed that its measures had been put in place due to significant shortcomings identified in the control systems in India during previous audits conducted by the European Commission. The European Union indicated that it maintained regular information exchanges with the Indian authorities which had been supported by technical assistance activities to improve the effectiveness of India's control systems. The European Union further acknowledged the recent decrease in the number of interceptions and reassured India that the situation would be reassessed after the summer of 2016, following which a decision would be taken on the possible revision of the current emergency measures. The European Union remained open to work cooperatively with India to find a solution to this concern.

4.2.9 Chinese Taipei's import restrictions on Japanese foods in response to the nuclear power plant accident – Concerns of Japan (No. 387)

4.28. Japan reiterated its concerns regarding the import ban imposed by Chinese Taipei on food from five Japanese prefectures in response to the nuclear power plant accident. Japan noted that the ban was not scientifically justifiable as radioactive residues exceeding the regulatory limits were only found in certain types of food. In addition, no residues exceeding the regulatory limits had been found at Chinese Taipei's border, out of the more than 80,000 samples tested to date. Japan further observed that a press release from the authorities of Chinese Taipei had indicated that there was neither a plan nor a timetable to relax the import restrictions on food products from Japan. Japan underscored that import restrictions should be consistent with the SPS Agreement and encouraged further cooperation in addressing this issue.

4.29. Chinese Taipei reiterated that its temporary import ban and radioactive pre-test certificate requirements were necessary to protect public health, especially given the fact that contaminated water and materials had not been entirely cleaned as yet. Chinese Taipei indicated that since the nuclear power plant incident, it had requested further information from Japan, including on its surveillance results and control measures, in order to undertake an evaluation. As a result of the credible control measures implemented by the competent authority of Chinese Taipei, consumers were regaining confidence in the safety of Japanese food products, as demonstrated by increased trade figures. Chinese Taipei indicated its commitment to monitor the effectiveness of Japan's radionuclide management system and ensure a comprehensive evaluation of its relevant control measures. Chinese Taipei looked forward to further cooperating with Japan on this issue.

4.2.10 China's import restrictions on Japanese foods in response to the nuclear power plant accident – Concerns of Japan (No. 354)

4.30. Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports in response to the nuclear power plant accident. Japan recalled that in the March 2016 SPS Committee meeting, China had reported that the risk assessment was still ongoing. Japan queried the timeframe for the completion of the risk. Japan observed that it would be able to cooperate with China to conduct the risk assessment more efficiently if it received more information on the process. Japan highlighted that there had been no easing of China's import restrictions since June 2011, although an increasing number of WTO Members had already lifted or eased their import restrictions on Japanese foods. China's import ban was still stringently imposed on all types of foods and alcoholic beverages from ten Japanese prefectures. Many types of foods were still substantially unauthorized to be imported due to China's requirement that the test results of radioactive strontium 90 and radioactive caesium be included in the export certificates of these products. Japan expressed its concern that, given the current level of technology, approximately one month was required to acquire the test results of radioactive strontium 90, and as such the requirement of this test result made it impossible to export fresh foods such as vegetables and dairy products to China. Japan had sent several letters to Beijing on this issue. Japan emphasized the need for import restrictions to be consistent with the SPS Agreement and further requested China to provide information on the current stage of the risk assessment process and the scientific justification for requiring the submission of test results of radioactive strontium 90.

4.31. China replied that it had provided the Committee with a detailed explanation and clarification in previous SPS Committee meetings, particularly with regard to the rationale, scope and adjustment of this measure. Currently, China was undertaking a study on the updated information supplied by Japan and would adjust its measures on the basis of the risk assessment results.

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

4.32. Argentina reiterated its concern with the EU's revised proposal for categorization of compounds as endocrine disruptors, notified in G/SPS/N/EU/166. The hazard-based approach would modify MRLs of previously approved phytosanitary products to default levels that lacked scientific justification, leading to disproportionate and unnecessary trade restrictions. Argentina requested that these levels be based on risk assessments and the possibility to establish

MRLs above default levels for substances posing an insignificant exposure risk. Finally, Argentina regretted that the draft regulation setting out scientific criteria for the determination of endocrine-disrupting properties for biocidal products pursuant to EU Regulation No. 528/2012 had been notified to the TBT Committee (G/TBT/N/EU/384), and not to the SPS Committee.

4.33. The United States raised its concern with three EU policies related to the approval and use of plant protection products. First, the United States joined Argentina in concern that the EU's proposed approach to endocrine disruptors (EDs) would impose unnecessary trade restrictions, and asked the European Union to provide the scientific evidence used to justify the establishment of definitive criteria to identify EDs. The United States regretted that the impact assessment on the EU proposal had been published with no opportunity for public comment. The United States formulated questions on (i) the meaning of "negligible risk" as used in the proposal, including a specific clarification as to whether the European Union would use the current standard to set MRLs under Regulation (EC) No. 396/2005 for substances that did not trigger "cut-off" criteria; (ii) whether all ED substances designated by the European Union under the World Health Organization/International Programme on Chemical Safety (WHO/IPCS) definition would be eligible for the derogation allowing for an evaluation "in light of current scientific knowledge", provided that they met the negligible risk standard; (iii) the possibility to file an application for an import tolerance, based on a risk assessment, for a substance designated as an ED and not authorized under EU regulation; (iv) whether the registration and MRL-setting of carcinogenic, mutagenic, or toxic for reproduction (CMR) substances would remain hazard-based, and the possible application for an import tolerance of a product ineligible for registration because of the hazard-based "cut off" criteria; and (v) the list of substances the European Union expects to be identified as EDs, and the role of potency and exposure in the identification process. In these questions, the United States highlighted the potential absence of a risk-based approach and use of exposure information. The United States also invited the European Union to organize an information session, in light of Members interest in this topic.

4.34. Second, the United States again expressed its concern with the hazard-based approach set out by Regulation No. 1107/2009, and asked the European Union to clarify how the hazard-based "cut off" criteria would be applied to substances approved before 2009 for which the renewal process was expected to begin in 2016. The United States again requested that the European Union place scientifically-justified risk assessments at the heart of the establishment of tolerances for pesticide residues in food. Third, the United States expressed a special concern with the French ban on fresh cherries imported from countries that had approved the use of dimethoate. The United States urged France to notify the ban to the WTO, and to provide scientific justification for it. The United States especially questioned the fact that the ban was based on the pesticide's authorization by the Member rather than on pesticide residues in the cherries. The United States asked France to use less trade-restrictive alternatives such as residue monitoring during import checks, and reaffirmed its commitment to work with both the European Union and other trading partners on these concerns.

4.35. China shared the concerns of Argentina and the United States, and again urged the European Union to incorporate assessment of actual exposure in its regulations, to apply existing Codex standards to minimize trade impacts, and to notify its measures at an early stage to take into account comments from Members.

4.36. Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Egypt, Guatemala, India, Kenya, Malaysia, Mexico, Paraguay, Chinese Taipei, Uruguay and Viet Nam shared the concern expressed by Argentina, China and the United States. They highlighted, *inter alia*, the importance of this issue and its potential negative trade impacts, and the necessary support of scientific justification and risk assessment in establishing such regulation. They encouraged the European Union to adhere to relevant international standards and to continue informing the Committee of any relevant developments. Many of them joined in the request for an information session. Australia echoed Argentina's concern regarding notification of the proposed biocide regulations through an SPS notification.

4.37. The European Union recognized the international dimension of this issue and fully appreciated the concerns expressed by Members. The European Union again highlighted that the European Commission had proposed to adjust the plant protection products' derogations to base them on scientific evidence, including information on hazard, exposure and risk, to take appropriate decisions on endocrine disruptors in compliance with international obligations.

The European Union reminded that the new criteria-setting proposals had been notified via the SPS and TBT channels for full transparency. The European Union further noted that although the regulation concerning biocides had been notified under the TBT Agreement and not SPS, the European Union was not dogmatic about this choice and was prepared to revise it if necessary. The European Union informed the Committee that the issue of the French ban due to dimethoate concerns was currently under internal discussion. The European Union expressed interest in holding an information session as suggested, and would consider it in due time. The European Union invited all Members to promptly submit their comments in writing.

4.2.12 US measures on catfish – Concerns of China and Viet Nam (No. 289)

4.38. China again raised its concern regarding the US regulation on mandatory inspection of catfish and catfish products, which transferred the regulatory food safety oversight of catfish from FDA to the Food Safety Inspection Service (FSIS) of the USDA. The regulation had taken effect on 1 March 2016 and applied terrestrial animal meat inspection procedures to aquatic products, which was without precedent worldwide. China insisted that this inspection programme was inconsistent with certain requirements of GATT 1994 and the SPS Agreement. China stated that the regulation was not based on scientific principles or on a scientific risk assessment, and constituted a disguised restriction on trade. China queried the rationale for changing the regulatory responsibility from FDA to USDA only for Siluriformes fish instead of all aquatic products, and observed that this constituted an arbitrary and unjustifiable distinction. China requested that the United States provide a written explanation on the US Senate vote on 25 May 2016 against the regulation, and the steps following this vote. China urged the United States to remove its mandatory inspection for Siluriformes fish and maintain the FDA inspection program.

4.39. Viet Nam shared the concerns expressed by China and echoed that the measure was not based on scientific evidence, and constituted a disguised restriction on trade. Viet Nam indicated that it felt encouraged by the US Senate vote of 25 May 2016, and expressed its expectation that the programme be removed following action by the US House of Representatives and US Administration. Viet Nam reminded that the programme, if maintained, would fail to comply with the SPS Agreement, and thus urged for its repeal.

4.40. Thailand also shared the concerns expressed by China and Viet Nam, and urged the United States to align its measure with international standards and to comply them with the SPS Agreement.

4.41. The United States replied that the FSIS had been conducting outreach events such as bilateral meetings and a regional seminar to the potentially affected trading partners, in order to ensure a smooth transition and avoid disrupting imports following the new rule. The United States indicated that any Member interested in hosting an educational outreach meeting for their national inspection team could contact FSIS. The United States maintained that the final rule at play was consistent with the SPS Agreement, and declared that if the FSIS had not finished its equivalence determination after 1 September 2017, the United States would take steps to ensure that trade continue smoothly for all countries that had previously submitted their equivalence documentation. The United States had no information on whether or not the House of Representatives would consider a resolution similar to that of the Senate, and in the meantime would continue to implement the rule.

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

4.42. The European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia. The European Union recalled that in June 2015, the Russian Federation had introduced a ban on all fishery products from the two EU member States. The European Union considered that the measures were not based on scientific evidence or a risk assessment, were applied beyond the extent necessary to protect human health, and were more trade restrictive than necessary. The European Union stated that the measures did not meet the Russian Federation's WTO accession commitments, which included not to take temporary suspension measures of imports from a group of establishments before the expiry of the time-frame provided for the adoption of corrective measures. In response to a statement made by the Russian Federation at the previous Committee meeting, the European Union argued that

the EU rapid alert system for food and feed (RASFF) was timely, and that following actions taken by Estonia and Latvia, all concerned products had been withdrawn from the market, contrary to the Russian Federation's claim. The European Union also insisted that the RASFF was a transparent system which made available, not only to the authorities in the European Union but also to non-EU countries, information on the detection of incompliant products. The European Union noted that it had not received any request for clarification from the Russian Federation on the issue at hand, despite the possibility to do so. The European Union regretted to see the RASFF information being misused by some trading partners for imposing disproportionate trade bans, particularly when those partners did not apply the same level of transparency to their own products. The European Union requested the Russian Federation to immediately lift the ban and respect its WTO obligations while expressing its readiness to discuss the matter with the Russian authorities.

4.43. The Russian Federation stated that it was ready for close cooperation with the Estonian and Latvian regulatory authorities; however, the import requirements of the Russian Federation and the Eurasian Economic Union needed to be followed. The Russian Federation reiterated that the restrictions were temporary and would be reconsidered as soon as the detected violations to the import requirements, of which the competent authorities in Estonia and Latvia were informed, were removed. The Russian Federation noted that relative progress had been made between the Russian Federation and the competent authorities, but this progress was still insufficient as the Russian Federation was unable to obtain information concerning the detection of certain harmful sea contaminants, as well as certain measures expected to prevent the access of dangerous products to the market. The Russian Federation explained that the Estonian and Latvian veterinary services had provided them with an updated list of the establishments authorized to export their products to the Eurasian Union (EAU); however, when specialists were sent from the EAU to inspect these fish processing plants, two out of the three Latvian plants and one out of the ten Estonian plants spontaneously refused to be inspected. The Russian Federation considered this to be evidence that the competent authorities could not guarantee compliance of their products with EAU import requirements.

4.2.14 EU agricultural biotechnology approval process – Concerns of the United States (No. 110)

4.44. The United States shared its ongoing concerns with the delays in the European Union to approve products of biotechnology, hindering the ability of producers to bring new products to the market. As an example, the United States mentioned three soybean products that had been approved by the EU scientific body in June and July 2015, but were still awaiting the final approval by the Commission. The three applications for soybean products had been reviewed by member States in January 2016 and awaited action by the Commission. The United States expressed concern that their adoption by the Commission would be kept on hold until action was taken by the European Union to reauthorize glyphosate. The United States urged the European Union to approve these biotech products in a timely manner, regardless of unrelated matters, in order to comply with their obligations under the SPS Agreement.

4.45. Canada shared the concern expressed by the United States with undue delays in EU authorizations of the commercialization of biotech products. Canada urged the European Union to rectify the situation and adopt the authorizations in a timelier manner. As an illustration of the delays, Canada stated that the average authorization by the European Union for a biotech product took over six years, and that the college of commissioners took on average three and a half months after the vote in the appeal committee to make a decision on a biotech product. Canada expressed regret that such unjustified delays had recently impeded Canadian producers from commercializing certain soybean products from the 2016 season to the European Union.

4.46. The European Union responded that applications for GMOs approvals continued to be duly processed in line with the current EU legal framework and that as of 2015, 19 food and feed authorizations had been adopted. With regards to the three pending soybean applications, their authorization process by the Commission was in its final stages.

4.2.15 China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs (G/SPS/N/CHN/881) – Concerns of the United States (No. 395)

4.47. The United States again raised its concern with the approval delay for products of agricultural biotechnology in China, and sought an update from China on its revised regulation on safety assessment of agricultural GMOs. The United States expressed appreciation for the bilateral dialogue that had taken place between Chinese and US officials, and based on this engagement, looked forward to the implementation of concrete action by China to ensure greater transparency, timeliness, and predictability in its approval process of biotech products. The United States requested with some urgency that action be taken regarding the eight products that were poised for final adoption in March 2016.

4.48. China reminded the Committee that a comprehensive system of regulations and technical protocols, all of which could be found on the website of the Ministry of Agriculture, had been put in place in accordance with the importance it attached to the safety management of agricultural GMOs. China declared that this GMO safety management was based on science and law, and that the procedure was clear and transparent. China indicated that the Implementation Regulations on Safety Assessment of Agricultural Genetically Modified Organisms was still under revision, that comments from Members were welcome and would be given full consideration, and that further feedback would be given to Members through proper channels.

4.2.16 EU withdrawal of equivalence for processed organic products – Concerns of India (No. 378)

4.49. India recalled the concern raised at previous SPS Committee meetings and reported that in April 2015, a mission had taken place to inspect the control systems but the report had not been received until February 2016. The new issue at hand was the EU demand for reciprocity and mutual benefits. India requested that the European Union communicate in writing its precondition to grant only reciprocal equivalence for organic products, in order to pave the way forward for this issue to be resolved.

4.50. The European Union reiterated its view that this issue did not fall under the SPS Agreement. The European Union was unprepared to provide any response in the SPS Committee but remained open to continue discussions with India on this matter in the appropriate forum.

4.2.17 China's lack of transparency for certain SPS measures – Concerns of the United States (No. 184)

4.51. The United States reiterated its concern, first raised in March 2004, with China's lack of transparency for certain SPS measures. The United States recognized that China had been actively notifying the SPS measures of many of its agencies, and expressed appreciation for these efforts. However, recently many measures issued by some of China's principal regulatory agencies in relation to the implementation of China's 2015 Food Safety Law had not been notified. The United States indicated as an example a recent Chinese measure implementing the new official certificate requirement for imported foods, of which the United States had become acquainted through a letter sent by the Chinese General Administration of Quality, Supervision, Inspection and Quarantine (AQSIQ) to the United States embassy in Beijing on 9 May 2016. The United States urged China to notify this measure, as well as all SPS measures that could impact international trade, in order to allow its trading partners to comment on them, and to take these comments into account upon finalizing the measures. The United States again expressed appreciation to China for the substantive bilateral dialogue on transparency, and looked forward to further cooperation with China to improve food safety.

4.52. Australia reminded all Members that they should notify in accordance with their WTO obligations. While appreciating that it was sometimes difficult to determine whether a measure required notification or not, Australia encouraged Members, when in doubt, to notify.

4.53. The European Union supported the points made by the United States and Australia, and underlined its particular concern about the new Chinese certification regime. The European Union feared that this specific measure would not be justified by any risk assessment, as the products

concerned – pasta, confectionary or baked products – were inherently safe, and would impose a disproportionate and unnecessary burden on the importing countries. The European Union looked forward to seeing the Chinese notification for this measure, and to work with China on this issue.

4.54. New Zealand shared the concerns of Australia, the European Union and the United States regarding China's lack of transparency, and especially highlighted Australia's more generic reminder to encourage all Members to notify their SPS measures. New Zealand insisted on the values of the notification system in allowing Members to comment and clarify measures, as well as exchange experiences. New Zealand wondered whether a lack of transparency in notifying SPS measures could be associated with a lack of experience with the notification system, and recalled the value of the mentoring system put in place some years ago, wherein developed Members helped developing Members to manoeuvre the notification system.

4.55. China responded that, from 2013 to 2015, it had submitted 494 regular SPS notifications, providing the 60-day comment period for all the notified measures. China explained that the example provided by the United States on the Official Certificate Requirements for Imported Food did not correspond to non-compliance with the notification requirement, as the Official Certificate Requirements had not been implemented, and the purpose of diplomatic letters was to inform trading partners and collect their comments in advance. China stated that the measure would be notified to the WTO, with the transitional comment period, after further evaluation. China additionally argued that many of its SPS measures criticized for not having been notified were in line with international standards, or did not have a significant effect on international trade, and thus in conformity with Annex B, paragraph 5 of the SPS Agreement. China further explained that according to its administrative legislation procedure, the notification to the WTO came after the online public comment period and first revision of a measure rather than at the same time, in order to provide the WTO with the measure in a more advanced stage. China reminded the United States of its lack of transparency, providing as an example the Seafood Import Monitoring Program published on the Federal Register on 5 February 2016 and which had not been notified to the WTO. China referred to data from the WTO SPS Information Management System (SPS IMS) indicating that the United States had submitted 317 regular SPS notifications between 2013 to 2015, among which only 15 provided for a 60-day comment period. A large number of the measures were notified, sometimes unjustifiably, as trade-facilitating, and therefore did not provide any comment period. China added that the United States seldom notified sub-federal laws or regulations, and thus violated transparency rules.

4.3 Information on resolution of issues in G/SPS/GEN/204/Rev.16

4.3.1 China's import conditions related to phthalates - Concerns of the European Union (No. 345)

4.56. The European Union reported that the testing requirements for phthalates in spirits and wine imposed by China since 2013 had been lifted, following extensive cooperation between China and the European Union. The European Union remained convinced that this temporary measure had been unjustified, disruptive and unnecessarily long to remove, but was grateful for its repeal by the Chinese government. The European Union expressed hopes that this experience would pave way for faster resolution of similar issues in the future. The European Union would continue monitoring trade to ensure it flowed without further obstacles.

5 OPERATION OF TRANSPARENCY PROVISIONS

5.1. The Secretariat provided an update on two IT projects: (i) the enhancement of the SPS tools; and (ii) the ePing SPS/TBT notifications alert system.

5.2. Regarding the SPS tools, the Secretariat reminded the Committee that an update had been provided during the October 2015 transparency workshop on the two-phase IT project launched in 2015, aimed at enhancing the SPS IMS and SPS NSS tools. In phase I, the new SPS NSS had been developed and tested by a group of Members. Phase II aimed to enhance the SPS IMS.

5.3. The Secretariat noted that delays in the internal testing phase, mainly due to IT resource constraints, would require postponing the pilot group testing. The Secretariat hoped that volunteer Members would be able to test the platform and provide their comments in August. It was

anticipated that the new SPS IMS and NSS would be released in September and presented during the October meeting of the SPS Committee. The Secretariat was also considering organizing hands-on training sessions in the margins of the meeting.

5.4. The Secretariat recalled that the UN DESA ePing Toolkit project for accessing SPS and TBT notifications and alerts had been presented during the October transparency workshop. The WTO Secretariat was collaborating with UN DESA and ITC to build on the existing SPS/TBT notification alert system, and would soon sign a tripartite MOU. The objective of this collaboration was to offer a publicly available, reliable, timely and sustainable service that would provide access to SPS/TBT notifications and that would facilitate dialogue amongst the public and private sector in addressing potential trade problems at an early stage. The Secretariat encouraged delegations to try out the pilot version at http://www.epingalert.org, and send their feedback. The alert system would be formally launched in November during the TBT Committee meeting, in the margins of which hands-on training sessions would be organized.

5.5. In response to a query from Chile, the Secretariat confirmed that it would be able to provide training on the different tools to capital-based officials through videoconference after the October meeting of the SPS Committee.

5.1 Indonesia – Update on Transparency

5.6. Indonesia reported that its Ministry of Agriculture had published a national regulation on Transparency, Regulation No. 11 of 2016. This regulation provided guidelines for the various technical agencies in order to enhance transparency, notably by stipulating the notification procedure and the role of the NNA and NEP. Indonesia further indicated that the NNA and NEP would establish an Indonesian SPS website this year. Among other things, such a platform would provide all stakeholders with SPS-related information, in particular on notifications from Members and on Indonesia's technical regulations.

5.2 European Union – Transparency Provision of the SPS Agreement

5.7. The European Union thanked the Secretariat for its work on improving the SPS tools, and reiterated its interest in other topics from the October 2015 transparency workshop such as: (i) facilitating access to Members' SPS import requirements via dedicated websites; (ii) conducting a discussion on trade facilitating measures; and (iii) sharing unofficial translations of notified regulations. On the first and second topics, the European Union indicated that it might submit proposals in the future. On the second one, the European Union supported posting unofficial translations of notified documents, with a disclaimer, on the WTO SPS webpage. The European Union underlined that these translations should be unofficial, unless otherwise agreed by the notifying Member, and that their access should be restricted to Members only. The European Union sought clarification on whether this new procedure would run in parallel with the current one, i.e. sharing of unofficial translations through the notification of supplements, or not.

5.8. The Secretariat thanked the European Union for following-up on these topics. The Secretariat queried whether Members were likely to make use of such a platform for sharing translations of notified regulations, considering that documents would be unofficial, contain a disclaimer and be posted on a restricted website, while recognizing that some resources would still be needed to develop and maintain it. The Secretariat further suggested that the European Union and other interested Members submit comments and suggestions in writing.

5.9. Chile thanked the European Union for raising this issue, and highlighted the importance of translations to developing countries dealing with limited human and financial resources. Chile expressed its support for the creation of a repository for translated regulations and looked forward discussing further actions in the future.

5.10. China also suggested that the Committee discuss the notification of trade facilitating measures, in particular their identification and definition.

5.11. The Secretariat suggested that trade facilitating measures as well as other transparency-related issues could be discussed in an informal session in 2017.

6 CROSS-CUTTING ISSUES

6.1 India's submission on pesticide MRLS (G/SPS/W/284)

6.1. India recalled the four suggestions in paragraph 3.2 of document G/SPS/W/284, circulated in April 2015. These suggestions attempted to resolve the persistent problem faced by exporters from developing countries due to importing countries' application of limits of detection (LoDs) for residues of pesticides that were not registered. India welcomed future discussions on each of its suggestions to resolve MRLs at LoDs and indicated that it was ready to table further proposals to take the work forward.

6.2 Workshop on MRLS (G/SPS/GEN/1498)

6.2. The Chairperson reminded the Committee that a workshop on MRLs would take place immediately preceding the October meeting, and indicated that the revised draft programme had been circulated in document G/SPS/GEN/1498. The current version of the programme included both MRLs for pesticides and for veterinary drug residues, with Codex presentations on both subjects. The Chairperson noted that no Member had suggested speakers on MRLs for veterinary drug residues, and thus invited Members to comment on whether to maintain the broader scope of the workshop, or whether to focus the programme on pesticides MRLs only, and possibly organizing another event on veterinary drug residues at a later date.

6.3. The Secretariat recalled that, following a suggestion from Canada during the March meeting, the scope of the agenda had been expanded to include MRLs for veterinary drugs. While no Member had objected at the time, two Members had subsequently expressed concerns in relation to this extension and suggested instead that a separate session on MRLs for veterinary drug residues be organized at a future date.

6.4. The Secretariat informed the Committee that at least 25 government officials from developing country Members and Observers would be sponsored to participate in the workshop, with financial assistance from the Doha Development Agenda Global Trust Fund. The Secretariat indicated that it was awaiting confirmation from the WTO Institute for Training and Technical Cooperation (ITTC) on whether additional participants could be funded, as up to 50 participants had been funded for such events in the past. Likewise, the Secretariat was waiting for the ITTC to decide whether participants could be funded for the entire week to attend the Committee meetings, as also done in the past.

6.5. The United States expressed a preference for limiting the scope of the workshop to MRLs for pesticide residues, but indicated flexibility. Both topics were complex and relevant to the Committee, and thus Members would benefit from focusing on each topic. In this regard, the United States supported the idea of covering MRLs for veterinary drug residues in a separate activity. The United States announced that it had reached out to experts from its IR-4 US government-funded research project to participate in the workshop, and offered to hold a working session in the margins of the workshop or Committee meetings. These experts would share their experience in identifying MRL needs for developing country exports, generating data packages and supporting international harmonization for minor use crops. The work of IR-4 focused on the registration of reduced-risk pesticides, conduct of residue trials and support of the establishment of Codex MRLs, all the while engaging with a variety of stakeholders such as governments, agencies, academia and relevant international partners. The United States invited interested Members to the side meeting to discuss priority crops, pesticides and MRLs. The United States explained that, because funding for the workshop was limited to 25 officials from developing countries, it would prefer that these be pesticide or plant experts, to benefit from the IR-4 working session. The United States would send an announcement on this working session through the Secretariat once the logistical details were confirmed. Finally, the United States welcomed the inclusion of a session on the role of the private sector in the establishment of MRLs in the programme, and would look into putting forward expert speakers in that area.

6.6. Kenya commented that considering the uniqueness of veterinary medicine and products, it would be wise to consider the two topics separately. Having said that, Kenya noted that pest-control products were used both on plants and animals, and thus constituted a convergence between the two MRL scopes that could be addressed in the October workshop. Kenya strongly

supported a discussion on critical issues related to MRLs, such as antimicrobial resistance due to uncontrolled use of pesticides, and small residue levels at a global scale, and recalled that OIE had done relevant work on these topics.

6.7. Canada appreciated having a two-day long workshop, and the inclusion of a session on the relevant international work on pesticide residues. As an example, Canada noted that it was actively involved in the OECD Global Joint Reviews and the NAFTA technical working group on pesticides, the work of which Canada considered valuable to enhance greater alignment in the development of national MRLs between trading partners. Canada took note of the views expressed by Members to limit the scope of the workshop to MRLs for pesticide residues and would follow the consensus. Canada looked forward to engaging in this workshop that would pave the way towards future constructive discussions on MRLs.

6.8. Japan shared its view that the revised programme was well balanced and covered the major topics it wished to see in the agenda. Japan offered to give a presentation on the Japanese MRL-setting system for import tolerances in Part 1 of Session 4. Japan was flexible about the scope of the workshop, and could address MRLs for veterinary drug residues in its presentation if Members so wished. Japan suggested moving Session 7 to the first item of the second day, in order to first review Members' concerns on MRLs before discussing ways to address them.

6.9. Ecuador thanked Japan for offering to present on its national experience, and encouraged other developed country Members to do the same under session 4, in order to discuss the regulatory and scientific aspects of their MRL establishments.

6.10. New Zealand regretted the absence of the Codex representative, who could have shared information on a Codex working paper on contaminants considered safe and for which Codex was working on establishing contaminant levels. New Zealand would follow-up with capital on this issue and to possibly offer an intervention on this topic.

6.11. The Chairperson reminded the Committee that the deadline for submitting comments, suggestions, and speakers was 29 July 2016. The Chairperson concluded from the discussion that flexibility had been expressed with regards to limiting the scope of the Workshop, and therefore suggested that the Secretariat work on the basis of MRLs for pesticide residues only. The Chairperson also noted with great concern the possibly reduced number of funded participants of only 25 - as opposed to the usual 50 - for this valuable workshop, and hoped that ITTC would be able to provide funding for more participants, as had been done in the past.

6.3 Raising awareness on IPPC and OIE dispute settlement/avoidance mechanisms

6.12. Israel took the floor to raise awareness on IPPC and OIE dispute avoidance and settlement mechanisms (G/SPS/GEN/1502). Israel noted that Members could work on resolving STCs through alternative mechanisms. IPPC and OIE dispute avoidance/settlement mechanisms constituted such potential alternatives by providing a middle ground where issues could be discussed with agreed specialists, at a scientific and technical level, and in a voluntary and non-binding manner. Israel encouraged Members to consider these mechanisms before raising STCs in the Committee, and invited IPPC and OIE to improve their mechanisms so as to make them more attractive to Members.

6.13. The United States supported Israel's statement, highlighting the value of dispute avoidance promoted by these mechanisms, and encouraged Members to consider them when searching for technical clarifications on SPS measures. The United States stressed the importance of implementation activities, and supported the specific efforts made by the IPPC in this regard.

6.14. South Africa welcomed Israel's intervention, and shared its experience of using IPPC's dispute settlement mechanism on EU measures on citrus black spot. South Africa had regrettably found that this mechanism was not as helpful as initially expected and therefore encouraged IPPC to further improve it.

6.15. The Chairperson suggested that in case of interest, the Secretariat could consult with IPPC and OIE on the possibility of providing further information on their respective dispute

avoidance/settlement mechanisms in an information session to be held in the margins of one of the Committee meeting next year.

6.16. The OIE thanked Members for raising this issue, and elaborated on the voluntary mechanisms available to resolve technical SPS differences. The OIE particularly encouraged Members to use its mediation process when a country failed to respect OIE standards, given that it emphasized science and the use of OIE standards to facilitate safe trade. The mechanisms were incorporated into the terrestrial and aquatic codes, and were referred to in article 8 of chapter 5.3. OIE explained that both parties must agree to initiate the process, decide on a time schedule and work programme, and meet all costs associated with the mechanism. Technical discussions were facilitated by the OIE Director-General and experts from relevant reference laboratories. The OIE further indicated that the outcomes of the mediation process were not legally binding except if agreed otherwise by both parties in advance. OIE recalled the successful experiences of this mechanism reported to the October 2006 SPS Committee meeting, but acknowledged that its usage could be improved. Finally, OIE encouraged Members to communicate their comments to the relevant national authorities to be reflected in its future work agenda.

6.4 Creation of a Working Group on Implementation of the SPS Agreement - Proposal from Brazil

6.17. Brazil presented a proposal for the creation of a working group on the implementation of the SPS Agreement in the spirit of Paragraph 29 of the Nairobi Ministerial Declaration (WT/MIN(15)/DEC), which called for reinvigoration of the regular work of committees. Brazil considered that the SPS Committee could benefit from a more focused and interactive discussion on how Members implemented the provisions of the SPS Agreement. Brazil pointed out that it had already introduced similar proposals in the area of Rules, in particular the creation of working groups on Safeguards and Countervailing Measures, as well as in the Council for Trade in Services. Brazil stressed that the overall objective would be to increase knowledge on how Members implement the SPS Agreement, which would have an added benefit in helping to avoid potential conflicts. The proposal would build on the existing practice of information sharing without overstepping any obligation outlined in Article 12 of the SPS Agreement. Brazil remained open to suggestions on the potential group's format and on the types of issues to discuss. As a start, Brazil proposed the format of a moderated discussion, in which a specific topic would be presented and followed by commentary. Brazil proposed the Trade Facilitation Agreement (TFA) and its links to the SPS Agreement as a potential first topic and recalled the background note prepared by the Secretariat after the Bali Ministerial Conference (RD/SPS/3/Rev.1) as a starting point for future discussions.

6.18. Paraguay and the Russian Federation welcomed and supported Brazil's proposal.

6.19. Chile stated this topic was important and highlighted that it considered the main work of the Committee in recent years to have been implementation of the SPS Agreement. Being able to establish working groups when needed was important, but in this case, Chile was concerned that it may establish a new bureaucracy within the Committee. Chile highlighted that in the TBT Committee, thematic sessions were held on certain topics. Chile again stressed that it appreciated Brazil's idea, but considered that another approach, such as thematic sessions or informal discussions, would be better suited to the Committee's needs.

6.20. Canada echoed Chile's sentiment and suggested that the Committee explore other mechanisms, such as thematic sessions or workshops, to address the need identified by Brazil.

6.21. The European Union appreciated Brazil's proposal and indicated that while it could agree on the objectives and would have no reservations about some of the topics that had been mentioned, it questioned if a working group would be the best operational option to improve the work of the Committee. The European Union was not in a position to support the proposal.

6.22. The United States thanked Brazil and agreed that the topics merited additional discussions. The United States supported the overall objectives but questioned the necessity of a working group. The United States urged Brazil to submit its proposal in writing to allow others to consult domestically and come prepared to move forward with concrete ideas.

6.23. Colombia, Egypt, Guatemala, India, Mexico and Singapore also took the floor and expressed interest in reviewing a written proposal, willingness to further discuss this important topic, and readiness to work on commitments undertaken in Nairobi. Egypt and Singapore supported Chile's view *vis-à-vis* thematic sessions.

6.24. Brazil thanked all Members that had expressed their views on the proposal. Brazil acknowledged that the idea had been well-received in terms of its objectives, but recognized that there were concerns related to the format, as well as requests for a written proposal. Brazil indicated that it would submit a written proposal and suggested that the Chairperson hold consultations prior to the next SPS Committee meeting to continue the discussion.

6.25. The Chairperson reaffirmed that the objectives had been well-received and that it was important to submit a written proposal. The Chairperson stated that informal consultations could be held after circulation of the aforementioned proposal.

7 IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

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

8 EQUIVALENCE – ARTICLE 4

8.1 Information from Members on their experiences

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

8.2 Information from relevant observer organizations

8.2. No observer took the floor under this agenda item.

9 PEST- AND DISEASE-FREE AREAS – ARTICLE 6

9.1 Information from Members on their pest or disease status

9.1.1 United States - Freedom from Highly Pathogenic Avian Influenza

9.1. The United States reported that on 22 April 2016 it had regained country-wide freedom from HPAI, consistent with OIE guidelines. The United States noted that, despite efforts to inform Members of this status, some restrictions on imports of live poultry, poultry meat and poultry products from the United States currently remained in place. The United States reminded Members that any measures taken should be based on international standards, guidelines and recommendations or on a risk assessment, as required by the SPS Agreement.

9.1.2 Russian Federation – Foot and mouth disease free zone

9.2. The Russian Federation reported that the 84th OIE General Assembly had officially recognized one new zone as FMD free without vaccination. The Russian Federation hoped that this acquired status would facilitate trade with other WTO Members.

9.2 Information from Members on their experiences in recognition of pest- or disease-free areas

9.2.1 Brazil – OIE recognition of an additional 14 states and the Federal District as free of Classical Swine Fever

9.3. Brazil reported that 14 additional states and the Federal District had been officially recognized as free of CSF at the 84th OIE General Assembly. Brazil noted that this made for a total of 16 CSF-free states and considered these developments promising for future exports of animal products.

9.2.2 Costa Rica – OIE recognition as negligible risk for BSE

9.4. Costa Rica reported that it had been classified as having a negligible risk for BSE at the 84th OIE General Assembly. Costa Rica invited Members to take note of this recognition.

9.5. The Secretariat acknowledged that some interventions under the previous two agenda items were similar and requested Members to provide enough detail when submitting points for the agenda to ensure they could be placed under the appropriate item.

9.3 Information from relevant observer organizations

9.3.1 OIE

9.6. The OIE drew attention to the section of its report (G/SPS/GEN/1499) that related to official disease free recognition status of member countries for six priority diseases: BSE, FMD, CBPP, African horse sickness, PPR and CSF. A detailed list of countries, including some who had provided reports at the current Committee meeting, was contained in Annex 1 of its report, as well as on the OIE website. The OIE also highlighted its official endorsement of national disease control programmes currently provided with regard to FMD, PPR and CBPP, with more details available in the report.

9.4 Annual report in accordance with G/SPS/48

9.7. 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 2015 until 31 March 2016, and was based on information provided by Members through notifications and reports provided during the Committee meetings (G/SPS/GEN/1491).

10 TECHNICAL ASSISTANCE AND COOPERATION

10.1 Information from the Secretariat

10.1.1 WTO SPS activities

10.1. The Secretariat recalled that documents G/SPS/GEN/997/Rev.6 and G/SPS/GEN/997/Rev.6/Add.1 provided an overview of the technical assistance and training activities planned for 2016. Since the last Committee meeting, technical assistance on the SPS Agreement had been provided through three national seminars held in Madagascar, Panama and Iran. More general training on the SPS Agreement had also been provided through the WTO Advanced Trade Policy Course (in English); the introductory course for LDCs (in French); and three Regional Trade Policy Courses held for French-speaking Africa, in Tunisia; English-speaking Africa, in Botswana; and for the Caribbean, in Barbados.

10.2. The Secretariat also indicated that upcoming Geneva-based SPS training activities by the WTO Secretariat included the Advanced SPS Course, which would be held in French, from 17 October until 4 November 2016; and the Workshop on MRLs on 24-25 October 2016. The Secretariat informed Members that to date it had received over 500 applications for these planned technical assistance activities. The Advanced SPS Course had received 221 applications and the Workshop on MRLs had received 316. The Secretariat further added that it was currently in the process of finalizing the selection of candidates for these activities. The specific dates of the technical assistance activities, eligibility criteria, prerequisites and application processes could be found in document G/SPS/GEN/997/Rev.6 and Add.1. The Secretariat also indicated that the SPS and TBT teams would be jointly holding a workshop on Regulations, Standards and Health on 11-15 July 2016.

10.3. The Secretariat further announced that national seminars were scheduled to be held in: Egypt (week of 19 September); Guinea (18-21 July – Ag & SPS); Pakistan (1st week of November); and Tajikistan (27-28 September). National Seminars were also being scheduled for: Angola, Bangladesh, Comoros, Guatemala, Myanmar, Paraguay and Peru. The Secretariat was currently working out the details to carry out these seminars and also for other requests received.

The following upcoming activities would also include general SPS training: the WTO Regional Trade Policy Course for Latin America in Ecuador; a SIDA workshop to be held in Stockholm in September; and several training sessions to be held in Geneva with students from Duke University and American University Washington College of Law. The Follow-up Session to the 2015 Advanced SPS Course was currently being held (29 June-7 July 2016) and was attended by 19 participants from LDCs and developing countries. The Secretariat recalled that the E-Learning course on the SPS Agreement was available year-round in the three WTO working languages. Further information on SPS technical assistance activities could be obtained on the WTO website (under trade-related technical assistance), or by contacting the Secretariat for additional clarification and assistance.

10.1.2 STDF (G/SPS/GEN/1497)

10.4. The STDF provided an overview of its activities, as described in document G/SPS/GEN/1497. The STDF had published its 2015 Annual Report, which was available at http://standardsfacility.org/sites/default/files/STDF_Annual_Report_2015_FINAL.pdf. The report featured an increased focus on capturing and communicating the results and impacts of STDF work. The STDF thanked its partners, donors, and developing country experts for their valuable technical and financial contributions that made the STDF a successful partnership.

10.5. The STDF highlighted an information seminar on Electronic SPS Certification held on 28 July 2016. The seminar had looked at the benefits, the challenges and the opportunities for developing countries. This seminar was very well attended with close to 150 participants from the public and private sector. The IPPC had also organised a dialogue with industry which had included presentations by the International Grain Trade Coalition and the International Flower Trade Association about the value of SPS e-Certification to their constituencies. The STDF highlighted that the benefits of e-certification were clear in terms of reducing numbers of documents, time, and trade costs, which remained high in agricultural trade. This was also an important focus of the WTO Aid for Trade work programme for 2016 and 2017. More information on the seminars, including podcasts of the sessions, was available here: http://standardsfacility.org/STDF-eCert-Seminar. A background paper would be issued later in the year highlighting the key concepts and issues in SPS e-certification.

10.6. The STDF noted that information about ongoing projects and project preparation grants, how to apply for funding, and the eligibility criteria were available in G/SPS/GEN/1497 and on the STDF website. The STDF noted that there continued to be a large demand for STDF services. However, the STDF Trust Fund currently showed a negative balance. This meant that the STDF would not be in a position to approve and finance any new projects at the next working group meeting in October 2016. The STDF remained positive and hoped that new donors would make contributions to the STDF Trust Fund between July and October 2016.

10.7. Finally, the STDF further announced that it had recently developed and issued a new short seven minute film on the cocoa value chain. The film highlighted how in today's global value chain SPS capacity helped to make sure that cocoa plants were free from pests and diseases and that chocolate was safe for consumers. The film was available on the STDF website in English, French and Spanish, and Members were encouraged to use it for awareness raising, training activities and other screenings: http://standardsfacility.org/video-gallery. The STDF welcomed Members to contact the STDF Secretariat with any questions they may have.

10.8. The Chairperson congratulated the STDF and expressed her hope that new donors would come forth to allow it to continue its excellent work.

10.2 Information from Members

10.2.1 Technical assistance to developing countries provided by Japan (G/SPS/GEN/1160/Add.4)

10.9. Japan provided an update on SPS-related technical assistance it had delivered between 1 April 2015 and 31 March 2016 (G/SPS/GEN/1160/Add.4). Since 2009, 58 technical assistance programmes had been provided, targeting more than 50 countries and amounting to a total of 5.1 billion Japanese yen. The overseas aid programme was managed by the Japan International Co-operation Agency (JICA).

10.2.2 Jamaica – Technical assistance received

10.10. Jamaica thanked the European Union for support administered through the Planning Institute of Jamaica under the Economic Partnership Agreement. This assistance, consisting of various training activities, site-visits and upgrading of laboratory facilities, has helped Jamaica remain competitive and current across disciplines in the international arena.

10.3 Information from observer organizations

10.3.1 OIE

10.11. The OIE noted its continued global initiative to support member countries to strengthen the veterinary and aquatic health services using the OIE PVS pathway. The OIE drew the Committee's attention to the summary of the PVS programme annexed to its report G/SPS/GEN/1499, highlighting the inclusion of information on the aquatic animal health service PVS and the PVS follow-up missions in this latest report. OIE also noted that more developed countries had indicated their interest in conducting PVS evaluations. Australia's report was now available on the OIE website. The OIE finally highlighted ongoing seminars targeted to new OIE delegates and national focal points. A list of seminars scheduled in 2016 was attached as Annex 3 to the report.

10.3.2 OIRSA – Relevant activities (G/SPS/GEN/1495)

10.12. OIRSA provided an update on its activities of interest to the Committee described in more detail in document G/SPS/GEN/1495. In addition to the update provided in its written report, OIRSA provided a brief introduction to the organization itself, including its history, structure and purpose. OIRSA reminded Members that its mission was to support the ministries of agriculture and livestock of its member countries in their efforts to improve plant health, animal health, quarantine services and food safety. OIRSA's 2015-2025 strategic plan focused on the four areas above as well as on cross-cutting strategic objectives such as integrated risk management, climate change, plant and animal health, harmonization of regulations, plant and animal traceability, plant and animal health, and food safety laboratories. OIRSA finally stressed the importance of collaboration with relevant international organizations.

10.3.3 IICA

10.13. IICA provided an update on its activities of interest to the Committee, described in more detail in document G/SPS/GEN/1500. IICA highlighted two main areas of activity, the first of which was the use of the multilateral trading system with a focus on developing individual capacity, impact on decision-makers and regional and inter-regional strengthening. The second area related to institutional regulatory and technical strengthening, particularly to improve the understanding of FSMA in interested countries.

10.14. Jamaica thanked IICA for its work in the Caribbean region, most recently on advancing model plant and animal health and food safety legislation as well as coordination of the SPS systems at the national level. Jamaica further thanked IICA for its work in preparing Jamaica and other Caribbean countries for FSMA.

10.3.4 IGAD

10.15. IGAD reported on recent activities of interest to the Committee. Highlights included the establishment of the IGAD Centre for Pastoral Livestock Development, which had supported the preparation and implementation of national, regional and global PPR strategies. IGAD also provided support through its Animal Health Network, which had various activities going on in the areas of disease control and surveillance. A similar network was available for export quarantine in the region. To support harmonization, IGAD had established a standards working group on three key commodities: live animals, meat, and hides and skins. IGAD also reported that it had reviewed the SPS management capacity of IGAD member states and had developed a regional SPS strategy which would be validated in August 2016. Finally, the regional animal welfare and health strategies were in draft stages. IGAD thanked the African Union, the European Union and USAID for their continued support.

10.3.5 ITC

10.16. ITC provided an update on its activities of interest to the Committee in document G/SPS/GEN/1505. Highlights included a project titled Supporting Indian Trade and Investment for Africa (SITA), financed by DFID; a new project in Zimbabwe aimed at strengthening its national SPS institutional framework; a regional workshop in the Arab region; and an EIF project in Lesotho on agricultural productivity and trade development. Finally, ITC highlighted that its 2015 annual report had just been issued. The report and more information on the above projects were available on the ITC website: http://www.intracen.org.

10.3.6 ISO

10.17. ISO provided an update on its activities of interest to the Committee in document G/SPS/GEN/1493 and highlighted, in relation to the action plan for developing countries, that it would be running a series of workshops on standardisation and public policy. The workshops, to be held in cooperation with Codex, WTO-TBT, and OECD, would look at clarifying the role and the relationship between public policy and voluntary standards. It would also look at the potential of standards to support public policy. The ISO also reported on a stakeholder engagement workshop covering how member bodies engaged and maintained engagement in the standards development process.

11 REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

11.1 Report of the informal meeting

11.1. The former Chairperson reported that the Committee had held an informal meeting on the report of the Fourth Review and on the structure of the agenda for SPS Committee meetings on 29 June 2016. Starting with the Fourth Review, the main purpose of the meeting had been to discuss the proposals on the second bullet of para. 14.20 of the Fourth Review Report (G/SPS/W/280/Rev.2) submitted by Brazil and Norway on behalf of their groups (circulated through the SPS contact mailing list on 31 May).

11.2. The former Chairperson had recalled that according to the agreed process and timetable, the Fourth Review should have concluded in October 2014. Discussions on the Catalogue of Instruments (G/SPS/W/279/Rev.2) had been stuck since July 2015, due to the divergence of views on the need to add a disclaimer to clarify its legal status. On the draft report of the Fourth Review, two specific recommendations had remained unresolved: (i) the fourth recommendation under the transparency section; and (ii) the second recommendation under the SPS-related private standards section.

11.3. The former Chairperson had then invited Norway and Brazil to present the proposals submitted on behalf of their groups. Both Norway and Brazil had recognized that they had been unable to develop common language on the second bullet of para. 14.20 of the draft report of the Fourth Review to close the gap.

11.4. In an effort to bridge the differences, China had proposed compromise language resulting from a combination of the first part of the text proposed by the Norway group in option 2 ("disclaimer element") and the text proposed by the Brazil group. While some Members had expressed their willingness to move forward with the new compromise language, others had stated that they preferred removing the second bullet of para. 14.20. In concluding, the former Chairperson had recognized the lack of consensus on para. 14.20, and consequently the inability to proceed with the adoption of the draft report.

11.5. Regarding the structure of the agenda, many delegations had expressed support for the new structure, although one Member had indicated a lack of instructions on the issue. Some Members had suggested creating specific sub-items for equivalence and pest-and disease-free areas under item 3 on the implementation of the Agreement, and the Committee had agreed to take these suggestions on board. There had been also a lot of support for the procedural recommendations, although some delegations had been uneasy about limiting statements on previously raised STCs to three minutes.

11.6. In concluding, the former Chairperson had suggested that the procedural recommendations remain informal, to guide delegations in preparing for meetings. The former Chairperson had suggested that the Secretariat time interventions this week, e.g. under the agenda item on previously raised concerns, so that the Committee would have a better idea about the average length of interventions. Regarding the structure of the agenda, the former Chairperson had been of the view that it could be tried at one of the next meetings of the Committee, and adjusted based on experiences made. But of course the decision on the next steps would be up to the Chairperson's successor.

11.7. India suggested that any comments from Members on the proposed agenda be compiled by the Secretariat and circulated to better inform subsequent decisions on the agenda. India stated that it was not in a position to agree to any new structure in this meeting as the proposal was still under review in capital.

11.8. New Zealand stressed the importance of submitting documents on time in order to be able to prepare for Committee meetings and liaise with relevant colleagues in capital in advance. New Zealand urged Members to respect the 10-day rule on document distribution.

11.9. The United States sought clarification on the way forward regarding the agenda as it had understood the proposed model would be a catalyst for future discussions and would not be agreed upon at the current meeting, but perhaps at a later stage after Members would have more time to reflect on the structure.

11.10. The Chairperson clarified that the discussion had been centred on a proposed structure for the agenda and not necessarily the official agenda for the next Committee meeting. The Chairperson stated that it seemed the new structure had been well received in principle, but there were some Members who required more time to reflect. The Chairperson suggested that, in light of this, the Secretariat circulate the new structure for comments in order for Members to have sufficient time for reflection and proposed to hold informal consultations prior to the next Committee meeting to continue discussions.

11.2 Adoption of the report of the Fourth Review (G/SPS/W/280/Rev.2) and Adoption of the Catalogue of Instruments (G/SPS/W/279/Rev.2)

11.11. The Chairperson acknowledged that the Committee remained at an impasse regarding the adoption of the report of the Forth Review and the Catalogue of Instruments. The Chairperson encouraged Members to keep reflecting on the best way forward and to inform her of any suggestions. The Chairperson indicated she would reflect and might consult before the October Committee meeting in the hope of finding a way forward.

12 MONITORING OF THE USE OF INTERNATIONAL STANDARDS

12.1 New Issues

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

12.2 Issues previously raised

12.2.1 United States – IPPC Phytosanitary Certificate Requirements for Processed Food Products

12.2. The United States reiterated its concerns regarding Members' use of use of phytosanitary certificate requirements for processed products, addressed in ISPM 32 on 'Categorization of Commodities according to their Pest Risk.' A key provision of ISPM 32 was 'intended use', which was defined as the declared purpose for which plant products or other articles were imported produced or used. The intended use of a commodity might be for planting, processing or consumption and other uses such as decorative products and cut flowers. The United States noted that some intended uses of a commodity were associated with higher probability of a regulated pest establishing than others. This might result in the application of different phytosanitary measures for a commodity based on its intended use. The USDA-APHIS was currently examining its miscellaneous and processed products manual to update and clarify its guidance on processed

foods and vegetable products covered by ISPM 32, Annex 1 to more closely reflect the intent of the standard. Additional work was underway on national- and regional-level guidelines by NAPPO. The United States would welcome an exchange of Members' experiences in implementing of ISPM 32. Furthermore, the United States urged Members to employ a risk-based approach and to act in consistency with the guidance of ISPM 32, in that measures applied should be proportional to the pest risk identified for the intended use. In closing, the United States highlighted and applauded IPPC for a training session focused on better implementation of ISPM32 held on 3 April 2016 in Rome, Italy.

12.3. Canada shared the concerns of the United States and encouraged Members to use international standards when establishing phytosanitary measures, including IPPC standards where these existed, and to support the principles as set out in ISPM 32. Canada encouraged Members to take into consideration factors such as the intended use of the commodity when establishing requirements.

12.4. New Zealand also shared the concerns raised and, as a Member that recovered costs from its exporters, requested unjustified activities and costs related to certification should be avoided so as not to penalise exporters.

12.2.2 United States – Use of the Codex International Standard on Glyphosate

12.5. The United States reiterated its concern over the fact that some Members had already taken action, or were considering taking action, to no longer apply the Codex MRL for glyphosate. The United States understood that the measures being considered did not appear to be based on international standards or risk of exposure. The United States highlighted a recent JMPR report from May 2016 that had concluded that glyphosate was "unlikely to be genotoxic" and "unlikely to pose a carcinogenic risk to humans from exposure through diet." It was therefore important to distinguish these findings from that of IARC, which were based on hazard and not risk. The US EPA was currently re-reviewing glyphosate using all available data and would also seek external peer review of the US cancer assessment later in 2016. The United States stressed the importance of following international standards to minimize adverse impacts on trade, recalling Article 12 paragraph 4 of the SPS Agreement and the direction given in G/SPS/11/Rev.2. The United States also expressed its concerns with recent developments in the European Union, in particular not basing its import tolerance for glyphosate on Codex standards, and the 18-month extension - as opposed to the usual 15-year reauthorization - of glyphosate use. This could have a significant impact on trade flows. The United States welcomed any update from Codex on these developments, particularly information on the May 2016 JMPR report and the steps that WHO had taken to clarify the relation between the JMPR and IARC reports.

12.6. Argentina, Canada and Brazil shared the concern of the United States and stressed the importance of following the Codex standard. They also noted the findings of the recent JMPR report and encouraged Members to take the guidance provided by JMPR and CCPR into consideration when developing, applying, re-evaluating or reauthorizing measures.

12.3 Annual report in accordance with G/SPS/11/REV.1

12.7. The Secretariat introduced the Annual Report on the Procedure to Monitor the Process of International Harmonization, as contained in G/SPS/GEN/1490. The report reflected the issues raised over the past year, and included seven new issues that had been raised under this procedure on: (i) the use of the Codex international standard on glyphosate; (ii) the lack of a Codex standard for imidacloprid in sesame; (iii) deviations from the use of international standards; (iv) BSE restrictions not consistent with the OIE International Standard; (v) phytosanitary certificate requirements for processed food products; (vi) measures on bovine semen and reproductive material more restrictive than the OIE Standard; and (vii) application of ISPM 13 on notifications of non-compliance.

13 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

13.1. China recalled that the trade impacts of private standards had been discussed in the Committee multiple times since 2005 and that, during the Third Review of the SPS Agreement, some Members had proposed that the Committee develop guidelines for Article 13 of the

SPS Agreement, or a Code of Good Practice for private standards to enable Members to better implement SPS provisions and improve market access. China reported that it was in the process of drafting a paper on 'Best Practice Guidelines regarding Private Standards' and invited interested Members to contribute. China assured Members that participation in this drafting exercise was without prejudice to the rights and obligations of Members under the WTO or the views of Members regarding the scope of the relevant WTO Agreements. China believed that application of voluntary 'Best Practice Guidelines regarding Private Standards' by private standard-setters and Members hosting them would help private standards make positive contributions while avoiding the creation of unnecessary barriers to trade. China indicated that it would be happy to share more information and experiences with any interested Members.

13.2. Argentina, Cuba, Egypt, India and the Russian Federation welcomed China's proposal, stressing the importance of making progress and expressing a willingness to collaborate further on the issue. Additionally, Argentina acknowledged other ongoing efforts around private standards within the Committee.

13.3. China appreciated the comments received and reiterated that the drafting exercise was without prejudice to the rights and obligations of members under the WTO or the views of Members regarding the scope of the relevant WTO Agreements. China noted that certain Members had already developed some laws and best practice guidelines regarding issues related to private standards which could be useful for the drafting exercise.

13.4. The European Union appreciated China's efforts, however, it stated that it was not in a position to support or endorse the proposal. The European Union questioned China's interpretation of Article 13 and also sought clarification on whether or not this exercise would be conducted on the margins of the SPS Committee. Furthermore, the European Union stated that it believed private standards were not within the scope of the SPS Agreement.

13.5. The United States recalled previous reports from the Chair of the Committee indicating that fundamental divergences among Members on private standards still remained. The United States further recalled Brazil's reminder to the Committee of the efforts to reinvigorate the Committee's work in the spirit of the Nairobi Ministerial Declaration and stated that the focus of its efforts and engagement would be linked to this.

13.6. Canada thanked China for its efforts on the issue but stated that it was not prepared to support the initiative. Canada questioned whether drafting a paper on best practices was the best means of advancing work. It was unclear to Canada how such a paper would narrow the gap between divergent views. Canada welcomed new ideas but urged Members to focus their efforts on concluding the Fourth Review, including the Catalogue of Instruments, rather than on making progress in other areas.

13.7. China thanked the European Union, the United States and Canada for their interventions. China took note of Members' differing views on the legal status of private standards within the WTO. But according to China, though no official determination had been made as to whether private standards fell within the scope of the SPS Agreement, Article 1, paragraph 1 and Annex A, paragraph 1 of the SPS Agreement did not explicitly limit SPS measures to those taken by government authorities. China also drew Members' attention to a recent DFID report and its conclusions about the scope of non-governmental private standard-setting bodies under Article 13 of the SPS Agreement. China encouraged Members to reflect on the issue in order to make the best use of the benefits of private standards without increasing costs.

14 OBSERVERS

14.1 Information from observer organizations

14.1. No observer organization took the floor under this agenda item.

14.2 Requests for observer status (G/SPS/W/78/Rev.13)

14.2.1 New requests

14.2.1.1 Caribbean Agricultural Health and Food Safety Agency (CAHFSA) (G/SPS/GEN/121/Add.17)

14.2. The Secretariat reported that it had received a new request from the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) and that the information received from CAHFSA had been presented in document (G/SPS/GEN/121/Add.17). The Chairperson indicated that some Members had requested more time to consider this request.

14.3. Jamaica and Saint Lucia took the floor in support of CAHFSA's request for observer status.

14.4. The Chairperson suggested that the Committee return to this request at its next meeting.

14.2.2 Outstanding requests

14.5. The Chairperson noted that there was still no consensus on the six outstanding requests for observer status from the Commission for 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 (APPC); and the International Cocoa Organisation (ICCO).

14.6. The Chairperson thanked the representatives of observer organizations for their contributions to the work of this Committee and for their assistance to Members.

15 OTHER BUSINESS

15.1. No Member provided information under this agenda item.

16 DATE AND AGENDA FOR NEXT MEETING

16.1. Regarding the dates for Committee meetings in 2017, the European Union requested to move the October meeting to as late as possible in October or November to provide more time between the July and October meetings.

16.2. The United States noted that since many of the delegates to the SPS Committee also attended the Codex meetings it was unfortunate that both meetings were being held during the same week. The United States urged that in the future these meetings be held back-to-back.

16.3. The Secretariat confirmed that normally the July meetings of the SPS Committee were scheduled back-to-back with the Codex Alimentarius Commission, but that due to a change in schedule this had not been possible in 2016. With respect to the European Union's request, the Secretariat proposed holding the meeting during the week beginning 30 October 2017, subject to Members' agreement. The Secretariat further noted that this proposal would mean the autumn meetings of the SPS and TBT Committees would take place back-to-back. The 2017 meetings of the SPS Committee were subsequently circulated in document G/SPS/GEN/1506.

16.4. The next meeting of the Committee was tentatively scheduled for 27-28 October 2016, with a Thematic Workshop on MRLs scheduled for 24-25 October and an informal meeting on 26 October.

16.5. The Committee agreed to discuss the agenda for its next meeting during informal consultations on the structure of the agenda.

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

- For submitting ideas for the programme for the Workshop on Pesticide MRLs: **Friday, 29 July 2016**;
- For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Thursday, 13 October 2016**;
- For the distribution of the Airgram: **Friday, 14 October 2016**.